

STATE OF KANSAS

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# 2019 SESSION LAWS OF KANSAS

[Prepared in accordance with K.S.A. 45-310]

PASSED DURING THE 2019 REGULAR SESSION OF THE  
LEGISLATURE OF THE STATE OF KANSAS

Date of Publication of this Volume  
July 1, 2019

## AUTHENTICATION

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### 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 2019 regular session of the Legislature of the State of Kansas, begun on the 14th day of January, AD 2019, and concluded on the 29th day of May, AD 2019; 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 2019, except when otherwise provided.

Given under my hand and seal this 1st day of July, AD 2019.

(SEAL)

SCOTT SCHWAB  
*Secretary of State*

## EXPLANATORY NOTES

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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 The bill index, subject index, and list of statutes repealed or amended will assist you in locating bills of interest.

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## NOTICE

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

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Secretary of State  
1st Floor, Memorial Hall  
120 SW 10th Ave.  
Topeka, KS 66612-1594  
(785) 296-4557

TABLE OF CONTENTS

	<i>Page</i>
Title page .....	i
Authentication .....	ii
Explanatory Notes and Notice .....	iii
Table of Contents .....	iv
Official Directory .....	vii
Legislative Directory .....	viii

2019 Session Laws

Ch. 1 – Senate Bill 9 .....	1
Ch. 2 – House Bill 2001 .....	2
Ch. 3 – House Bill 2044 .....	5
Ch. 4 – Senate Bill 17 .....	8
Ch. 5 – Senate Bill 39 .....	10
Ch. 6 – House Bill 2174 .....	14
Ch. 7 – Senate Bill 40 .....	16
Ch. 8 – Senate Bill 41 .....	18
Ch. 9 – House Bill 2123 .....	19
Ch. 10 – House Bill 2097 .....	21
Ch. 11 – House Bill 2127 .....	22
Ch. 12 – Senate Bill 59 .....	23
Ch. 13 – House Bill 2104 .....	27
Ch. 14 – House Bill 2201 .....	43
Ch. 15 – Senate Bill 90 .....	45
Ch. 16 – Senate Bill 94 .....	47
Ch. 17 – House Bill 2211 .....	49
Ch. 18 – House Bill 2035 .....	53
Ch. 19 – House Substitute for Senate Bill 16 .....	56
Ch. 20 – Senate Bill 105 .....	88
Ch. 21 – House Bill 2188 .....	89
Ch. 22 – House Bill 2101 .....	93
Ch. 23 – Senate Bill 60 .....	120
Ch. 24 – Senate Bill 71 .....	137
Ch. 25 – Senate Bill 82 .....	139
Ch. 26 – Senate Bill 97 .....	143
Ch. 27 – Senate Bill 128 .....	147
Ch. 28 – Senate Bill 199 .....	150
Ch. 29 – House Bill 2125 .....	153
Ch. 30 – House Bill 2191 .....	154
Ch. 31 – Substitute for Senate Bill 69 .....	155
Ch. 32 – Senate Bill 68 .....	159

	<i>Page</i>
Ch. 33—House Bill 2178.....	169
Ch. 34—House Bill 2215.....	176
Ch. 35—Senate Bill 77.....	178
Ch. 36—Substitute for Senate Bill 130.....	179
Ch. 37—Senate Substitute for House Bill 2167.....	185
Ch. 38—House Bill 2085.....	218
Ch. 39—House Bill 2084.....	220
Ch. 40—House Bill 2070.....	242
Ch. 41—House Bill 2144.....	244
Ch. 42—House Bill 2365.....	247
Ch. 43—House Bill 2103.....	250
Ch. 44—House Bill 2038.....	262
Ch. 45—House Bill 2126.....	266
Ch. 46—House Bill 2177.....	270
Ch. 47—House Bill 2039.....	279
Ch. 48—House Bill 2087.....	364
Ch. 49—Senate Substitute for House Bill 2007.....	368
Ch. 50—House Bill 2031.....	377
Ch. 51—Senate Substitute for House Bill 2225.....	395
Ch. 52—House Bill 2119.....	400
Ch. 53—Senate Substitute for House Bill 2214.....	421
Ch. 54—House Bill 2209.....	436
Ch. 55—Senate Bill 15.....	480
Ch. 56—Senate Bill 78.....	514
Ch. 57—Senate Bill 70.....	518
Ch. 58—Senate Bill 20.....	551
Ch. 59—Senate Bill 18.....	592
Ch. 60—House Bill 2223.....	640
Ch. 61—Senate Bill 63.....	658
Ch. 62—House Bill 2290.....	679
Ch. 63—House Bill 2140.....	699
Ch. 64—Senate Bill 53.....	751
Ch. 65—House Bill 2203.....	804
Ch. 66—House Bill 2248.....	844
Ch. 67—Senate Bill 28.....	865
Ch. 68—House Substitute for Senate Bill 25.....	870

### **2019 Concurrent Resolutions**

Ch. 69—Senate Concurrent Resolution 1602.....	1214
Ch. 70—House Concurrent Resolution 5002.....	1215
Ch. 71—Senate Concurrent Resolution 1603.....	1216
Ch. 72—Senate Concurrent Resolution 1607.....	1225

	<i>Page</i>
Ch. 73—Senate Concurrent Resolution 1606.....	1226
Ch. 74—Senate Concurrent Resolution 1605.....	1228
Ch. 75—House Concurrent Resolution 5011.....	1230
Ch. 76—Senate Concurrent Resolution 1612.....	1231
Ch. 77—House Concurrent Resolution 5014.....	1233
Ch. 78—House Concurrent Resolution 5015.....	1234
Messages from the Governor .....	1235
Index to Bills .....	1241
Statutes Repealed or Amended.....	1242
General Index .....	1246

## OFFICIAL DIRECTORY

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### ELECTIVE STATE OFFICERS

<i>Office</i>	<i>Name</i>	<i>Residence</i>	<i>Party</i>
Governor .....	<b>Laura Kelly</b>	Topeka .....	Dem.
Lieutenant Governor .....	<b>Lynn W. Rogers</b>	Wichita .....	Dem.
Secretary of State .....	<b>Scott Schwab</b>	Olathe .....	Rep.
State Treasurer .....	<b>Jacob LaTurner</b>	Pittsburg .....	Rep.
Attorney General .....	<b>Derek Schmidt</b>	Independence .....	Rep.
Commissioner of Insurance .....	<b>Vicki Schmidt</b>	Topeka .....	Rep.

### STATE BOARD OF EDUCATION

<i>Dist.</i>	<i>Name and residence</i>	<i>Dist.</i>	<i>Name and residence</i>
1	<b>Janet Waugh</b> , Kansas City	6	<b>Deena Horst</b> , Salina
2	<b>Steve Roberts</b> , Overland Park	7	<b>Ben Jones</b> , Sterling
3	<b>Michelle Dombrosky</b> , Olathe	8	<b>Kathy Busch</b> , Wichita
4	<b>Ann E. Mah</b> , Topeka	9	<b>Jim Porter</b> , Fredonia
5	<b>Jean Clifford</b> , Garden City	10	<b>Jim McNiece</b> , Wichita

### UNITED STATES SENATORS

<i>Name and residence</i>	<i>Party</i>	<i>Term</i>
<b>Pat Roberts</b> , Dodge City .....	Republican.....	term expires Jan. 3, 2021
<b>Jerry Moran</b> , Hays .....	Republican.....	term expires Jan. 3, 2023

### UNITED STATES REPRESENTATIVES

(Terms expire January 3, 2023)

<i>District</i>	<i>Name</i>	<i>Residence</i>	<i>Party</i>
First.....	<b>Roger Marshall</b> , MD .....	Salina.....	Rep.
Second.....	<b>Steve Watkins</b> .....	Topeka.....	Rep.
Third.....	<b>Sharice Davids</b> .....	Overland Park .....	Dem.
Fourth.....	<b>Ron Estes</b> .....	Wichita .....	Rep.

## LEGISLATIVE DIRECTORY

### STATE SENATE

<i>Name and residence</i>	<i>Party</i>	<i>Dist.</i>
<b>Alley, Larry</b> , 517 Quail Nest Rd., Winfield 67156.....	Rep.	32
<b>Baumgardner, Molly</b> , 29467 Masters Ct., Louisburg 66053.....	Rep.	37
<b>Berger, Edward E.</b> , 2501 Briarwood, Hutchinson 67502.....	Rep.	34
<b>Billinger, Richard (Rick)</b> , Box 594, Goodland 67735.....	Rep.	40
<b>Bollier, Barbara</b> , 6910 Overhill Rd., Mission Hills 66208.....	Dem.	7
<b>Bowers, Elaine</b> , 1326 N. 150th Rd., Concordia 66901.....	Rep.	36
<b>Braun, Kevin</b> , 4315 N. 110th Terr., Kansas City 66109.....	Rep.	5
<b>Denning, Jim</b> , 8416 W. 115th St., Overland Park 66210.....	Rep.	8
<b>Doll, John</b> , 2927 Cliff Pl., Garden City 67846.....	Ind.	39
<b>Estes, Bud</b> , 1405 Elbow Bend, Dodge City 67801.....	Rep.	38
<b>Faust Goudeau, Oletha</b> , PO Box 20335, Wichita 67208.....	Dem.	29
<b>Francisco, Marci</b> , 1101 Ohio, Lawrence 66044.....	Dem.	2
<b>Givens, Bruce</b> , 1525 Country Club Rd., El Dorado 67042.....	Rep.	14
<b>Goddard, Dan</b> , 3420 Mosher Rd., Parsons 67357.....	Rep.	15
<b>Haley, David</b> , 936 Cleveland Ave., Kansas City 66101.....	Dem.	4
<b>Hardy, Randall</b> , 816 Highland Ave., Salina 67401.....	Rep.	24
<b>Hawk, Tom</b> , 2600 Woodhaven Ct., Manhattan 66502.....	Dem.	22
<b>Hensley, Anthony</b> , 2226 SE Virginia Ave., Topeka 66605.....	Dem.	19
<b>Hilderbrand, Richard</b> , 10337 SE 107th Terr., Galena 66739.....	Rep.	13
<b>Holland, Tom</b> , 961 E. 1600 Rd., Baldwin City 66006.....	Dem.	3
<b>Kerschen, Dan</b> , 645 S. 263 West, Garden Plain 67050.....	Rep.	26
<b>Longbine, Jeff</b> , 2801 Lakeridge Rd., Emporia 66801.....	Rep.	17
<b>Lynn, Julia</b> , 18837 W. 115th Terr., Olathe 66061.....	Rep.	9
<b>Masterson, Ty</b> , 1539 Phyllis Ln., Andover 67002.....	Rep.	16
<b>McGinn, Carolyn</b> , PO Box A, Sedgwick 67135.....	Rep.	31
<b>Miller, Vic</b> , 1174 SW Fillmore, Topeka 66604.....	Dem.	18
<b>Olson, Rob</b> , 15944 S. Clairborne St., Olathe 66062.....	Rep.	23
<b>Petersen, Mike</b> , 2608 S. Southeast Dr., Wichita 67216.....	Rep.	28
<b>Petty, Pat</b> , 5316 Lakewood St., Kansas City 66106.....	Dem.	6
<b>Pilcher-Cook, Mary</b> , 13910 W. 58th Pl., Shawnee 66216.....	Rep.	10
<b>Pyle, Dennis</b> , 2979 Kingfisher Rd., Hiawatha 66434.....	Rep.	1
<b>Rucker, Eric</b> , 7061 SW Queens Ct., Topeka 66614.....	Rep.	20
<b>Skubal, John</b> , 6503 W. 134th Terr., Overland Park 66209.....	Rep.	11
<b>Suellentrop, Gene</b> , 6813 W. Northwind Cir., Wichita 67205.....	Rep.	27
<b>Sykes, Dinah H.</b> , 10227 Theden Cir., Lenexa 66220.....	Dem.	21
<b>Taylor, Mary Jo</b> , 114 N. Union, Stafford 67578.....	Rep.	33
<b>Tyson, Caryn</b> , PO Box 191, Parker 66072.....	Rep.	12
<b>Wagle, Susan</b> , 4 N. Sagebrush St., Wichita 67230.....	Rep.	30
<b>Ware, Mary</b> , 1444 N. Perry, Wichita 67203.....	Dem.	25
<b>Wilborn, Richard E.</b> , 1504 Heritage Pl., McPherson 67460.....	Rep.	35



## HOUSE OF REPRESENTATIVES

<i>Name and residence</i>	<i>Party</i>	<i>Dist.</i>
<b>Alcala, John</b> , 520 NE Lake St., Topeka 66616.....	Dem.	57
<b>Amyx, Mike</b> , 501 Lawrence Ave., Lawrence 66049.....	Dem.	45
<b>Arnberger, Tory Marie</b> , PO Box 103, Great Bend 67530.....	Rep.	112
<b>Awerkamp, Francis</b> , 807 W. Linn St., St. Marys 66536 .....	Rep.	61
<b>Baker, Dave</b> , 278 Lake Rd., Council Grove 66846.....	Rep.	68
<b>Ballard, Barbara W.</b> , 1532 Alvamar Dr., Lawrence 66047.....	Dem.	44
<b>Barker, John E.</b> , 103 Wassinger Ave., Abilene 67410.....	Rep.	70
<b>Benson, David</b> , 13901 Hemlock St., Overland Park 66223.....	Dem.	48
<b>Bergquist, Emil</b> , 6430 N. Hydraulic, Park City 67219.....	Rep.	91
<b>Bishop, Elizabeth</b> , 8518 E. Longlake St., Wichita 67207 .....	Dem.	88
<b>Blex, Doug</b> , 3131 CR 2600, Independence 67301.....	Rep.	12
<b>Burris, Jesse</b> , 1545 E. 119th St., Mulvane 67110 .....	Rep.	82
<b>Burroughs, Tom</b> , 3131 S. 73rd Terr., Kansas City 66106 .....	Dem.	33
<b>Capps, Michael</b> , 3103 N. Gouverneur St., Wichita 67226 .....	Rep.	85
<b>Carlin, Sydney</b> , 1650 Sunnyslope Ln., Manhattan 66502.....	Dem.	66
<b>Carlson, Suzi</b> , 1741 Berglund Dr., Clay Center 67432 .....	Rep.	64
<b>Carmichael, John</b> , 1475 N. Lieunett, Wichita 67203 .....	Dem.	92
<b>Carpenter, Blake</b> , PO Box 350, Derby 67037.....	Rep.	81
<b>Carpenter, Will</b> , 6965 SW 18th, El Dorado 67042.....	Rep.	75
<b>Claeys, J.R.</b> , 2157 Redhawk Ln., Salina 67401 .....	Rep.	69
<b>Clark, Lonnie G.</b> , 1221 Country Club Ln., Junction City 66441 .....	Rep.	65
<b>Clayton, Stephanie Sawyer</b> , 9825 Woodson Dr., Overland Park 66207 .....	Dem.	19
<b>Collins, Ken</b> , 102 E. 1st St., Mulberry 66756.....	Rep.	2
<b>Concannon, Susan</b> , 921 N. Mill St., Beloit 67420 .....	Rep.	107
<b>Corbet, Ken</b> , 10351 SW 61st St., Topeka 66610 .....	Rep.	54
<b>Cox, Tom</b> , 13510 W. 72nd St., Shawnee 66216.....	Rep.	17
<b>Croft, Christopher D.</b> , 8909 W. 148th Terr., Overland Park 66221 .....	Rep.	8
<b>Curtis, Pam</b> , 322 N. 16th St., Kansas City 66102.....	Dem.	32
<b>Delperdang, Leo G.</b> , 2103 N. Pintail St., Wichita 67235 .....	Rep.	94
<b>Dierks, Diana</b> , 1221 Sunrise Dr., Salina 67401.....	Rep.	71
<b>Dietrich, Brenda S.</b> , 6110 SW 38th Terr., Topeka 66610.....	Rep.	52
<b>Donohoe, Owen</b> , 6265 Arapahoe St., Shawnee 66226.....	Rep.	39
<b>Dove, Willie</b> , 14715 Timber Ln., Bonner Springs 66012.....	Rep.	38
<b>Ellis, Ronald B.</b> , 9199 K-4 Highway, Meriden 66512.....	Rep.	47
<b>Eplee, John R.</b> , 163 Deer Run, Atchison 66002 .....	Rep.	63
<b>Erickson, Renee</b> , 26 N. Cypress Dr., Wichita 67206.....	Rep.	87
<b>Esau, Charlotte</b> , 11702 S. Winchester St., Olathe 66061.....	Rep.	14
<b>Finch, Blaine</b> , 5 SW Fairview Dr., Ottawa 66067 .....	Rep.	59
<b>Finney, Gail</b> , 1754 N. Madison Ave., Wichita 67214 .....	Dem.	84
<b>Francis, Shannon</b> , 1501 Tucker Ct., Liberal 67901 .....	Rep.	125
<b>French, David</b> , 950 Holiday Dr., Lansing 66043.....	Rep.	40
<b>Frownfelter, Stan S.</b> , 5225 Crest Dr., Kansas City 66106.....	Dem.	37
<b>Garber, Randy</b> , 2424 Timberline Terr., Sabetha 66534 .....	Rep.	62
<b>Gartner, Jim</b> , 928 SW Woodbridge Ct., Topeka 66606 .....	Dem.	53
<b>Hawkins, Daniel</b> , 9406 Harvest Ln., Wichita 67212 .....	Rep.	100
<b>Helgersen, Henry</b> , 12 E. Peach Tree Ln., Eastborough 67207 .....	Dem.	83
<b>Helmer, Cheryl</b> , 1066 E. 130th N., Mulvane 67110.....	Rep.	79

<i>Name and residence</i>	<i>Party</i>	<i>Dist.</i>
<b>Henderson, Broderick</b> , 2710 N. 8th St., Kansas City 66101 .....	Dem.	35
<b>Hibbard, Larry</b> , 858 EE 75 Rd., Toronto 66777 .....	Rep.	13
<b>Highberger, Dennis (Boog)</b> , 1024 New York, Lawrence 66044 .....	Dem.	46
<b>Highland, Ron</b> , 27487 Wells Creek Rd., Wamego 66547 .....	Rep.	51
<b>Hineman, Don</b> , 116 S. Longhorn Rd., Dighton 67839 .....	Rep.	118
<b>Hodge, Tim</b> , 2727 N. Main, North Newton 67117 .....	Dem.	72
<b>Hoffman, Kyle D.</b> , 1318 Avenue T, Coldwater 67029 .....	Rep.	116
<b>Hoheisel, Nick J.</b> , 3130 S. Richmond, Wichita 67217 .....	Rep.	97
<b>Holscher, Cindy</b> , 12345 Westgate St., Overland Park 66213 .....	Dem.	16
<b>Horn, Eileen</b> , 2121 Vermont St., Lawrence 66046 .....	Dem.	10
<b>Houser, Michael</b> , 6891 SW 10th St., Columbus 66725 .....	Rep.	1
<b>Howard, Ron</b> , 2719 E. Timberlane St., Wichita 67216 .....	Rep.	98
<b>Huebert, Steve</b> , 619 N. Birch, Valley Center 67147 .....	Rep.	90
<b>Humphries, Susan</b> , 8 Sagebrush St., Wichita 67230 .....	Rep.	99
<b>Jacobs, Trevor</b> , 1927 Locust Rd., Fort Scott 66701 .....	Rep.	4
<b>Jennings, J. Russell</b> , PO Box 295, Lakin 67860 .....	Rep.	122
<b>Johnson, Steven C.</b> , 10197 S. Hopkins Rd., Assaria 67416 .....	Rep.	108
<b>Karleskint, Jim</b> , 24542 Cantrell Rd., Tonganoxie 66086 .....	Rep.	42
<b>Kelly, Jim</b> , 309 S. 5th St., Independence 67301 .....	Rep.	11
<b>Kessinger, Jan H.</b> , 12605 Walmer St., Overland Park 66209 .....	Rep.	20
<b>Kuether, Annie</b> , 1346 SW Wayne Ave., Topeka 66604 .....	Dem.	55
<b>Landwehr, Brenda K.</b> , 2611 N. Bayside Ct., Wichita 67205 .....	Rep.	105
<b>Long, Martin</b> , PO Box 1031, Ulysses 67880 .....	Rep.	124
<b>Lusk, Nancy</b> , 7700 W. 83rd St., Overland Park 66204 .....	Dem.	22
<b>Lynn, Megan</b> , 14430 W. 139th Pl., Olathe 66063 .....	Rep.	49
<b>Mason, Les</b> , 108 Arcadian Ct., McPherson 67460 .....	Rep.	73
<b>Mastroni, Leonard A.</b> , 102 Fairway Dr., La Crosse 67548 .....	Rep.	117
<b>Moore, J.C. (Jesse C.)</b> , 7810 W. 79th St. South, Clearwater 67026 .....	Rep.	93
<b>Murnan, Monica</b> , 1313 Mallory Ct., Pittsburg 66762 .....	Dem.	3
<b>Neighbor, Cindy</b> , 10405 W. 52nd Terr., Shawnee 66203 .....	Dem.	18
<b>Ohaebosim, KC</b> , PO Box 21271, Wichita 67208 .....	Dem.	89
<b>Orr, Boyd</b> , 30111 H Rd., Fowler 67844 .....	Rep.	115
<b>Ousley, Jarrod</b> , 6800 Farley St., Merriam 66203 .....	Dem.	24
<b>Owens, Stephen</b> , PO Box 606, Hesston 67062 .....	Rep.	74
<b>Pannbacker, Bill</b> , 210 E. College, Washington 66968 .....	Rep.	106
<b>Parker, Brett</b> , 8323 W. 108th St., Apt. F, Overland Park 66210 .....	Dem.	29
<b>Patton, Fred C.</b> , 339 NE 46th, Topeka 66617 .....	Rep.	50
<b>Phillips, Tom</b> , 1530 Barrington Dr., Manhattan 66503 .....	Rep.	67
<b>Pittman, Jeff</b> , 1108 S. Broadway, Leavenworth 66048 .....	Dem.	41
<b>Probst, Jason</b> , PO Box 3262, Hutchinson 67504 .....	Dem.	102
<b>Proehl, Rich</b> , 510 Pine Ridge Rd., Parsons 67357 .....	Rep.	7
<b>Rahjes, Ken</b> , 1798 E. 900 Rd., Agra 67621 .....	Rep.	110
<b>Ralph, Brad</b> , 2009 Frederick Dr., Dodge City 67801 .....	Rep.	119
<b>Resman, John</b> , 434 N. Persimmon Dr., Olathe 66061 .....	Rep.	121
<b>Rhiley Sr., Bill</b> , Wellington 67152 .....	Rep.	80
<b>Ruiz, Louis E.</b> , 2914 W. 46th Ave., Kansas City 66103 .....	Dem.	31
<b>Ruiz, Susan</b> , 7306 Bond St., Shawnee 66203 .....	Dem.	23
<b>Ryckman Jr., Ron</b> , 14234 W. 158th St., Olathe 66062 .....	Rep.	78
<b>Samsel, Mark</b> , 508 E. 4th St., Wellsville 66092 .....	Rep.	5

# 2019 Session Laws of Kansas

xi

<i>Name and residence</i>	<i>Party</i>	<i>Dist.</i>
<b>Sawyer, Tom</b> , 1041 S. Elizabeth St., Wichita 67213.....	Dem.	95
<b>Schreiber, Mark</b> , 1722 Yucca Ln., Emporia 66801.....	Rep.	60
<b>Seiwert, Joe</b> , 1111 E. Boundary Rd., Pretty Prairie 67570.....	Rep.	101
<b>Smith, Adam</b> , 1970 Road 3, Weskan 67762.....	Rep.	120
<b>Smith, Eric L.</b> , 627 Kennebec St., Burlington 66839.....	Rep.	76
<b>Stogsdill, Jerry W.</b> , 4414 Tomahawk Rd., Prairie Village 66208.....	Dem.	21
* <b>Straub, Alicia</b> , 401 S. Kennedy Ave., Ellinwood 67526.....	Rep.	113
<b>Sutton, William M.</b> , 215 W. Park St., Gardner 66030.....	Rep.	43
<b>Tarwater Sr., Sean E.</b> , 16006 Meadow Ln., Stilwell 66085.....	Rep.	27
<b>Thimesch, Jack</b> , 11716 SW 80th St., Spivey 67142.....	Rep.	114
<b>Thomas, Adam</b> , 16272 S. Sunset St., Olathe 66062.....	Rep.	26
<b>Thompson, Kent L.</b> , 1816 2800 St., LaHarpe 66751.....	Rep.	9
<b>Toplikar, John</b> , 507 E. Spruce St., Olathe 66061.....	Rep.	15
<b>Vickrey, Jene</b> , 502 S. Countryside Dr., Louisburg 66053.....	Rep.	6
<b>Victors, Ponka-We</b> , PO Box 48081, Wichita 67201.....	Dem.	103
<b>Waggoner, Paul</b> , PO Box 3184, Hutchinson 67504.....	Rep.	104
<b>Ward, Jim</b> , 3100 E. Clark, Wichita 67211.....	Dem.	86
<b>Warfield, Freda</b> , 774 SE Ridgeview Dr., Topeka 66609.....	Dem.	58
<b>Warren, Kellie</b> , 14505 Falmouth St., Leawood 66224.....	Rep.	28
<b>Wasinger, Barbara</b> , 1602 Elm St., Hays 67601.....	Rep.	111
<b>Waymaster, Troy L.</b> , 3528 192nd St., Bunker Hill 67626.....	Rep.	109
<b>Weigel, Virgil</b> , 1900 SW Briarwood Dr., Topeka 66611.....	Dem.	56
<b>Wheeler Jr., John P.</b> , 902 Anderson St., Garden City 67846.....	Rep.	123
<b>Whipple, Brandon J.</b> , 4455 S. Washington Ct., Wichita 67216.....	Dem.	96
<b>Williams, Kristey</b> , 506 Stone Lake Ct., Augusta 67010.....	Rep.	77
<b>Winn, Valdenia C.</b> , PO Box 12327, Kansas City 66112.....	Dem.	34
<b>Wolfe Moore, Kathy</b> , 3209 N. 131st St., Kansas City 66109.....	Dem.	36
<b>Woodard, Brandon</b> , 9051 Renner Blvd., Apt. 3002, Lenexa 66219.....	Dem.	30
<b>Xu, Rui</b> , 4724 Belinder Ave., Westwood 66205.....	Dem.	25

\* Alicia Straub sworn in on March 19, 2019 to replace Greg Lewis

OFFICERS OF THE SENATE

<b>Susan Wagle</b>	.....President
<b>Jeff Longbine</b>	.....Vice President
<b>Jim Denning</b>	.....Majority Leader
<b>Anthony Hensley</b>	.....Minority Leader

OFFICERS OF THE HOUSE

<b>Ron Ryckman</b>	.....Speaker
<b>Blaine Finch</b>	.....Speaker Pro Tem
<b>Dan Hawkins</b>	.....Majority Leader
<b>Tom Sawyer</b>	.....Minority Leader

LEGISLATIVE COORDINATING COUNCIL

President of the Senate: **Susan Wagle**, Wichita, Chairman  
Speaker of the House of Representatives: **Ron Ryckman**, Olathe, Vice-Chairman  
Speaker Pro Tem of the House of Representatives: **Blaine Finch**, Ottawa  
Senate Majority Leader: **Jim Denning**, Overland Park  
House Majority Leader: **Dan Hawkins**, Wichita  
Senate Minority Leader: **Anthony Hensley**, Topeka  
House Minority Leader: **Tom Sawyer**, Wichita

LEGISLATIVE DIVISION OF POST AUDIT

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# 2019 SESSION LAWS OF KANSAS

## CHAPTER 1

### SENATE BILL No. 9°

AN ACT making and concerning appropriations for the fiscal year ending June 30, 2019, for the Kansas public employees retirement system; authorizing certain transfers from the state general fund to the Kansas public employees retirement fund.

*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 \$115,000,000 from the state general fund to the Kansas public employees retirement fund (365-00-7002-7000) of the Kansas public employees retirement system for payment, in full or in part, of reduced employer contributions from participating employers under K.S.A. 74-4931, and amendments thereto, in prior fiscal years.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved March 8, 2019.

Published in the *Kansas Register* March 14, 2019.

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## CHAPTER 2

## HOUSE BILL No. 2001

AN ACT concerning agriculture; relating to environmental remediation; extending the sunset date for the remediation linked deposit loan program, the remediation reimbursement program and the Kansas agricultural remediation fund; amending annual assessment rates; amending K.S.A. 2-3712 and K.S.A. 2018 Supp. 2-3713 and 2-3714 and repealing the existing sections.

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

Section 1. K.S.A. 2-3712 is hereby amended to read as follows: 2-3712. (a) ~~Whenever on April 1 of any year~~ If the unobligated principal balance of the *Kansas agricultural remediation* fund equals or exceeds ~~\$5,000,000, \$3,000,000 on April 1 of any year~~, the assessments imposed by K.S.A. 2-3713, and amendments thereto, shall not be levied on or after the next July 1. ~~Whenever on April 1 of any year thereafter~~ If the unobligated principal balance of the fund equals ~~\$1,500,000~~ \$1,000,000 or less, ~~on April 1 of any following year~~, the assessments imposed by K.S.A. 2-3713, and amendments thereto, shall again be levied on and after the next July 1.

(b) The director of accounts and reports, not later than April 5 of each year, shall notify the board of the amount of the unobligated balance of the fund on April 1 of such year. Upon receipt of the notice, the board shall notify the secretary of agriculture, who shall notify fee payers under K.S.A. 2-3713, and amendments thereto, if the levy of assessments under that section will terminate or recommence on the following July 1.

Sec. 2. K.S.A. 2018 Supp. 2-3713 is hereby amended to read as follows: 2-3713. (a) Subject to the provisions of K.S.A. 2-3712, and amendments thereto, there is hereby imposed environmental assessments as follows:

(1) An annual assessment of \$100 to be paid by each custom blender required to be licensed pursuant to K.S.A. 2-1201a, and amendments thereto. Such assessment shall be paid to the secretary of agriculture by the custom blender at the time and in the manner provided by law for payment of the custom blender's license fee.

(2) An annual assessment of ~~\$20~~ \$40 for each commercial fertilizer required to be registered pursuant to K.S.A. 2-1202, and amendments thereto. Such assessment shall be paid to the secretary of agriculture by the applicant for registration at the time and in the manner provided by law for payment of the registration fee for the commercial fertilizer.

(3) An annual assessment of ~~\$60~~ \$30 for each agricultural chemical required to be registered pursuant to K.S.A. 2-2204, and amendments thereto, other than an agricultural chemical classified as an antimicrobial pesticide, as defined by 7 U.S.C. § 136(mm). Such assessment shall be



paid to the secretary of agriculture by the applicant for registration at the time and in the manner provided by law for payment of the registration fee for the agricultural chemical.

(4) An annual assessment to be paid by each pesticide dealer required to be registered pursuant to K.S.A. 2-2469, and amendments thereto. If the annual sales of pesticides from the previous year by a pesticide dealer from a business location are less than \$2,500, the annual assessment shall be \$5. If the annual sales of pesticides from the previous year by a pesticide dealer from a business location are equal to or greater than \$2,500, the annual assessment shall be \$80. Such assessment shall be paid to the secretary of agriculture by the pesticide dealer at the time and in the manner provided by law for payment of the dealer's registration fee.

(5) An annual assessment of ~~\$.0005~~ \$.00025 per bushel of storage capacity of each public warehouse required to be licensed pursuant to K.S.A. 34-228, and amendments thereto, or pursuant to the federal warehouse act. Such assessment shall be paid to the secretary of agriculture by the applicant for licensure at the time and in the manner provided by law for payment of the warehouse license fee.

(6) An annual assessment of ~~\$.0005~~ \$.00025 per bushel of storage capacity of each public warehouse in this state that is licensed pursuant to the United States warehouse act. Such assessment shall be paid to the secretary of agriculture by the licensee on or before August 31 of each year.

(7) An annual assessment of \$1,000 to be paid by the responsible party for a site that has been sold or leased but where the seller or lessor still retains responsibility for cleaning up the site. Such assessment shall be paid to the secretary of agriculture by the responsible party on or before September 30 of each year.

(b) The secretary of agriculture shall remit to the state treasurer all moneys collected by the secretary from assessments paid pursuant to this section. The state treasurer shall deposit the entire amount of the remittance in the state treasury and credit it to the fund.

(c) The secretary of agriculture shall adopt rules and regulations establishing procedures for payment and collection of all environmental assessments.

(d) The secretary of agriculture shall have the authority to reimburse or refund a person if an error occurred in the payment of an assessment.

(e) For a remediated site to be eligible for reimbursement under ~~subsection (b)(1) of K.S.A. 2-3708(b)~~, and amendments thereto, all applicable environmental assessments must be paid for such site.

Sec. 3. K.S.A. 2018 Supp. 2-3714 is hereby amended to read as follows: 2-3714. On July 1, ~~2020~~ 2030, the remediation linked deposit loan program, the remediation reimbursement program and the fund are hereby abolished.

Sec. 4. K.S.A. 2-3712 and K.S.A. 2018 Supp. 2-3713 and 2-3714 are hereby repealed.

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

Approved March 14, 2019.

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## CHAPTER 3

## HOUSE BILL No. 2044\*

AN ACT concerning income taxation; relating to credits; certain purchases of goods and services from qualified vendors that provide employment to individuals who are blind or severely disabled; qualifications, procedures and limitations.

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

Section 1. (a) For tax years 2019 through 2023, a credit shall be allowed against the tax imposed by the Kansas income tax act in an amount equal to 15% of the amount for expenditures of goods and services purchased by the taxpayer from a qualified vendor on and after January 1, 2019, and before January 1, 2024, as certified by the secretary of commerce as provided in subsection (c). The amount of such credit awarded for each taxpayer shall not exceed \$500,000 per qualified vendor per tax year. In no event shall the total amount of cumulative credits allowed under this section exceed \$5,000,000 for all tax years that the credit remains in effect.

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

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

(d) As used in this section:

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

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

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

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

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

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

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

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

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

(ii) is employed by a charitable organization domiciled in the state of Kansas and exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended; or

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

(3) “qualified vendor” means an entity that:

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

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

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

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

(e) The secretary of revenue shall report to the house committee on taxation and the senate committee on assessment and taxation on or before February 1, 2021, 2022, and 2023, concerning the implementation and effectiveness of the credit provided in this section.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 18, 2019.

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## CHAPTER 4

## SENATE BILL No. 17

AN ACT concerning motor vehicles; relating to driver's licenses, motorcycles, requiring class M license for temporary permits; amending K.S.A. 2018 Supp. 8-235 and repealing the existing section.

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

Section 1. K.S.A. 2018 Supp. 8-235 is hereby amended to read as follows: 8-235. (a) No person, except those expressly exempted, shall drive any motor vehicle upon a highway in this state unless such person has a valid driver's license. No person shall receive a driver's license unless and until such person surrenders or with the approval of the division, lists to the division all valid licenses in such person's possession issued to such person by any other jurisdiction. All surrendered licenses or the information listed on foreign licenses shall be returned by the division to the issuing department, together with information that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid license at any time.

(b) Any person licensed under the motor vehicle drivers' license act may exercise the privilege granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any local authority. Nothing herein shall prevent cities from requiring licenses of persons who drive taxicabs or municipally franchised transit systems for hire upon city streets, to protect the public from drivers whose character or habits make them unfit to transport the public. If a license is denied, the applicant may appeal such decision to the district court of the county in which such city is located by filing within 14 days after such denial, a notice of appeal with the clerk of the district court and by filing a copy of such notice with the city clerk of the involved city. The city clerk shall certify a copy of such decision of the city governing body to the clerk of the district court and the matter shall be docketed as any other cause and the applicant shall be granted a trial of such person's character and habits. The matter shall be heard by the court de novo in accordance with the code of civil procedure. The cost of such appeal shall be assessed in such manner as the court may direct.

(c) Any person operating in this state a motor vehicle, ~~except a motorcycle, which is registered in this state other than under a temporary permit, pursuant to K.S.A. 8-2409, and amendments thereto,~~ shall be the holder of a driver's license ~~which that~~ is classified for the operation of such motor vehicle, and any person operating in this state a motorcycle ~~which that~~ is registered in this state shall be the holder of a class M driver's license, ~~except that any person operating in this state a motorcycle which is registered under a temporary permit, pursuant to K.S.A. 8-2409, and amendments thereto,~~ shall be the holder of a driver's license for any class of motor vehicles.

(d) No person shall drive any motorized bicycle upon a highway of this state unless such person: (1) Has a valid driver's license ~~which~~ *that* entitles the licensee to drive a motor vehicle in any class or classes; (2) is at least 15 years of age and has passed the written and visual examinations required for obtaining a class C driver's license, in which case the division shall issue to such person a class C license, which ~~shall clearly indicate~~ *indicate that* such license is valid only for the operation of motorized bicycles; (3) has had their driving privileges suspended, for a violation other than a violation of K.S.A. 8-2,144, and amendments thereto, or a second or subsequent violation of K.S.A. 8-1567 or 8-1567a, and amendments thereto, and such person: (A) Has completed the mandatory period of suspension as provided in K.S.A. 8-1014, and amendments thereto; and (B) has made application and submitted a \$40 nonrefundable application fee to the division for the issuance of a class C license for the operation of motorized bicycles, in accordance with paragraph (2), in which case the division shall issue to such person a class C license, which ~~shall clearly indicate~~ *indicate that* such license is valid only for the operation of motorized bicycles; or (4) has had their driving privileges revoked under K.S.A. 8-286, and amendments thereto, has not had a test refusal or test failure or alcohol or drug-related conviction, as those terms are defined in K.S.A. 8-1013, and amendments thereto, in the last five years, has not been convicted of a violation of K.S.A. 8-1568(b), and amendments thereto, in the last five years and has made application to the division for issuance of a class C license for the operation of motorized bicycles, in accordance with paragraph (2), in which case the division shall issue such person a class C license, which ~~shall clearly indicate~~ *indicate that* such license is valid only for the operation of motorized bicycles. As used in this subsection, "motorized bicycle" shall have the meaning ascribed to it in K.S.A. 8-126, and amendments thereto.

(e) All moneys received under subsection (d) from the nonrefundable application fee shall be applied by the division of vehicles for the additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees 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 division of vehicles operating fund.

(f) Violation of this section shall constitute a class B misdemeanor.

Sec. 2. K.S.A. 2018 Supp. 8-235 is hereby repealed.

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

Approved March 20, 2019.

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## CHAPTER 5

## SENATE BILL No. 39

AN ACT concerning the vehicle dealers and manufacturers licensing act; relating to warranty services, compensation; amending K.S.A. 2018 Supp. 8-2415 and repealing the existing section.

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

Section 1. K.S.A. 2018 Supp. 8-2415 is hereby amended to read as follows: 8-2415. (a) A first or second stage manufacturer or distributor shall pay reasonable compensation to any authorized new vehicle dealer who performs work to rectify warranty defects in the first or second stage manufacturer's or distributor's product.

(b) A first or second stage manufacturer or distributor shall pay any authorized new vehicle dealer all promotional allowances or other incentive payments submitted by the dealer as provided by the applicable provisions of such programs subject to the applicable requirements of this act.

(c) ~~In the determination of what constitutes reasonable compensation for warranty work under this act, among the factors to be considered shall be: The rate or charge which the authorized vehicle dealer in good faith is charging other customers for the same type of service or repair work, the compensation being paid by other first or second stage manufacturers or distributors to their vehicle dealers for the same work or service, and the prevailing wage or labor rate being paid or charged by all vehicle dealers licensed to operate in the city or community in which said authorized vehicle dealer is doing business.~~ (1) (A) *A first or second stage manufacturer or distributor shall specify in writing to each of the first or second stage manufacturer's or distributor's dealers operating in this state the dealer's obligations for preparation, delivery and warranty services related to the first or second stage manufacturer's or distributor's products.*

(B) *The first or second stage manufacturer or distributor shall compensate the dealer for the warranty services that the first or second stage manufacturer or distributor requires the dealer to provide, including warranty and recall obligations related to repairing and servicing motor vehicles of the first or second stage manufacturer or distributor and all parts and components authorized by the manufacturer to be installed in or manufactured for installation in such motor vehicles.*

(2) *The first or second stage manufacturer or distributor shall provide to the dealer a schedule of compensation that specifies reasonable compensation that the first or second stage manufacturer or distributor will pay to the dealer for such warranty services, including for parts, labor and diagnostics.*



(A) *In determining the schedule of compensation for parts, the first or second stage manufacturer or distributor may multiply the price paid by the dealer for parts, including all shipping costs and other charges, by the sum of one and the dealer's average percentage markup. The dealer's average percentage markup is calculated by subtracting one from the result of dividing the total amounts charged by the dealer for parts used in warranty-like repairs by the total cost to the dealer for the parts in the retail service orders submitted pursuant to subparagraph (C).*

(B) *In determining the schedule of compensation for labor-related warranty services, the first or second stage manufacturer or distributor may calculate the dealer's retail labor rate by dividing the total amount of retail sales attributable to labor for warranty-like services by the number of hours of labor spent to generate the retail sales in the retail service orders submitted pursuant to subparagraph (C).*

(C) (i) *The dealer may establish its average percentage markup for parts or its labor rate by submitting to the first or second stage manufacturer or distributor copies of 100 sequential retail service orders paid by the dealer's customers, or all of the dealer's retail service orders paid by the dealer's customers in a 90-day period, whichever is less, for services provided within the previous 180-day period. The first or second stage manufacturer or distributor shall not consider retail service orders or portions of retail service orders attributable to routine maintenance such as tire service or oil service.*

(ii) *Within 30 days of receiving the dealer's submission, the first or second stage manufacturer or distributor may choose to audit the submitted orders. The first or second stage manufacturer or distributor shall then approve or deny the establishment of the dealer's average percentage markup or labor rate. If the first or second stage manufacturer or distributor approves the establishment of the dealer's average percentage markup or labor rate, the markup or rate calculated under this subparagraph shall go into effect 45 days after the date of the first or second stage manufacturer's or distributor's approval. If the first or second stage manufacturer or distributor denies the establishment of the dealer's average percentage markup or labor rate, the dealer may file a complaint with the director of vehicles, and a hearing shall be held as provided by K.S.A. 8-2411, and amendments thereto. The first or second stage manufacturer or distributor shall have the burden of proof to establish that the first or second stage manufacturer's or distributor's denial was reasonable. If the director of vehicles finds that the denial was not reasonable, the denial shall be deemed a violation of this section and the director of vehicles shall then determine the dealer's average percentage markup or labor rate for purposes of calculating a reasonable schedule of compensation. In making such a determination, the director of vehicles shall not consider retail*

*service orders or portions of retail service orders attributable to routine maintenance such as tire service or oil service.*

(iii) *A first or second stage manufacturer or distributor shall not require a dealer to establish an average percentage markup or labor rate by a methodology, or by requiring the submission of information, that is unduly burdensome or time-consuming to the dealer, including, but not limited to, requiring part-by-part or transaction-by-transaction calculations.*

(iv) *A dealer shall not request a change in the dealer's average percentage markup or labor rate more than once in any one-year period.*

(3) *The compensation to the dealer for warranty parts and labor shall not be less than the rates charged by the dealer for like parts and services to retail customers, provided the rates are reasonable.*

(d) A first or second stage manufacturer or distributor shall not require unreasonable proof to establish compensation under this section, nor act unreasonably to delay payments or adjustments in the rate or charge for particular warranty work, promotional allowances or other incentive payments as circumstances or changes may justify or require such adjustments. A claim for compensation shall not be divided or the amount to be reimbursed reduced if the new vehicle dealer has reasonably substantiated the claim. A new vehicle dealer's failure to comply with the specific requirements of processing a claim may not constitute grounds for denial of the claim or reduction of the amount of compensation paid to the dealer if the dealer presents reasonable documentation or other evidence to substantiate the claim. If the claim is for warranty work, whether or not it includes parts, repairs or services, then the amount of compensation for the claims shall not be reduced or disallowed on the grounds the dealer failed to submit the claim fewer than 60 days after the dealer completed the work underlying the claim.

(e) A claim made by a new motor vehicle dealer for compensation under this section shall be either approved or disapproved within 30 days after the claim is submitted to the first or second stage manufacturer or distributor in the manner and on the forms the first or second stage manufacturer or distributor reasonably prescribes. An approved claim shall be paid within 30 days after its approval. If a claim is not specifically disapproved in writing or by electronic transmission within 30 days after the date on which the first or second stage manufacturer or distributor receives it, the claim shall be considered to be approved and payment shall follow within 30 days. A first or second stage manufacturer or distributor retains the right to audit claims for warranty work for a period of one year after the date on which the claim is paid and to chargeback any amounts paid on claims that are false or unsubstantiated. A first or second stage manufacturer or distributor retains the right to audit claims for promotional allowances or other incentive payments submitted by the dealer

for a period of one year after the date on which the claim is paid and to chargeback any amounts paid on claims that are false or unsubstantiated. If there is evidence of fraud, this subsection does not limit the right of the manufacturer to audit for longer periods and chargeback for any fraudulent claim, subject to the limitation period under ~~paragraph (3) of subsection (a) of K.S.A. 60-513(a)(3)~~, and amendments thereto, in addition to any other available remedy. A claim for reimbursement by the first or second stage manufacturer or distributor of sums due following an audit must be presented to the dealer within 90 days of the audit of the item subject to the claim. A first or second stage manufacturer or distributor may not setoff or otherwise take control over funds owned, or under the control of the new vehicle dealer, or which are in an account designated for the new vehicle dealer when such action is based upon the findings of an audit or other claim with respect thereto until a final decision is issued with respect to any challenge or appeal by either party of any such audit or claim. This section may be enforced pursuant to K.S.A. 8-2411, and amendments thereto.

Sec. 2. K.S.A. 2018 Supp. 8-2415 is hereby repealed.

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

Approved March 20, 2019.

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## CHAPTER 6

## HOUSE BILL No. 2174

AN ACT concerning the state use law; relating to extension of the sunset date for five years; amending K.S.A. 2018 Supp. 75-3322c and repealing the existing section.

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

Section 1. K.S.A. 2018 Supp. 75-3322c is hereby amended to read as follows: 75-3322c. (a) There is hereby established within the department of administration, the state use law committee, hereafter referred to as the committee, to advise the director of purchases on issues surrounding the purchase of products and services provided by blind or disabled persons, which shall consist of nine members.

(b) The state use law committee shall be composed of the following members:

(1) Two members shall be appointed by the united school administrators of Kansas, one of whom shall represent small unified school districts and one of whom shall represent large unified school districts.

(2) One member shall be appointed by the state board of regents.

(3) One member shall be appointed by the state director of purchases.

(4) One member, who is an advocate for the blind and disabled in Kansas, shall be appointed by the governor.

(5) Two members who are qualified vendors shall be appointed by the governor.

(6) Two members of the Kansas legislature, one legislator shall be a member of the majority party and one legislator shall be a member of the minority party, and shall be appointed by the governor.

(c) ~~Such~~ Members shall serve for terms of two years and may be re-appointed. On July 1 of each year, or as soon thereafter as possible, the committee shall elect a member to serve as a chairperson of the committee. Subsequent appointments shall be made as provided for original appointments for the unexpired terms.

(d) Members of the committee who are members of the Kansas legislature shall be paid amounts as provided in ~~subsection (e) of K.S.A. 75-3223(e)~~, and amendments thereto. Otherwise, members of the committee shall serve without reimbursement.

(e) The committee shall be responsible for advising the director of purchases on issues surrounding the provisions of K.S.A. 75-3317 through 75-3322, and amendments thereto, including, but not limited to, the following functions:

(1) The development of waiver guidelines to be followed by qualifying agencies and unified school districts for participation under the provisions of K.S.A. 75-3317 through 75-3322, and amendments thereto.

(2) Product and service eligibility process used by the director of purchases for state use law products and services.

(3) Review the threshold dollar amount of purchases by state agencies or unified school districts for state use law to apply.

(4) Review provisions of K.S.A. 75-3317 through 75-3322, and amendments thereto, on any purchase from a qualified vendor that is determined by the director of purchases to be a substantially higher cost than the purchase would have cost had it been competitively bid.

(5) Adopt rules, regulations and policies to assure fair and effective implementation of this act, including appropriate rules and regulations relating to violations of K.S.A. 75-3317 through 75-3322, and amendments thereto.

(6) Establish procedures for setting fair market prices for items included on the procurement list and revision of products and prices in accordance with the changing market conditions to assure that the prices established are reflective of the market.

(7) Assist qualified vendors in identifying and improving marketing efforts of the products manufactured or processed and offered for sale and services offered under K.S.A. 75-3317 through 75-3322, and amendments thereto, to state agencies and unified school districts.

(8) Encourage and assist the director of purchases, state agencies and unified school districts to identify additional commodities and services that may be purchased from qualified nonprofit agencies not participating in the state use law catalog.

(9) Any other issue identified by any interested party.

(f) The committee shall maintain a registry of entities which meet the definition of qualified vendor, as defined by K.S.A. 75-3317, and amendments thereto.

(g) The director of purchases shall convene quarterly meetings with qualified vendors, the state use law committee and agencies to discuss activity occurring under the state use law.

(h) On July 1, ~~2019~~ 2024, the state use law committee is hereby abolished.

Sec. 2. K.S.A. 2018 Supp. 75-3322c is hereby repealed.

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

Approved March 28, 2019.

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## CHAPTER 7

## SENATE BILL No. 40

AN ACT regulating traffic; concerning authorized emergency vehicles; amending K.S.A. 8-1530 and repealing the existing section.

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

Section 1. K.S.A. 8-1530 is hereby amended to read as follows: 8-1530. (a) Upon the immediate approach of an authorized emergency vehicle making use of an audible signal meeting the requirements of ~~sub-section (d) of K.S.A. 8-1738(d)~~, and amendments thereto, and visual signals meeting the requirements of K.S.A. 8-1720, and amendments thereto, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall do the following unless otherwise directed by a police officer:

- (1) Yield the right-of-way;
- (2) immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway clear of any intersection; and
- (3) stop and remain in such position until the authorized emergency vehicle has passed.

(b) The driver of a motor vehicle upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is making use of visual signals meeting the requirements of K.S.A. 8-1720, ~~and amendments thereto, or subsection (d) of K.S.A. 8-1722(d)~~, and amendments thereto, shall do either of the following:

(1) If the driver of the motor vehicle is traveling on a highway that consists of at least two lanes that carry traffic in the same direction of travel as that of the driver's motor vehicle, the driver shall proceed with due caution and, if possible and with due regard to the road, weather and traffic conditions, shall change lanes into a lane that is not adjacent to that of the stationary authorized emergency vehicle; or

(2) if the driver is not traveling on a highway of a type described in paragraph (1), or if the driver is traveling on a highway of that type but it is not possible to change lanes or if to do so would be unsafe, the driver shall proceed with due caution, reduce the speed of the motor vehicle and maintain a safe speed for the road, weather and traffic conditions.

~~(c) From and after the effective date of this act and prior to July 1, 2001, a law enforcement officer shall issue a warning citation to anyone violating the provisions of subsection (b).~~

(d) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Sec. 2. K.S.A. 8-1530 is hereby repealed.

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

Approved April 2, 2019.

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## CHAPTER 8

## SENATE BILL No. 41

AN ACT concerning motor vehicles; relating to the use of safety belts; classifying violations as a traffic infraction; amending K.S.A. 8-2116 and repealing the existing section.

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

Section 1. K.S.A. 8-2116 is hereby amended to read as follows: 8-2116. (a) Every person convicted of *violating K.S.A. 8-2503, and amendments thereto, or violating any of the sections listed in the uniform fine schedule in K.S.A. 8-2118, and amendments thereto*, is guilty of a traffic infraction.

(b) Except where another penalty or class of misdemeanor is provided by statute, every person convicted of violating any provision of the uniform act regulating traffic on highways designated as a misdemeanor is guilty of a class C misdemeanor, except that upon a second such offense committed within one year after the date of the first such offense, upon conviction thereof, such person is guilty of a class B misdemeanor, and upon a third or subsequent such offense committed within one year after the first such offense, upon conviction thereof, such person is guilty of a class A misdemeanor.

Sec. 2. K.S.A. 8-2116 is hereby repealed.

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

Approved April 2, 2019.

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## CHAPTER 9

## HOUSE BILL No. 2123

AN ACT concerning postsecondary education; relating to the Kansas national guard educational assistance act; participant qualifications; amending K.S.A. 74-32,149 and repealing the existing section.

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

Section 1. K.S.A. 74-32,149 is hereby amended to read as follows: 74-32,149. (a) (1) In order to qualify for participation in the Kansas national guard educational assistance program, an eligible guard member must agree, in writing, to complete such member's current service obligation in the Kansas national guard, ~~have at least one year remaining on such member's enlistment contract at the beginning of any semester for which the member receives assistance under the program and must agree to serve~~ actively in good standing with the Kansas national guard for not less than 24 months upon completion of the last semester for which the member receives assistance under the program.

(2) Prior to becoming eligible for participation in the program, each eligible guard member shall submit the free application for federal student aid, and apply for any other federal tuition assistance that such member also may be eligible to receive.

(b) In order to remain eligible for participation in the program, an eligible guard member must remain in good standing at the Kansas educational institution where enrolled, make satisfactory progress toward completion of the requirements of the educational program in which enrolled, maintain a grade point average of not less than 2.0 and maintain satisfactory participation in the Kansas national guard. It shall be the responsibility of the eligible guard member to obtain a certificate from the member's commanding officer attesting to the member's satisfactory participation in the Kansas national guard and to present the certificate to the educational institution, in order to obtain a payment under this act. The certificate shall be presented at the time payment is requested for completed courses. Upon completion of each semester, each eligible guard member receiving assistance under the program shall submit a transcript of the credit hours earned, including the grades for credit hours, to such member's unit of assignment.

(c) Upon failure of any person, who as an eligible guard member received payments under the Kansas national guard educational assistance act, to satisfy the agreement to continue service in the Kansas national guard as provided by subsection (a), such person shall pay to the state of Kansas an amount to be determined as follows:

(1) Determine the total amount of assistance paid to such member under the program;

(2) divide the amount determined under subsection (c)(1) by 24; and  
(3) multiply the amount determined under subsection (c)(2) by the number of months such member did not serve as required by subsection (a). The resulting product is the total amount of recoupment from such member.

All amounts paid to the state under this subsection shall be deposited in the state treasury and credited to the Kansas national guard educational assistance program repayment fund created by K.S.A. 74-32,150, and amendments thereto.

(d) Any eligible guard member that received payments under the program but has failed to satisfy the agreement to continue service in the Kansas national guard as provided by subsection (a) by reason of extenuating circumstances or extreme hardship may request a waiver from recoupment. Such request shall be in writing and submitted through such member's chain of command to the Kansas national guard education services office. The chief of staff of the Kansas army national guard or the director of staff for the Kansas air national guard shall review all requests for a waiver from recoupment and the decision to issue such waiver shall be made by either officer as such officer deems appropriate.

Sec. 2. K.S.A. 74-32,149 is hereby repealed.

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

Approved April 2, 2019.

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## CHAPTER 10

## HOUSE BILL No. 2097

AN ACT concerning county jails; relating to cost of keeping civil prisoners; amending K.S.A. 19-1909 and repealing the existing section.

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

Section 1. K.S.A. 19-1909 is hereby amended to read as follows: 19-1909. The cost of keeping a defendant imprisoned by civil process shall be taxed as costs in the action ~~at the rate of one dollar and fifty cents (\$1.50) per day~~ *in an amount equal to that provided by the county for maintenance of other county prisoners, and provision shall be made for the maintenance of such prisoners in the same manner as other prisoners of the county.*

Sec. 2. K.S.A. 19-1909 is hereby repealed.

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

Approved April 2, 2019.

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## CHAPTER 11

## HOUSE BILL No. 2127

AN ACT concerning motor vehicles; relating to trucks and truck tractors; eliminating requirement to mark certain vehicles; amending K.S.A. 2018 Supp. 8-143e and repealing the existing section.

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

Section 1. K.S.A. 2018 Supp. 8-143e is hereby amended to read as follows: 8-143e. The county treasurer shall issue to the owner a registration receipt on each application for a truck or truck tractor license. The registration application and receipt shall be in such number and contain such information as the division shall determine. Except as provided by K.S.A. 8-142 *First*, and amendments thereto, a copy of the registration receipt shall be carried in the cab of such truck or truck tractor during all the time the same is operated on the highways of this state. ~~Any truck or truck tractor for which the owner has declared the maximum gross weight to be more than 12,000 pounds shall have painted or otherwise durably marked on the vehicle on both sides, in plain letters not less than two inches in height and with not less than ¼ inch stroke, the gross weight for which the vehicle is licensed, and the name and address of the owner or lessee. If the division finds that any insignia or trademark painted or otherwise durably marked on any such vehicle is sufficient to properly show the gross weight for which the vehicle is licensed and to identify the owner and show the address of the owner, the division may issue a permit authorizing the use of such insignia or trademark. A vehicle registered as a farm truck or truck tractor shall not be required to be so painted or marked. When such painting or marking shall become illegible, the same shall be repainted or remarked, as herein required.~~

Sec. 2. K.S.A. 2018 Supp. 8-143e is hereby repealed.

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

Approved April 2, 2019.

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## CHAPTER 12

## SENATE BILL No. 59\*

AN ACT creating the Eudora community library district act.

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

Section 1. (a) This act shall be known and may be cited as the Eudora community library district act.

(b) The purpose of this act is to allow for the city of Eudora to continue being a part of a library district previously established by the city of Eudora and the Eudora township under the provisions of K.S.A. 12-1236 et seq., as in effect in 1968, which allows cities of the third class to join with townships to form a library district. The city of Eudora was declared to be a city of the second class in 2010 and thereafter was not considered part of the library district.

Sec. 2. When used in the Eudora community library district act:

(a) “Eudora community library district” means all territory located within the boundaries of the city of Eudora and the Eudora township; and

(b) “board” means the board of directors of the Eudora community library district appointed pursuant to the provisions of this act.

Sec. 3. (a) The governing body of the city of Eudora and the Eudora township board shall adopt a joint resolution creating a library district. The joint resolution creating the Eudora community library district shall include the following provisions:

(1) The library district board shall be appointed as provided in the joint resolution;

(2) the library district board shall replace the existing Eudora township library board; and

(3) the Eudora community library district shall maintain the Eudora township public library at the discretion of the library district board.

(b) A copy of the joint resolution creating the Eudora community library district shall be filed with the county clerk.

Sec. 4. All contracts previously entered into by the Eudora township library district shall be binding on the Eudora community library district and all outstanding bonds, debts and other obligations of the Eudora township library district shall become an obligation of the Eudora community library district.

Sec. 5. (a) A library district created pursuant to this act shall be governed by a library district board. The board shall consist of five directors who shall be qualified electors of the library district and shall have terms of office as established by the joint resolution. Board members appointed by the Eudora township library board shall continue to serve in their offices

as directors of the Eudora community library district board until their respective terms expire and until their successors are appointed by the city of Eudora and the Eudora township as provided in the joint resolution.

(b) Directors serving on the library district board shall receive no compensation, but shall be reimbursed for their actual and necessary expenses in attending meetings and in carrying out their duties as directors.

Sec. 6. (a) Each year the directors serving on the Eudora community library district board shall meet and organize by the election of a chairperson, secretary, treasurer and such other officers as the board may deem necessary by a majority vote. The board shall fix the date and place of its regular meetings. Special meetings may be called by the chairperson or a majority vote of the library district board. Written notice stating the time, place and purpose of any special meeting, unless waived, shall be given to each director at least two days prior to such meeting, and no business other than that stated in the notice shall be transacted at such meeting. The library district board may adopt such bylaws as the library district board may deem appropriate, consistent with the provisions of this act.

(b) The treasurer of the library district board shall give bond, in an amount fixed by the library district board. The bond shall be filed with the Douglas county clerk. Except where otherwise provided by law, the Douglas county treasurer shall pay over to the treasurer of the library district board all funds collected for the maintenance of the library or libraries within the library district, and the treasurer of the library district board shall pay out the funds on orders of the board, signed by the secretary and chairperson of the board. The treasurer of the library district board shall keep an accurate record of all moneys received and disbursed thereby and make a monthly report thereof to the library district board, or as often as the board requires.

Sec. 7. The Eudora community library district shall constitute a body corporate and politic and shall have the power to:

- (a) Enter into contracts;
- (b) sue, and be sued;
- (c) acquire, hold and convey real and personal property;
- (d) make and adopt rules and regulations for the administration of the library district;
- (e) lease a site or sites and to lease a building or buildings for library purposes;
- (f) acquire material and equipment deemed necessary by the library district board for the maintenance and extension of modern library service;
- (g) employ one or more librarians and such other employees as the library district board deems necessary;
- (h) establish and maintain a library and traveling library service within the library district or within any other municipality with which service contract arrangements have been made;

(i) contract with other libraries or the governing body of a municipality for the furnishing of library service to the residents of the municipality and contract with any school board to furnish library service to any school library or to use the library facilities of the public school to supplement the facilities of the public library;

(j) receive, accept and administer any moneys appropriated or granted to it by the state or the federal government;

(k) receive and accept any gift or donation to the library district and administer the same in accordance with any provisions thereof; and

(l) make annual reports to the state librarian, on or before January 31 of each year for the preceding calendar year, showing receipts and disbursements from all funds under its control and showing such statistical information relating to library materials acquired and on hand, number of library users, library services available and other information of general interest as the governing body requires.

Sec. 8. (a) The library facilities shall be free for the use of the residents of the library district, subject to such reasonable rules and regulations as the library district board may adopt. The library district board may exclude from the use of a library any and all persons who shall willfully violate its rules.

(b) The library district board may extend the use and privilege of the library to nonresidents of the library district, charge nonresidents a reasonable fee therefor, and make exchanges of books with any other library upon such terms and conditions as the library district board may prescribe.

Sec. 9. (a) The library district board may issue general obligation bonds of the library district for the purpose of paying the cost of constructing, reconstructing, repairing, remodeling, furnishing and equipping any library building or additions thereto, including any sites therefor. Bonds issued pursuant to this section shall not be subject to or within any bonded debt limit of the city of Eudora or Eudora township. The library district may levy a tax sufficient to pay the principal and interest on such bonds.

(b) The question of issuing general obligation bonds shall be submitted to the qualified electors of the library district. The election shall be called and held, and the bonds issued in accordance with the provisions of the general bond law. An election may be conducted pursuant to the mail ballot election act, K.S.A. 25-431 et seq., and amendments thereto. If a majority of persons eligible to vote approve the bond issue proposition, the bonds may be issued.

(c) The bonds shall not be considered a debt obligation of the city of Eudora or the Eudora township.

Sec. 10. (a) The library district board shall prepare and publish an annual budget for the maintenance and support of the library.

(b) The board is authorized to levy a tax of not to exceed 5 mills on all tangible property in the library district to fund the budget as determined by the library district board. The tax shall be levied and collected in like manner as other taxes and shall be kept by the library district in a separate fund to be known as the library fund of the library district. The tax levy shall not be considered a tax levy of the city of Eudora or the Eudora township.

(c) The board of the library district shall have the authority to increase the mill levy authorized by subsection (b) on each dollar assessed tangible valuation for the property of the library district for the acquisition, maintenance and support of a free public library by adoption of a resolution. Such resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation in the county. If within 30 days after the last publication of the resolution, a petition signed by not less than 5% of the qualified electors in the library district is filed in the office of the county election officer requesting an election on the mill levy increase from the prior year, no increase levy shall be made unless the question is submitted to and approved by a majority of the voters of the library district voting at an election. The election shall be called and held in the manner provided under the general bond law. If the question is approved, the levy shall be certified and placed on the tax rolls.

Sec. 11. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 2, 2019.

Published in the *Kansas Register* April 11, 2019.

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## CHAPTER 13

## HOUSE BILL No. 2104

AN ACT concerning driving under the influence; relating to testing; notice; preliminary screening; amending K.S.A. 2018 Supp. 8-1001, 8-1012, 8-2118 and 75-712h and repealing the existing sections; also repealing K.S.A. 2018 Supp. 8-1025.

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

Section 1. On and after July 1, 2019, K.S.A. 2018 Supp. 8-1001 is hereby amended to read as follows: 8-1001. (a) Any person who operates or attempts to operate a vehicle within this state may be requested, subject to the provisions of this article, to submit to one or more tests of the person's blood, breath, urine or other bodily substance to determine the presence of alcohol or drugs. The testing shall include all quantitative and qualitative tests for alcohol and drugs. The test must be administered at the direction of a law enforcement officer, and the law enforcement officer shall determine which type of test is to be conducted or requested.

(b) (1) One or more tests may be required of a person when, at the time of the request, a law enforcement officer has probable cause to believe the person has committed a violation of K.S.A. 8-1567(a), and amendments thereto, or to believe the person was driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person's system, or to believe the person is under the age of 21 years and was operating or attempting to operate a vehicle while having alcohol or other drugs in such person's system; and one of the following conditions exists: (A) The person has been arrested or otherwise taken into custody for any violation of any state statute, county resolution or city ordinance; or (B) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury or death.

(2) The law enforcement officer directing administration of the test or tests may act on personal knowledge or on the basis of the collective information available to law enforcement officers involved in the investigation or arrest.

(c) When requesting a test or tests of breath or other bodily substance other than blood or urine, under this section, the person shall be given oral and written notice that:

(1) There is no right to consult with an attorney regarding whether to submit to testing, but, after the completion of the testing, the person may request and has the right to consult with an attorney and may secure additional testing;

(2) if the person refuses to submit to and complete the test or tests, ~~or the person's driving privileges will be suspended for a period of one year;~~

(3) if the person fails a test, the person's driving privileges will be suspended for a period of ~~at least either 30 days and up to~~ or one year;

~~(3)(4)~~ refusal to submit to testing may be used against the person at any trial or hearing on a charge arising out of the operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both; and

~~(4)(5)~~ the results of the testing may be used against the person at any trial or hearing on a charge arising out of the operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both.

(d) When requesting a test or tests of blood or urine, under this section, the person shall be given oral and written notice that:

(1) If the person refuses to submit to and complete the test or tests, ~~or the person's driving privileges will be suspended for a period of one year;~~

(2) if the person fails a test, the person's driving privileges will be suspended for a period of ~~at least either 30 days and up to~~ or one year;

~~(2)(3)~~ the results of the testing may be used against the person at any trial or hearing on a charge arising out of the operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both; and

~~(3)(4)~~ after the completion of the testing, the person may request and has the right to consult with an attorney and may secure additional testing.

(e) Nothing in this section shall be construed to limit the right of a law enforcement officer to conduct any search of a person's breath or other bodily substance, other than blood or urine, incident to a lawful arrest pursuant to the constitution of the United States, with or without providing the person the advisories authorized in subsection (c), nor limit the admissibility at any trial or hearing of alcohol or drug concentration testing results obtained pursuant to such a search.

(f) Nothing in this section shall be construed to limit the right of a law enforcement officer to conduct or obtain a blood or urine test of a person pursuant to a warrant under K.S.A. 22-2502, and amendments thereto, the constitution of the United States or a judicially recognized exception to the search warrant requirement, with or without providing the person the advisories authorized in subsection (d), nor limit the admissibility at any trial or hearing of alcohol or drug concentration testing results obtained pursuant to such a search.

(g) A law enforcement officer may direct a medical professional, as described in subsection (h), to draw one or more samples of blood from a person to determine the blood's alcohol or drug concentration:

(1) If the person has given consent, with or without the advisories in subsection (d), and meets the requirements of subsection (b);

(2) if law enforcement has obtained a search warrant authorizing the collection of blood from the person; or

(3) if the person refuses or is unable to consent to submit to and complete a test, and another judicially recognized exception to the warrant requirement applies.

(h) If a law enforcement officer is authorized to collect one or more tests of blood under this section, the withdrawal of blood at the direction of the officer may be performed only by: (1) A person licensed to practice medicine and surgery, licensed as a physician assistant, or a person acting under the direction of any such licensed person; (2) a registered nurse or a licensed practical nurse; (3) any qualified medical technician, including, but not limited to, an advanced emergency medical technician or a paramedic, as those terms are defined in K.S.A. 65-6112, and amendments thereto, authorized by medical protocol; or (4) a phlebotomist.

(i) When so directed by a law enforcement officer through a written statement, the medical professional shall withdraw the sample of blood as soon as practical and shall deliver the sample to the law enforcement officer or another law enforcement officer as directed by the requesting law enforcement officer as soon as practical, provided the collection of the sample does not jeopardize the person's life, cause serious injury to the person or seriously impede the person's medical assessment, care or treatment. The medical professional authorized herein to withdraw the blood and the medical care facility where the blood is drawn may act on good faith that the requirements have been met for directing the withdrawing of blood once presented with the written statement provided for under this subsection. The medical professional shall not require the person that is the subject of the test or tests to provide any additional consent or sign any waiver form. In such a case, the person authorized to withdraw blood and the medical care facility shall not be liable in any action alleging lack of consent or lack of informed consent.

Such sample or samples shall be an independent sample and not be a portion of a sample collected for medical purposes. The person collecting the blood sample shall complete the collection portion of a document, if provided by law enforcement.

(j) If a person must be restrained to collect the sample pursuant to this section, law enforcement shall be responsible for applying any such restraint utilizing acceptable law enforcement restraint practices. The restraint shall be effective in controlling the person in a manner not to jeopardize the person's safety or that of the medical professional or attending medical or health care staff during the drawing of the sample and without interfering with medical treatment.

(k) If a law enforcement officer is authorized to collect one or more tests of urine, the collection of the urine sample shall be supervised by: (1) A person licensed to practice medicine and surgery, licensed as a physician assistant, or a person acting under the direction of any such licensed

person; (2) a registered nurse or a licensed practical nurse; or (3) a law enforcement officer of the same sex as the person being tested. The collection of the urine sample shall be conducted out of the view of any person other than the persons supervising the collection of the sample and the person being tested, unless the right to privacy is waived by the person being tested. When possible, the supervising person shall be a law enforcement officer. The results of qualitative testing for drug presence shall be admissible in evidence and questions of accuracy or reliability shall go to the weight rather than the admissibility of the evidence. If the person is medically unable to provide a urine sample in such manner due to the injuries or treatment of the injuries, the same authorization and procedure as used for the collection of blood in subsections (g) and (i) shall apply to the collection of a urine sample.

(l) No law enforcement officer who is acting in accordance with this section shall be liable in any civil or criminal proceeding involving the action.

(m) If a law enforcement officer has probable cause to believe that the person has been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, while having alcohol or other drugs in such person's system, the person shall also be provided the oral and written notice pursuant to K.S.A. 8-2,145, and amendments thereto. Any failure to give the notices required by K.S.A. 8-2,145, and amendments thereto, shall not invalidate any action taken as a result of the requirements of this section. If a law enforcement officer has probable cause to believe that the person has been operating or attempting to operate a vehicle while having alcohol or other drugs in such person's system and such person was under 21 years of age, the person also shall be given the notices required by K.S.A. 8-1567a, and amendments thereto. Any failure to give the notices required by K.S.A. 8-1567a, and amendments thereto, shall not invalidate any action taken as a result of the requirements of this section.

(n) The person's refusal shall be admissible in evidence against the person at any trial on a charge arising out of the alleged operation or attempted operation of a vehicle while under the influence of alcohol or drugs, or both.

(o) If a law enforcement officer had probable cause to believe the person had been driving a commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, and the test results show a blood or breath alcohol concentration of 0.04 or greater, the person shall be disqualified from driving a commercial motor vehicle, pursuant to K.S.A. 8-2,142, and amendments thereto. If a law enforcement officer had probable cause to believe the person had been driving any motor vehicle, the person fails a test, as defined in K.S.A. 8-1013(h), and amendments there-

to, or the person refuses a test, the person's driving privileges shall be subject to suspension, or suspension and restriction, pursuant to this section, in addition to being disqualified from driving a commercial motor vehicle pursuant to K.S.A. 8-2,142, and amendments thereto.

(p) Failure of a person to provide an adequate breath sample or samples as directed shall constitute a refusal unless the person shows that the failure was due to physical inability caused by a medical condition unrelated to any ingested alcohol or drugs.

(q) It shall not be a defense that the person did not understand the written or oral notice authorized by this section.

(r) No test results shall be suppressed because of irregularities not affecting the substantial rights of the accused in the consent or notice authorized pursuant to this act. Failure to provide any or all of the notices set forth in subsection (c) or (d) shall not be an issue or defense in any action other than an administrative action regarding the subject's driving privileges.

(s) Nothing in this section shall be construed to limit the admissibility at any trial of alcohol or drug concentration testing results obtained pursuant to a search warrant or other judicially recognized exception to the warrant requirement.

(t) Upon the request of any person submitting to testing under this section, a report of the results of the testing shall be made available to such person when available.

(u) This act is remedial law and shall be liberally construed to promote public health, safety and welfare.

Sec. 2. K.S.A. 2018 Supp. 8-1012 is hereby amended to read as follows: 8-1012. (a) ~~Any person who operates or attempts to operate a vehicle within this state is deemed to have given consent to submit to a preliminary screening test of the person's breath or saliva, or both, subject to the provisions set out in subsection (b).~~

~~(b)—~~A law enforcement officer may request a person who is operating or attempting to operate a vehicle within this state to submit to a preliminary screening test of the person's breath or *saliva oral fluid*, or both, if the officer has reasonable suspicion to believe the person has been operating or attempting to operate a vehicle while under the influence of alcohol or drugs or both alcohol and drugs.

~~(c)—~~At the time the test is requested, the person shall be given oral notice that: (1) There is no right to consult with an attorney regarding whether to submit to testing; (2) refusal to submit to testing is a traffic infraction; and (3) further testing may be required after the preliminary screening test. Failure to provide the notice shall not be an issue or defense in any action. The law enforcement officer then shall request the person to submit to the test.

~~(d) Refusal to take and complete the test as requested is a traffic infraction.~~

(b) If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to request the tests authorized by K.S.A. 8-1001, and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action concerning the operation of or attempted operation of a vehicle except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 8-1001, and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 8-1001, and amendments thereto.

~~(e)(c)~~ Any preliminary screening of a person's breath shall be conducted with a device approved pursuant to K.S.A. 65-1,107, and amendments thereto. *Any preliminary screening of a person's oral fluid shall be conducted in accordance with rules and regulations, if any, approved pursuant to K.S.A. 75-712h, and amendments thereto.*

Sec. 3. K.S.A. 2018 Supp. 8-2118 is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made in any manner accepted by the court. The traffic citation shall not have been complied with if the payment is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine which may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
<del>Refusal to submit to a preliminary breath test</del>	<del>8-1012</del>	<del>\$105</del>
Unsafe speed for prevailing conditions	8-1557	\$75
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1558 to 8-1560 8-1560a or 8-1560b	1-10 mph over the limit, \$45  11-20 mph over the limit, \$45 plus \$6 per mph over 10 mph over the limit; 21-30 mph over the limit, \$105 plus \$9 per mph over 20 mph over the limit; 31 and more mph over the limit, \$195 plus \$15 per mph over 30 mph over the limit;
Disobeying traffic control device	8-1507	\$75
Violating traffic control signal	8-1508	\$75
Violating pedestrian control signal	8-1509	\$45
Violating flashing traffic signals	8-1510	\$75
Violating lane-control signal	8-1511	\$75
Unauthorized sign, signal, marking or device	8-1512	\$45
Driving on left side of roadway	8-1514	\$75
Failure to keep right to pass oncoming vehicle	8-1515	\$75
Improper passing; increasing speed when passed	8-1516	\$75
Improper passing on right	8-1517	\$75
Passing on left with insufficient clearance	8-1518	\$75
Driving on left side where curve, grade, intersection railroad crossing, or obstructed view	8-1519	\$75
Driving on left in no-passing zone	8-1520	\$75

Unlawful passing of stopped emergency vehicle	8-1520a	\$75
Driving wrong direction on one-way road	8-1521	\$75
Improper driving on laned roadway	8-1522	\$75
Following too close	8-1523	\$75
Improper crossover on divided highway	8-1524	\$45
Failure to yield right-of-way at uncontrolled intersection	8-1526	\$75
Failure to yield to approaching vehicle when turning left	8-1527	\$75
Failure to yield at stop or yield sign	8-1528	\$75
Failure to yield from private road or driveway	8-1529	\$75
Failure to yield to emergency vehicle	8-1530	\$195
Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$105
Failure to comply with restrictions in road construction zone	8-1531a	\$45
Disobeying pedestrian traffic control device	8-1532	\$45
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	\$75
Improper pedestrian crossing	8-1534	\$45
Failure to exercise due care in regard to pedestrian	8-1535	\$45
Improper pedestrian movement in crosswalk	8-1536	\$45
Improper use of roadway by pedestrian	8-1537	\$45
Soliciting ride or business on roadway	8-1538	\$45



Driving through safety zone	8-1539	\$45
Failure to yield to pedestrian on sidewalk	8-1540	\$45
Failure of pedestrian to yield to emergency vehicle	8-1541	\$45
Failure to yield to blind pe- destrian	8-1542	\$45
Pedestrian disobeying bridge or railroad signal	8-1544	\$45
Improper turn or approach	8-1545	\$75
Improper “U” turn	8-1546	\$75
Unsafe starting of stopped vehicle	8-1547	\$45
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	\$75
Improper method of giving notice of intention to turn	8-1549	\$45
Improper hand signal	8-1550	\$45
Failure to stop or obey road crossing signal	8-1551	\$195
Failure to stop at railroad crossing stop sign	8-1552	\$135
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	\$195
Improper moving of heavy equipment at railroad crossing	8-1554	\$75
Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$75
Improper passing of school bus; improper use of school bus signals	8-1556	\$315
Improper passing of church or day-care bus; improper use of signals	8-1556a	\$195
Impeding normal traffic by slow speed	8-1561	\$45
Speeding on motor-driven cycle	8-1562	\$75

Speeding in certain vehicles or on posted bridge	8-1563	\$45
Improper stopping, standing or parking on roadway	8-1569	\$45
Parking, standing or stopping in prohibited area	8-1571	\$45
Improper parking	8-1572	\$45
Unattended vehicle	8-1573	\$45
Improper backing	8-1574	\$45
Driving on sidewalk	8-1575	\$45
Driving with view or driving mechanism obstructed	8-1576	\$45
Unsafe opening of vehicle door	8-1577	\$45
Riding in house trailer	8-1578	\$45
Unlawful riding on vehicle	8-1578a	\$75
Improper driving in defiles, canyons, or on grades	8-1579	\$45
Coasting	8-1580	\$45
Following fire apparatus too closely	8-1581	\$75
Driving over fire hose	8-1582	\$45
Putting glass, etc., on highway	8-1583	\$105
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$45
Improper operation of snow- mobile on highway	8-1585	\$45
Parental responsibility of child riding bicycle	8-1586	\$45
Not riding on bicycle seat; too many persons on bicycle	8-1588	\$45
Clinging to other vehicle	8-1589	\$45
Improper riding of bicycle on roadway	8-1590	\$45
Carrying articles on bicycle; one hand on handlebars	8-1591	\$45
Improper bicycle lamps, brakes or reflectors	8-1592	\$45
Improper operation of mo- torcycle; seats; passen- gers, bundles	8-1594	\$45

Improper operation of motor cycle on laned roadway	8-1595	\$75
Motorcycle clinging to other vehicle	8-1596	\$45
Improper motorcycle handlebars or passenger equipment	8-1597	\$75
Motorcycle helmet and eye-protection requirements	8-1598	\$45
Unlawful operation of all-terrain vehicle	8-15,100	\$75
Unlawful operation of low-speed vehicle	8-15,101	\$75
Littering	8-15,102	\$115
Disobeying school crossing guard	8-15,103	\$75
Unlawful operation of micro utility truck	8-15,106	\$75
Failure to remove vehicles in accidents	8-15,107	\$75
Unlawful operation of golf cart	8-15,108	\$75
Unlawful operation of work-site utility vehicle	8-15,109	\$75
Unlawful display of license plate	8-15,110	\$60
Unlawful text messaging	8-15,111	\$60
Unlawful passing of a waste collection vehicle	8-15,112	\$45
Equipment offenses that are not misdemeanors	8-1701	\$75
Driving without lights when needed	8-1703	\$45
Defective headlamps	8-1705	\$45
Defective tail lamps	8-1706	\$45
Defective reflector	8-1707	\$45
Improper stop lamp or turn signal	8-1708	\$45
Improper lighting equipment on certain vehicles	8-1710	\$45
Improper lamp color on certain vehicles	8-1711	\$45
Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$45

Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$45
No lamp or flag on projecting load	8-1715	\$75
Improper lamps on parked vehicle	8-1716	\$45
Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$45
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$45
Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$45
Improper lamps or lights on emergency vehicle	8-1720	\$45
Improper stop or turn signal	8-1721	\$45
Improper vehicular hazard warning lamp	8-1722	\$45
Unauthorized additional lighting equipment	8-1723	\$45
Improper multiple-beam lights	8-1724	\$45
Failure to dim headlights	8-1725	\$75
Improper single-beam headlights	8-1726	\$45
Improper speed with alternate lighting	8-1727	\$45
Improper number of driving lamps	8-1728	\$45
Unauthorized lights and signals	8-1729	\$45
Improper school bus lighting equipment and warning devices	8-1730	\$45
Unauthorized lights and devices on church or day-care bus	8-1730a	\$45
Improper lights on highway construction or maintenance vehicles	8-1731	\$45

Defective brakes	8-1734	\$45
Defective or improper use of horn or warning device	8-1738	\$45
Defective muffler	8-1739	\$45
Defective mirror	8-1740	\$45
Defective wipers; obstructed windshield or windows	8-1741	\$45
Improper tires	8-1742	\$45
Improper flares or warning devices	8-1744	\$45
Improper use of vehicular hazard warning lamps and devices	8-1745	\$45
Improper air-conditioning equipment	8-1747	\$45
Improper safety belt or shoulder harness	8-1749	\$45
Improper wide-based single tires	8-1742b	\$75
Improper compression re- lease engine braking sys- tem	8-1761	\$75
Defective motorcycle head- lamp	8-1801	\$45
Defective motorcycle tail lamp	8-1802	\$45
Defective motorcycle reflec- tor	8-1803	\$45
Defective motorcycle stop lamps and turn signals	8-1804	\$45
Defective multiple-beam lighting	8-1805	\$45
Improper road-lighting equip- ment on motor-driven cycles	8-1806	\$45
Defective motorcycle or motor- driven cycle brakes	8-1807	\$45
Improper performance abil- ity of brakes	8-1808	\$45
Operating motorcycle with disapproved braking system	8-1809	\$45
Defective horn, muffler, mir- rors or tires	8-1810	\$45
Unlawful statehouse parking	75-4510a	\$30

Exceeding gross weight of vehicle or combination	8-1909	Pounds Overweight up to 1000 .....\$40 1001 to 2000.....3¢ per pound 2001 to 5000.....5¢ per pound 5001 to 7500.....7¢ per pound 7501 and over...10¢ per pound
Exceeding gross weight on any axle or tandem, triple or quad axles	8-1908	Pounds Overweight up to 1000 .....\$40 1001 to 2000.....3¢ per pound 2001 to 5000.....5¢ per pound 5001 to 7500.....7¢ per pound 7501 and over...10¢ per pound
Failure to obtain proper registration, clearance or to have current certification	66-1324	\$287
Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	\$137
Failure to obtain interstate motor fuel tax authorization	79-34,122	\$137
No authority as private or common carrier	66-1,111	\$137
Violation of motor carrier safety rules and regulations, except for violations specified in K.S.A. 66-1,130(b)(2), and amendments thereto	66-1,129	\$115

(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordinances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such fines

may vary from those contained in the uniform fine schedule contained in subsection (c).

(e) Fines listed in the uniform fine schedule contained in subsection (c) shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone as defined in K.S.A. 8-1458a, and amendments thereto.

(f) For a second violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after a prior conviction of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined  $1\frac{1}{2}$  times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years, after two prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined two times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after three prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined  $2\frac{1}{2}$  times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c).

(g) Fines listed in the uniform fine schedule contained in subsection (c) relating to exceeding the maximum speed limit, shall be doubled if a person is convicted of exceeding the maximum speed limit in a school zone authorized under K.S.A. 8-1560(a)(4), and amendments thereto.

(h) For a second violation of K.S.A. 8-1556, and amendments thereto, within five years after a prior conviction of K.S.A. 8-1556, and amendments thereto, such person, upon conviction, shall be fined \$750 for the second violation. For a third and each succeeding violation of K.S.A. 8-1556, and amendments thereto, within five years after two prior convictions of K.S.A. 8-1556, and amendments thereto, such person, upon conviction, shall be fined \$1,000 for the third and each succeeding violation.

Sec. 4. K.S.A. 2018 Supp. 75-712h is hereby amended to read as follows: 75-712h. The director of the Kansas bureau of investigation is authorized to adopt rules and regulations establishing: (a) Criteria for preliminary screening devices for testing of ~~saliva~~ *oral fluid* for law enforcement purposes, based on health and performance considerations; and (b) a list of preliminary screening devices ~~which~~ *that* are approved for testing of ~~saliva~~ *oral fluid* for law enforcement purposes and ~~which~~ *that* law enforcement agencies may purchase and train officers to use as aids

in determining probable cause to arrest and grounds for requiring testing pursuant to K.S.A. 8-1001, and amendments thereto.

Sec. 5. K.S.A. 2018 Supp. 8-1012, 8-1025, 8-2118 and 75-712h are hereby repealed.

Sec. 6. On and after July 1, 2019, K.S.A. 2018 Supp. 8-1001 is hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 4, 2019.

Published in the *Kansas Register* April 18, 2019.

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## CHAPTER 14

## HOUSE BILL No. 2201

AN ACT concerning the department of health and environment; relating to powers, duties and functions; tuberculosis program; updating statutory references necessitated by 2012 executive reorganization order no. 41; amending K.S.A. 65-116i, 65-116k, 65-116l and 65-116m and repealing the existing sections.

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

Section 1. K.S.A. 65-116i is hereby amended to read as follows: 65-116i. Except as otherwise provided by K.S.A. 65-116l, and amendments thereto, the expenses incurred in the inpatient care, maintenance and treatment of patients committed under the provisions of K.S.A. 65-116e, and amendments thereto, or of other persons having communicable or infectious tuberculosis who voluntarily agree to accept care and treatment shall be paid from state funds appropriated to the ~~Kansas department for aging and disability services~~ *of health and environment* for the purpose of paying medical care facilities and physicians qualified to treat persons infected with tuberculosis.

Sec. 2. K.S.A. 65-116k is hereby amended to read as follows: 65-116k. The secretary ~~for aging and disability services~~ *of health and environment* is hereby authorized and directed to adopt rules and regulations establishing reasonable rates and administrative procedures to be followed in making payments to the medical care facilities and physicians providing care and treatment under the provisions of this act. Payments shall only be made directly to medical care facilities and physicians except that this act shall not be deemed to create any rights or causes of action against the state or the secretary ~~for aging and disability services~~ *of health and environment* in such a medical care facility or physician, their heirs or assigns. No payments shall be made for expenses incurred prior to the time the secretary assumes payment responsibility and payments made by the secretary on behalf of an individual eligible for payments under the provisions of this act shall constitute a complete settlement of the claim upon which such payment is based.

Sec. 3. K.S.A. 65-116l is hereby amended to read as follows: 65-116l. No funds appropriated to the ~~Kansas department for aging and disability services~~ *of health and environment* for the purpose of carrying out the provisions of K.S.A. 65-116i, and amendments thereto, shall be used for meeting the cost of the care, maintenance or treatment of any person who has communicable or infectious tuberculosis by a medical care facility on an inpatient basis to the extent that such cost is covered by insurance or other third party payments, or to the extent that such person or a person who is legally responsible for the support of such person is able to

assume the cost of such care, maintenance, treatment or transportation. The secretary ~~for aging and disability services~~ *of health and environment* in determining the ability of a person to assume such costs shall consider the following factors: (a) The age of such person; (b) the number of such person's dependents and their ages and physical condition; (c) the person's length of care, maintenance or treatment, if such person is the person receiving the care, maintenance or treatment; (d) such person's liabilities; (e) such person's assets; and (f) such other factors as the secretary deems important. The secretary ~~for aging and disability services~~ *of health and environment* may adopt rules and regulations necessary to carry out the provisions of this section.

Sec. 4. K.S.A. 65-116m is hereby amended to read as follows: 65-116m. Where funds appropriated to the ~~Kansas department for aging and disability services~~ *of health and environment* have been expended for the purpose of meeting the cost of the care, maintenance or treatment of any person who has communicable or infectious tuberculosis pursuant to the provisions of this act and a third party has a legal obligation to pay such cost to or on behalf of the recipient, the secretary ~~for aging and disability services~~ *of health and environment* may recover the same from the recipient or from the third party and in all respects shall be subrogated to the rights of the recipient in such cases.

Sec. 5. K.S.A. 65-116i, 65-116k, 65-116l and 65-116m are hereby repealed.

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

Approved April 4, 2019.

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## CHAPTER 15

## SENATE BILL No. 90

AN ACT concerning economic development; relating to the center for entrepreneurship act; extending the tax credit for contributions to financial institutions and increasing the annual credit available for all contributors; amending K.S.A. 74-99c09 and repealing the existing section.

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

Section 1. K.S.A. 74-99c09 is hereby amended to read as follows: 74-99c09. (a) Any money received by the center from any source shall be maintained in interest-bearing accounts in Kansas banks or Kansas savings and loan associations. Any accounts so maintained shall be administered by the center for entrepreneurship under guidelines developed and implemented by the center and approved by the secretary of commerce.

(b) The Kansas center for entrepreneurship shall be subject to audit by the legislative division of post audit in accordance with the provisions of the legislative post audit act.

(c) A credit against the tax imposed by ~~the article 32, of chapter 79 of the Kansas Statutes Annotated, and amendments thereto,~~ on the Kansas taxable income of a contributor ~~and, against the tax imposed by K.S.A. 40-252, and amendments thereto, and for tax year 2019, and all tax years thereafter, against the privilege tax as measured by net income of financial institutions pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto~~ shall be allowed for a contribution to the Kansas center for entrepreneurship. The credit shall be a total maximum amount equal to 75% of a contributor's donation to the Kansas center for entrepreneurship, subject to the limitation set forth. This tax credit may be used in its entirety in the taxable year in which the contribution is made. The provisions of this section shall be applicable to all taxable years beginning after December 31, 2004. If the amount by which that portion of the credit allowed by this section exceeds the contributor's liability in any one taxable year, the remaining portion of the credit may be carried forward until the total amount of the credit is used. If the contributor 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 these corporations or the partners of a partnership in the same manner as these shareholders or partners account for their proportionate shares of the income or loss of these corporations or partnerships.

(d) The secretary of revenue shall not allow tax credits of more than ~~\$50,000~~ \$100,000 that are attributable to an individual contributor in the Kansas center for entrepreneurship each year. In no event shall the total amount of tax credits allowed under this section exceed \$2,000,000 for

any one fiscal year, except that for fiscal year 2011, the total amount of credits allowed under this section shall not exceed \$1,800,000.

(e) The Kansas center for entrepreneurship, along with the department, shall develop a system for application for registration of an authorization of tax credits authorized pursuant to this act and shall control distribution of all tax credits to contributors pursuant to this act. The Kansas center for entrepreneurship, along with the department, shall also develop rules for the administration of and disbursements from its accounts.

(f) The Kansas center for entrepreneurship shall distribute funds to regional or local community seed capital funds or economic development agencies based on the following criteria: (1) The organization can provide a 40% match; (2) the organization provides a plan that assures funds will be used as seed capital for qualified entrepreneurs; (3) the funds will be used in a distressed or rural community; or (4) other criteria as deemed necessary by the Kansas center for entrepreneurship.

Sec. 2. K.S.A. 74-99c09 is hereby repealed.

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

Approved April 4, 2019.

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## CHAPTER 16

## SENATE BILL No. 94

AN ACT concerning motor vehicle insurance; relating to reductions in premiums; approved motor vehicle accident prevention courses; pertaining to course duration and approving entities; amending K.S.A. 40-1112a and repealing the existing section.

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

Section 1. K.S.A. 40-1112a is hereby amended to read as follows: 40-1112a. (a) Any rates, rating schedules, or rating manuals for the liability, personal injury protection, and collision coverages of a motor vehicle insurance policy submitted to or filed with the insurance commissioner shall provide for an appropriate reduction in premium charges as to such coverages for a three-year period after the principal operator of the covered vehicle successfully completes a motor vehicle accident-prevention avoidance course, ~~of at least four hours in duration, approved by the national safety council or a governmental agency such as the state board of education utilizing a nationally recognized driver training curriculum or a curriculum approved by a state or federal agency.~~ The rates, rating schedule or rating manuals required by ~~this subsection~~ (a) shall be submitted to or filed with the commissioner of insurance at the time of the next regular filing with the commissioner after the effective date of this act. Any ~~discount~~ premium reduction used by an insurer shall be presumed appropriate unless credible data demonstrates otherwise. Only one ~~discount~~ premium reduction shall be allowed for each qualified person ~~on the principal operator of a covered vehicle.~~

(b) The premium reduction required by this section shall be effective for ~~an insured~~ the principal operator of a covered vehicle for a three-year period after successful completion of the approved course, except that the insurer may require, as a condition of providing and maintaining the discount, that the ~~insured for a three-year period after course completion~~ principal operator of a covered vehicle not be involved in an accident for which the ~~insured~~ operator is at fault, nor be convicted of more than one moving violation for a three-year period after course completion.

(c) ~~Upon Individuals who successfully completing~~ complete the approved course, ~~each person~~ shall be issued a certificate by the organization offering the course ~~which that~~ shall be used to qualify for the premium ~~discount~~ reduction required by this section.

(d) This section shall not apply in the event the approved course is specified by an administrative order of the director of vehicles or by a court order as a result of a moving traffic violation.

(e) Each ~~participant~~ principal operator of a covered vehicle shall ~~take~~ successfully complete an approved course every three years to continue to

be eligible for the ~~reduction in premiums~~ *premium reduction required by this section*.

Sec. 2. K.S.A. 40-1112a is hereby repealed.

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

Approved April 4, 2019.

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## CHAPTER 17

## HOUSE BILL No. 2211

AN ACT concerning motor vehicles; relating to the uniform act regulating traffic; driver's license reinstatement fee; waiver; amending K.S.A. 2018 Supp. 8-2110 and repealing the existing section.

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

Section 1. K.S.A. 2018 Supp. 8-2110 is hereby amended to read as follows: 8-2110. (a) Failure to comply with a traffic citation means failure either to: (1) Appear before any district or municipal court in response to a traffic citation and pay in full any fine and court costs imposed; or (2) otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and amendments thereto. Failure to comply with a traffic citation is a misdemeanor, regardless of the disposition of the charge for which such citation was originally issued.

(b) (1) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for illegal parking, standing or stopping, the district or municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in district or municipal court or pay all fines, court costs and any penalties within 30 days from the date of mailing notice, the division of vehicles will be notified to suspend the person's driving privileges. The district or municipal court may charge an additional fee of \$5 for mailing such notice. Upon the person's failure to comply within such 30 days of mailing notice, the district or municipal court shall electronically notify the division of vehicles. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the informing court. When the court determines the person has complied with the terms of the traffic citation, the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension or suspension action.

(2) (A) In lieu of suspension under paragraph (1), the driver may submit to the division of vehicles a written request for restricted driving privileges, with a non-refundable \$25 application fee, to be applied by the division of vehicles for additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees 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 division of vehicles operating fund.

(B) A person whose driver's license has expired during the period when such person's driver's license has been suspended for failure to pay fines for traffic citations, the driver may submit to the division of vehicles a written request for restricted driving privileges, with a non-refundable \$25 application fee, to be applied by the division of vehicles for additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees 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 division of vehicles operating fund. An individual shall not qualify for restricted driving privileges pursuant to this section unless the following conditions are met: (i) The suspended license that expired was issued by the division of vehicles; (ii) the suspended license resulted from the individual's failure to comply with a traffic citation pursuant to subsection (b)(1); (iii) the traffic citation that resulted in the failure to comply pursuant to subsection (b)(1) was issued in this state; and (iv) the individual has not previously received a stayed suspension as a result of a driving while suspended conviction.

(C) Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the division of vehicles for a period up to one year or until the terms of the traffic citation have been complied with and the court shall immediately electronically notify the division of vehicles of such compliance. If the driver fails to comply with the traffic citation within the one year restricted period, the driving privileges will be suspended by the division of vehicles until the court determines the person has complied with the terms of the traffic citation and the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension action. When restricted driving privileges are approved pursuant to this section, the person's driving privileges shall be restricted to driving only under the following circumstances: (i) In going to or returning from the person's place of employment or schooling; (ii) in the course of the person's employment; (iii) in going to or returning from an appointment with a health care provider or during a medical emergency; and (iv) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court.

(c) (1) Prior to July 1, 2018, except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the



court shall assess a reinstatement fee of \$59 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving privileges. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees 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 shall credit 42.37% of such moneys to the division of vehicles operating fund, 31.78% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, 10.59% to the juvenile alternatives to detention fund created by K.S.A. 79-4803, and amendments thereto, and 15.26% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2018 Supp. 20-1a15, and amendments thereto.

(2) On and after July 1, 2018, except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$100 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving privileges. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees 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 shall credit the first \$15 of such reinstatement fee to the judicial branch nonjudicial salary adjustment fund and of the remaining amount, 29.41% of such moneys to the division of vehicles operating fund, 22.06% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-4803, and amendments thereto, and 41.17% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2018 Supp. 20-1a15, and amendments thereto.

(d) The district court or municipal court shall waive the reinstatement fee provided for in subsection (c), if the failure to comply with a traffic citation was the result of such person enlisting in or being drafted into the armed services of the United States, being called into service as a member of a reserve component of the military service of the United States, or volunteering for such active duty, or being called into service as a member

of the state of Kansas national guard, or volunteering for such active duty, and being absent from Kansas because of such military service.

(e) *A person who is assessed a reinstatement fee pursuant to subsection (c) may petition the court that assessed the fee at any time to waive payment of the fee, any additional charge imposed pursuant to subsection (f), or any portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the person or the person's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment.*

(f) Except as provided further, the reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2017, through June 30, 2019, the supreme court may impose an additional charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

Sec. 2. K.S.A. 2018 Supp. 8-2110 is hereby repealed.

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

Approved April 4, 2019.

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## CHAPTER 18

## HOUSE BILL No. 2035

AN ACT concerning alcoholic beverages; relating to cereal malt beverages and enforcement of laws regulating the sale thereof; amending K.S.A. 2016 Supp. 41-308, as amended by section 6 of chapter 56 of the 2017 Session Laws of Kansas, and K.S.A. 2018 Supp. 41-106 and 79-4101 and repealing the existing sections.

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

Section 1. K.S.A. 2018 Supp. 41-106 is hereby amended to read as follows: 41-106. (a) Any citation issued by an agent of the division of alcoholic beverage control for a violation of the liquor control act ~~or~~, the club and drinking establishment act *or the Kansas cereal malt beverage act* shall be delivered to the licensee or a person in charge of the licensed premises at the time of the alleged violation. A copy of such citation also shall be delivered by United States mail to the licensee within 30 days of the alleged violation.

(b) Any duly authorized law enforcement officer who observes a violation of the liquor control act ~~or~~, the club and drinking establishment act *or the Kansas cereal malt beverage act* may, after serving notice to the licensee or a person in charge of the licensed premises, submit a report of such violation to the division of alcoholic beverage control for review. Upon receipt of such report, the director shall review the report and determine if administrative action will be taken against the licensee. If the director determines that administrative action will be taken, an administrative citation and notice of administrative action shall be delivered by United States mail to the licensee within 30 days of the date of the alleged violation.

(c) The notice required to be served to the licensee or a person in charge of the licensed premises at the time of the alleged violation pursuant to subsection (b) shall be in writing and shall contain the following:

- (1) The name of the licensee;
- (2) the date and time of the alleged violation;
- (3) a description of the alleged violation; and
- (4) a statement that a report of the alleged violation will be submitted to the division of alcoholic beverage control for review.

(d) Any citations not issued in accordance with the provisions of this section shall be void and unenforceable.

(e) For purposes of this section, the term “person in charge” means any individual or employee present on the licensed premises at the time of the alleged violation who is responsible for the operation of the licensed premises. If no designated individual or employee is a person in charge, then any employee present is the person in charge.

Sec. 2. K.S.A. 2016 Supp. 41-308, as amended by section 6 of chapter 56 of the 2017 Session laws of Kansas, is hereby amended to read as follows: 41-308. (a) Except as provided in K.S.A. ~~2016~~ 2018 Supp. 41-308d, and amendments thereto, a retailer's license shall allow the licensee to sell and offer for sale at retail and deliver in the original package, as therein prescribed, alcoholic liquor and cereal malt beverage for use or consumption off and away from the premises specified in such license.

(b) A retailer's license shall permit sale and delivery of alcoholic liquor and cereal malt beverage only on the licensed premises and shall not permit sale of alcoholic liquor and cereal malt beverage for resale in any form, except that a licensed retailer may:

(1) Sell alcoholic liquor and cereal malt beverage to a temporary permit holder for resale by such permit holder; and

(2) sell and deliver alcoholic liquor and cereal malt beverage to a caterer or to the licensed premises of a public venue, club or drinking establishment, if such premises are in the county where the retailer's premises are located or in an adjacent county, for resale by such public venue, club, establishment or caterer.

(c) A retailer may:

(1) Charge a delivery fee for delivery of alcoholic liquor and cereal malt beverage to a public venue, club, drinking establishment or caterer pursuant to subsection (b);

(2) sell lottery tickets and shares to the public in accordance with the Kansas lottery act, if the retailer is selected as a lottery retailer;

(3) include in the sale of alcoholic liquor and cereal malt beverage any goods included by the manufacturer in packaging with the alcoholic liquor or cereal malt beverage, subject to the approval of the director;

(4) distribute to the public, without charge, consumer advertising specialties bearing advertising matter, subject to rules and regulations of the secretary limiting the form and distribution of such specialties so that they are not conditioned on or an inducement to the purchase of alcoholic liquor or cereal malt beverage;

(5) store alcoholic liquor and cereal malt beverage in refrigerators, cold storage units, ice boxes or other cooling devices, and the licensee may sell such alcoholic liquor and cereal malt beverage to consumers in a chilled condition; and

(6) sell any other good or service on the licensed premises, except that the gross sales of other goods and services, excluding fees derived from the sale of lottery tickets and revenues from sales of cigarettes and tobacco products, shall not exceed 20% of the retailer's total gross sales.

(d) *All alcoholic liquor, cereal malt beverage and nonalcoholic malt beverage sold by a holder of a retail license shall be subject to the liquor enforcement tax imposed by K.S.A. 79-4101, and amendments thereto.*

Sec. 3. K.S.A. 2018 Supp. 79-4101 is hereby amended to read as follows: 79-4101. (a) For the purpose of providing revenue which may be used by the state, counties and cities in the enforcement of the provisions of this act, from and after the effective date of this act, for the privilege of engaging in the business of selling alcoholic liquor by retailers, microbreweries, microdistilleries or farm wineries to consumers in this state or selling alcoholic liquor or cereal malt beverage by distributors to clubs, drinking establishments, public venues or caterers in this state, there is hereby levied and there shall be collected and paid a tax at the rate of 8% upon the gross receipts received from: (1) The sale of alcoholic liquor, *cereal malt beverage and nonalcoholic malt beverage* by retailers; (2) *the sale of alcoholic liquor by* microbreweries, microdistilleries or farm wineries to consumers within this state; and ~~(2)~~ (3) the sale of alcoholic liquor or cereal malt beverage by distributors to clubs, drinking establishments, public venues or caterers in this state.

(b) The tax imposed by this section shall be in addition to the license fee imposed on distributors, retailers, microbreweries, microdistilleries and farm wineries by K.S.A. 41-310, and amendments thereto.

(c) *As used in this section, the term "retailer" means the same as such term is defined in K.S.A. 41-102, and amendments thereto.*

Sec. 4. K.S.A. 2016 Supp. 41-308, as amended by section 6 of chapter 56 of the 2017 Session Laws of Kansas, and K.S.A. 2018 Supp. 41-106 and 79-4101 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after April 1, 2019, and its publication in the Kansas register.

Approved April 4, 2019.

Published in the *Kansas Register* April 11, 2019.

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CHAPTER 19

House Substitute for SENATE BILL, No. 16

TO SEC.  
Education, department of.....1, 2

AN ACT concerning education; relating to the instruction and financing thereof; making and concerning appropriations for the fiscal years ending June 30, 2020, and June 30, 2021, for the department of education; amending K.S.A. 72-1167, 72-4352, 72-4354, 72-5131, 72-5132, 72-5142, 72-5153, 72-5170, 72-5171, 72-5173, 72-5193, 72-5462 and 72-8193 and K.S.A. 2018 Supp. 79-201x 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, 2020, the following:

State foundation aid (652-00-1000-0820).....\$92,659,017  
*Provided*, That any unencumbered balance in the state foundation aid account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

KPERS – employer  
contributions – non-USDs (652-00-1000-0100) .....\$1,597,147  
*Provided*, That any unencumbered balance in the KPERS – employer contributions – non-USDs account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all expenditures from the KPERS – employer contributions – non-USDs account shall be for payment of participating employers’ contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*, That expenditures from this account for the payment of participating employers’ contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

KPERS – employer  
contributions – USDs (652-00-1000-0110) .....\$10,261,604  
*Provided*, That any unencumbered balance in the KPERS – employer contributions – USDs account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all expenditures from the KPERS – employer contributions – USDs account shall be for payment of participating employers’ contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*, That expenditures from this account for the payment of participating employers’ contributions to

the Kansas public employees retirement system may be made regardless of when the liability was incurred.

Sec. 2.

DEPARTMENT OF EDUCATION

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

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

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

KPERS – employer

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

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

KPERS – employer

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

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

New Sec. 3. (a) On or before January 15 of each year, the state department of education shall prepare and submit a performance accountability report and a longitudinal achievement report for all students enrolled in public school in the state, each school district and each school operated by a school district to the governor and to the legislature.

(b) Each performance accountability report shall be prepared in a single-page format containing the information that is required to be reported under the federal elementary and secondary education act, as amended by the federal every student succeeds act, public law 114-95,

or any successor federal acts, and the college and career readiness metrics developed and implemented by the state board. The report shall use the categories for achievement identified under the federal every student succeeds act, public law 114-95, or any successor achievement categories. All categories and metrics included in the report shall be clearly defined.

(c) Each longitudinal achievement report shall provide the achievement rates on the state assessments for English language arts, math and science for all students and each student subgroup and the change in achievement rate year-over-year starting with the school year in which the state board first implemented new achievement standards on such state assessments.

(d) All reports prepared pursuant to this section shall be published in accordance with section 5, and amendments thereto.

New Sec. 4. The state board of education shall provide the ACT college entrance exam and the three ACT workkeys assessments that are required to earn a national career readiness certificate to each student enrolled in grades 11 and 12, and the pre-ACT college entrance exam to each student enrolled in grade nine. No student shall be required to pay any fees or costs to take any such exam or assessments. The state board shall not be required to provide more than one exam and three assessments for each student. The state board of education may enter into any contracts that are necessary to promote statewide cost savings to administer such exams and assessments.

New Sec. 5. (a) All reports prepared pursuant to K.S.A. 72-1167, 72-5170 and 72-5171, and amendments thereto, and section 3, and amendments thereto, shall be published on the state department of education's website with a link to such reports prominently displayed on the website homepage titled, "Accountability Reports."

(b) Reports prepared pursuant to K.S.A. 72-1167 and 72-5171, and amendments thereto, for each school district and each school operated by such school district shall be published on such school district's website with a link to such reports prominently displayed on the website homepage titled, "Accountability Reports," and if a school operated by such school district has a separate website, then such reports shall be published for such school on such website with a link to such reports prominently displayed on the website homepage titled, "Accountability Reports."

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



Sec. 6. K.S.A. 72-1167 is hereby amended to read as follows: 72-1167.  
(a) This section shall be known and may be cited as the Kansas uniform financial accounting and reporting act.

(b) As used in this section:

(1) “Budget summary” means a one-page summary of the official budget adopted by the board of education of the school district, and shall include, but is not limited to, graphs depicting the total expenditures in the budget by category, supplemental and general fund expenditures, instruction expenditures, enrollment figures, mill rates by fund and average salaries. For purposes of this section, a one-page budget at a glance format developed by the state board, and any successor format shall be deemed a budget summary, provided it complies with the requirements of this section.

(2) “Reporting system” means the uniform reporting system, including a uniform chart of accounts, developed by the state board as required by this section.

(3) “School district” means a unified school district organized and operated under the laws of this state.

(4) “State board” means the state board of education.

(c) The state board shall develop and maintain a uniform reporting system for the receipts and expenditures of school districts. The accounting records maintained by each school district shall be coordinated with the uniform reporting system. Each school district shall record the receipts and expenditures of the district in accordance with a uniform classification of accounts or chart of accounts and reports as shall be prescribed by the state board. Each school district shall submit such reports and statements as may be required by the state board. The state board shall design, revise and direct the use of accounting records and fiscal procedures and prescribe uniform classifications for receipts and expenditures for all school districts. The reporting system shall include all funds held by a school district regardless of the source of the moneys held in such funds, including, but not limited to, all funds funded by fees or other sources of revenue not derived from tax levies. The state board shall prescribe the necessary forms to be used by school districts in connection with such uniform reporting system.

(d) The reporting system developed by the state board shall be developed in such a manner that allows school districts to record and report any information required by state or federal law.

(e) The reporting system shall provide records showing by funds, accounts and other pertinent classifications, the amounts appropriated, the estimated revenues, actual revenues or receipts, the amounts available for expenditure, the total and itemized expenditures, the unencumbered cash balances, excluding state aid receivable, actual balances on hand and the unencumbered balances of allotments or appropriations for each school district.

(f) The reporting system shall allow a person to search the data and allow for the comparison of data by school district.

(g) Each school district shall annually submit a report to the state board on all construction activity undertaken by the school district which was financed by the issuance of bonds and which such bonds have not matured. Such report shall include all revenue receipts, all expenditures of bond proceeds authorized by law, the dates for commencement and completion of such construction activity, the estimated cost and the actual cost of such construction activity. The information provided in the report shall be in a form so as to readily identify such information with a specific construction project. Such report shall be submitted in a form and manner prescribed by the state board in accordance with the provisions of this section.

(h) From and after July 1, 2012, the board of education of each school district shall record and report the receipts and expenditures of the district in the manner prescribed by the state board in accordance with this section.

(i) (1) Each school district shall annually publish on such district's internet website:

(A) A copy of form 150, estimated legal maximum general fund budget, or any successor document containing the same or similar information, that was submitted by such district to the state board of education for the immediately preceding school year; and

(B) the budget summary for the current school year and actual expenditures for the immediately preceding two school years showing total dollars net of transfers and dollars per pupil for each of the following:

- (i) Function 1000, instruction;
- (ii) function 2100, student support;
- (iii) function 2200, instructional staff support;
- (iv) functions 2300 through 2500, administration;
- (v) function 2600, operation and maintenance;
- (vi) function 2700, transportation;
- (vii) function 3100, food service;
- (viii) functions 2900, 3200 and 3300, other current spending;
- (ix) function 4000, capital outlay;
- (x) function 5100, debt service;
- (xi) the total expenditures which is the sum of the amounts in clauses (i) through (x);
- (xii) the spending allocated to function 1000, instruction, excluding capital outlay and debt service expenditures, as a percentage of total expenditures;
- (xiii) the spending allocated to function 1000, instruction, excluding capital outlay and debt service expenditures, as a percentage of current

spending, which is the sum of expenditures for functions 1000 through 3300 less capital outlay and debt service expenditures included in any of those functions; and

(xiv) the revenue in total dollars net of transfers both in total and disaggregated to show the amount of revenue received from local, state and federal revenue sources.

(2) For purposes of subsection (i)(1)(B), all per pupil amounts shall be calculated using the full-time equivalent enrollment of the school district. All function categories and other accounting categories shall refer to those same categories as established and required for financial accounting purposes by the state board as published in the Kansas state department of education's Kansas accounting handbook for unified school districts, as published in August 2012, or later versions as established in rules and regulations adopted by the state board.

~~(3) Publications required by this subsection shall be published with an easily identifiable link located on such district's website homepage.~~

(4) Publications required by this subsection shall be made available to the public at every meeting held by the board of education of each school district when the board is discussing the district's budget or any other school finance matter.

~~(j)(1)~~ The department of education shall annually publish on its internet website:

~~(A)(1)~~ All of the publications required under subsection (i); and

~~(B)(2)~~ the following expenditures for each school district on a per pupil basis:

~~(i)(A)~~ Total expenditures;

~~(ii)(B)~~ capital outlay expenditures;

~~(iii)(C)~~ bond and interest expenditures; and

~~(iv)(D)~~ all other expenditures not included in ~~(ii) or (iii)~~ subparagraph (B) or (C).

~~(2) Publications required by this subsection shall be published with an easily identifiable link located on the department's website homepage.~~

*(k) All reports prepared pursuant to this section shall be published in accordance with section 5, and amendments thereto.*

Sec. 7. K.S.A. 72-4352 is hereby amended to read as follows: 72-4352. As used in the tax credit for low income students scholarship program act:

(a) "Contributions" means monetary gifts or donations and in-kind contributions, gifts or donations that have an established market value.

(b) "Department" means the Kansas department of revenue.

(c) "Educational scholarship" means an amount not to exceed \$8,000 per school year provided to an eligible student, or to a qualified school with respect to an eligible student, to cover all or a portion of the costs of education including tuition, fees and expenses of a qualified school and, if

applicable, the costs of transportation to a qualified school if provided by such qualified school.

(d) “Eligible student” means a child who:

(1) (A) Is an at-risk student, as defined in K.S.A. 72-5132, and amendments thereto, and who is attending a public school; or (B) has been eligible to receive an educational scholarship under this program and has not graduated from high school or reached 21 years of age;

(2) resides in Kansas while eligible for an educational scholarship; and

(3) (A) was enrolled in any public school in the previous school year in which an educational scholarship is first sought for the child; or (B) is eligible to be enrolled in any public school in the school year in which an educational scholarship is first sought for the child and the child is under the age of six years.

(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. ~~72-99a01 through 72-99a07~~ 72-4351 through 72-4357, and amendments thereto.

(g) “Public school” means ~~a~~ *an elementary* school that is operated by a school district, and identified by the state board as one of the lowest 100 performing *elementary* schools with respect to student achievement among all *elementary* schools operated by school districts for the current school year.

(h) “Qualified school” means any nonpublic school that provides education to elementary or secondary students, has notified the state board of its intention to participate in the program and complies with the requirements of the program. On and after July 1, 2020, a qualified school shall be accredited by the state board or a national or regional accrediting agency that is recognized by the state board for the purpose of satisfying the teaching performance assessment for professional licensure.

(i) “Scholarship granting organization” means an organization that complies with the requirements of this program and provides educational scholarships to eligible students or to qualified schools in which parents have enrolled eligible students.

(j) “School district” or “district” means any unified school district organized and operating under the laws of this state.

(k) “School year” shall have the meaning ascribed thereto in section 4, and amendments thereto.

(l) “Secretary” means the secretary of revenue.

(m) “State board” means the state board of education.

Sec. 8. K.S.A. 72-4354 is hereby amended to read as follows: 72-4354.

(a) To be eligible to participate in the program, a scholarship granting organization shall comply with the following:

(1) The scholarship granting organization shall notify the secretary and the state board of the scholarship granting organization's intent to provide educational scholarships;

(2) upon granting an educational scholarship, the scholarship granting organization shall report such information to the state board;

(3) the scholarship granting organization shall provide verification to the secretary that the scholarship granting organization is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(4) upon receipt of contributions in an aggregate amount or value in excess of \$50,000 during a school year, a scholarship granting organization shall file with the state board either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the scholarship granting organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(5) scholarship granting organizations that provide other nonprofit services in addition to providing educational scholarships shall not commingle contributions made under the program with other contributions made to such organization. A scholarship granting organization under this subsection shall also file with the state board, prior to the commencement of each school year, either:

(A) A surety bond payable to the state in an amount equal to the aggregate amount of contributions expected to be received during the school year; or

(B) financial information demonstrating the nonprofit organization's ability to pay an aggregate amount equal to the amount of the contributions expected to be received during the school year, which must be reviewed and approved of in writing by the state board;

(6) each qualified school receiving educational scholarships from the scholarship granting organization shall annually certify to the scholarship granting organization its compliance with the requirements of the program;

(7) at the end of the calendar year, the scholarship granting organization shall have its accounts examined and audited by a certified public accountant. Such audit shall include, but not be limited to, information verifying that the educational scholarships awarded by the scholarship granting organization were distributed to qualified schools with respect to eligible students determined by the state board under K.S.A. 72-4353(c), and amendments thereto, and information specified in this section. Prior

to filing a copy of the audit with the state board, such audit shall be duly verified and certified by a certified public accountant; and

(8) if a scholarship granting organization decides to limit the number or type of qualified schools who will receive educational scholarships, the scholarship granting organization shall provide, in writing, the name or names of those qualified schools to any contributor and the state board.

(b) No scholarship granting organization shall provide an educational scholarship with respect to any eligible student to attend any qualified school with paid staff or paid board members, or relatives thereof, in common with the scholarship granting organization.

(c) The scholarship granting organization shall disburse not less than 90% of contributions received pursuant to the program in the form of educational scholarships within 36 months of receipt of such contributions. If such contributions have not been disbursed within the applicable 36-month time period, then the scholarship granting organization shall not accept new contributions until 90% of the received contributions have been disbursed in the form of educational scholarships. Any income earned from contributions must be disbursed in the form of educational scholarships.

(d) A scholarship granting organization may continue to provide an educational scholarship with respect to a student who was an eligible student in the year immediately preceding the current school year.

(e) (1) A scholarship granting organization shall direct payments of educational scholarships to the qualified school attended by the eligible student or in which the eligible student is enrolled. Payment may be made by check made payable to both the parent and the qualified school or to only the qualified school. If an eligible student transfers to a new qualified school during a school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the new qualified school based on the eligible student's attendance. If the eligible student transfers to a public school and enrolls in such public school after September 20 of the current school year, the scholarship granting organization shall direct payment in a prorated amount to the original qualified school and the public school based on the eligible student's attendance. The prorated amount to the public school shall be considered a donation and shall be paid to the school district of such public school in accordance with K.S.A. 72-1142, and amendments thereto.

(2) *As used in this subsection, the term "public school" means any school operated by a school district.*

(f) By June 1 of each year, a scholarship granting organization shall submit a report to the state board for the educational scholarships provided in the immediately preceding 12 months. Such report shall be in a form and manner as prescribed by the state board, approved and signed by a certified public accountant, and shall contain the following information:

- (1) The name and address of the scholarship granting organization;
  - (2) the name and address of each eligible student with respect to whom an educational scholarship was awarded by the scholarship granting organization;
  - (3) the total number and total dollar amount of contributions received during the 12-month reporting period; and
  - (4) the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period and the total number and total dollar amount of educational scholarships awarded during the 12-month reporting period with respect to eligible students who qualified under K.S.A. 72-4352(d), and amendments thereto.
- (g) No scholarship granting organization shall:
- (1) Provide an educational scholarship with respect to an eligible student that is established by funding from any contributions made by any relative of such eligible student; or
  - (2) accept a contribution from any source with the express or implied condition that such contribution be directed toward an educational scholarship for a particular eligible student.

Sec. 9. K.S.A. 72-5131 is hereby amended to read as follows: 72-5131. K.S.A. 72-5131 through 72-5176, and amendments thereto, *and sections 3 and 4, and amendments thereto*, shall be known and may be cited as the Kansas school equity and enhancement act.

Sec. 10. K.S.A. 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 adjusted by adding the following weightings, if any, to the enrollment of a school district: At-risk student weighting; bilingual weighting; career technical education weighting; high-density at-risk student weighting; high enrollment weighting; low enrollment weighting; school facilities weighting; ancillary school facilities weighting; cost-of-living weighting; special education and related services weighting; and transportation weighting.

(b) “Ancillary school facilities weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5158, and amendments thereto, on the basis of costs attributable to commencing operation of one or more new school facilities by such school districts.

(c) (1) “At-risk student” means a student who is eligible for free meals under the national school lunch act, and who is enrolled in a school district that maintains an approved at-risk student assistance program.

(2) The term “at-risk student” shall not include any student enrolled in any of the grades one through 12 who is in attendance less than full time, or any student who is over 19 years of age. The provisions of this



paragraph shall not apply to any student who has an individualized education program.

(d) “At-risk student weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5151(a), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(e) “Base aid for student excellence” or “BASE aid” means an amount appropriated by the legislature in a fiscal year for the designated year. The amount of BASE aid shall be as follows:

- (1) For school year 2018-2019, \$4,165;
- (2) for school year 2019-2020, ~~\$4,302~~ \$4,436;
- (3) for school year 2020-2021, ~~\$4,439~~ \$4,569;
- (4) for school year 2021-2022, ~~\$4,576~~ \$4,706;
- (5) for school year 2022-2023, ~~\$4,713~~ \$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 post-secondary 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:

(1) The number of students regularly enrolled in kindergarten and grades one through 12 in the school district on September 20 of the preceding school year plus the number of preschool-aged at-risk students regularly enrolled in the school district on September 20 of the current school year, except a student who is a foreign exchange student shall not be counted unless such student is regularly enrolled in the school district on September 20 and attending kindergarten or any of the grades one through 12 maintained by the school district for at least one semester or two quarters, or the equivalent thereof.

(2) If the enrollment in a school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means the sum of:

(A) The enrollment in the second preceding school year, excluding students under paragraph (2)(B), minus enrollment in the preceding school year of preschool-aged at-risk students, if any, plus enrollment in the current school year of preschool-aged at-risk students, if any; and

(B) the adjusted enrollment in the second preceding school year of any students participating in the tax credit for low income students scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the preceding school year, if any, plus the adjusted enrollment in the preceding school year of preschool-aged at-risk students who are participating in the tax credit for low income students scholarship program pursuant to K.S.A. 72-4351 et seq., and amendments thereto, in the current school year, if any.

(3) For any school district that has a military student, as that term is defined in K.S.A. 72-5139, and amendments thereto, enrolled in such district, and that received federal impact aid for the preceding school year, if the enrollment in such school district in the preceding school year has decreased from enrollment in the second preceding school year, the enrollment of the school district in the current school year means whichever is the greater of:

(A) The enrollment determined under paragraph (2); or

(B) the sum of the enrollment in the preceding school year of preschool-aged at-risk students, if any, and the arithmetic mean of the sum of:

(i) The enrollment of the school district in the preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any;

(ii) the enrollment in the second preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any; and

(iii) the enrollment in the third preceding school year minus the enrollment in such school year of preschool-aged at-risk students, if any.

(4) The enrollment determined under paragraph (1), (2) or (3), except if the school district begins to offer kindergarten on a full-time basis in such school year, students regularly enrolled in kindergarten in the school district in the preceding school year shall be counted as one student regardless of actual attendance during such preceding school year.

(m) “February 20” has its usual meaning, except that in any year in which February 20 is not a day on which school is maintained, it means the first day after February 20 on which school is maintained.

(n) “Federal impact aid” means an amount equal to the federally qualified percentage of the amount of moneys a school district receives in the current school year under the provisions of title I of public law 874 and congressional appropriations therefor, excluding amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program. The amount of federal impact aid shall be determined by the state board in accordance with terms and conditions imposed under the provisions of the public law and rules and regulations thereunder.

(o) “General fund” means the fund of a school district from which operating expenses are paid and in which is deposited all amounts of state foundation aid provided under this act, payments under K.S.A. 72-528, and amendments thereto, payments of federal funds made available under the provisions of title I of public law 874, except amounts received for assistance in cases of major disaster and amounts received under the low-rent housing program and such other moneys as are provided by law.

(p) “General fund budget” means the amount budgeted for operating expenses in the general fund of a school district.

(q) “High-density at-risk student weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5151(b), and amendments thereto, on the basis of costs attributable to the maintenance of at-risk educational programs by such school districts.

(r) “High enrollment weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5149(b), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(s) “Juvenile detention facility” means the same as such term is defined in K.S.A. 72-1173, and amendments thereto.

(t) “Local foundation aid” means the sum of the following amounts:

(1) An amount equal to any unexpended and unencumbered balance remaining in the general fund of the school district, except moneys received by the school district and authorized to be expended for the purposes specified in K.S.A. 72-5168, and amendments thereto;

(2) an amount equal to any remaining proceeds from taxes levied under authority of K.S.A. 72-7056 and 72-7072, and amendments thereto, prior to their repeal;

(3) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district under the provisions of K.S.A. 72-3123(a), and amendments thereto;

(4) an amount equal to the amount deposited in the general fund in the current school year from moneys received in such school year by the school district pursuant to contracts made and entered into under authority of K.S.A. 72-3125, and amendments thereto;

(5) an amount equal to the amount credited to the general fund in the current school year from moneys distributed in such school year to the school district under the provisions of articles 17 and 34 of chapter 12 of the Kansas Statutes Annotated, and amendments thereto, and under the provisions of articles 42 and 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto;

(6) an amount equal to the amount of payments received by the school district under the provisions of K.S.A. 72-3423, and amendments thereto;

(7) an amount equal to the amount of any grant received by the school district under the provisions of K.S.A. 72-3425, and amendments thereto; and

(8) an amount equal to 70% of the federal impact aid of the school district.

(u) “Low enrollment weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5149(a), and amendments thereto, on the basis of costs attributable to maintenance of educational programs by such school districts.

(v) “Operating expenses” means the total expenditures and lawful transfers from the general fund of a school district during a school year for all purposes, except expenditures for the purposes specified in K.S.A. 72-5168, and amendments thereto.

(w) “Preceding school year” means the school year immediately before the current school year.

(x) “Preschool-aged at-risk student” means an at-risk student who has attained the age of three years, is under the age of eligibility for attendance at kindergarten, and has been selected by the state board in accordance with guidelines governing the selection of students for participation in head start programs.

(y) “Preschool-aged exceptional children” means exceptional children, except gifted children, who have attained the age of three years but are under the age of eligibility for attendance at kindergarten. The terms “exceptional children” and “gifted children” have the same meaning as those terms are defined in K.S.A. 72-3404, and amendments thereto.

(z) “Psychiatric residential treatment facility” means the same as such term is defined in K.S.A. 72-1173, and amendments thereto.

(aa) “School district” means a school district organized under the laws of this state that is maintaining public school for a school term in accordance with the provisions of K.S.A. 72-3115, and amendments thereto.

(bb) “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.

(cc) “School year” means the 12-month period ending June 30.

(dd) “September 20” has its usual meaning, except that in any year in which September 20 is not a day on which school is maintained, it means the first day after September 20 on which school is maintained.

(ee) “Special education and related services weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5157, and amendments thereto, on the basis of costs attributable to the maintenance of special education and related services by such school districts.

(ff) “State board” means the state board of education.

(gg) “State foundation aid” means the amount of aid distributed to a school district as determined by the state board pursuant to K.S.A. 72-5134, and amendments thereto.

(hh) (1) “Student” means any person who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 maintained by the school district or who is regularly enrolled in a school district and attending kindergarten or any of the grades one through 12 in another school district in accordance with an agreement entered into under authority of K.S.A. 72-13,101, and amendments thereto, or who is regularly enrolled in a school district and attending special education services provided for preschool-aged exceptional children by the school district.

(2) (A) Except as otherwise provided in this subsection, the following shall be counted as one student:

(i) A student in attendance full-time; and

(ii) a student enrolled in a school district and attending special education and related services, provided for by the school district.

(B) The following shall be counted as  $\frac{1}{2}$  student:

(i) A student enrolled in a school district and attending special education and related services for preschool-aged exceptional children provided for by the school district; and

(ii) a preschool-aged at-risk student enrolled in a school district and receiving services under an approved at-risk student assistance plan maintained by the school district.

(C) A student in attendance part-time shall be counted as that proportion of one student (to the nearest  $\frac{1}{10}$ ) that the student's attendance bears to full-time attendance.

(D) A student enrolled in and attending an institution of postsecondary education that is authorized under the laws of this state to award academic degrees shall be counted as one student if the student's postsecondary education enrollment and attendance together with the student's attendance in either of the grades 11 or 12 is at least  $\frac{5}{6}$  time, otherwise the student shall be counted as that proportion of one student (to the nearest  $\frac{1}{10}$ ) that the total time of the student's postsecondary education attendance and attendance in grades 11 or 12, as applicable, bears to full-time attendance.

(E) A student enrolled in and attending a technical college, a career technical education program of a community college or other approved career technical education program shall be counted as one student, if the student's career technical education attendance together with the student's attendance in any of grades nine through 12 is at least  $\frac{5}{6}$  time, otherwise the student shall be counted as that proportion of one student (to the nearest  $\frac{1}{10}$ ) that the total time of the student's career technical education attendance and attendance in any of grades nine through 12 bears to full-time attendance.

(F) A student enrolled in a school district and attending a non-virtual school and also attending a virtual school shall be counted as that proportion of one student (to the nearest  $\frac{1}{10}$ ) that the student's attendance at the non-virtual school bears to full-time attendance.

(G) A student enrolled in a school district and attending special education and related services provided for by the school district and also attending a virtual school shall be counted as that proportion of one student (to the nearest  $\frac{1}{10}$ ) that the student's attendance at the non-virtual school bears to full-time attendance.

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

- (a) For school year 2018-2019, one student;
- (b) for school years 2019-2020 and 2020-2021,  $\frac{3}{4}$  of a student; and
- (c) for school year 2021-2022 and each school year thereafter,  $\frac{1}{2}$  of a student.

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

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

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

(3) The following shall not be counted as a student:

(A) An individual residing at the Flint Hills job corps center;

(B) except as provided in paragraph (2), an individual confined in and receiving educational services provided for by a school district at a juvenile detention facility; and

(C) an individual enrolled in a school district but housed, maintained and receiving educational services at a state institution or a psychiatric residential treatment facility.

(4) A student enrolled in virtual school pursuant to K.S.A. 72-3711 et seq., and amendments thereto, shall be counted in accordance with the provisions of K.S.A. 72-3715, and amendments thereto.

(ii) “Total foundation aid” means an amount equal to the product obtained by multiplying the BASE aid by the adjusted enrollment of a school district.

(jj) “Transportation weighting” means an addend component assigned to the enrollment of school districts pursuant to K.S.A. 72-5148, and amendments thereto, on the basis of costs attributable to the provision or furnishing of transportation.

(kk) “Virtual school” means the same as such term is defined in K.S.A. 72-3712, and amendments thereto.

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

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

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

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

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

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

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

Sec. 12. K.S.A. 72-5153 is hereby amended to read as follows: 72-5153. (a) There is hereby established in every school district an at-risk

education fund, which shall consist of all moneys deposited therein or transferred thereto according to law. The expenses of a school district directly attributable to providing at-risk student assistance or programs shall be paid from the at-risk education fund.

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

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

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

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

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

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

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

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

(C) *evaluate outcomes data for students, including, but not limited to, school attendance, academic progress, graduation rates, pursuit of post-secondary education or career advancement.*

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

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



for service or assistance existed, the results of providing such service or assistance and any other information required by the state board.

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

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

Sec. 13. K.S.A. 72-5170 is hereby amended to read as follows: 72-5170.

(a) (1) In order to accomplish the mission for Kansas education, the state board shall design and adopt a school district accreditation system based upon improvement in performance that equals or exceeds the educational goal set forth in K.S.A. 72-3218(c), and amendments thereto, and is measurable. The state board shall hold all school districts accountable ~~to the Kansans can outcomes, or any successor outcomes established by the state board,~~ through the Kansas education systems accreditation rules and regulations, or any successor accreditation system *and accountability plan* adopted by the state board. ~~The state board shall establish rigorous accountability measures in the areas of social emotional learning, kindergarten readiness, individual plans of study, graduation and postsecondary success.~~ The state board also shall ensure that all school districts and the public schools operated by such districts have programs and initiatives in place for providing those educational capacities set forth in K.S.A. 72-3218(c), and amendments thereto. On or before ~~January 15, 2018, and each January 15 thereafter of each year,~~ the state board shall prepare and submit a report on the school district accreditation system to the governor and the legislature.

(2) The accountability measures established pursuant to paragraph (1) shall be applied both at the district level and at the school level. Such accountability measures shall be reported by the state board for each school district and each school ~~by publication on the internet website of the state department of education. Each school district also shall report such accountability measures for such school district and each school operated by such district by publication on such school district's internet website. All reports prepared pursuant to this section shall be published in accordance with section 5, and amendments thereto.~~

(3) If a school district is not fully accredited and a corrective action plan is required by the state board, such corrective action plan, and any subsequent reports prepared by the state board regarding the progress of such school district in implementing and executing such corrective action plan, shall be published on the state department of education's internet



website and such school district's internet website *in accordance with section 5, and amendments thereto*.

(4) If a school district is not accredited, the superintendent, or the superintendent's designee, shall appear before the committee on education of the house of representatives and the committee on education of the senate during the regular legislative session that occurs during the same school year in which such school district is not accredited. Such school district shall provide a report to such committees on the challenges and obstacles that are preventing such school district from becoming accredited.

(b) The state board shall establish curriculum standards that reflect high academic standards for the core academic areas of mathematics, science, reading, writing and social studies. The curriculum standards shall be reviewed at least every seven years. Nothing in this subsection shall be construed in any manner so as to impinge upon any school district's authority to determine its own curriculum.

(c) The state board shall provide for statewide assessments in the core academic areas of mathematics, science, reading, writing and social studies. The board shall ensure compatibility between the statewide assessments and the curriculum standards established pursuant to subsection (b). Such assessments shall be administered at three grade levels, as determined by the state board. The state board shall determine performance levels on the statewide assessments, the achievement of which represents high academic standards in the academic area at the grade level to which the assessment applies. The state board should specify high academic standards both for individual performance and school performance on the assessments.

(d) Each school year, on such date as specified by the state board, each school district shall submit the Kansas education system accreditation report to the state board in such form and manner as prescribed by the state board.

(e) Whenever the state board determines that a school district has failed either to meet the accreditation requirements established by rules and regulations or standards adopted by the state board or provide curriculum based on state standards and courses required by state law, the state board shall so notify the school district. Such notice shall specify the accreditation requirements that the school district has failed to meet and the curriculum that it has failed to provide. Upon receipt of such notice, the board of education of such school district is encouraged to reallocate the resources of the school district to remedy all deficiencies identified by the state board.

(f) Each school in every school district shall establish a school site council composed of the principal and representatives of teachers and

other school personnel, parents of students attending the school, the business community and other community groups. School site councils shall be responsible for providing advice and counsel in evaluating state, school district, and school site performance goals and objectives and in determining the methods that should be employed at the school site to meet these goals and objectives. Site councils may make recommendations and proposals to the school board regarding budgetary items and school district matters, including, but not limited to, identifying and implementing the best practices for developing efficient and effective administrative and management functions. Site councils also may help school boards analyze the unique environment of schools, enhance the efficiency and maximize limited resources, including outsourcing arrangements and cooperative opportunities as a means to address limited budgets.

Sec. 14. K.S.A. 72-5171 is hereby amended to read as follows: 72-5171. (a) On or before January 15 of each year, the state department of education shall prepare and submit ~~reports~~ *a financial accountability report* on school district funding for each school district to the governor and the legislature.

(b) Each report shall contain the information described in subsection (c) for the school district in terms of actual dollar amounts for the second and immediately preceding school years and budgeted dollar amounts for the current school year.

(c) Each report shall contain the following information for the school district:

(1) Full-time equivalent enrollment *and the virtual student full-time equivalent enrollment*;

(2) demographic information, including, but not limited to, gender, race, ethnicity, students who are economically disadvantaged, migrants, English language learners and students with disabilities;

(3) total general and supplemental general funds, including a showing of funding provided by federal sources, state sources and local sources, and total funds per student;

(4) total capital outlay funds, including a showing of such funding provided by federal sources, state sources and local sources, and capital outlay funds per student;

(5) total bond and interest funds, including a showing of such funding provided by federal sources, state sources and local sources, and bond and interest funds per student;

(6) total of all other funds not described in paragraphs (3), (4) and (5), excluding fund transfers, including a showing of such funding provided by federal sources, state sources and local sources, and total funds per student;

(7) total funds per student of all funds described in paragraphs (3) through (6);

- (8) general fund moneys attributable to the following:
  - (A) BASE aid;
  - (B) high enrollment weighting;
  - (C) low enrollment weighting;
  - (D) school facilities weighting;
  - (E) transportation weighting;
  - (F) at-risk student weighting;
  - (G) preschool-aged at-risk student weighting;
  - (H) high-density at-risk student weighting;
  - (I) career technical education weighting;
  - (J) special education and related services weighting;
  - (K) bilingual weighting;
  - (L) ancillary school facilities weighting;
  - (M) cost-of-living weighting;
  - (N) declining enrollment weighting; and
  - (O) virtual school state aid;
- (9) total expenditures on the following:
  - (A) At-risk education programs and services;
  - (B) preschool-aged at-risk education programs and services;
  - (C) bilingual education programs and services;
  - (D) career and technical education programs and services;
  - (E) special education and related services; and
  - (F) virtual school programs and services;
- (10) total expenditures from the special retirement contributions fund;
- (11) expenditures and fund transfers from the supplemental general fund for those programs and services set forth in paragraph (9) and any other accounting category for which there is an expenditure or transfer from such fund;
- (12) *total expenditures from any fund for expenses incurred as a result of the school district's participation in any legal proceeding challenging the constitutional adequacy of any school finance laws under section 6 of article 6 of the constitution of the state of Kansas, regardless of whether such school district was a named party in such legal proceedings, and including any dues, fees or other expenses incurred by such school district as a result of its membership in any organization that participates in any legal proceeding challenging the constitutional adequacy of any school finance laws under section 6 of article 6 of the constitution of the state of Kansas, and the aggregate amount of such expenditures made on and after July 1, 2010; and*
- ~~(12)~~(13) general obligation bond indebtedness.
- (d) *All reports prepared pursuant to this section shall be published in accordance with section 5, and amendments thereto.*

(e) The state board shall provide uniform guidelines for what constitutes total expenditures for the programs and services listed under subsection (c)(9).

Sec. 15. K.S.A. 72-5173 is hereby amended to read as follows: 72-5173. The legislative post audit committee shall direct the legislative division of post audit to conduct the following performance audits in the fiscal year specified:

(a) A performance audit of transportation services funding. The audit should include a comparison of the amount of transportation services funding school districts receive to the cost of providing transportation services. This performance audit shall be conducted during fiscal year 2018, and the final audit report shall be submitted to the legislature on or before January 15, 2018.

(b) A performance audit of at-risk education funding. The audit should evaluate the method of counting students for at-risk education funding, the level of the at-risk student weighting and high-density at-risk student weighting under the act and how school districts are expending moneys provided for at-risk education. This performance audit shall be conducted during fiscal year 2020, and the final audit report shall be submitted to the legislature on or before January 15, 2020.

(c) A performance audit of bilingual education funding. The audit should evaluate the method of counting students for bilingual education funding, the level of the bilingual weighting under the act and how school districts are expending moneys provided for bilingual education. This performance audit shall be conducted during fiscal year ~~2022~~ 2021, and the final audit report shall be submitted to the legislature on or before January 15, ~~2022~~ 2021.

(d) A study of statewide virtual school programs administered in other states. The study shall include, but not be limited to, the following:

(1) The aggregate cost incurred by each state administering a virtual school program, and the cost incurred by individual school districts or schools within each state;

(2) the resources necessary for the implementation of each virtual school program, including, but not limited to, personnel, equipment, software and facility usage;

(3) the scope of each virtual school program; and

(4) the effectiveness of each virtual school program with respect to student performance and outcomes.

The ~~audit study~~ shall be conducted during fiscal year 2023, and the final ~~audit study~~ report shall be submitted to the legislature on or before January 15, 2023.

(e) *A performance audit of the unencumbered cash balances held in all funds by each school district. The audit should evaluate the annual*

*accumulations of unencumbered cash balances for the preceding 10 years, the annual expenditures of such moneys and how school districts are expending such moneys. This performance audit shall be conducted no later than fiscal year 2021, and the final audit report shall be submitted to the legislature on or before January 15, 2021.*

~~(e)~~(f) (1) A performance audit to provide a reasonable estimate of the cost of providing educational opportunities for every public school student in Kansas to achieve the performance outcome standards adopted by the state board of education. This performance audit shall be conducted ~~two times as follows:~~

~~(A) During fiscal year 2021, and the final report submitted to the legislature on or before January 15, 2021; and~~

~~(B) during fiscal year 2024, and the final report submitted to the legislature on or before January 15, 2024.~~

(2) ~~Each~~ The performance audit required under this subsection shall:

(A) Include reasonable estimates of the costs of providing specialized education services as required by law, including, but not limited to, bilingual education and at-risk programs; and

(B) account for other factors which may contribute to variations in costs incurred by school districts, including, but not limited to, total district enrollment and geographic location within the state.

(3) In conducting ~~each~~ the performance audit required under this subsection:

(A) Any examination of historical data and expenditures shall correct any recognized inadequacy of such data or expenditure through a statistically valid method of extrapolation; and

~~(B)~~ subject to the limitations of the division of legislative post audit budget and appropriations therefor, the legislative post auditor may enter into contracts with consultants as the post auditor deems necessary.

~~(f)~~(g) A performance audit to provide a reasonable estimate of the costs of providing special education and related services, including, but not limited to, other factors which may contribute to variations in costs incurred by school districts. This performance audit shall be conducted during fiscal year 2019, and the final audit report shall be submitted to the legislature on or before January 15, 2019.

Sec. 16. K.S.A. 72-5193 is hereby amended to read as follows: 72-5193. Article 6 of the constitution of the state of Kansas states that the legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools; provide for a state board of education having general supervision of public schools, educational institutions and the educational interests of the state, except those delegated by law to the state board of regents; and make suitable provision for finance of the educational interests of the state. It is the pur-

pose and intention of the legislature to provide a financing system for the education of kindergarten and grades one through 12 ~~which~~ *that* provides students with the capacities set forth in K.S.A. 72-3218, and amendments thereto. Such financing system shall be sufficiently flexible for the legislature to consider and utilize financing methods from all available resources in order to satisfy the constitutional requirements under article 6. Such financing methods shall include, but are not limited to, the following:

(a) Federal funding to unified school districts or public schools, including any grants or federal assistance;

(b) subject to appropriations by the legislature, appropriations of state moneys for the improvement of public education, including, but not limited to, the following:

(1) Financing to unified school districts through the Kansas school equity and enhancement act, K.S.A. 72-5131 et seq., and amendments thereto;

(2) financing to unified school districts through any provisions ~~which~~ *that* provide state aid, such as capital improvements state aid, capital outlay state aid and any other state aid paid, distributed or allocated to school districts on the basis of the assessed valuation of school districts;

(3) employer contributions to the Kansas public employees retirement system for public schools;

(4) appropriations to the Kansas children's cabinet for programs serving students enrolled in unified school districts in meeting the goal specified in K.S.A. 72-3218, and amendments thereto;

(5) appropriations to any programs ~~which~~ *that* provide early learning to four-year-old children with the purpose of preparing them for success in public schools;

(6) appropriations to any programs, such as *jobs for America's graduates, boys and girls club* and communities in schools, ~~which~~ *that* provide individualized support to students enrolled in unified school districts ~~in meeting and assist with achievement of~~ the goal specified in K.S.A. 72-3218, and amendments thereto;

(7) transportation financing, including any transfers from the state general fund and state highway fund to the state department of education to provide technical education transportation, special education transportation or school bus safety;

(8) financing to other facilities providing public education to students, such as the Kansas state school for the blind, the Kansas state school for the deaf, school district juvenile detention facilities and the Flint Hills job corps center;

(9) appropriations relating to the Kansas academy of mathematics and science;

(10) appropriations relating to teaching excellence, such as scholarships, awards, training or in-service workshops;

(11) appropriations to the state board of regents to provide technical education incentives to unified school districts and tuition costs to postsecondary institutions ~~which~~ *that* provide career technical education to secondary students; and

(12) appropriations to any postsecondary educational institution ~~which~~ *that* provides postsecondary education to a secondary student without charging tuition to such student;

(c) any provision ~~which~~ *that* authorizes the levying of local taxes for the purpose of financing public schools; and

(d) any transfer of funds or appropriations from one object or fund to another approved by the legislature for the purpose of financing public schools.

Sec. 17. K.S.A. 72-5462 is hereby amended to read as follows: 72-5462. (a) There is hereby established in the state treasury the school district capital improvements fund. The fund shall consist of all amounts transferred thereto under the provisions of subsection (c).

(b) In each school year, each school district which is obligated to make payments from its capital improvements fund shall be entitled to receive payment from the school district capital improvements fund in an amount determined by the state board of education as provided in this subsection.

(1) For general obligation bonds approved for issuance at an election held prior to July 1, 2015, the state board of education shall:

(A) Determine the amount of the assessed valuation per pupil (AVPP) of each school district in the state for the preceding school year and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this subsection (b)(1);

(B) determine the median AVPP of all school districts;

(C) prepare a schedule of dollar amounts using the amount of the median AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts and shall range downward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the lowest AVPP of all school districts;

(D) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the median AVPP shown on the schedule, decreasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval above the amount of the median AVPP, and increasing the state aid computation percentage assigned to the amount of the median AVPP by one percentage point for each \$1,000 interval below the amount of the median AVPP. Except as provided by K.S.A. 72-



5463, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid percentage factor of a school district shall not exceed 100%. The state aid computation percentage is 25%;

(E) determine the amount of payments that a school district is obligated to make from its bond and interest fund attributable to general obligation bonds approved for issuance at an election held prior to July 1, 2015; and

(F) multiply the amount determined under subsection (b)(1)(E) by the applicable state aid percentage factor.

(2) For general obligation bonds approved for issuance at an election held on or after July 1, 2015, the state board of education shall:

(A) Determine the amount of the AVPP of each school district in the state for the preceding school year and round such amount to the nearest \$1,000. The rounded amount is the AVPP of a school district for the purposes of this subsection (b)(2);

(B) prepare a schedule of dollar amounts using the amount of the AVPP of the school district with the lowest AVPP of all school districts as the point of beginning. The schedule of dollar amounts shall range upward in equal \$1,000 intervals from the point of beginning to and including an amount that is equal to the amount of the AVPP of the school district with the highest AVPP of all school districts;

(C) determine a state aid percentage factor for each school district by assigning a state aid computation percentage to the amount of the lowest AVPP shown on the schedule and decreasing the state aid computation percentage assigned to the amount of the lowest AVPP by one percentage point for each \$1,000 interval above the amount of the lowest AVPP. Except as provided by K.S.A. 72-5463, and amendments thereto, the state aid percentage factor of a school district is the percentage assigned to the schedule amount that is equal to the amount of the AVPP of the school district. The state aid computation percentage is 75%;

(D) determine the amount of payments that a school district is obligated to make from its bond and interest fund attributable to general obligation bonds approved for issuance at an election held on or after July 1, 2015; and

(E) multiply the amount determined under subsection (b)(2)(D) by the applicable state aid percentage factor.

(3) For general obligation bonds approved for issuance at an election held on or before June 30, 2016, the sum of the amount determined under subsection (b)(1)(F) and the amount determined under subsection (b)(2)(E) is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.



(4) For general obligation bonds approved for issuance at an election held on or after July 1, 2016, the amount determined under subsection (b) (2)(E) is the amount of payment the school district shall receive from the school district capital improvements fund in the school year, except the total amount of payments school districts receive from the school district capital improvements fund in the school year for such bonds shall not exceed the six-year average amount of capital improvement state aid as determined by the state board of education.

(A) The state board of education shall determine the six-year average amount of capital improvement state aid by calculating the average of the total amount of moneys expended per year from the school district capital improvements fund in the immediately preceding six fiscal years, not to include the current fiscal year.

(B) (i) Subject to clause (ii), the state board of education shall prioritize the allocations to school districts from the school district capital improvements fund in accordance with the priorities set forth as follows in order of highest priority to lowest priority:

(a) Safety of the current facility and disability access to such facility as demonstrated by a state fire marshal report, an inspection under the Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar evaluation;

(b) enrollment growth and imminent overcrowding as demonstrated by successive increases in enrollment of the school district in the immediately preceding three school years;

(c) impact on the delivery of educational services as demonstrated by restrictive inflexible design or limitations on installation of technology; and

(d) energy usage and other operational inefficiencies as demonstrated by a district-wide energy usage analysis, district-wide architectural analysis or other similar evaluation.

(ii) In allocating capital improvement state aid, the state board shall give higher priority to those school districts with a lower AVPP compared to the other school districts that are to receive capital improvement state aid under this section.

(C) On and after July 1, 2016, the state board of education shall approve the amount of state aid payments a school district shall receive from the school district capital improvements fund pursuant to subsection (b) (5) prior to an election to approve the issuance of general obligation bonds.

(5) Except as provided in subsections (b)(6) and (b)(7), the sum of the amounts determined under subsection (b)(3) and the amount determined or allocated to the district by the state board of education pursuant to subsection (b)(4), is the amount of payment the school district is entitled to receive from the school district capital improvements fund in the school year.

(6) A school district that had an enrollment of less than 260 students in the school year immediately preceding the school year in which an election is held to approve the issuance of general obligation bonds shall not be entitled to receive payments from the school district capital improvements fund unless such school district applied for and received approval from the state board of education to issue such bonds prior to holding an election to approve such bond issuance. The provisions of this paragraph shall apply to general obligation bonds approved for issuance at an election held on or after July 1, 2017, that are issued for the purpose of financing the construction of new school facilities.

(7) For general obligation bonds approved for issuance at an election held on or after July 1, 2017, in determining the amount under subsection (b)(2)(D), the state board shall exclude payments for any capital improvement project, or portion thereof, that proposes to construct, reconstruct or remodel a facility that would be used primarily for extracurricular activities, unless the construction, reconstruction or remodeling of such facility is necessary due to concerns relating to the safety of the current facility or disability access to such facility as demonstrated by a state fire marshal report, an inspection under the Americans with disabilities act, 42 U.S.C. § 12101 et seq., or other similar evaluation.

(c) The state board of education shall certify to the director of accounts and reports the entitlements of school districts determined under the provisions of subsection (b), and an amount equal thereto shall be transferred by the director from the state general fund to the school district capital improvements fund for distribution to school districts. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal years ending June 30, ~~2017~~ 2020, June 30, ~~2018~~ 2021, and June 30, ~~2019~~ 2022, shall be considered to be revenue transfers from the state general fund.

(d) Payments from the school district capital improvements fund shall be distributed to school districts at times determined by the state board of education to be necessary to assist school districts in making scheduled payments pursuant to contractual bond obligations. The state board of education shall certify to the director of accounts and reports the amount due each school district entitled to payment from the fund, and the director of accounts and reports shall draw a warrant on the state treasurer payable to the treasurer of the school district. Upon receipt of the warrant, the treasurer of the school district shall credit the amount thereof to the bond and interest fund of the school district to be used for the purposes of such fund.

(e) The provisions of this section apply only to contractual obligations incurred by school districts pursuant to general obligation bonds issued

upon approval of a majority of the qualified electors of the school district voting at an election upon the question of the issuance of such bonds.

(f) On or before the first day of the legislative session in 2017, and each year thereafter, the state board of education shall prepare and submit a report to the legislature that includes information on school district elections held on or after July 1, 2016, to approve the issuance of general obligation bonds and the amount of payments school districts were approved to receive from the school district capital improvements fund pursuant to subsection (b)(4)(C).

Sec. 18. K.S.A. 72-8193 is hereby amended to read as follows: 72-8193. (a) There is hereby established the legislative task force on dyslexia. The task force shall advise and make recommendations to the governor, the legislature and the state board of education regarding matters concerning the use of evidence-based practices for students with dyslexia. ~~The work of the task force should be completed by January 2, 2019, and a report prepared and submitted.~~ *The task force shall prepare and submit a report to the governor, the legislature and the state board of education by January 30, 2019, and each January 30 thereafter.*

(b) The recommendations and resource materials shall:

(1) Research and recommend evidence-based reading practices to address dyslexia or characteristics of dyslexia for use by schools;

(2) research and recommend high quality pre-service and in-service professional development activities to address reading difficulties like dyslexia, including identification of dyslexia and effective reading interventions to be used in schools and within degree programs, such as education, reading, special education, speech-language pathology and psychology;

(3) study and examine current state and federal laws and rules and regulations, and the implementation of such laws and rules and regulations that affect students with dyslexia; and

(4) identify valid and reliable screening and evaluation assessments and protocols that can be used and the appropriate personnel to administer such assessments in order to identify children with reading difficulties, such as dyslexia or the characteristics of dyslexia as part of an ongoing reading progress monitoring system, multi-tiered system of supports and child find special education eligibility for students.

(c) The task force shall consist of 16 voting members as follows:

(1) One member of the senate and one elementary school classroom teacher shall be appointed jointly by the chairperson and the ranking minority member of the senate committee on education;

(2) one member of the house of representatives and one elementary school classroom teacher shall be appointed jointly by the chairperson and the ranking minority member of the house committee on education;

(3) one member appointed by and from the state board of education, to serve as the chairperson of the task force;

(4) one member shall be a professor employed by a state educational institution with specialized expertise in effective evidence-based reading practices for dyslexia appointed by the president of the state board of regents;

(5) one member shall be a principal of a public school appointed by the united school administrators of Kansas;

(6) four members shall be the parents of children with a diagnosis of dyslexia with one appointed by keys for networking, inc., one appointed by families together, inc., one appointed by decoding dyslexia Johnson county and one appointed by the international dyslexia association Kansas Missouri branch, and such appointments shall be made with an effort to provide statewide representation, if possible;

(7) one member shall be appointed by the Kansas association of special education administrators;

(8) one member shall be an elementary school building-level reading specialist appointed by the state board of education;

(9) one member shall be an elementary school special education teacher appointed by the state board of education;

(10) one member shall be a licensed psychologist or speech-language pathologist who diagnoses dyslexia as a part of such person's practice appointed by the chairperson of the task force;

(11) one member, identified as a nonprofit service provider for children diagnosed with dyslexia, shall be appointed by the chairperson of the task force; and

(12) the following ~~ex-officio members, who shall be~~ non-voting members of the task force:

(A) One member shall be a licensed attorney from the Kansas state department of education appointed by the Kansas state department of education;

(B) one member shall be a licensed attorney who is familiar with dyslexia issues appointed jointly by the chairperson of the senate committee on education and the chairperson of the house committee on education; and

(C) one member shall be appointed by the disability rights center of Kansas.

(d) *Any vacancy in a position shall be filled in the same manner as the original appointment.*

(e) The chairperson shall call an organizational meeting of the task force on or before July 15, 2018. At such organizational meeting, the members shall elect a vice-chairperson from the membership of the task force. The task force also shall consider dates for future meetings, the agenda for such meetings and the need for electing a facilitator to assist

in discussions among the members of the task force. The task force shall meet no more than six times in 2018, *and no more than once in 2019, 2020 and 2021*, and may hold meetings by telephone or video conference, if necessary.

~~(e)~~(f) *Subject to subsection (e)*, the task force may meet at any time and at any place within the state on the call of the chairperson. A quorum of the task force shall be nine members. All actions of the task force shall be by motion adopted by a majority of those members present when there is a quorum.

~~(f)~~(g) If approved by the legislative coordinating council, members of the task force attending meetings authorized by the task force shall be paid amounts for expenses, mileage and subsistence as provided in K.S.A. 75-3223(e), and amendments thereto.

~~(g)~~(h) The staff of the office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide assistance as may be requested by the legislative task force on dyslexia.

(i) *The provisions of this section shall expire on June 30, 2022.*

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

Sec. 20. K.S.A. 72-1167, 72-4352, 72-4354, 72-5131, 72-5132, 72-5142, 72-5153, 72-5170, 72-5171, 72-5173, 72-5193, 72-5462 and 72-8193 and K.S.A. 2018 Supp. 79-201x are hereby repealed.

Sec. 21. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 6, 2019.

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## CHAPTER 20

## SENATE BILL No. 105

AN ACT concerning cities; relating to elections; amending K.S.A. 25-313 and K.S.A. 2018 Supp. 25-2120 and repealing the existing sections.

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

Section 1. K.S.A. 25-313 is hereby amended to read as follows: 25-313. (a) *Except as provided in subsection (b), the regular term of office of all state, district, county~~and~~, township and municipal officers shall begin on the second Monday in January next after the election, except as otherwise provided by law.*

(b) *The regular term of office for all city officers shall begin on a date established by resolution of the city. The date shall be on or after December 1 following the certification of the election and no later than the second Monday in January following the certification of the election. If a city does not establish an alternative date for elected officials taking office, the term shall begin on the second Monday in January.*

Sec. 2. K.S.A. 2018 Supp. 25-2120 is hereby amended to read as follows: 25-2120. The county election officer who conducts the city election shall promptly certify to the city governing body the determination of election results made by the county board of canvassers. The term of office shall commence on *a date established by resolution of the city on or after December 1 following the certification of the election and no later than the second Monday in January following certification of the election. If a city does not establish an alternative date for elected officials taking office, the term shall begin on the second Monday in January.*

Every person elected or appointed to city office, before entering upon the duties of such office, shall take and subscribe an oath or affirmation as specified in K.S.A. 54-106, and amendments thereto, and every such oath or affirmation shall be filed with the city clerk.

Sec. 3. K.S.A. 25-313 and K.S.A. 2018 Supp. 25-2120 are hereby repealed.

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

Approved April 8, 2019.

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## CHAPTER 21

## HOUSE BILL No. 2188

AN ACT concerning the dissolution of taxing entities; providing for the dissolution of the White Clay watershed district no. 26; relating to the tax lid; amending K.S.A. 2018 Supp. 79-2925c and repealing the existing section.

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

New Section 1. On and after January 1, 2020, the city of Atchison shall assume the responsibility for the maintenance and repair of all watershed lakes, dams and other projects of the White Clay watershed district no. 26 located within Atchison county.

New Sec. 2. The White Clay watershed district located in Atchison county is hereby dissolved effective January 1, 2020.

New Sec. 3. (a) Upon the dissolution of the White Clay watershed district, the city of Atchison shall acquire the property of the watershed district subject to any leases or agreements duly and validly made by the district. The city shall be responsible for the payment or retirement of any watershed debts or obligations. All property, funds and assets of the district shall be vested in the city of Atchison.

(b) The city shall be the successor in every way to the powers, duties and functions of the watershed district. Every act performed in the exercise of such transferred powers, duties and functions by the city shall be deemed to have the same force and effect as if performed by the watershed district.

(c) Whenever the watershed district, or words of like effect, are referred to or designated by a contract or other document and such reference is in regard to any of the powers, duties and functions transferred to the city of Atchison, such reference or designation shall be deemed to apply to the city as the context requires.

(d) The city of Atchison shall have the legal custody of all records, memoranda, writings, entries, prints, representations, electronic data or combinations thereof of any act, transactions, occurrence or event of the watershed district.

(e) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against the watershed district prior to its dissolution or by or against any officer of the district, prior to its dissolution in such officer's official capacity or in relation to the discharge of such officer's official duties, shall abate by reason of the governmental reorganization effected under the provisions of this act. The court may allow any such suit, action or other proceeding to be maintained by or against the successor of the district or any officer affected.

Sec. 4. K.S.A. 2018 Supp. 79-2925c is hereby amended to read as follows: 79-2925c. (a) (1) On and after January 1, 2017, the governing body of any city or county shall not approve any appropriation or budget which provides for funding by property tax revenues in an amount exceeding that of the next preceding year as adjusted to reflect the average changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding five calendar years, which shall not be less than zero, unless the city or county approves the appropriation or budget with the adoption of a resolution and such resolution has been submitted to and approved by a majority of the qualified electors of the city or county voting at an election called and held thereon, except as otherwise provided.

(2) The election shall be called and held in the manner provided by K.S.A. 10-120, and amendments thereto, and may be:

(A) Held at the next regularly scheduled election to be held in August or November;

(B) may be a mail ballot election, conducted in accordance with K.S.A. 25-431 et seq., and amendments thereto; or

(C) may be a special election called by the city or county. Nothing in this subsection shall prevent any city or county from holding more than one election in any year. The city or county requesting the election shall be responsible for paying all costs associated with conducting the election.

(b) A resolution by the governing body of a city or county otherwise required by the provisions of this section shall not be required to be approved by an election required by subsection (a) under the following circumstances:

(1) Increased property tax revenues that, in the current year, are produced and attributable to the taxation of:

(A) The construction of any new structures or improvements or the remodeling or renovation of any existing structures or improvements on real property, which shall not include any ordinary maintenance or repair of any existing structures or improvements on the property;

(B) increased personal property valuation;

(C) real property located within added jurisdictional territory;

(D) real property which has changed in use;

(E) expiration of any abatement of property from property tax; or

(F) expiration of a tax increment financing district, rural housing incentive district, neighborhood revitalization area or any other similar property tax rebate or redirection program.

(2) Increased property tax revenues that will be spent on:

(A) Bond, temporary notes, no fund warrants, state infrastructure loans and interest payments not exceeding the amount of ad valorem property taxes levied in support of such payments, and payments made to



a public building commission and lease payments but only to the extent such payments were obligations that existed prior to July 1, 2016;

(B) payment of special assessments not exceeding the amount of ad valorem property taxes levied in support of such payments;

(C) court judgments or settlements of legal actions against the city or county and legal costs directly related to such judgments or settlements;

(D) expenditures of city or county funds that are specifically mandated by federal or state law with such mandates becoming effective on or after July 1, 2015, and loss of funds from federal sources after January 1, 2017, where the city or county is contractually obligated to provide a service;

(E) expenses relating to a federal, state or local disaster or federal, state or local emergency, including, but not limited to, a financial emergency, declared by a federal or state official. The board of county commissioners may request the governor to declare such disaster or emergency; or

(F) increased costs above the consumer price index for law enforcement, fire protection or emergency medical services.

(3) Any increased property tax revenues generated for law enforcement, fire protection or emergency medical services shall be expended exclusively for these purposes but shall not be used for the construction or remodeling of buildings.

(4) The property tax revenues levied by the city or county have declined:

(A) In one or more of the next preceding three calendar years and the increase in the amount of funding for the budget or appropriation from revenue produced from property taxes does not exceed the average amount of funding from such revenue of the next preceding three calendar years, adjusted to reflect changes in the consumer price index for all urban consumers as published by the United States department of labor for the preceding calendar year; or

(B) the increase in the amount of ad valorem tax to be levied is less than the change in the consumer price index plus the loss of assessed property valuation that has occurred as the result of legislative action, judicial action or a ruling by the board of tax appeals.

(5) Whenever a city or county is required by law to levy taxes for the financing of the budget of any political or governmental subdivision of this state that is not authorized by law to levy taxes on its own behalf, and the governing body of such city or county is not authorized or empowered to modify or reduce the amount of taxes levied therefore, the tax levies of the political or governmental subdivision shall not be included in or considered in computing the aggregate limitation upon the property tax levies of the city or county.

(6) *Any tax levy increase as a result of another taxing entity being dissolved and all powers, responsibilities, duties and liabilities of the taxing*

*entity have been transferred to a city located in the county in which the taxing entity is located, or to the county in which the taxing entity is located, to carry on the function and responsibilities of the dissolved taxing entity, so long as the levy increase does not exceed the levy of the dissolved taxing entity.*

Sec. 5. K.S.A. 2018 Supp. 79-2925c is hereby repealed.

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

Approved April 9, 2019.

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## CHAPTER 22

## HOUSE BILL No. 2101

AN ACT concerning financial institutions; relating to credit unions; enacting the state credit union code; amending K.S.A. 17-2201, 17-2203, 17-2204a, 17-2207, 17-2209, 17-2214, 17-2215, 17-2217, 17-2226, 17-2229, 17-2230, 17-2231 and 17-2268 and K.S.A. 2018 Supp. 17-2202, 17-2204, 17-2206, 17-2208, 17-2210, 17-2211, 17-2216, 17-2216a, 17-2219, 17-2221a, 17-2228, 17-2233, 17-2234, 17-2246 and 17-2263 and repealing the existing sections; also repealing K.S.A. 17-2224, 17-2225 and 17-2242.

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

New Section 1. Article 22 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, shall be known and may be cited as the state credit union code.

Sec. 2. K.S.A. 17-2201 is hereby amended to read as follows: 17-2201. (a) Any seven persons, *who are* residents of the state of Kansas, may apply to the administrator of the credit union department for permission to organize a credit union by signing in duplicate a certificate of organization and entering into articles of incorporation, in which they shall bind themselves to comply with its requirements and with all the laws, rules and regulations applicable to credit unions. The articles of incorporation shall set forth:

(1) The name of the proposed credit union, which shall contain the words “credit union” and shall not be the same as that of any other credit union in this state.

(2) The names and addresses of the subscribers to the articles of incorporation, and the number of shares subscribed by each.

(3) A statement that organization as a credit union is desired under ~~this particular law~~ *the state credit union code*, the par value of the shares and the manner in which the par value of shares may be changed from time to time.

(4) The address, which shall include the street, number, city and county of the corporation’s registered office in this state and the name of its resident agent at such address.

(b) At the time of filing the articles of incorporation with the administrator, the organizers shall submit, in duplicate, sets of bylaws which shall provide:

(1) The date of the first annual meeting, the manner in which subsequent annual meeting dates shall be determined, the manner of notification of meetings and conducting the meetings, the number of members constituting a quorum and regulations as to voting.

(2) The number of directors, which shall not be less than five, all of whom must be members, their powers and duties, together with the duties of officers elected by the board of directors.

(3) The qualifications for membership.

(4) The number of members of the credit committee and of the supervisory committee, ~~which shall not be less than three each, together with, which shall not be less than three each, and~~ their respective powers and duties.

(5) The conditions under which shares may be issued.

(c) The administrator shall approve the articles of incorporation, if they are in conformity with this act and the bylaws, if satisfied that the proposed field of operation is favorable to the success of such credit union, and that the standing of the proposed organizers is such as to give assurance that its affairs will be properly administered. If the administrator approves the articles of incorporation, the administrator shall issue to the proposed organizers a certificate of approval annexed to the duplicate of the articles of incorporation and of the bylaws. The articles of incorporation, with the certificate of approval annexed, shall be executed and filed and become effective in the manner prescribed in the general corporation code. The copy of the articles of incorporation filed with the secretary of state shall be accompanied by the fee prescribed by K.S.A. ~~17-7502~~ 17-7506, and amendments thereto. The articles of incorporation of any credit union approved as provided in this section by the secretary of state in the same manner as other domestic corporations are approved whether or not acted upon by the charter board.

Sec. 3. K.S.A. 2018 Supp. 17-2202 is hereby amended to read as follows: 17-2202. (a) Amendments of the bylaws may be adopted and amendments of the charter may be requested by the membership pursuant to K.S.A. 17-2207, and amendments thereto, ~~or by the affirmative vote of  $\frac{2}{3}$  of the authorized number of members of the board of directors~~ upon approval of the board of directors at any duly held meeting, if the members of the board have been given prior written notice of the meeting and the notice has contained a copy of the proposed amendment or amendments.

(b) Except as provided in paragraphs (1) and (2), no amendment to the bylaws shall become operative until approved by the administrator in writing, and until a certified copy has been filed as original bylaws are filed.

(1) If the administrator disapproves any proposed amendment, the credit union may appeal the decision in accordance with the Kansas administrative procedure act.

(2) Any proposed amendment shall be deemed to be approved if the administrator has not acted upon such proposed amendment within 60 calendar days of the date of receipt thereof by the administrator.

Sec. 4. K.S.A. 17-2203 is hereby amended to read as follows: 17-2203.

(a) Only credit unions organized under the provisions of the ~~act of which this act is amendatory~~ state credit union code, credit unions organized

pursuant to federal law, an association of credit unions, or an organization, corporation or association whose membership or ownership is restricted to credit unions or credit union organizations may use any name, *a website URL* or title ~~which that~~ contains the words “credit union” or any derivation thereof.

(b) Any other use by any person, copartnership, association or corporation of any name, *or website URL* or title ~~which that~~ contains the words “credit union” or any derivation thereof and any misrepresentation as a credit union or conducting of business as a credit union by such entities shall be a class A misdemeanor and punishable as such. The administrator, any credit union or any organization, corporation or association of credit unions described in subsection (a) ~~of this section~~ may petition a court of competent jurisdiction to enjoin a violation of this section.

Sec. 5. K.S.A. 2018 Supp. 17-2204 is hereby amended to read as follows: 17-2204. A credit union shall have the following powers:

(a) ~~It~~ A *credit union* may receive the savings of its members in payment for shares, make contracts, sue and be sued, and provide negotiable checks, money orders, ~~travelers checks~~, any other money type instruments or transfer methods, safe deposit boxes or similar safekeeping facilities to its members.

(b) ~~It~~ A *credit union* may make loans to members through the credit committee or authorized loan officer in the way and manner provided in K.S.A. 17-2201 et seq., and amendments thereto.

(c) ~~It~~ A *credit union* may invest, ~~through its board of directors and~~ under written investment policies established by the board:

(1) In all types of shares and accounts of a corporate credit union, ~~located in the state of Kansas and under the supervision of the administrator that is federally insured;~~

(2) in shares or accounts of any savings and loan association or mutual savings bank the accounts of which are insured by an insurer approved by the state in which ~~it the savings and loan association or mutual savings bank~~ operates for guaranteeing the shares or accounts of such institutions;

(3) in the bonds or other obligations of the United States of America, or securities fully guaranteed as to principal and interest thereby;

(4) in obligations of, or obligations issued by, any state or political subdivision thereof, including any agency, corporation or instrumentality of a state or political subdivision, except that no credit union may invest more than 10% of its shares, undivided earnings and reserves in the obligations of any one issuer, exclusive of general obligations of the issuer; *or*

(5) in savings banks, state banks, trust companies and national banks, the accounts of which are insured by an insurer approved by the state in which ~~it the savings bank, state bank, trust company or national bank~~ operates for guaranteeing the shares or accounts of such institutions.

~~(6) Unless the administrator authorizes otherwise, the funds of the credit union shall be used first for loans to members and preference shall be given to the smaller loans in the event the available funds do not permit all loans which have been approved by a loan officer or have passed the credit committee to be made.~~

(d) ~~A~~ *credit union* may enter into agreements with financial institutions or organizations for the extension of credit or debit services.

(e) ~~A~~ *credit union* may do all things necessary to obtain, continue, pay for and terminate insurance of its shares and share certificates with the national credit union share insurance fund or its successor. A credit union also may do all things necessary to obtain, continue, pay for and terminate private insurance coverage of its shares and share certificates in excess of the coverage for such shares and share certificates provided by the national credit union share insurance fund or its successor. Such excess coverage shall be obtained from an insurer approved by the commissioner of insurance.

(f) ~~A~~ *credit union* may receive from its members or other insured credit unions payments on shares and share certificates and may invest its funds in shares, share certificates or other accounts of insured credit unions. ~~Except for investments in corporate credit unions, such investments may not exceed 25% of the investing credit unions' shares, undivided earnings and reserves.~~

(g) A corporate credit union, as defined by ~~subsection (e) of K.S.A. 17-2231(e)~~, and amendments thereto, may buy and sell investment securities, as defined by the administrator, but the total amount of such investment securities of any one obligor or maker held by such credit union shall at no time exceed 15% of the shares, undivided earnings and reserves of the credit union, except that this limit shall not apply to obligations of the United States government or any agency thereof.

(h) Credit unions may enter into agreements to discount or sell student loans made pursuant to federally insured student loan programs under ~~public law~~ *Pub. L. No. 89-329*, title IV part (b) of the higher education act of 1965 as amended.

(i) A credit union may discount or sell to such corporate credit union or any financial institution or organization any real estate loan made by the credit union.

~~(j) Credit unions~~ A *credit union* may enter into agreements with a corporate credit union to discount or sell to such corporate credit union any obligation of the United States government or any agency thereof, or of any state, municipality or any agency thereof, if the obligation at the time of purchase was a legal investment for credit unions.

(k) ~~A~~ *credit union* may provide that shares and share certificates may be withdrawn for payment to the account holder or to third parties,

in such manner and in accordance with such procedures as may be established by the board of directors.

(l) Every credit union incorporated pursuant to or operating under the provisions of ~~this act~~ *the state credit union code* may exercise such powers, including incidental powers, as shall be necessary or requisite to enable it to carry on effectively the purposes and business for which it is incorporated.

(m) A credit union may receive from the national credit union central liquidity facility created by title III of the federal credit union act, 12 U.S.C. § 1795 et seq., payments on: (1) Shares ~~which~~ *that* may be issued at varying dividend rates; (2) share certificates ~~which~~ *that* may be issued at varying dividend rates and maturities; and (3) investments in any other accounts of the credit union. A credit union may invest its funds in the capital stock of the national credit union central liquidity facility.

(n) Subject to written guidelines issued by the administrator, a credit union may purchase notes made by individual borrowers to a financial institution at such prices as may be agreed upon by the board of directors of the purchasing credit union. No purchase may be made, however, under authority of this subsection, unless approved in writing by the administrator, if, upon the making of that purchase, the aggregate of the unpaid balances of notes of nonmembers purchased under authority of this subsection would exceed 5% of the shares, undivided earnings and reserves of the credit union.

(o) Subject to rules and regulations adopted by the administrator, a credit union, if designated by the administrator as a low-income credit union, may accept payments to share accounts by nonmembers. Such rules and regulations shall specify the maximum level of nonmember shares, the use of such shares, the term of such accounts and other requirements to address safety and soundness issues. Nonmember account holders ~~do~~ *shall* not have the same rights and privileges as members.

Sec. 6. K.S.A. 17-2204a is hereby amended to read as follows: 17-2204a. (a) Notwithstanding any other provision contained in the laws of this state providing for investments by credit unions, such credit unions may invest, ~~through their board of directors and~~ under written investment policies established by the board, in the bonds, debentures or other similar obligations issued under the authority of and pursuant to the act of congress known as the farm credit act of 1971, as amended. The total amount of such bonds, debentures or other similar obligations of any one obligor or maker shall at no time exceed 15% of the shares, undivided earnings and reserves of the credit union.

(b) Subject to rules and regulations of the administrator, credit unions may invest in a credit union services organization, ~~through their board of directors and~~ under written investment policies established by the board,

if the credit union services organization is structured as a corporation, limited liability company or limited partnership. Subject to rules and regulations of the administrator, credit unions may make loans to such credit union services organization, except that any such investment in or loans to such credit union services organization shall not exceed, in the aggregate, 2% of the credit union's ~~unimpaired shares, undivided earnings and reserves and undivided earnings~~. "Credit union services organization" means an organization established to provide operational and financial services primarily to credit unions.

(c) Subject to written guidelines issued by the administrator, a credit union may invest its funds, ~~through its board of directors and~~ under written investment policies established by the board, in investment securities defined by the administrator. Except for obligations of wholly owned government corporations, or obligations ~~which~~ *that* provide a return of principal and interest ~~which~~ *that* is guaranteed by an agency of the federal government, the total amount of such investment securities of any one obligor or maker held by the credit union shall at no time exceed 15% of the shares, undivided earnings and reserves of the credit union.

(d) Except as provided in ~~subsection (g) of K.S.A. 17-2204, and amendments thereto~~, a credit union is prohibited from participating directly or indirectly in: (1) The purchase or sale of a standby commitment; (2) a futures contract; (3) ~~in~~ adjusted trading; or (4) ~~in~~ a short sale of a security. A credit union's directors, officials, committee members and employees, and immediate family members of such individuals, may not receive pecuniary consideration in connection with the making of an investment or deposit by the credit union.

(e) Nothing contained in this section shall be construed to prohibit any funds of a credit union from being invested as now provided by law.

Sec. 7. K.S.A. 2018 Supp. 17-2206 is hereby amended to read as follows: 17-2206. (a) Credit unions shall be subject to the exclusive supervision of the administrator and shall make and keep current such books and records, prepare reports and establish plans and programs concerning the safety and soundness of the credit union as may be required by rules and regulations adopted by the administrator and shall make a report of condition to the administrator at least semiannually, on blank forms to be supplied by the administrator, notice of which reports shall be sent out by the administrator. Returns shall be verified under oath of the president or chairperson of the board, ~~whichever~~ *whomever* has been elected by the board of directors pursuant to K.S.A. 17-2209, and amendments thereto, and treasurer, and additional reports may be required by the administrator. Copies of a current balance sheet shall be furnished without charge by the administrator to any person upon request. Any credit union ~~which~~ *that* neglects to make the above reports shall ~~forfeit to the treasurer of the~~



~~state~~ *be fined* up to \$50 for each day of such neglect at the discretion of the administrator.

(b) Each credit union shall be examined at least once every 18 months by the administrator or the administrator's duly authorized deputy or agent. In lieu of any particular examination, the administrator may accept an examination report made by or under the authority of the national credit union administration or its successor or successors, by any such other appropriate federal agency or by an independent auditor or certified public accountant licensed to do business in the state of Kansas if such audit and report meet the standards ~~which that~~ the administrator may ~~by regulation promulgate~~ *adopt by rules and regulations*. The administrator may order other examinations, and the administrator's agents shall at all times be given free access to all books, papers, securities and other sources of information ~~in~~ *with* respect to the credit union. The administrator shall have the power to subpoena witnesses, compel their attendance, require the production of evidence, administer oaths and examine any person under oath in connection with any subject relating to a duty imposed upon or a power vested in the administrator. If a credit union neglects to make the required reports or to pay the charges required, including charges for delay in filing reports, for 15 days, the administrator shall notify the credit union of the administrator's intention to revoke the certificate of approval. If the neglect or failure continues for another 15 days, the administrator may revoke the certificate of approval and shall cause one of the administrator's agents to take possession of the business of such credit union and retain possession until such time as the administrator may permit such credit union to resume business or its affairs are finally liquidated.

(c) The administrator may issue cease and desist orders or orders for corrective action or both, ~~made over the administrator's official signature, having determined if the administrator determines~~ that a credit union is engaged, ~~or has engaged, or is about to engage,~~ in an unsafe or unsound practice, or is violating, ~~or has violated, or is about to violate,~~ any law, rules and regulations or any condition imposed in writing by the administrator or any written agreement made with the administrator.

(d) If the administrator determines that a credit union is insolvent, is in a deteriorating condition, as defined in rules and regulations ~~promulgated~~ *adopted* by the administrator, or, within a reasonable time, has failed to comply with any order mailed to the last address filed by the credit union with the administrator, the administrator, as conservator or liquidating agent, pursuant to any order shall immediately, or within a reasonable time thereafter, take possession of or appoint an agent to take possession of the business and property of the credit union and retain possession, as conservator or as liquidating agent, until such time as the administrator may permit it to resume business or its affairs are finally liquidated.

(e) The administrator may approve an emergency merger in accordance with K.S.A. 17-2228, and amendments thereto, without regard to field of membership or other legal restraints. The credit union to be merged shall have a current CAMEL rating of 4 or 5, or the recognized regulatory equivalent thereof as defined in rules and regulations promulgated by the administrator, and be determined to be undercapitalized in accordance with regulatory standards as determined by the administrator by rules and regulations. The field of membership of the merged credit union will be retained by the continuing credit union resulting from the merger.

(f) Each credit union shall pay to the administrator a fee for examination, established in accordance with this subsection. Prior to June 1 of each year, the administrator, after advising the credit union council, shall establish such annual fees as the administrator determines to be sufficient to meet the budget requirements of the department of credit unions for the fiscal year beginning July 1. Such fees shall be due and payable 30 days after receipt of billing from the department of credit unions.

(g) For a corporate credit union, the administrator may accept an audit report by a certified public accountant in lieu of the credit union departmental examination of such credit union. If the administrator accepts a certified public accountant audit in lieu of the administrator's examination of such corporate credit union, the administrator may assess such corporate credit union a fee established in accordance with subsection (f).

(h) All administrative proceedings instituted or conducted by the administrator pursuant to this act shall be conducted in accordance with the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto.

(i) The administrator, as conservator or liquidating agent:

(1) By operation of law, shall succeed to all rights, titles, powers and privileges of the credit union, and of any member, account holder, officer or director of such credit union with respect to the credit union and the assets of the credit union;

(2) shall take over the assets of and operate the credit union with all the powers of the members or shareholders, the directors and the officers of the credit union and shall be authorized to conduct all business of the credit union;

(3) may collect all obligations and money due the credit union;

(4) may perform all functions of the credit union in the name of the credit union which is consistent with the appointment as conservator or liquidating agent;

(5) shall preserve and conserve the assets and property of such credit union;

(6) may fix a reasonable amount for compensation of the conservator or liquidating agent as an expense of operation or liquidation of the credit union;

(7) may take such actions as may be necessary to put the credit union in a sound and solvent condition;

(8) may take such action as may be appropriate to carry on the business of the credit union and preserve and conserve the assets and property of the credit union; and

(9) as liquidating agent, place the credit union in liquidation and proceed to realize upon the assets of the credit union and liquidate such credit union in accordance with the provisions of K.S.A. 17-2230, and amendments thereto.

(j) A credit union approved to do business in this state under K.S.A. 17-2223a, and amendments thereto, shall pay to the administrator the same fees for examination that a state-chartered credit union is required to pay under the provisions of subsection (f). Such fees shall be paid in accordance with the provisions of subsection (f).

Sec. 8. K.S.A. 17-2207 is hereby amended to read as follows: 17-2207. The credit union fiscal year shall end at the close of business on December 31. ~~Special meetings of the members may be held by order of the board of directors or the supervisory committee and shall be held on request of 10% of the members. At all meetings each member shall have but one vote, irrespective of the number of shares held. The number of members constituting a quorum for any meeting shall be as specified in the bylaws. No member may vote by proxy, but a member may vote by absentee or mail ballot if the bylaws of the credit union so allow. A society, association, copartnership or corporation having membership in a credit union may be represented by one person, duly authorized by the society, association, copartnership, or corporation to represent it. At any meeting the members may decide on any matter of interest to the credit union, may overrule the directors, and, by a  $\frac{3}{4}$  vote of those present, may amend the bylaws, providing the notice of the meeting shall have stated the question to be considered. The annual meeting and any special meetings of the members of the credit union shall be held in accordance with the credit union's bylaws.~~

Sec. 9. K.S.A. 2018 Supp. 17-2208 is hereby amended to read as follows: 17-2208. (a) Annually the members of the credit union shall elect members of a board of directors as shall be provided in the bylaws. The bylaws shall state the manner of appointment or election of a supervisory committee. If the bylaws provide for a credit committee, the credit committee may be appointed by the board of directors or elected by the members of the credit union. All directors and committee members shall be chosen from the membership. ~~The~~ *Directors and committee members* shall hold

~~their several offices~~ *office* for such terms as may be provided in the bylaws ~~and until their successors are elected or appointed and qualified.~~

(b) One member of the supervisory committee may be a director other than the treasurer. Regular terms of supervisory committee members shall be for such term as shall be provided in the bylaws and until the selection and qualification of their successors.

(c) All members of the board and committees and all officers shall be sworn and shall hold their several offices for such terms as may be provided in the bylaws. The oath shall be subscribed by the individual taking it and certified by the officer before whom it is taken and shall immediately be transmitted to the administrator and filed and preserved in the administrator's office.

(d) The board of directors may suspend *or remove* any or all members of the credit and supervisory committees for failure to perform their duties. *Any vacancy shall be filled in accordance with the credit union's bylaws.*

~~(1) If the bylaws provide for the election of committee members, the suspension shall be effective until the next meeting of the members of the credit union, which meeting shall be held not less than seven nor more than 21 days after such suspension and at which meeting such suspension shall be acted upon by the members of the credit union.~~

~~(2) If the bylaws provide for appointment of the committee members, the suspension shall be effective until acted upon by the board at the next regular or special meeting of the board, which meeting shall be held not less than seven nor more than 21 days after such suspension.~~

~~(e) Any person suspended shall have the right to appear and be heard at the meeting.~~

Sec. 10. K.S.A. 17-2209 is hereby amended to read as follows: 17-2209. (a) At the first meeting and at each first meeting in the fiscal year following the annual meeting of the credit union, the board of directors shall elect from their own number an executive officer who may be designated as chairperson of the board or president, a vice-chairperson of the board or one or more vice-presidents, a treasurer and a secretary, of whom the last two may be the same individual, and the persons so elected shall be the executive officers of the corporation. ~~The board of directors may employ an officer in charge of operations whose title shall be either president or general manager; or, in lieu thereof, the board of directors may designate the treasurer or an assistant treasurer to act as the officer in charge of operations and be in active charge of the affairs of the credit union.~~

~~(b) The board of directors shall have the general management of the affairs, funds and records of the corporation, and unless they shall be specifically reserved to the members it shall be the special duty of the directors:~~

(1) ~~To act upon all applications for membership and on the exclusion of members. The board of directors may, however, delegate authority to a membership officer or officers to approve applications for membership under such conditions as it prescribes not inconsistent with the bylaws or law of the state. The membership officer or officers may approve but not reject applications for membership. All unapproved applications shall pend until the board acts upon them.~~ *Set the par value of shares, if any, of the credit union.*

(2) ~~To determine, from time to time, rates of interest which shall be charged on loans and to authorize interest refunds, if any, on such classes of loans and under such conditions as the board prescribes.~~ *Set the minimum of shares, if any, required for membership.*

(3) ~~To acquire surety bonds, the amount and type of which shall be subject to the administrator's approval.~~ *Designate those persons or positions authorized to execute or certify documents or records on behalf of the credit union.*

(4) ~~To fix the maximum number of shares which may be held by, and the maximum or minimum amount which may be loaned to, any one member; to establish the policies of the credit union with respect to the granting of loans and the extending of lines of credit; to set such limits and balances as required for services which are to be applicable to all members in a category; and to recommend or approve amendments to the bylaws.~~ *Authorize the purchase of adequate fidelity and insurance coverage for officers, directors, committee members and employees and for losses caused by persons outside the credit union for which the credit union may be liable.*

(5) ~~To fill vacancies on the board of directors and credit committee until the election and qualification of successors and to fill vacancies in the supervisory committee if the bylaws so allow.~~ *Authorize the employment and compensation of the chief executive officer.*

(6) ~~To have charge of the investment of funds of the credit union, other than loans to members, except that the board may designate an investment committee or any qualified individual to have charge of investments under conditions established by the board; to authorize donations for civic, charitable, scientific, literary or educational purposes; to set fees and charges for the credit unions' services and to establish policies for their application; and to perform such other duties as the members may, from time to time, authorize.~~ *Approve an annual operating budget for the credit union.*

(7) ~~To meet at least six times each year with at least one meeting in each quarter-year period.~~ *Authorize the conveyance of real property.*

(8) *Review and approve the annual audit.*

(9) *Appoint any committees deemed necessary.*

(10) *Establish conditions under which a member may be removed for cause.*

(11) *Perform such other duties or authorize any action not inconsistent with the state credit union code.*

(c) *In addition, unless delegated, the board shall:*

(1) *Establish policies under which the credit union may borrow, lend and invest money to carry on the functions of the credit union.*

(2) *Act upon applications for membership in the credit union.*

(3) *Establish the loan policies under which loans may be approved.*

(4) *Declare dividends on shares and set the rates of interest on deposits.*

(5) *Determine the amount that may be loaned to a member, together with the terms and conditions of the loan.*

(6) *Approve the charge-off of credit union losses.*

~~(e)(d)~~ No member of the board of directors or of the credit or supervisory committee shall receive any compensation as a member of the board or committee. The provision of reasonable life, health, accident, disability and similar insurance protection for a director or committee member shall not be considered compensation. Directors and committee members, while on official business of the credit union, may be reimbursed for necessary expenses incidental to the performance of the business. The credit union may compensate any director, committee member or officer for loss of salary or wages due to the performance of business on behalf of the credit union. ~~No salary shall be paid to any officer or other employee of a credit union except such as may have been duly approved by the board of directors.~~

~~(d) If provided for in the bylaws, the board of directors may elect an executive committee of not less than three board members. Such executive committee shall have and be able to execute such powers, duties and responsibilities of the board of directors as the bylaws may provide at such times other than regular or special meetings of the board of directors. Meetings of the executive committee shall not be counted to fulfill the requirements of paragraph (7) of subsection (b).~~

Sec. 11. K.S.A. 2018 Supp. 17-2210 is hereby amended to read as follows: 17-2210. ~~(a)~~ The credit committee, credit manager, or loan officer shall have the general supervision of all loans to members. The credit committee, credit manager or loan officer may approve or disapprove loans, subject to written policies established by the board of directors. The president or general manager or a designee thereof may serve as the credit manager.

~~(b) Any person who is denied a loan by the credit committee, credit manager or loan officer, may appeal the denial of such loan to the board of directors, if the bylaws of the credit union provide for such appeal. Such appeal shall be conducted in the manner provided in the bylaws.~~

Sec. 12. K.S.A. 2018 Supp. 17-2211 is hereby amended to read as follows: 17-2211. (a) The supervisory committee shall supervise the acts of the board of directors, credit committee and officers. The supervisory committee may suspend by a  $\frac{2}{3}$  vote any officer of the credit union or any member of the credit committee or the board of directors, until the next meeting of the members of the credit union, which meeting shall be held ~~not less than seven nor more than 21~~ within 60 days after such suspension and at which meeting such suspension shall be acted upon by the members of the credit union. Any person suspended shall have the right to appear and be heard at the meeting.

~~(b) By a majority vote the supervisory committee may call a meeting of the shareholders to consider any violation of this act or of the bylaws, or any practice of the credit union which, in the opinion of the committee, is unsafe and unauthorized.~~

~~(c)~~ (e) The committee shall fill vacancies in their own number until the next annual meeting of the members or vacancies shall be filled in such a manner as is provided in the bylaws.

~~(d)~~(c) Subject to rules and regulations adopted by the administrator, the supervisory committee shall make or cause to be made a thorough annual audit of the receipts, disbursements, income, assets and liabilities of the credit union and shall make a full report to the directors, which report shall be presented at the annual meeting and shall be filed and preserved with the records of the credit union. The supervisory committee shall make or cause to be made such supplementary audits as it deems necessary or as may be ordered by the administrator, and submit reports of the supplementary audits to the board of directors. The administrator may accept in lieu of any required audit, an audit by a certified public accountant or other independent accountant.

~~(e) Subject to rules and regulations adopted by the administrator, the supervisory committee shall make, or cause to be made, a certification of members' accounts using either of the following methods:~~

~~(1) A controlled certification of 100% of members' accounts at least once each two years; or~~

~~(2) a controlled random statistical sampling in accordance with American institute of certified public accountants' guidelines which tests sufficient accounts in number and scope to assure accuracy of the members' accounts at least once each year.~~

Sec. 13. K.S.A. 17-2214 is hereby amended to read as follows: 17-2214. (a) Subject to rules and regulations prescribed by the administrator, corporate credit unions shall have the following additional powers to:

(1) Provide access for its shareholders on a mutual basis to financial systems and the services and products of financial institutions;

(2) provide its shareholders with research and consulting services concerning financial matters, institutions and products;



- (3) provide financial system support services and facilities;
- (4) establish and execute financial programs to assist its shareholders in meeting their needs;
- (5) provide safekeeping or trustee services to or on behalf of its shareholders;

(6) issue shares or classes of shares with such terms and conditions as may vary from other shares authorized by this act as the administrator shall approve including, but not limited to, and notwithstanding the provisions of K.S.A. 17-2230, and amendments thereto, the subordination of such shares to other shares of the credit union ~~and the liability for a designated class of shares to be reduced in accordance with K.S.A. 17-2225, and amendments thereto,~~ without reducing the liability on all other shares, except that, such shares shall have a redemption priority in liquidation or termination of membership no earlier than provided to other shares authorized by this act; and

(7) purchase from or sell to its members participation interests in loans made by the corporate credit union or its members.

(b) A corporate credit union may lend to each member no more than 25% of ~~its~~ *the corporate credit union's* assets, except that other credit unions, operating under the provisions of this act, may lend to each other only with the approval of the administrator, up to 25% of the shares, undivided earnings and reserves of the lending credit union.

(c) Subject to written policies adopted by its board of directors and approved by the administrator, a corporate credit union may:

- (1) Make loans to;
- (2) receive payments on shares, share certificates or investments in any other account of the corporate credit union from; or
- (3) invest its funds in shares, stock or obligations of, organizations established to provide operational and financial services associated with the routine operations of credit unions.

Any investments in the capital stock of or loans to such organizations shall not exceed, in the aggregate, 2% of such credit union's shares and unimpaired capital.

Sec. 14. K.S.A. 17-2215 is hereby amended to read as follows: 17-2215. A credit union shall have the power to borrow from any source, subject to special orders of or in accordance with such rules and regulations as may be prescribed by the administrator, but the total of such borrowing shall at no time exceed 50% of the ~~capital, surplus and reserve fund shares, undivided earnings and reserves~~ of the borrowing credit union. Any credit union may discount with or sell to any federal intermediate credit bank any eligible obligations up to the amount of its shares and share certificates.

Sec. 15. K.S.A. 2018 Supp. 17-2216 is hereby amended to read as follows: 17-2216. (a) Subject to rules and regulations of the administrator,



a credit union may loan to its members, as provided, for such purposes and upon such security as the bylaws may provide and the credit committee, credit manager or duly authorized loan officer shall approve. Loans to members shall be made in conformity with criteria established by the board of directors. No loan shall be made in excess of \$500 or 10% of the credit union's total assets, ~~whichever amount is greater.~~

(b) Any loan secured by the insurance or guarantee of, or with advance commitment to purchase the loan by the federal government, a state government or any agency of either may be made under the terms and conditions specified in the law under which such insurance, guarantee or commitment is provided.

Sec. 16. K.S.A. 2018 Supp. 17-2216a is hereby amended to read as follows: 17-2216a. Subject to rules and regulations of the administrator, a credit union may make loans to its directors, credit committee members and supervisory committee members or other members for which the director or committee member acts as guarantor or endorser who are not employees only if:

(a) Such a loan complies with all lawful requirements under the credit union law with respect to loans to other borrowers and is not on terms more favorable than those extended to other borrowers;

(b) in the case where, upon the making of the loan, the aggregate of loans outstanding to the borrower exceeds by ~~\$50,000~~ \$100,000 the total amount of shares, share certificates and other shareholdings in any credit union, not otherwise encumbered or pledged, which are pledged as security for the loans of the borrower, the loan is approved by the credit committee or duly authorized loan officer and the board of directors; and

(c) the borrower takes no part in the consideration of the application and does not attend any committee or board meeting while the application is under consideration. ~~All such loans shall be reported to the administrator at least annually.~~

Sec. 17. K.S.A. 17-2217 is hereby amended to read as follows: 17-2217. All entrance fees, transfer fees and charges shall, after the payment of the organization expenses, be known as reserve income, and shall be added to the reserve fund of the credit union. At the close of the fiscal year or each dividend paying period there shall be set apart to the reserve fund, such sums as are provided for in this section.

(a) A credit union shall comply with the reserve requirements of the national credit union administration rules and regulations, 12 C.F.R. § 702 in effect on the effective date of this act, or any later version as adopted by the administrator in rules and regulations.

(b) ~~A corporate credit union, in lieu of other reserve requirements, at a minimum, shall set aside an amount equal to the average daily net assets of the corporate credit union, as defined by the administrator, multiplied~~

by .0005 and then multiplied by the number of days in the transfer period divided by 365, until the total amount of the corporate credit union's reserves, undivided earnings and membership shares equal 4% of the net assets of the corporate credit union. The administrator may decrease the amounts required to be set aside by this subsection when in the administrator's opinion such decrease is necessary or desirable. *A corporate credit union shall comply with the reserve requirements of the national credit union administration rules and regulations, 12 C.F.R. § 704 in effect on the effective date of this act, or any later version as adopted by the administrator in rules and regulations.*

(c) The reserve fund shall belong to the credit union and shall be held to meet losses on loans. Other losses may be charged to the reserve fund with prior approval of the credit union administrator. The reserve fund shall not be distributed to the members except upon dissolution of the credit union.

Sec. 18. K.S.A. 2018 Supp. 17-2219 is hereby amended to read as follows: 17-2219. (a) Any member may be expelled from the credit union:

(1) By a  $\frac{2}{3}$  vote of the members present at any regularly called meeting of the membership; or

(2) in accordance with the provisions of subsection (b), by the president, general manager or any other credit union employee designated by the board of directors for a member's abuse of member account privileges, a member's act or failure to act which causes financial loss to the credit union, a member's failure to purchase shares and utilize loan or other services of the credit union, or a member's failure to comply with the credit union's adopted policy regarding expulsion. The president or general manager shall report the expulsion of a member at the next regularly scheduled board meeting.

(b) The board of directors of a credit union may adopt a policy with respect to expulsion from membership for any reason set forth in subsection (a)(2). If such a policy is adopted, ~~written~~ notice of the policy as adopted and effective date of such policy shall be ~~mailed~~ *provided* to each member of the credit union ~~at the member's current address appearing on the records of the credit union~~ *not less no fewer* than 30 days prior to the effective date of such policy. In addition, each new member shall be ~~provided written~~ notice of any such policy prior to or upon applying for membership. An expelled member shall be informed of the reason for expulsion and may appeal the expulsion to the board of directors by making a written request to the board of directors within 30 days of the expulsion.

(c) A member may withdraw from a credit union, as hereinafter provided, by filing a written notice of such intention. All amounts paid on shares of an expelled or withdrawing member, with any dividends credited to the member's shares to the date of expulsion, or withdrawal, shall

be paid to the member, but only as funds become available and after deducting any amounts due to the credit union by the member. All shares of an expelled or withdrawing member, with any interest accrued, shall be paid to the member, subject to 60 days' notice, and after deducting any amounts due to the credit union by the member. The member, when withdrawing shares, shall have no further right in the credit union or to any of its benefits, but such expulsion or withdrawal shall not operate to relieve such member from any remaining liability to the credit union.

Sec. 19. K.S.A. 2018 Supp. 17-2221a is hereby amended to read as follows: 17-2221a. (a) After first applying for and obtaining the approval of the administrator, a credit union incorporated under the laws of this state, may establish and operate one or more branches or relocate an existing branch, in accordance with its stated field of membership as approved by the administrator. The application shall include proof of publication of notice that the applicant credit union intends to file or has filed an application to establish a branch or relocate an existing branch. The notice shall be published in a newspaper of general circulation in the county where the applicant credit union proposes to locate the branch. The notice shall be in the form prescribed by the administrator and at a minimum shall contain the name and address of the applicant credit union and the location of the proposed branch. The notice shall be published on the same day for two consecutive weeks.

(b) (1) If the credit union has a current CAMEL rating of 3, 4 or 5, or the recognized regulatory equivalent thereof as defined in rules and regulations promulgated by the administrator, the application shall also contain a solicitation for written comments and provide for a comment period of not less than 10 days after the date of the second publication. Upon receipt of the application and following expiration of the comment period, the administrator may hold a hearing in the county in which the applicant credit union seeks to operate the branch. The applicant shall publish notice of the time, date and place of such hearing in a newspaper of general circulation in the county where the applicant credit union proposes to locate the branch, not less than 10 nor more than 30 days prior to the date of the hearing, and proof of publication shall be filed with the administrator. At any such hearing, all interested persons shall be allowed to present written and oral evidence to the administrator, or the administrator's designee, in support of or in opposition to the branch. Upon completion of a transcript of the testimony given at any such hearing, the transcript shall be filed in the office of the administrator.

(2) If the administrator determines a public hearing is not warranted, the administrator shall approve or disapprove the application within 15 days after receipt of a complete application but not prior to the end of the comment period. If a public hearing is held, the administrator shall

approve or disapprove the application within 60 days after consideration of the complete application and the evidence gathered during the administrator's investigation. The period for consideration of the application may be extended if the administrator determines the application presents a significant supervisory concern. If the administrator finds that:

(A) There is a reasonable probability of usefulness and success of the proposed branch;

(B) the proposed branch is in accordance with the applicant's field of membership approved by the administrator as set forth in K.S.A. 17-2205, and amendments thereto; and

(C) the applicant credit union's financial condition is sound, including an analysis of the loan portfolio to ensure that the applicant credit union is not exceeding the limitation on member business loans provided in 12 U.S.C. ~~Section § 1757a, and amendments thereto,~~ the new branch or relocation shall be granted, otherwise, it shall be denied.

(3) Within 15 days after any final action of the administrator approving or disapproving an application, the applicant, or any adversely affected or aggrieved person who provided written comments during the specified comment period, may request a hearing with the administrator. Upon receipt of a timely request, the administrator may conduct a hearing in accordance with the provisions of the Kansas administrative procedure act. Any decision of the administrator is subject to review in accordance with the Kansas judicial review act.

~~(c) For purposes of this section:~~

~~(1) "Administrator" shall have the meaning ascribed to it in K.S.A. 17-2233, and amendments thereto.~~

~~(2) "Branch" means any office, agency or other place of business located within this state, other than the place of business specified in the credit union's certificate of organization, at which deposits are received, checks paid, or money lent.~~

~~(d) The administrator may adopt rules and regulations necessary to implement this section.~~

Sec. 20. K.S.A. 17-2226 is hereby amended to read as follows: 17-2226. (a) Credit unions may purchase, lease, hold or rent real estate and improvements thereon for their current or future use and occupancy. ~~Without the written approval of the administrator, such expenditure shall not exceed 5% of total shareholdings, reserves and undivided earnings.~~

(b) A credit union may purchase, rent, hold, contract for, acquire or lease any material, equipment or service which may be necessary or incidental to its operation. ~~The aggregate of all such purchases, rentals, holdings, contracts, acquisitions or leases when required by generally accepted accounting principles to be entered as an asset or a liability shall not exceed, when aggregated with amounts expended pursuant to sub-~~

section (a) of K.S.A. 17-2226, and amendments thereto, 5% of the credit union's shares, reserves and undivided earnings without the written approval of the administrator.

(c) A credit union may rent or lease a portion of its building, fixed assets or property and may acquire, lease, hold, assign, pledge, sell or otherwise dispose of property or other assets, either in whole or in part, necessary or incidental to its operations and purposes.

Sec. 21. K.S.A. 2018 Supp. 17-2228 is hereby amended to read as follows: 17-2228. Any credit union, with the approval of the administrator, may merge with another credit union under the charter of such other credit union, pursuant to any plan agreed upon by the majority of the board of directors of each credit union joining in the merger, and approved by the members of each such credit union organized under the provisions of this act, either by the affirmative vote of a majority of those members present at a meeting of its members duly called for such purpose or by the affirmative vote in writing of a majority of its members who participate in the vote on the merger plan without a meeting. After such agreement by the directors and approval of the members of each credit union organized under the provisions of this act, the president or chairperson of the board and secretary of each credit union organized under the provisions of this act, shall execute ~~in triplicate~~, a certificate of merger, ~~which that~~ shall set forth all of the following:

- (a) The time and place of the meeting of the board of directors at which the plan was agreed upon;
- (b) the vote in favor of adoption of the plan;
- (c) a copy of the resolution or other action by which the plan was agreed upon;
- (d) the time and place of the meeting of the members at which the plan agreed upon was approved; and
- (e) the vote by which the plan was approved by the members.

~~Such certificates, in triplicate~~ *certificate of merger*, a copy of the plan of merger agreed upon, and any necessary approvals or consents for a merging credit union organized under the provisions of any other jurisdiction shall be forwarded to the administrator. Upon receipt of these documents, the administrator shall determine whether the merger meets the statutory requirements for field of membership set forth in K.S.A. 17-2205, and amendments thereto. If the merger is approved, a copy of the certificate, certified by the administrator, shall be returned to the merging credit unions within 30 days. The date of certification of the merger by the administrator shall constitute the date of approval. Upon any such merger so effected, all property, property rights and interest of the merged credit union shall vest in the continuing credit union without deed, endorsement or other instrument of transfer, and all debts, obligations and liabilities

ties of the merged credit union shall be deemed to have been assumed by the continuing credit union under whose charter the merger was effected.

This section shall be construed, whenever possible, to permit a credit union chartered under any other act to merge with one chartered under this act or to permit one chartered under this act to merge with one chartered under any other act. The charter of the terminating credit union shall, upon merger, be canceled and voided by operation of law.

Sec. 22. K.S.A. 17-2229 is hereby amended to read as follows: 17-2229. (a) A credit union may sell all or any part of its assets to another credit union or it may purchase all or any part of the assets of another credit union in accordance with this section.

(b) The purchasing credit union may assume, as part of the purchase price, any or all of the liabilities of the selling credit union and may pay the balance in cash or by the issue of shares to the selling credit union of the members thereof whether or not such members are members of the purchasing credit union.

(c) The selling credit union shall enter into an agreement with the purchasing credit union containing the terms and conditions of the sale, ~~and. If the assets being sold are valued at an amount greater than 10% of either the purchasing credit union's or the selling credit union's total amount of shares, undivided earnings and reserves,~~ the selling credit union shall ~~within one (1) month after the agreement is signed~~ file a copy ~~thereof of the agreement~~ with the administrator ~~within one month after it is signed~~. The agreement shall be approved or disapproved by the administrator ~~within thirty (30) 30 days~~, otherwise the same shall be deemed approved.

(d) ~~If and when the agreement is approved by the administrator, each of the credit unions shall submit it to a meeting of its shareholders stating the purpose for which the meetings are called.~~

~~(e) If the agreement is approved by the shareholders of each of the credit unions by at least three-fourths (¾) vote of the shareholders present at each meeting, the secretary of each credit union shall certify on the agreement that it has been so approved and shall forward a copy of the agreement so certified to the administrator.~~

~~(f) Upon the approval of the shareholders of each of the credit unions, the agreement is binding on each of the credit unions and the sale shall thereafter be completed as of the effective date specified in the agreement which shall be a date subsequent to the approval by the shareholders of each of the credit unions.~~

~~(g)~~—In the event the agreement does not specify an effective date, the administrator may fix a date upon which it will become effective.

~~(h)~~(e) If the selling credit union has disposed of all assets under the agreement, it shall cease to carry on business on the effective date of

agreement, except for the purpose of winding up its affairs, and it shall dissolve as soon as possible thereafter, and all reserves shall go to the purchasing credit union under the terms and conditions of the agreement.

Sec. 23. K.S.A. 17-2230 is hereby amended to read as follows: 17-2230. (a) *Voluntary*. At a meeting especially called to consider the matter, a majority of the entire membership may vote to dissolve the credit union, provided a copy of the notice was mailed to the administrator at least 10 days prior thereto. Any member not present at such meeting may, within the next 20 days, vote in favor of dissolution by signing a statement in form approved by the administrator and such vote shall have the same force and effect as if cast at such meeting. The credit union shall thereupon immediately cease to do business except for the purposes of liquidation, and the executive officer of the board and secretary of the board shall, within five days following such meeting, notify the administrator of intention to liquidate and shall include a list of the names of the directors and officers of the credit union together with their addresses. Any credit union which has voted to enter into voluntary dissolution may by action of its board of directors make a written application to the administrator for the appointment of a liquidating agent and the administrator shall then exercise such powers of appointment, control and supervision of a liquidating agent as is provided in K.S.A. 17-2206, and amendments thereto, and liquidate such credit union in accordance with the provisions of this section.

(b) *Involuntary*. If it shall appear that any credit union is insolvent, or that it has violated any of the provisions of this act, the administrator may order such credit union to correct such condition and shall grant it a reasonable time under the circumstances of the case within which to comply, and failure to do so shall afford grounds for revocation of the corporate charter or the appointment of a conservator. When the administrator finds that a credit union is insolvent, the administrator, pursuant to order, shall become the conservator and may appoint an agent and require the agent to give such bond as the administrator deems proper. The administrator also shall fix reasonable compensation for the agent but the same shall be subject to approval of the district court of the county wherein such credit union is located upon application of any party in interest. The administrator may appoint as agent any person, ~~the Kansas credit union league,~~ or the insurer or guarantee corporation required under K.S.A. 17-2246, and amendments thereto, for the credit union involved. Upon an order of the administrator to liquidate such credit union, such agent shall follow the liquidation procedure set out herein. Any agent appointed shall make a complete report to the administrator covering the acts and proceedings as such agent. The administrator may remove any agent, with or without cause, and appoint a successor. The agent, under the direction of the administrator, shall take charge of any



insolvent credit union and all of its assets and property and liquidate the affairs and business for the benefit of its creditors and shareholders as provided in this section. The agent may sell or compound all bad and doubtful debts and sell all the property of any such credit union upon such terms as the administrator shall approve. The administrator shall have the general supervision of all the acts of the agent. All claims of creditors and shareholders must be filed with the agent within one year after the date of the agent's appointment, and if any shareholder claim or creditor claim is not so filed then it shall be barred from participation in the estate and assets of any such credit union. The agent of any insolvent credit union may borrow money and pledge the assets of such insolvent credit union but only upon prior written approval of the administrator. At least once each year the administrator shall examine every credit union in the hands of an agent and copies of such examination reports shall be available to any interested shareholder or creditor by written request made to the administrator. Every agent shall submit the records and affairs of such credit union to an examination by the administrator or the administrator's assistant and examiners whenever the agent is requested to do so. The agent of any credit union shall make reports to the administrator in the same manner as required of other credit unions.

(c) *Liquidating procedure.* The credit union shall continue in existence for the purpose of discharging its debts, collecting and distributing its assets, and doing all acts required in order to wind up its business and may sue and be sued for the purpose of enforcing such debts and obligations until its affairs are fully adjusted.

The board of directors, or the liquidating agent shall use the assets of the credit union to pay in the following order: (1) Expenses incidental to liquidation including any surety bond that may be required; (2) remaining liabilities other than shareholdings; and (3) the assets then remaining, if any, shall be distributed to the savings held by each member or other shareholder as of the date dissolution was voted.

As soon as the board or the liquidating agent determines that all assets from which there is a reasonable expectancy of realization have been liquidated and distributed as set forth in this section, they shall execute a certificate of dissolution on a form prescribed by the administrator and file same with the register of deeds of the county wherein the credit union had its registered office, who shall, after recording and indexing same, forward it to the administrator, whereupon such credit union shall be dissolved. The administrator shall furnish a copy of the certificate of dissolution to the secretary of state.

Sec. 24. K.S.A. 17-2231 is hereby amended to read as follows: 17-2231. The following words and terms used in chapter 17; of article 22 of the Kansas Statutes Annotated, *and amendments thereto*, shall have



the meanings respectively ascribed to them in this section. (a) “Council” means the credit union council created by this act.

(b) “Administrator” means the credit union administrator provided for in K.S.A. 17-2233, and amendments thereto.

(c) “Credit union” means a cooperative, ~~nonprofit~~ *not-for-profit* association, incorporated for the purpose of creating a source of credit at a fair and reasonable rate of interest, of encouraging habits of thrift among its members, and of providing the opportunity for people to use and control their money for their mutual benefit.

(d) “Department” or “credit union department” means the state department of credit unions established by K.S.A. 17-2234, and amendments thereto.

(e) “Corporate credit union” means a credit union ~~in which no individual may purchase more than \$5 share and from which no individual may borrow money. “Individual” as used in this subsection shall mean natural persons only~~ *that is cooperatively organized and owned by its members that offers liquidity, investment, back office processing, deposit and lending facilities and other products and services tailored to the unique needs of its members.*

(f) “~~Nonprofit~~ *Not-for-profit* association” means, for purposes of this act, an association whose individual operations are not intended to generate, in the aggregate, an excess of revenues over the sum of expenses, distribution returns to members, appropriate reserves and capital that are consistent with the credit union’s purposes and measured on an ongoing basis of the credit union as a whole.

(g) “Low-income credit union” means a credit union with a field of membership in which more than one-half earn less than 80% of the national median household income; or the credit union may document that more than 50% of its members make less than 80% of the national average wage.

(h) “*Credit union services organization*” means an organization established to provide operational and financial services to credit unions.

(i) “*Federal intermediate credit bank*” means a bank sponsored by the federal government to provide funds to financial institutions for the making of agricultural loans.

(j) “*Electronic notice*” means notice that is provided in writing and delivered by electronic means to the electronic mail address specified by the member for that purpose. A member who provides an electronic mail address to the credit union for such purposes shall be deemed to have consented to receive notices and correspondence by electronic means.

(k) “Branch” means any office, agency or other place of business located within the state, other than the place of business specified in the credit union’s certificate of organization, at which deposits are received, checks paid or money lent.

Sec. 25. K.S.A. 2018 Supp. 17-2233 is hereby amended to read as follows: 17-2233. The credit union administrator shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as administrator shall exercise any power, duty or function as administrator until confirmed by the senate. Any person appointed as the administrator shall have at least three years' actual, practical experience in the operation and management of a credit union. The administrator shall not be a member of the council. The governor shall fix the compensation of the administrator. In addition, the administrator shall be entitled to receive the actual and necessary expenses incurred in the performance of the administrator's duties. The administrator shall be in the unclassified service under the Kansas civil service act. ~~The term of office of the administrator holding office on the effective date of this act shall expire on December 31, 2009. Thereafter,~~ The administrator shall be appointed for a term of four years and until a successor is appointed and confirmed. If a vacancy occurs, the governor shall appoint a successor to fill the vacancy for the unexpired term. The administrator shall attend the meetings of the council and shall have the general charge of the work of the council and the general supervision of credit unions. The administrator shall keep a permanent record of all meetings and proceedings of the council ~~at the office of the administrator.~~

Sec. 26. K.S.A. 2018 Supp. 17-2234 is hereby amended to read as follows: 17-2234. (a) (1) There is hereby established the state department of credit unions, which shall be under the administrative supervision of the administrator as directed by law. The administrator may appoint or employ an attorney to assist the department in its functions under this act, and in accordance with the civil service law, such special assistants, deputies or examiners, and other employees, as may be necessary for the purpose of administering and enforcing the provisions of this act.

(2) The administrator is hereby authorized to appoint financial examiners and ~~an administrative assistant~~ *other staff* who shall be in the unclassified service under the Kansas civil service act ~~and shall receive an annual salary fixed by the administrator in accordance with an equitable salary schedule established by the administrator and approved by the governor for all unclassified positions. The average of the salaries shall not exceed the average compensation of corresponding state regulatory positions in similar areas.~~ The administrator's salary schedule for unclassified positions shall be reported to the credit union council annually.

(b) Nothing in subsection (a) shall affect the classified status of any person employed with the department of credit unions on the day immediately preceding the effective day of this act.

(c)(1) Subject to the provisions of the appropriation acts, the administrator may appoint financial examiners, financial examiner administrators, case managers and a business manager within the department of credit unions as determined necessary by the administrator to effectively carry out the mission of the department. Each financial examiner, financial examiner administrator, case manager or business manager appointed after the effective date of this act shall be in the unclassified service under the Kansas civil service act, shall have special training and qualifications for such positions, shall serve at the pleasure of the administrator and shall receive compensation in accordance with an equitable salary schedule established by the administrator and approved by the governor for all unclassified positions. The administrator shall prepare and maintain an equitable salary schedule for such appointed positions.

(2) The average of the amount of compensation in the administrator's salary schedule for such appointed positions in the unclassified service shall not exceed the average compensation of corresponding state regulatory positions in similar areas. The administrator's salary schedule for unclassified positions shall be reported to the credit union council annually.

(d) Each special assistant, deputy, examiner and other such employees as may be necessary for the purpose of administering and enforcing the provisions of this act shall submit to a security background check prior to being employed in such position. Upon the commencement of the interview process, every candidate shall be given a written notice that a security background check is required. The security background check shall be limited to criminal history record information as provided by K.S.A. 22-4701 et seq., and amendments thereto. If the criminal history record information reveals any conviction of crimes of dishonesty, such conviction may be used to disqualify a candidate for any position within the office of the department of credit unions. If the criminal history record information is used to disqualify a candidate, the candidate shall be informed in writing of that decision. Upon determining whether to hire or disqualify a candidate, the candidate's criminal history record information report shall be destroyed. The candidate's personnel file shall only contain a statement that a security background check was performed and the date thereof.

(e)(d) The state department of credit unions shall submit an employment candidate's fingerprints to the Kansas bureau of investigation and to the federal bureau of investigation for the purpose of determining whether the applicant has a criminal record.

Sec. 27. K.S.A. 2018 Supp. 17-2246 is hereby amended to read as follows: 17-2246. (a) (1) Every credit union which is organized and operating under the laws of the state of Kansas, except a corporate credit union, shall insure the shares of each shareholder of such credit union.

(2) Every credit union shall insure the shares of each shareholder of such credit union with the national credit union share insurance fund, *NCUSIF*, or its successor.

(b) (1) The application for *NCUSIF* insurance shall be filed with the Kansas-state department of credit unions, then forwarded to the national credit union administration.

(2) Every credit union chartered after the effective date of this act shall obtain *NCUSIF insurance* coverage prior to commencing business.

(3) The administrator may suspend the charter, merge, liquidate, or take possession of any credit union which fails to comply with the provisions of this section or which loses or allows such coverage to lapse.

(c) Every credit union shall forward a copy of the *NCUSIF* certificate of insurance to the administrator within 30 days after the credit union receives the certificate.

(d) (1) Every credit union shall take every action legally required to maintain *NCUSIF* insurance coverage in full force and effect, and shall refrain or desist from taking any action that is likely to cause termination of *NCUSIF* insurance coverage.

(2) The administrator shall order the merger, consolidation, or liquidation of any credit union whose *NCUSIF* insurance is terminated.

Sec. 28. K.S.A. 2018 Supp. 17-2263 is hereby amended to read as follows: 17-2263. (a) Subject to the provisions of this section and K.S.A. 17-2264, and amendments thereto, an individual adult or minor, hereafter referred to as the ~~shareholder member~~, may enter into a written contract with any credit union located in this state providing that the balance of the ~~shareholder's member's~~ account, or the balance of the ~~shareholder's member's~~ legal share of an account, at the time of death of the ~~shareholder member~~ shall be made payable on the death of the ~~shareholder member~~ to one or more persons or, if the persons predecease the owner, to another person or persons, hereafter referred to as the beneficiary or beneficiaries. If any beneficiary is a minor at the time the account, or any portion of the account, becomes payable to the beneficiary and the balance, or portion of the balance, exceeds the amount specified by K.S.A. 59-3053, and amendments thereto, the moneys shall be payable only to a conservator of the minor beneficiary.

(b) Transfers pursuant to this section shall not be considered testamentary or be invalidated due to nonconformity with the provisions of chapter 59 of the Kansas Statutes Annotated, and amendments thereto.

(c) Every contract authorized by this section shall be considered to contain a right on the part of the ~~shareholder member~~ during the ~~shareholder's member's~~ lifetime both to withdraw funds on deposit in the account in the manner provided in the contract, in whole or in part, as though no beneficiary has been named, and to change the designation of beneficiary. The interest of the beneficiary shall be considered not to vest

until the death of the ~~shareholder~~ *member* and, if there is a claim pursuant to K.S.A. 39-709, and amendments thereto, until such claim is satisfied.

(d) No change in the designation of the beneficiary shall be valid unless executed in the form and manner prescribed by the credit union and delivered to the credit union prior to the death of the ~~shareholder~~ *member*.

(e) For the purposes of this section, the balance of the ~~shareholder's~~ *member's* account or the balance of the ~~shareholder's member's~~ legal share of an account shall not be construed to include any portion of the account ~~which~~ *that* under the law of joint tenancy is the property of another joint tenant of the account, upon the death of the owner.

(f) As used in this section, "person" means any individual, individual or corporate fiduciary or nonprofit religious or charitable organization as defined by K.S.A. 79-4701, and amendments thereto.

Sec. 29. K.S.A. 17-2268 is hereby amended to read as follows: 17-2268. Except for persons who are executive officers, an officer or director of a credit union ~~or federal credit union~~ shall have no personal liability to the credit union ~~or federal credit union~~ or its members for monetary damages for breach of duty as an officer or director, except that such liability shall not be eliminated for: (a) Any breach of the officer's or director's duty of loyalty to the credit union or its members; (b) acts or omissions which constitute willful or gross and wanton negligent breach of the officer's or director's duty of care; (c) acts in violation of K.S.A. 17-2209, and amendments thereto; or (d) any transaction from which the officer or director derived an improper personal benefit. For purposes of this section, "executive officer" means the chairperson of the board, the president, each vice-president, ~~the cashier,~~ the secretary and the treasurer of a credit union ~~or federal credit union~~, unless such officer is excluded by resolution of the board of directors or by the bylaws of the credit union ~~or federal credit union~~ from participation in the policymaking functions of the credit union ~~or federal credit union~~, and the officer does not actually participate in the policymaking functions of the credit union ~~or federal credit union~~.

Sec. 30. K.S.A. 17-2201, 17-2203, 17-2204a, 17-2207, 17-2209, 17-2214, 17-2215, 17-2217, 17-2224, 17-2225, 17-2226, 17-2229, 17-2230, 17-2231, 17-2242 and 17-2268 and K.S.A. 2018 Supp. 17-2202, 17-2204, 17-2206, 17-2208, 17-2210, 17-2211, 17-2216, 17-2216a, 17-2219, 17-2221a, 17-2228, 17-2233, 17-2234, 17-2246 and 17-2263 are hereby repealed.

Sec. 31. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 10, 2019.

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## CHAPTER 23

## SENATE BILL No. 60

AN ACT concerning real estate; relating to licensing of brokers and salespersons; application, temporary licenses, education requirements, deactivation and reinstatement of licenses, broker's primary office, fees, effect on other licenses of suspension or revocation of certain licenses; Kansas real estate commission; organization, seal; amending K.S.A. 74-4202 and K.S.A. 2018 Supp. 58-3039, 58-3040, 58-3045, 58-3046a, 58-3047, 58-3060, 58-3063, 58-3080 and 58-3081 and repealing the existing sections; also repealing K.S.A. 58-3049.

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

Section 1. K.S.A. 2018 Supp. 58-3039 is hereby amended to read as follows: 58-3039. (a) Any person desiring to act as a broker or salesperson must file ~~a written~~ *an* application for a license with the commission or, if required by the commission, with the testing service designated by the commission. The application shall be in such form and detail as the commission shall prescribe. *The commission may require any portion of the application to be submitted electronically.*

(1) Any applicant who qualifies for licensure as a salesperson shall submit the application accompanied by evidence of compliance with ~~subsection (a) of K.S.A. 58-3046a(a) and (c),~~ and amendments thereto.

(2) Any applicant who qualifies for licensure as a broker shall submit the application accompanied by evidence of compliance with ~~subsection (b) of K.S.A. 58-3046a(b) and (d),~~ and amendments thereto.

(3) ~~Any applicant who qualifies for licensure as a salesperson on or after July 1, 2007, shall submit the application accompanied by evidence of compliance with subsection (c) of K.S.A. 58-3046a, and amendments thereto.~~

(4) ~~Any applicant who qualifies for licensure as a broker on or after July 1, 2007, shall submit the application accompanied by evidence of compliance with subsection (d) of K.S.A. 58-3046a, and amendments thereto.~~

(5) ~~All applicants shall submit the application and license fees as prescribed by K.S.A. 58-3063, and amendments thereto.~~

(b) (1) As part of an application for an original license or in connection with any investigation of any holder of a license, the commission shall require a person to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the person and to determine whether the person has a record of criminal history in this state or other jurisdiction. The commission shall require the applicant to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check *in the manner designated by the Kansas bureau of investigation.* The commission shall use the information obtained from

fingerprinting and the criminal history for purposes of verifying the identification of the person and in the official determination of the qualifications and fitness of the person to be issued or to maintain a license.

(2) Local and state law enforcement officers and agencies shall assist the commission in taking and processing fingerprints of applicants for and holders of any license and shall release all records of adult convictions to the commission.

(3) The commission may fix and collect a fee in an amount necessary to reimburse the ~~board~~ *commission* for the cost of fingerprinting and the criminal history record check. Such fee shall be established by rule and regulation in accordance with K.S.A. 58-3063, and amendments thereto. Any moneys collected under this subsection shall be deposited in the state treasury and credited to the ~~real estate~~ *background investigation* fee fund.

(c) A license to engage in business as a broker or salesperson shall be granted only to a person who is 18 or more years of age and who has a high school diploma or its equivalent.

(d) In addition to the requirements of subsection (c), except as provided in subsection (e), each applicant for an original license as a broker shall have been:

(1) licensed as a salesperson in this state or as a salesperson or broker in another state, and shall have been actively engaged in any of the activities described in ~~subsection (f) of K.S.A. 58-3035(f)~~, and amendments thereto, for a period of at least two years during the ~~five~~ *three* years immediately preceding the date of the application for a license; ~~or~~.

(2) ~~if an applicant resides in a county that has a population of 20,000 or less, the commission may, upon a finding that such county suffers from a shortage of brokers and upon compelling evidence of need, waive or alter the requirements of this subsection. The commission shall adopt rules and regulations to establish alternative licensing criteria for such applicants. The commission may adopt rules and regulations to implement the provisions of this subsection.~~

(e) The commission may accept proof of experience in the real estate or a related business or a combination of such experience and education which the commission believes qualifies the applicant to act as a broker as being equivalent to all or part of the experience required by subsection (d).

(f) Each applicant for an original license shall be required to pass an examination covering the subject matter which brokers or salespersons generally confront while conducting activities that require a real estate license. The examination shall consist of a general portion that tests the applicant's knowledge of real estate matters that have general application. The state portion of the examination shall test the applicant's knowledge of real estate subject matter applicable to a specific jurisdiction.



(1) Except as provided in K.S.A. 58-3040, and amendments thereto, each applicant for an original license shall be required to pass the general or national portion of the examination.

(2) Each applicant for an original license shall be required to pass the Kansas state portion of the examination.

(3) No license shall be issued on the basis of an examination if either or both portions of the examination were administered more than six months prior to the date that the applicant's application is ~~filed with~~ *received by* the commission. The examination may be given by the commission or ~~any person testing service~~ designated by the commission. Each person taking the examination shall pay the examination fee prescribed pursuant to K.S.A. 58-3063, and amendments thereto, which fee the commission may require to be paid to it or directly to the testing service designated by the commission. The examination for a broker's license shall be different from or in addition to that for a salesperson's license.

(g) The commission, prior to granting an original license, shall require proof that the applicant has a good reputation for honesty, trustworthiness, integrity and competence to transact the business of a broker or salesperson in such manner as to safeguard the public interest.

(h) An application for an original license as a salesperson or associate broker shall be accompanied by the recommendation of the supervising broker or branch broker with whom the salesperson or associate broker is to be associated, or by whom the salesperson or associate broker is to be employed, certifying that the applicant is honest, trustworthy and of good reputation.

~~(i) (1) Each applicant for an original salesperson's license who meets the requirements of this act prior to July 1, 2007, shall be issued a temporary salesperson's license which shall expire six months after the last calendar day of the month in which the license was issued, on the last calendar day of that month.~~

~~(2) No later than 10 days prior to the expiration date of a temporary salesperson's license, the salesperson shall file an application on a form provided by the commission. The application shall be accompanied by the license fee prescribed by K.S.A. 58-3063, and amendments thereto, and evidence of compliance with the requirements of subsection (f)(1) of K.S.A. 58-3046a, and amendments thereto. The commission shall issue a salesperson's license to a person who complies with the provisions of this paragraph. The issuance date of the salesperson's license shall be the day following the expiration date of the temporary license. The expiration date of the license shall be determined in accordance with a schedule established by rules and regulations of the commission.~~

~~(3) Failure to comply with the provisions of paragraph (2) shall automatically cancel the temporary license on its expiration date.~~



~~(4) A person whose temporary salesperson's license was canceled pursuant to paragraph (3) may apply for a salesperson's license if such application, the license fee prescribed by K.S.A. 58-3063, and amendments thereto, plus a late fee of \$50 and evidence of attendance of 30 hours of instruction received after issuance of the temporary license pursuant to subsection (f)(1) of K.S.A. 58-3046a, and amendments thereto, are received by the commission within three months after the expiration date of the temporary license. The commission shall issue a salesperson's license to a person who complies with the provisions of this paragraph. The expiration date of the license shall be determined in accordance with a schedule established by rules and regulations of the commission.~~

~~(j) Each applicant for an original salesperson's license who meets the requirements of this act on and after July 1, 2007, shall be issued a salesperson's license. The expiration date of the license shall be determined in accordance with a schedule established by rules and regulations of the commission.~~

Sec. 2. K.S.A. 2018 Supp. 58-3040 is hereby amended to read as follows: 58-3040. (a) A nonresident of this state may be granted a broker's license if:

(1) The nonresident is licensed as a broker in the nonresident's state of residence; and

(2) ~~such~~*the* nonresident meets all requirements imposed by this act on Kansas residents for licensure as a broker, except as provided by subsection (e).

(b) A nonresident broker may be granted a salesperson's license, if:

(1) The nonresident is licensed as a broker in the nonresident's state of residence;

(2) ~~such~~*the* nonresident meets all requirements imposed by this act on Kansas residents for licensure as a broker, except for the requirements of K.S.A. 58-3039(d)(1) or (e), and amendments thereto, and the nonresident does not qualify for a waiver pursuant to subsection (e); and

(3) the nonresident submits the certification described in K.S.A. 58-3039(h), and amendments thereto.

(c) A nonresident salesperson employed by or associated with a broker licensed pursuant to this act may be granted a salesperson's license under ~~such~~*the* broker, if:

(1) The salesperson is licensed as a salesperson in the salesperson's state of residence; and

(2) ~~such~~*the* salesperson meets all requirements imposed by this act on Kansas residents for licensure as a salesperson, except as provided by subsection (f).

(d) The commission may enter into agreements with other jurisdictions as to the issuance of reciprocal licenses.

(e) The commission may waive the education provided by K.S.A. 58-3046a(b), and amendments thereto, the examination provided by K.S.A. 58-3039, and amendments thereto, and the experience provided by K.S.A. 58-3039(d)(1) or (e), and amendments thereto, and issue an original broker's license to a nonresident or to a Kansas resident who holds a broker's license issued by another jurisdiction if, in the judgment of the commission, the applicant received equivalent education, passed an equivalent examination and obtained equivalent experience. The applicant shall meet all other requirements imposed by this act.

(f) The commission may waive the education provided by K.S.A. 58-3046a(a), and amendments thereto, and the examination provided by K.S.A. 58-3039, and amendments thereto, and issue an original salesperson's license to a nonresident or to a Kansas resident who holds a license issued by another jurisdiction if, in the judgment of the commission, the applicant received equivalent education and passed an equivalent examination. The applicant shall meet all other requirements imposed by this act.

(g) Prior to the issuance of a license to a nonresident, the applicant must agree in writing to abide by all provisions of this act with respect to the applicant's real estate activities within the state and submit to the jurisdiction of the commission and the state in all matters relating thereto. ~~Such~~ The agreement shall be filed with the commission and shall remain in force for so long as the nonresident is licensed by this state and thereafter with respect to acts or omissions committed while licensed as a nonresident.

(h) A nonresident licensed under this section shall be entitled to the same rights and subject to the same obligations as are provided in this act for Kansas residents, except that revocation or suspension of a nonresident's license in the nonresident's state of residence shall automatically cause the same revocation or suspension of ~~such the~~ nonresident's license issued under this act. No hearing shall be granted to a nonresident licensee ~~where~~ whose license is subject to ~~such the~~ automatic revocation or suspension except for the purpose of establishing the fact of revocation or suspension of the nonresident's license by the nonresident's state of residence.

Sec. 3. K.S.A. 2018 Supp. 58-3045 is hereby amended to read as follows: 58-3045. (a) ~~Except for a temporary salesperson's license issued pursuant to subsection (i) of K.S.A. 58-3039, and amendments thereto, Each license issued or renewed by the commission shall expire on a date determined in accordance with a schedule established by rules and regulations of the commission, which date shall be not more than two years from the date of issuance or renewal. Except as otherwise provided by this act, applicants for issuance or renewal of a license must satisfy all applicable requirements prior to issuance or renewal of the license.~~

(b) (1) ~~Except for a temporary salesperson's license issued pursuant to subsection (i) of K.S.A. 58-3039, and amendments thereto, Each license shall be renewable upon the filing of a renewal application on or before the renewal date, which is the last calendar day of the month preceding the license expiration date. Such application shall be made on a form provided by the commission and accompanied by (A) the renewal fee prescribed by K.S.A. 58-3063, and amendments thereto, and (B) evidence of compliance with the requirements of K.S.A. 58-3046a, and amendments thereto, or the licensee's license with the licensee's request that the license be deactivated on the renewal date pursuant to K.S.A. 58-3049, and amendments thereto.~~

(2) Failure to comply with paragraph (1) on or before the ~~renewal expiration date~~ will automatically ~~cancel~~ *expire* the license on the license expiration date unless the license is *reinstated and* renewed pursuant to subsection (c) ~~prior to the expiration date~~.

(c) The commission may reinstate and renew the license of a licensee who has failed to comply with the requirements of subsection (b)(1) if within six months following the date of the expiration of the license, the licensee submits to the commission an application for late renewal. Such application shall be made on a form provided by the commission and ~~shall be signed by the licensee. Except for late renewal of a license on deactivated status pursuant to K.S.A. 58-3049, and amendments thereto, such application also shall be signed by the licensee's supervising broker or branch broker, if applicable. Such application shall be accompanied by (1) evidence of compliance with K.S.A. 58-3046a, and amendments thereto, or a written request that such license be renewed on deactivated status pursuant to K.S.A. 58-3049, and amendments thereto, and (2) payment of the renewal fee prescribed by K.S.A. 58-3063, and amendments thereto, plus a late fee of \$50 \$100.~~

(d) An application for renewal filed in compliance with the requirements of subsection (b) shall entitle the applicant to continue operating under the applicant's existing license after its specified expiration date, unless such license has been suspended or revoked and has not been reinstated or unless such license is restricted, until such time as the commission determines whether the application fulfills such requirements.

Sec. 4. K.S.A. 2018 Supp. 58-3046a is hereby amended to read as follows: 58-3046a. (a) Except as provided in K.S.A. 58-3040, and amendments thereto, any person who applies for an original license in this state as a salesperson shall submit evidence, satisfactory to the commission, of attendance of a principles of real estate course, of not less than 30 hours of instruction, approved by the commission and ~~received~~ *completed* within the 12 months immediately preceding the ~~filing receipt by the commission~~ of the application for salesperson's license. The commission may require

the evidence to be furnished to the commission with the original application for license or it may require the applicant to furnish the evidence to the testing service designated by the commission as a prerequisite to taking the examination required by K.S.A. 58-3039, and amendments thereto. If the evidence is furnished to the testing service, the instruction shall have been ~~received~~ *completed* within 12 months immediately preceding the date of the examination.

(b) Except as provided in K.S.A. 58-3040, and amendments thereto, any person who applies for an original license in this state as a broker shall submit evidence, satisfactory to the commission, of attendance of ~~24 a~~ *Kansas real estate fundamentals course, of not less than 30 and no more than 45* hours of instruction, approved by the commission and received within the 12 months immediately preceding the filing of application for broker's license. Such hours shall be in addition to any hours of instruction used to meet the requirements of subsection (c), (d), (e) or (f). The commission may require the evidence to be furnished to the commission with the original application for license, or it may require the applicant to furnish the evidence to the testing service designated by the commission as a prerequisite to taking the examination provided in K.S.A. 58-3039, and amendments thereto. If the evidence is furnished to the testing service, the instruction shall have been ~~received~~ *completed* within 12 months immediately preceding the date of the examination.

(c) Any person who applies for an original license in this state as a salesperson ~~on or after July 1, 2007~~, shall submit evidence, satisfactory to the commission, of attendance of a Kansas real estate practice course, of not less than 30 hours of instruction, approved by the commission and ~~received~~ *completed* within the six months immediately preceding the ~~filing~~ *receipt by the commission* of the application for licensure.

(d) *Any person who applies for an original license in this state as a broker on or after January 1, 2020, shall submit evidence, satisfactory to the commission, of attendance of a Kansas real estate management course, of not less than 30 and no more than 45 hours of instruction, approved by the commission and completed within the six months immediately preceding the receipt by the commission of the application for licensure. The hours shall be in addition to any hours of instruction used to meet the requirements of subsection (b), (c), (e) or (f).*

(e) Any person who applies for an original license in this state as a broker ~~on or after July 1, 2007~~, who is a nonresident of Kansas or who is a resident of Kansas applying for licensure pursuant to K.S.A. 58-3040(e), and amendments thereto, shall submit evidence, satisfactory to the commission, of attendance of a Kansas real estate course, of not less than four hours of instruction and ~~received~~ *completed* within the six months immediately preceding the filing of the application for licensure. Such course

shall be approved by the commission and shall be specific to Kansas law with primary emphasis on issues that arise under the brokerage relationships in real estate transactions act, K.S.A. 58-30,101 et seq., and amendments thereto, and rules or regulations adopted thereunder.

~~(e)~~(f) At or prior to each ~~renewal~~ license expiration date established by the commission, any person who is licensed in this state as a broker or as a salesperson shall submit evidence, satisfactory to the commission, of attendance of not less than 12 hours of continuing education approved by the commission and ~~received completed after issuance of the license and during the renewal period. This requirement shall not apply to a license on deactivated status pursuant to K.S.A. 58-3047, and amendments thereto.~~

~~(f)~~ Any person who obtains a temporary license in this state as a salesperson prior to July 1, 2007, shall submit evidence, satisfactory to the commission, of attendance of courses of instruction approved by the commission as follows:

~~(1) No later than ten days prior to the expiration date of the temporary license, 30 hours of instruction received after the date of licensure.~~

~~(2) At or prior to the first renewal of a license issued pursuant to K.S.A. 58-3039, and amendments thereto, 12 hours of continuing education received during the renewal period. Such evidence shall not be required until the second license renewal if the license expires less than six months after issuance.~~

~~(3) At or prior to each license renewal thereafter, 12 hours of continuing education received during the renewal period.~~

~~(g)~~ Any person who qualifies for original licensure as a salesperson pursuant to K.S.A. 58-3039, and amendments thereto, on or after July 1, 2007, shall not be required to comply with subsection ~~(e)~~ until the second license renewal period if the license expires less than six months after it is issued.

~~(h)~~(g) Except for courses reviewed pursuant to subsection ~~(k)~~ (j), courses of instruction required by this section shall be courses approved by the commission and offered by:

(1) An institution which is accredited by the north central association of colleges and secondary schools accrediting agency;

(2) a technical college as defined by K.S.A. 74-32,407, and amendments thereto;

(3) a private or out-of-state postsecondary educational institution which has been issued a certificate of approval pursuant to the Kansas private and out-of-state postsecondary educational institution act;

(4) any agency of the state of Kansas;

(5) a similar institution, approved by the commission, in another state; or

(6) an entity, approved by the commission, to provide continuing education.

(i)(h) The commission shall adopt rules and regulations to: (1) Prescribe minimum curricula and standards for all courses offered to fulfill education requirements of this act; (2) designate a course of study to fulfill any specific requirement, which may include a testing requirement; (3) prescribe minimum qualifications for instructors of approved courses; and (4) establish standards and procedures for approval of courses and instructors, monitoring courses, advertising, registration and maintenance of records of courses, and withdrawal of approval of courses and instructors.

(i)(i) The commission may approve distance education courses consisting solely or primarily of instruction provided online or in other computer-assisted formats, or by correspondence, audiotape, videotape or other media. For the purposes of this section, attendance of one hour of instruction shall mean 50 minutes of classroom instruction or the equivalent thereof in distance education study as determined by the commission.

(k)(j) Courses of instruction required by this section shall be courses approved by the commission either before or after their completion. The commission may give credit toward the 12 hours of continuing education required by subsection (e) or (f) to any licensee who submits an application for course review obtained from the commission and pays the fee prescribed by K.S.A. 58-3063, and amendments thereto, if, in the judgment of the commission, the course meets the objectives of continuing education.

(k)(k) The commission shall publish annually a list of educational institutions and entities and the courses offered by them in this state which are approved by the commission.

(m)(l) No license shall be issued or renewed unless the applicable requirements set forth in this section are met within the time prescribed.

Sec. 5. K.S.A. 2018 Supp. 58-3047 is hereby amended to read as follows: 58-3047. (a) The commission shall issue a license as broker or salesperson to each applicant who is qualified under and complies with all provisions of this act and rules and regulations adopted hereunder. The form of license shall be prescribed by the commission.

(b) A salesperson's or associate broker's license shall be delivered or mailed to the *in the control of their* supervising broker or branch broker, if applicable, and shall be kept in the custody and control of such broker until canceled or until the salesperson or associate broker leaves employment by or association with the broker *until deactivated by the commission at the request of the salesperson or associate broker or the supervising broker or branch broker.*

(c) ~~Immediately upon the termination of a salesperson or associate broker from employment by or association with a broker, the supervising broker or branch broker, if applicable, shall return such salesperson's or associate broker's license to the commission for cancellation.~~ *The supervising broker*

*or branch broker shall immediately notify the commission of the termination of employment or association with a salesperson or associate broker and request deactivation of the salesperson's or associate broker's license. A license canceled deactivated but not suspended or revoked may be reinstated at any time during the period for which it was issued upon receipt of the fee for reinstatement prescribed by K.S.A. 58-3063, and amendments thereto, and an application therefor. Such application shall be made on a form provided by the commission and shall be signed by the licensee and the licensee's supervising broker or branch broker, if applicable.*

(d) ~~Upon a change in a supervising broker's name, business name or trade name for the primary office or a change in the location of a supervising broker's office, the supervising broker shall, within 10 days, return to the commission together with the reinstatement fee prescribed by K.S.A. 58-3063, and amendments thereto, for cancellation and reinstatement under the new name or location of the supervising broker: (1) The license of the supervising broker; (2) the license of any other broker who is associated with the supervising broker and whose license requires reinstatement under the new name or location; and (3) the licenses of all salespersons and associate brokers employed by or associated with the supervising broker.~~

(e) ~~The supervising broker of the primary office shall be responsible for ensuring that the branch broker complies with subsections (f) and (l).~~

(f) ~~Upon a change in a supervising broker's name, business name or trade name for the primary office or a change in the location of a branch broker's office, the branch broker shall, within 10 days, return to the commission, for cancellation and reinstatement under the new name for the primary office and branch office or location of the branch office, the license of the branch broker and the licenses of all salespersons and associate brokers assigned to the branch office, together with the reinstatement fee prescribed by K.S.A. 58-3063, and amendments thereto.~~

(g) (1) ~~To change the broker designated as the branch broker or supervising broker of an office, the supervising broker shall, within 10 days, notify the commission on a form approved by the commission. Except as provided in paragraphs (2), (3) or (4), the supervising broker shall return to the commission, for cancellation and reinstatement, the licenses of the current broker and new broker, together with the reinstatement fee prescribed by K.S.A. 58-3063, and amendments thereto.~~

(2) ~~The license of a broker is not required to be returned to the commission for cancellation and reinstatement if the broker is:~~

(A) ~~An associate broker in the primary office and will function as the supervising broker; or~~

(B) ~~an associate broker in the branch office and will function as the branch broker.~~



~~(3) The license of a supervising broker is not required to be returned to the commission for cancellation and reinstatement if the broker will continue to be associated or employed by the primary office as an associate broker.~~

~~(4) The license of a branch broker is not required to be returned to the commission for cancellation and reinstatement if the broker will continue to be associated or employed by the branch office as an associate broker.~~

~~(h)(d) If a salesperson's or associate broker's employment or association with a supervising broker is terminated by the supervising broker supervising broker or branch broker requests a salesperson's or associate broker's license to be deactivated for a violation of this act or rules and regulations adopted hereunder, or the brokerage relationships in real estate transactions act or rules and regulations adopted thereunder, the supervising broker or branch broker shall submit a written statement to the commission, within 10 days, setting forth the alleged facts that were involved. The supervising broker of the primary office shall be responsible for ensuring that the branch broker complies with this subsection.~~

~~(i) If a salesperson's or associate broker's employment or association with a branch broker is terminated by the branch broker for violation of this act or rules and regulations adopted hereunder, or the brokerage relationships in real estate transactions act or rules and regulations adopted thereunder, the branch broker shall submit a written statement to the commission, within 10 days, setting forth the alleged facts that were involved.~~

~~(j) When a termination occurs pursuant to subsections (h) or (i) and a real estate transaction is involved, the duty to report shall apply whether the salesperson or associate broker acted as an agent, transaction broker or as a principal in the transaction.~~

~~(k) Upon closure of a primary office, the supervising broker shall, within 10 days, notify the commission of the closure of the office and return to the commission the supervising broker's license and the licenses of all salespersons or associate brokers employed by or associated with the primary office for the following:~~

~~(1) Cancellation and reinstatement if the supervising broker has paid the appropriate fee and filed the appropriate form with the commission for purposes of the supervising broker becoming employed by or associated with a new supervising broker or branch broker;~~

~~(2) cancellation and reinstatement if the salesperson or associate broker has paid the appropriate fee and filed the appropriate form with the commission for purposes of the salesperson or associate broker becoming employed by or associated with a new supervising broker or branch broker; or~~

~~(3) placement of each license on inactive status.~~



~~(l) Upon closure of a branch office, the branch broker shall, within 10 days, notify the commission of the closure of the office and return to the commission the branch broker's license and the licenses of all salespersons or associate brokers employed by or associated with the branch office for the following:~~

~~(1) Cancellation and reinstatement if the branch broker has paid the appropriate fee and filed the appropriate form with the commission for purposes of the branch broker becoming employed by or associated with a new supervising broker or branch broker;~~

~~(2) cancellation and reinstatement if the salesperson or associate broker has paid the appropriate fee and filed the appropriate form with the commission for purposes of the salesperson or associate broker becoming employed by or associated with a new supervising broker or branch broker; or~~

~~(3) placement of each license on inactive status~~

*(e) A license deactivated for a period of not more than two years and that is not suspended or revoked shall be reinstated if the licensee complies with the requirements of K.S.A. 58-3046a, and amendments thereto, for the immediately preceding license period and pays the fee for reinstatement prescribed by K.S.A. 58-3063, and amendments thereto, and an application therefor. Such application shall be made on a form provided by the commission.*

*(f) A license deactivated for a continuous period of more than two years and not more than five years and that is not suspended or revoked shall be reinstated if the licensee submits evidence, satisfactory to the commission, of attendance at continuing education approved by the commission that totals six additional hours of instruction for each full year that the license has been on deactivated status, pays the fee for reinstatement prescribed by K.S.A. 58-3063, and amendments thereto, and an application therefor. Such application shall be made on a form provided by the commission.*

*(g) A license deactivated for a continuous period of more than five years and that is not suspended or revoked shall be reinstated if the licensee meets the examination requirements for an original applicant, submits evidence, satisfactory to the commission, of attendance at courses of instruction approved by the commission that totals six additional hours of instruction for each full year that the license has been on deactivated status, pays the fee for reinstatement prescribed by K.S.A. 58-3063, and amendments thereto, and an application therefor. Such application shall be made on a form provided by the commission.*

*(h) A licensee whose license is deactivated shall not be entitled to act in any capacity for which a license is required, until the licensee's license has been reinstated.*

Sec. 6. K.S.A. 2018 Supp. 58-3060 is hereby amended to read as follows: 58-3060. (a) Each licensed resident broker shall have and maintain a ~~principal place of business~~ *primary office* in the state of Kansas, or in an adjoining state ~~with the written permission of the commission, which shall serve as such broker's primary office for the transaction of business.~~ Each licensed nonresident broker shall have and maintain a ~~principal place of business~~ *primary office* in the broker's state of residence or in the state of Kansas ~~which shall serve as such broker's primary office for the transaction of business.~~

(b) A supervising broker shall be designated to supervise the primary office and the activities of salespersons and associate brokers assigned to the primary office. Each additional office or place of business, other than the primary office, shall be designated a branch office and a branch broker shall be designated to supervise such office and the activities of salespersons and associate brokers assigned to such office.

(c) ~~A branch broker's license and those of salespersons and associate brokers assigned to the branch office shall be displayed in the branch office. All other licenses of brokers, salespersons and associate brokers shall be displayed in the broker's primary office.~~

~~(d) A supervising broker shall give written notice to the director commission within five days of any change in location of any office of the broker, by returning licenses for cancellation and reinstatement under the new location as provided by K.S.A. 58-3047, and amendments thereto the:~~

- (1) *Supervising broker's name;*
- (2) *business name;*
- (3) *trade name;*
- (4) *location of any office of the broker; or*
- (5) *broker designated as the branch broker or supervising broker of an office.*

~~(d) A supervising broker shall give written notice to the commission within five days of closure of a primary office or branch office. The commission shall place each license that is still affiliated with the closed office, at the time of closure, on inactive status unless that license is affiliated with another office.~~

(e) The requirement of maintaining an office as provided by this section shall not apply to an associate broker, to a broker whose license is on deactivated status or to an officer, member, partner, shareholder or employee of an association, corporation, limited liability company, limited liability partnership, partnership or professional corporation who is not designated as the supervising broker of an office of the association, corporation, limited liability company, limited liability partnership, partnership or professional corporation.

(f) *A primary office may be in the supervising broker's residence. A branch office may be in the branch broker's residence.*

Sec. 7. K.S.A. 2018 Supp. 58-3063 is hereby amended to read as follows: 58-3063. (a) The commission shall adopt rules and regulations fixing the amounts of the fees provided for by this act, subject to the following:

(1) For any examination required for licensure, a fee in an amount equal to the actual cost of the examination and the administration thereof.

(2) For any criminal history record check ~~required for licensure~~, a fee in the amount necessary to reimburse the commission for the cost of administering the criminal history record check.

(3) For submission of an application for an original salesperson's license, an amount not exceeding \$25.

(4) For submission of an application for an original broker's license, an amount not exceeding \$50.

(5) For an original salesperson's license, a ~~prorated~~ fee based on a two-year amount not exceeding \$150.

(6) For an original broker's license, a ~~prorated~~ fee based on a two-year amount not exceeding \$200.

(7) For renewal of a salesperson's license, a fee based on a two-year amount not exceeding \$150.

(8) For renewal of a broker's license, a fee based on a two-year amount not exceeding \$200.

(9) For reinstatement of a license which has been deactivated ~~or which has been canceled pursuant to K.S.A. 58-3047(c), and amendments thereto, or by reason of termination of a salesperson~~, an amount not exceeding \$15.

(10) ~~For reinstatement of all licenses canceled pursuant to K.S.A. 58-3047(d) or (f), and amendments thereto, an amount not exceeding \$7.50 for each license canceled.~~

~~(11) For issuance of a duplicate license, an amount not exceeding \$10.~~

~~(12) For certification of licensure to another jurisdiction, an amount not exceeding \$10.~~

~~(13) For approval of a course of instruction submitted by a course provider pursuant to K.S.A. 58-3046a, and amendments thereto, an amount not exceeding \$75.~~

~~(14) For renewal of an approved course of instruction pursuant to K.S.A. 58-3046a, and amendments thereto, an amount not exceeding \$15.~~

~~(15)(11) For approval of a course of instruction submitted by any licensee for credit toward the 12 hours of additional instruction required by K.S.A. 58-3046a, and amendments thereto, an amount not less than \$10 nor more than exceeding \$20, as determined by the commission.~~

~~(16) For a temporary salesperson's license, an amount not exceeding \$25.~~

~~(17)(12) For each branch office opened or established after July 1, 2006, an amount not exceeding \$100.~~

~~(18)(13)~~ For each primary office of a company created or established by a supervising broker after July 1, 2006, an amount not exceeding \$100.

~~(19)~~ For certification of a licensee's education history under K.S.A. 58-3046a, and amendments thereto, an amount not exceeding \$25.

~~(20)~~ For certification of licensure of a professional corporation, an amount not exceeding \$25.

~~(21)~~ For each additional primary or branch office at which a salesperson or an associate, supervising or branch broker is associated or employed, if such person is associated or employed by more than one primary or branch office, an amount not exceeding \$50, to be paid by such salesperson or broker.

~~(b)~~ For each prorated fee, the commission shall establish a monthly amount, rounded off to the nearest dollar, and shall compute the fee from the last calendar day of the month in which the license is issued to the expiration date of the license.

~~(e)(b)~~ Subject to the limitations of this section, the commission shall fix the fees provided for by this section in the amounts necessary to administer and enforce this act.

~~(d)(c)~~ The fees provided for by this section shall be applicable regardless of the type of license.

Sec. 8. K.S.A. 2018 Supp. 58-3080 is hereby amended to read as follows: 58-3080. (a) ~~Except as provided in subsection (c),~~ When the license of a supervising broker or branch broker expires or is deactivated, the licenses of all licensees associated with or employed by the supervising broker or branch broker shall automatically be placed on inactive status within five calendar days after written notice is issued by the commission to the associated or employed licensee unless notification is provided to the commission prior to the expiration date of the license or the date the license is deactivated that another broker will assume the role as the supervising broker or branch broker ~~or~~, the licensee transfers to another supervising broker or branch broker *or the licensee is currently associated or employed with another broker. If deemed in the public interest until pending transactions are closed, the commission may authorize another broker to act as the supervising or branch broker during any period of deactivation.*

~~(b)~~ If notification is not received by the commission prior to the expiration date or deactivation date of the supervising broker's or branch broker's license that another broker will act as supervising broker or branch broker, the supervising broker or branch broker whose license expires or is deactivated shall return to the commission the licenses of all licensees associated or employed by the supervising broker or branch broker before or immediately upon the expiration date or deactivation date of the supervising broker's or branch broker's license.

(c) ~~If deactivation is a condition imposed upon the license of a supervising broker or a branch broker by order of the commission pursuant to K.S.A. 58-3050, and amendments thereto, the commission may authorize another broker to act as the supervising broker or branch broker during the period of deactivation. If another broker is not authorized to act as the supervising broker or branch broker during the period of deactivation, the supervising broker or branch broker shall return to the commission the licenses of all licensees associated with or employed by the supervising broker or branch broker within five calendar days of the effective date of the commission's order of deactivation.~~

(d) ~~The provisions of this section shall be a part of and supplemental to the Kansas real estate brokers' and salespersons' license act.~~

Sec. 9. K.S.A. 2018 Supp. 58-3081 is hereby amended to read as follows: 58-3081. (a) When the license of a supervising broker or branch broker is suspended or revoked, the licenses of all licensees associated with or employed by the supervising broker or branch broker shall automatically be placed on inactive status within five calendar days after written notice is issued by the commission to the associated or employed licensee for the duration of the suspension or revocation, unless the licensee transfers to another supervising broker or branch broker *or the licensee is currently associated or employed with another broker*. If deemed in the public interest until pending transactions are closed, the commission may authorize another broker to act as the supervising or branch broker during any period of suspension or revocation.

(b) ~~If another broker is not authorized by the commission to act as the supervising broker or branch broker during the period of suspension or revocation, the supervising broker or branch broker whose license is suspended or revoked shall return to the commission the licenses of all licensees associated or employed by the supervising broker or branch broker within five calendar days of the effective date of the order of suspension or revocation.~~

(c) ~~The provisions of this section shall be a part of and supplemental to the Kansas real estate brokers' and salespersons' license act.~~

Sec. 10. K.S.A. 74-4202 is hereby amended to read as follows: 74-4202. (a) ~~Within 30 days after the appointment of the members to be regularly appointed within any year, the commission shall meet in the city of Topeka for the purpose of organizing by selecting from its membership a chairperson and such other officers as the commission may deem necessary and appropriate. At the first meeting of the commission after January 1 of each year, or as required thereafter, the members shall elect a chairperson and a vice-chairperson from its membership. The members elected shall serve for a term of one year or the remainder of the term, as the case may be. The vice-chairperson shall exercise all of the powers of the chair-~~

*person in the absence of the chairperson.* A majority of the members of the commission shall constitute a quorum for the exercise of the powers or authority conferred upon it.

(b) The commission shall receive applications for, and issue licenses to, brokers and salespersons, as provided in the real estate brokers' and salespersons' license act and shall administer the provisions of this act and the brokerage relationships in real estate transactions act. The commission may do all things necessary and convenient for carrying into effect the provisions of the acts and may adopt rules and regulations ~~not inconsistent~~ *consistent* with the acts. For the purpose of the acts, the commission shall make all necessary investigations, and every licensee shall furnish to the commission such evidence as the licensee may have as to any violation the acts or any rules and regulations adopted under the acts. The commission may enforce any order by an action in the district court of the county where the alleged violator resides or where the violation allegedly occurred.

(c) Each member of the commission shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(d) The commission shall hold meetings and hearings in the city of Topeka or at such places as it shall determine at such times as it may designate and on request of two or more of its members.

(e) The commission shall maintain an office in the city of Topeka, ~~and all files, records and property of the commission shall at all times be and remain therein.~~

~~(f) The commission shall adopt a seal by which it shall attest its proceedings. Copies of all records and papers required by law or the commission to be filed in the office of the commission, when duly certified by the director, assistant director or chairperson of the commission and attested by the seal of the commission, shall be received in evidence in all courts of the state of Kansas equally and with like effect as the originals.~~

Sec. 11. K.S.A. 58-3049 and 74-4202 and K.S.A. 2018 Supp. 58-3039, 58-3040, 58-3045, 58-3046a, 58-3047, 58-3060, 58-3063, 58-3080 and 58-3081 are hereby repealed.

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

Approved April 10, 2019.

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## CHAPTER 24

## SENATE BILL No. 71

AN ACT concerning postsecondary education; relating to the state board of regents; eliminating the expiration of the postsecondary technical education authority; requiring an annual report; amending K.S.A. 74-32,402 and repealing the existing section; also repealing K.S.A. 74-32,404.

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

Section 1. K.S.A. 74-32,402 is hereby amended to read as follows: 74-32,402. (a) The postsecondary technical education authority shall:

(1) Have delegated authority from the board of regents to coordinate state-wide planning for postsecondary technical education, new postsecondary technical education programs and contract training. Such planning shall be conducted in coordination with federal agencies, the state board of education and other state agencies and Kansas business and industry;

(2) recommend for adoption by the state board of regents rules and regulations for the supervision of postsecondary technical education;

(3) review existing and proposed postsecondary technical educational programs and program locations and make recommendations to the state board of regents for approval or disapproval of such programs for state funding purposes;

(4) review requests of state funding for postsecondary technical education and make recommendations to the state board of regents for amounts of state funding and the distribution thereof;

(5) develop benchmarks and accountability indicators of programs to be utilized in the awarding of state funding and make recommendations relating thereto to the state board of regents;

(6) develop and advocate annually a policy agenda for postsecondary technical education;

(7) conduct continuous studies of ways to maximize the utilization of resources available for postsecondary technical education and make recommendations for improvement in the use of such resources to the state board of regents;

(8) conduct studies to develop strategies and programs for meeting needs of business and industry and make recommendations relating thereto to the state board of regents;

(9) make reports on the performance of its functions and duties together with any proposals and recommendations it may formulate with respect thereto to the state board of regents ~~and the legislature~~;

(10) coordinate the development of a seamless system for the delivery of technical education between the secondary-school level and the post-secondary-school level; ~~and~~

(11) (A) develop and recommend to the state board of regents a credit hour funding distribution formula for postsecondary technical training programs that: (i) Is tiered to recognize and support cost differentials in providing high-demand, high-tech training; (ii) takes into consideration target industries critical to the Kansas economy; (iii) is responsive to program growth; and (iv) includes other factors and considerations as deemed necessary or advisable; and (B) establish and recommend to the state board of regents the rates to be used in such funding distribution formula; *and*

(12) *make an annual report to the legislature on the performance of its functions and duties.*

(b) Recommendations adopted by the authority pursuant to subsection (a) shall be submitted to the state board of regents. A recommendation of the authority shall be implemented by the state board unless the state board, by majority vote thereof, vetoes the recommendation within 45 days of the submission of the recommendation to the state board.

(c) (1) Subject to the provisions of paragraph (2), the state board of regents and the postsecondary technical education authority shall appoint a vice-president of workforce development who shall serve as the executive director of the postsecondary technical education authority. The vice-president for workforce development shall be in the unclassified service under the Kansas civil service act. Such person shall not be a member of the authority and shall serve at the pleasure of the state board of regents.

(2) The state board of regents shall develop a procedure for the appointment of the vice-president of workforce development. Such procedure shall provide for the participation of the Kansas association of community college trustees and the Kansas association of technical schools and colleges, or the successor organizations thereof, in the selection of the vice-president of workforce development.

Sec. 2. K.S.A. 74-32,402 and 74-32,404 are hereby repealed.

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

Approved April 10, 2019.

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## CHAPTER 25

## SENATE BILL No. 82

AN ACT concerning financial institutions; relating to the state banking code; form of delivery of certain notices; certificates of existence; conversion to state banks; amending K.S.A. 2018 Supp. 9-550, 9-808, 9-908 and 9-1506 and repealing the existing sections.

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

Section 1. K.S.A. 2018 Supp. 9-550 is hereby amended to read as follows: 9-550. (a) For any deposit account, loan account or other banking relationship hereinafter referred to as “account,” that is opened by one or more persons acting or purporting to act for or on behalf of an entity with any financial institution transacting business in this state, such person may provide the financial institution with a certificate to provide evidence of the existence of the entity and the authority of the person to act for or on behalf of the entity with respect to the account.

(b) The certificate of existence and authority shall be an affidavit executed by such person and shall include the following, as applicable:

- (1) The name and mailing address of the entity;
- (2) the type of entity and the state, country or other governmental authority, under which laws, the entity was formed;
- (3) the organization date of the entity;
- (4) the name, mailing address and office or other position held by the person executing the certificate; and
- (5) a statement that the board of directors, managers, members, general partners or other governing body of the entity opening the account has duly taken all action legally required to open the account in the name of the entity and the name, office or other position of the person who has been duly authorized to engage in transactions with respect to the account, including any limitation that may exist upon the authority of such person to bind the entity and any other matters concerning the manner in which such person may deal with the account.

(c) If a financial institution accepts a certificate of existence and authority pursuant to this section, the financial institution may open and administer the account in accordance with the information set forth therein and shall not be liable for so doing, even if any such information is inaccurate, unless the financial institution has actual knowledge of such inaccuracy or knowledge sufficient to cause a reasonably prudent person to doubt the accuracy of such information.

(d) Nothing in this section shall be construed to prohibit a financial institution from requesting additional information or requiring other agreements in order to establish an account for an entity, including, without limitation, a resolution, certificate of good standing, request for a taxpayer

identification number, entity agreements or documents or parts thereof evidencing the existence of the entity or the authority of the person executing the certificate, and an indemnification that is acceptable to the financial institution. *No party may infer that the financial institution relying on the certificate of existence has knowledge of the terms of the entity's documentation solely because it holds a copy of all or a part of the entity's documentation.*

(e) As used in this section:

(1) "Entity" means any government or governmental subdivision or agency, any domestic or foreign corporation, limited liability company, general partnership, limited liability partnership, joint venture, cooperative, association or other legal entity, whether operated for profit or not-for-profit; and

(2) "financial institution" means any federal- or state-chartered commercial bank, savings and loan association or savings bank.

(f) This section shall be a part of and supplemental to the state banking code.

Sec. 2. K.S.A. 2018 Supp. 9-808 is hereby amended to read as follows: 9-808. (a) Any national bank, federal savings association or federal savings bank organized under the laws of the United States and located in this state may become a state bank upon the affirmative vote of not less than  $\frac{2}{3}$  of the institution's outstanding voting stock or *voting interests of* members. Any national bank, federal savings association or federal savings bank desiring to become a state bank shall apply to the commissioner for permission to convert to a state bank and:

(1) Shall submit a transcript of the minutes of the meeting of the institution's stockholders or *voting interests of* members showing approval of the proposed conversion;

(2) the name selected for the bank shall not be the name of any other bank: (A) Doing business in the same city or town; or

(B) within a 15-mile radius of the location of the converted institution. The name shall be accepted or rejected by the commissioner, although any bank may request exemption from the commissioner from this paragraph; and

(3) provide any other information required in the application form prescribed by the commissioner.

(b) A federal savings association or federal savings bank operating in a mutual form and ~~which seeks~~ *seeking* to become a stock bank must also convert to a stock form prior to converting to a state bank and shall submit appropriate documentation to the commissioner to show that the appropriate federal regulator has approved such mutual to stock conversion.

(c) Upon receipt of each of the items required by this section the commissioner shall make or cause to be made such investigation as the commissioner deems necessary to determine whether:

(1) All state and federal requirements for a conversion have been satisfied;

(2) the conversion or the financial condition of the bank will not adversely affect the interests of the depositors;

(3) the resulting state bank will have an adequate capital structure in accordance with K.S.A. 9-901a et seq., and amendments thereto; and

(4) the competence, experience or integrity of the proposed management personnel indicates that approving the conversion would be in the interest of the depositors of the bank and in the interest of the public.

(d) If the commissioner determines each of the matters in subsection (c) favorably, the conversion shall be approved, and the commissioner shall issue a certificate of authority. Upon issuance of a certificate of authority, the articles of incorporation, duly executed as required by the Kansas corporate code, shall be filed with the Kansas secretary of state's office.

(e) In any conversion authorized by this section, the resulting state bank by operation of law shall continue all trust functions being exercised by the national bank, federal savings association or federal savings bank and shall be substituted for the national bank, federal savings association or federal savings bank and shall have the right to exercise trust or fiduciary powers created by any instrument designating the national bank, federal savings association or federal savings bank, even though such instruments are not yet effective.

(f) In any conversion authorized by this section, the resulting state bank shall succeed by operation of law without any conveyance or transfer by the act of the national bank, federal savings association or federal savings bank to all the actual or potential assets, real property, tangible personal property, intangible personal property, rights, franchises and interests, including those in a fiduciary capacity of the national bank, federal savings association or federal savings bank and shall be subject to all of the liabilities of the national bank, federal savings association or federal savings bank.

(g) In any conversion authorized by this section the corporate existence of the national bank, federal savings association or federal savings bank shall be continued in the resulting state bank, and the resulting state bank shall be deemed to be the identical corporate entity as the national bank, federal savings association or federal savings bank.

(h) Within a reasonable time after the effective date of the conversion, the resulting state bank shall divest all assets and liabilities that do not conform to state banking laws and rules and regulations. The length of this transition period shall be determined by the commissioner.

Sec. 3. K.S.A. 2018 Supp. 9-908 is hereby amended to read as follows: 9-908. (a) Upon the affirmative vote of  $\frac{2}{3}$  of the voting shares of the common stock of a stock bank or trust company, and with the prior approval of the commissioner, a stock bank or trust company may issue preferred stock of one or more classes. The stockholders shall have a meeting to vote on

the issuance of preferred stock. Notice of this meeting shall be given to all stockholders at least five days in advance of the date of the meeting by registered or certified mail, or electronically pursuant to the uniform electronic transactions act, K.S.A. 16-1601 et seq., and amendments thereto.

(b) No preferred stock shall be retired unless the common stock shall be increased in an amount equal to the amount of the preferred stock retired. All preferred stock shall be retired consistent with safety to the depositors.

Sec. 4. K.S.A. 2018 Supp. 9-1506 is hereby amended to read as follows: 9-1506. (a) The lessor shall have a lien upon the contents of any safe deposit box for the rental thereon.

(b) The lessor may, after giving not less than 60 days' written notice to the lessee of such lessor's intention to enter the box, remove the contents and sell the same for the payment of rent due or other expenses incurred by the bank in keeping the contents, open the box forcibly and remove the contents in the presence of two of the lessor's employees, one of whom shall be an officer, when:

(1) The lessee has not paid the rent within 30 days after the same is due; or

(2) the lessee has failed to surrender possession of any box within 30 days from the date of the termination of the lease.

(c) The lessor shall retain such contents for at least 90 days after opening the box. The lessor then may sell any part or all of the contents at public sale pursuant to the requirements for a commercially reasonable sale under article 9 of the Kansas uniform commercial code and retain from the proceeds of sale the rent due, the costs of opening and repairing the box, the costs of sale and any other amounts due to the lessor.

(d) Any article, item or document without apparent market value may be destroyed after two years from the date of giving or mailing the required notice.

(e) Any notice required by this section shall be delivered either personally or by registered or certified mail, or electronically pursuant to the uniform electronic transactions act, K.S.A. 16-1601 et seq., and amendments thereto, delivered to the latest address shown on the safe deposit records of the lessor.

Sec. 5. K.S.A. 2018 Supp. 9-550, 9-808, 9-908 and 9-1506 are hereby repealed.

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

Approved April 10, 2019.

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## CHAPTER 26

## SENATE BILL No. 97

AN ACT concerning motor vehicles; relating to fleet rental vehicles; registrations; creating the fleet rental vehicle administration fund; amending K.S.A. 2018 Supp. 8-145 and repealing the existing section.

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

New Section 1. (a) Any person registering in this state in excess of 250 motor vehicles that are subject to the taxation imposed pursuant to K.S.A. 79-5117, and amendments thereto, shall register such vehicles with the division of vehicles. Such registration shall be submitted electronically with the division.

(b) The division of vehicles shall register and issue a license plate for any motor vehicle satisfying the provisions of subsection (a) upon payment of all applicable registration fees provided in K.S.A. 8-143, and amendments thereto. License plates issued under this subsection shall be permanent in nature and designed in such a manner as to remain with the motor vehicle so long as the motor vehicle is subject to the taxation imposed pursuant to K.S.A. 79-5117, and amendments thereto. The license plates shall be designed by the division of vehicles and shall be distinct from all other license plates and there shall be no year or date listed on the license plate. There shall be a marking on the license plate that the license plate is a rental fleet plate.

(c) For any vehicle registered pursuant to this section, the division of vehicles shall issue to the person registering such vehicle a registration receipt. The registration receipt shall contain the registration number and any other statements of facts as may be determined by the division. Such registration receipt shall immediately become invalid if the motor vehicle is no longer subject to the taxation imposed pursuant to K.S.A. 79-5117, and amendments thereto.

(d) License plates and any unused registration fees issued pursuant to this section may be transferable to any other motor vehicle owned by the same person so long as such vehicle is subject to the taxation imposed pursuant to K.S.A. 79-5117, and amendments thereto.

(e) The division may impose an additional fee in an amount not exceeding \$1 for each registration issued pursuant to this section. The division shall remit all fees received by the division under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit such fees in accordance with K.S.A. 8-145, and amendments thereto.

New Sec. 2. There is hereby created in the state treasury the fleet rental vehicle administration fund. All moneys credited to the fleet rental vehicle administration fund shall be used by the department of revenue only for the purposes of funding the administration costs for registering and tagging fleet rental vehicles. All expenditures from the fleet rental vehicle administration 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 the department of revenue.

Sec. 3. K.S.A. 2018 Supp. 8-145 is hereby amended to read as follows: 8-145. (a) All registration and certificates of title fees shall be paid to the division of vehicles, a contractor of the division or the county treasurer of the county in which the applicant for registration resides or has an office or principal place of business within this state. The division, contractor or the county treasurer shall issue a receipt to the applicant for such fees paid.

(b) The county treasurer, division or contractor shall deposit \$.75 out of each license application, \$.75 out of each application for transfer of license plate and \$2 out of each application for a certificate of title, collected under this act, in a special fund, which fund is hereby appropriated for the use of the county treasurer, division or contractor in paying for necessary help and expenses incidental to the administration of duties in accordance with the provisions of this law. The county treasurer shall receive extra compensation for the services performed in administering the provisions of this act, which compensation shall be in addition to any other compensation provided by any other law, except that the county treasurer shall receive as additional compensation for administering the motor vehicle title and registration laws and fees, a sum computed as follows: The county treasurer, during the month of December, shall determine the amount to be retained for extra compensation not to exceed the following amounts each year for calendar year 2006 or any calendar year thereafter: The sum of \$110 per hundred registrations for the first 5,000 registrations; the sum of \$90 per hundred registrations for the second 5,000 registrations; the sum of \$5 per hundred for the third 5,000 registrations; and the sum of \$2 per hundred registrations for all registrations thereafter. In no event, however, shall any county treasurer be entitled to receive more than \$15,000 additional annual compensation.

If more than one person shall hold the office of county treasurer during any one calendar year, such compensation shall be prorated among such persons in proportion to the number of weeks served. The total amount of compensation paid the treasurer together with the amounts expended in paying for other necessary help and expenses incidental to the administration of the duties of the county treasurer in accordance with the provisions of this act, shall not exceed the amount deposited in such special fund. Any balance remaining in such fund at the close of any calendar year

shall be withdrawn and credited to the general fund of the county prior to June 1 of the following calendar year.

(c) The county treasurer, division or contractor shall remit the remainder of all such fees collected, together with the original copy of all applications, to the secretary of revenue. The secretary of revenue shall remit all such fees remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state highway fund, except as provided in subsection (d).

(d) (1) Three dollars and fifty cents of each certificate of title fee collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such \$3.50 to the Kansas highway patrol motor vehicle fund. Three dollars of each certificate of title fee collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such \$3 to the VIPS/CAMA technology hardware fund.

(2) For repossessed vehicles, \$3 of each certificate of title fee collected shall be retained by the contractor or county treasurer who processed the application.

(3) Three dollars and fifty cents of each reassignment form fee collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such \$3.50 to the Kansas highway patrol motor vehicle fund. Three dollars of each reassignment form fee collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such \$3 to the VIPS/CAMA technology hardware fund.

(4) ~~Until January 1, 2013, \$4~~*Four dollars* of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such \$4 to the ~~division of vehicles modernization fund, on and after January 1, 2013, the state treasurer shall credit such \$4 to the state highway fund.~~

(5) Two dollars of each Kansas highway patrol staffing and training surcharge collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such \$2 to the Kansas highway patrol staffing and training fund.

(6) One dollar and twenty-five cents of each law enforcement training center surcharge collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such \$1.25 to the law enforcement training center fund.

(7) Fees collected in K.S.A. 8-135 and 8-145, and amendments thereto, that are collected by the division for commercial motor vehicles or vehicles that are part of a commercial fleet, shall be remitted to the state

treasurer, who shall credit such amounts to the commercial vehicle administrative fund.

*(8) Fees collected in K.S.A. 8-135 and 8-145, and amendments thereto, that are collected by the division for vehicles that are part of a fleet rental pursuant to section 1, and amendments thereto, shall be remitted to the state treasurer, who shall credit such amounts to the fleet rental vehicle administration fund.*

Sec. 4. K.S.A. 2018 Supp. 8-145 is hereby repealed.

Sec. 5. This act shall take effect and be in force from and after January 1, 2020, and its publication in the statute book.

Approved April 10, 2019.

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## CHAPTER 27

## SENATE BILL No. 128

AN ACT concerning schools; relating to safety drills; requiring a certain number of fire, tornado and crisis drills; rules and regulations of the state fire marshal; amending K.S.A. 2018 Supp. 31-133 and repealing the existing section.

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

Section 1. K.S.A. 2018 Supp. 31-133 is hereby amended to read as follows: 31-133. (a) The state fire marshal shall adopt reasonable rules and regulations, consistent with the provisions of this act, for the safeguarding of life and property from fire, explosion and hazardous materials. Such rules and regulations shall include, but not be limited to, the following:

(1) The keeping, storage, use, sale, handling, transportation or other disposition of highly flammable materials, including crude petroleum or any of its products, natural gas for use in motor vehicles, and of explosives, including gunpowder, dynamite, fireworks and firecrackers; ~~and~~ Any such rules and regulations may prescribe the materials and construction of receptacles and buildings to be used for any of such purposes;

(2) the transportation of liquid fuel over public highways in order to provide for the public safety in connection therewith;

(3) the construction, maintenance and regulation of exits and fire escapes from buildings and all other places in which people work, live or congregate from time to time for any purpose, including apartment houses, as defined by K.S.A. 31-132a, and amendments thereto. Such rules and regulations shall not apply to buildings used wholly as dwelling houses containing no more than two families;

(4) the installation and maintenance of equipment intended for fire control, detection and extinguishment in all buildings and other places in which persons work, live or congregate from time to time for any purpose, including apartment houses as defined by K.S.A. 31-132a, and amendments thereto. Such rules and regulations shall not apply to buildings used wholly as dwelling houses containing no more than two families;

(5) requiring administrators of public and private schools and educational institutions, except community colleges, colleges and universities, to conduct ~~at least one fire drill each month~~ *four fire drills each school year* at some time during school hours, aside from the regular dismissal at the close of the day's session, and prescribing the manner in which such ~~fire-drill is drills are~~ to be conducted;

(6) procedures for the reporting of fires and explosions occurring within the state and for the investigation thereof;

(7) procedures for reporting by health-care providers of treatment of second and third degree burn wounds involving 20% or more of the vic-

tim's body and requiring hospitalization of the victim, which reporting is hereby authorized notwithstanding any provision of K.S.A. 60-427, and amendments thereto, to the contrary;

(8) requiring administrators of public and private schools and educational institutions, except community colleges, colleges and universities, to establish tornado procedures, ~~which~~. *Such* procedures shall: (A) Provide for at least ~~three~~ *two* tornado drills to be conducted each *school* year, *of which one shall be conducted in September and one shall be conducted in March*, at some time during school hours, aside from the regular dismissal at the close of the day's session, ~~shall~~; (B) describe the manner in which such tornado drills are to be conducted; and (C) shall be subject to approval by the state fire marshal;

(9) requiring administrators of community colleges, colleges and universities to establish tornado procedures, which procedures shall be subject to approval by the director of the disaster agency of the county;

(10) the development and implementation of a statewide system of hazardous materials assessment and response;

(11) the use of pyrotechnics, pyrotechnic devices and pyrotechnic materials; ~~and~~

(12) *requiring administrators of public and private schools and educational institutions, except community colleges, colleges and universities, to conduct at least three crisis drills each school year at some time during school hours, aside from the regular dismissal at the close of the day's session. The manner in which such crisis drills are conducted may be subject to approval by the safe and secure schools unit of the Kansas department of education; and*

(13) other safeguards, protective measures or means adapted to render inherently safe from the hazards of fire or the loss of life by fire any building or other place in which people work, live or congregate from time to time for any purpose, except buildings used wholly as dwelling houses containing no more than two families.

(b) Any rules and regulations of the state fire marshal adopted pursuant to this section may incorporate by reference specific editions, or portions thereof, of nationally recognized fire prevention codes.

(c) The rules and regulations adopted pursuant to this section shall allow facilities in service prior to the effective date of such rules and regulations, and not in strict conformity therewith, to continue in service, so long as such facilities are not determined by the state fire marshal to constitute a distinct hazard to life or property. Any such determination shall be subject to the appeal provisions contained in K.S.A. 31-140, and amendments thereto.

(d) *The state fire marshal may grant an exemption pursuant to K.S.A. 31-136, and amendments thereto, that authorizes a variance for the num-*

*ber or manner of drills conducted pursuant to subsection (a)(5), (8) or (12) for students receiving special education or related services.*

Sec. 2. K.S.A. 2018 Supp. 31-133 is hereby repealed.

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

Approved April 10, 2019.

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## CHAPTER 28

## SENATE BILL No. 199\*

AN ACT concerning education; relating to Kansas high school equivalency credentials; establishing the AO-K to work program.

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

Section 1. (a) There is hereby established the AO-K to work program. The provisions of this program shall apply to all adult education programs in the state.

(b) As used in this section:

(1) “AO-K” or “accelerating opportunity: Kansas” means a career pathways program model that assists students in obtaining a high school equivalency, becoming ready for transferable college-level courses and earning an industry credential.

(2) “Career readiness assessment” means an assessment approved by the state board of regents to measure foundational skills required for success in the workplace and workplace skills that affect job performance.

(3) “Career readiness certificate” means a certificate that uses a career readiness assessment approved by the state board of regents to document an individual’s skills in applied math, graphic literacy and workplace documents.

(4) “Community college” means a community college as defined in K.S.A. 71-701, and amendments thereto.

(5) “Industry recognized credential” means a credential recognized by multiple employers across an industry as determined by the state board of regents.

(6) “Kansas adult education program” means any educational institution or approved agency that receives adult education funding through the state board of regents; provides adult education or English language acquisition programs; serves Kansas adults aged 16 and over who are in need of basic skills for the workforce, community participation and family life; and prepares adults for achieving industry recognized credentials and college certificates and degrees.

(7) “Qualified student” means an individual who has:

(A) Attained the age of 21;

(B) not been awarded a high school diploma;

(C) been accepted into a Kansas adult education program;

(D) demonstrated high school equivalency by meeting the criteria established by the state board of regents pursuant to this section; and

(E) declared an AO-K career pathway interest.

(8) “Technical college” means a technical college as such term is defined in K.S.A. 71-1802, and amendments thereto.

(c) (1) The state board of regents shall award a Kansas high school equivalency credential to any qualified student who:

(A) Is recommended and approved to participate in a AO-K career pathway approved by the state board of regents for college credit;

(B) successfully completes an approved AO-K career pathway and receives the industry-recognized credential appropriate to the completed pathway;

(C) takes a career readiness assessment and earns a career readiness certificate at a level approved by the state board of regents; and

(D) satisfies any other requirements deemed necessary by the state board of regents.

(d) While participating in the AO-K to work program, qualified students shall be provided reasonable access to all available student resources of the adult education program, the participating technical or community college and the appropriate community partners, including, but not limited to, appropriate academic support, barrier mitigation and employment or career assistance.

(e) Each application to the state board of regents for issuance or duplication of a Kansas high school equivalency credential shall be accompanied by a fee, which shall be established by the state board of regents in an amount of not more than \$25. On or before June 1 of each year, the state board of regents shall determine the amount of revenue that will be required to properly administer the provisions of this section during the next ensuing fiscal year and shall establish the Kansas high school equivalency credentials processing fee for such year in the amount deemed necessary for such purposes. Such fee shall become effective on the succeeding July 1 of each year. The state board of regents shall remit all monies received by or for it from Kansas high school equivalency credentials processing fees 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 high school equivalency credential processing fees fund, which fund is hereby established in the state treasury, and shall be used only for the payment of expenses connected with the processing, issuance, or duplication of Kansas high school equivalency credentials, and for the keeping of records by the state board of regents. All expenditures from the Kansas high school equivalency credential processing fees fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state board of regents or by a person or persons designated by the state board.

(f) The state board of regents may adopt rules and regulations to implement and administer the provisions of this act.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 10, 2019.

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## CHAPTER 29

## HOUSE BILL No. 2125

AN ACT concerning drivers' licenses; relating to the operation of a motor vehicle; requiring licensees to promptly deliver driver's license upon demand; amending K.S.A. 8-244 and repealing the existing section.

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

Section 1. K.S.A. 8-244 is hereby amended to read as follows: 8-244. (a) Every licensee shall have ~~his or her~~ *such person's* driver's license in ~~his or her~~ *such person's* immediate possession at all times when operating a motor vehicle, ~~and shall display the same, upon demand of any officer of a court of competent jurisdiction or any peace officer, examiner or officer of the division of vehicles.~~ However, no person charged with violating this ~~section~~ *subsection* shall be convicted if such person produces in court or the office of the arresting officer a driver's license theretofore issued to such person and valid at the time of arrest.

(b) *Every licensee operating a motor vehicle shall promptly deliver such person's driver's license upon demand of any officer of a court of competent jurisdiction, any peace officer or any examiner or officer of the division of vehicles when the license is in such person's immediate possession at the time of the demand.*

Sec. 2. K.S.A. 8-244 is hereby repealed.

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

Approved April 10, 2019.

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## CHAPTER 30

## HOUSE BILL No. 2191

AN ACT concerning crimes, punishment and criminal procedure; relating to execution of search warrants; electronically stored information; amending K.S.A. 2018 Supp. 22-2503 and repealing the existing section.

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

Section 1. K.S.A. 2018 Supp. 22-2503 is hereby amended to read as follows: 22-2503. (a) Except as provided in ~~subsection~~ *subsections (b) and (c)*, search warrants issued by a district magistrate judge may be executed only within the judicial district in which the judge resides or within the judicial district to which the judge has been assigned pursuant to K.S.A. 20-319, and amendments thereto.

(b) Search warrants issued pursuant to ~~subsection (a)(2)~~ of K.S.A. 22-2502 ~~(a)(2)~~, and amendments thereto:

(1) That are issued by a district judge may be executed anywhere within the state; and

(2) shall be valid during the time period specified by the warrant regardless of whether the tracking device or the subject person or property leaves the issuing jurisdiction.

(c) *Warrants issued for electronically stored information, electronic devices or media capable of storing electronically stored information located within Kansas authorize the transfer of such information, devices or media for further examination and review to anywhere within the state of Kansas or outside the state of Kansas at any time after the seizure unless otherwise specified in the warrant. The provisions of this subsection shall apply prospectively to warrants issued after July 1, 2019.*

(d) As used in this section, “tracking data” and “tracking device” have the same meanings as defined in K.S.A. 22-2502, and amendments thereto.

Sec. 2. K.S.A. 2018 Supp. 22-2503 is hereby repealed.

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

Approved April 10, 2019.

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## CHAPTER 31

## Substitute for SENATE BILL No. 69°

AN ACT concerning electric utilities; requiring a study of electric rates; relating to the legislative coordinating council; state corporation commission.

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

Section 1. (a) To provide information that may assist future legislative and regulatory efforts to craft forward-looking electric policy that leads to regionally competitive electric rates and reliable electric service, the legislative coordinating council shall authorize a study of the retail rates of Kansas electric public utilities. Such utilities shall include electric public utilities as defined in K.S.A. 66-101a, and amendments thereto, electric cooperative public utilities exempt from state corporation commission jurisdiction pursuant to K.S.A. 66-104d, and amendments thereto, and the three largest municipally owned or operated electric utilities by customer count.

(b) (1) To conduct the study, the legislative coordinating council shall select one or more independent organizations, and notwithstanding the provisions of K.S.A. 46-1202, and amendments thereto, such selection shall be made by an affirmative vote of at least five members of the council including at least one affirmative vote from a member of the minority party, that have experience with evaluating electric utilities and include input from residential, commercial and industrial customers, electric utilities and other energy stakeholders.

(2) To facilitate this study, any organization selected by the legislative coordinating council may request data from any electric utility identified in subsection (a) and must allow at least 14 days for the utility to respond. Prior to making a request for information of any electric utility, any organization selected by the council shall enter into a confidentiality agreement with the electric utility to assure nondisclosure of confidential business information.

(3) The state corporation commission shall assist any organization hired by the legislative coordinating council by sharing subject matter knowledge regarding Kansas electric utilities and assisting with the procurement of any necessary information requested by such organization. Such requests shall be subject to the provisions of the Kansas open records act, the judicial review act, the Kansas administrative procedures act and any other law or regulations applicable to the state corporation commission. Any dispute regarding the provision of information, including the establishment of reasonable protections for the treatment of confidential information, shall be decided by the commission.

(4) The study shall be completed and delivered to the state corporation commission in two parts. The first part of the study shall be com-

prised of the issues identified in subsections (c)(1) and (2) and shall be completed and made available on the commission's website by January 8, 2020, and the second part of the study shall be comprised of the issues identified in subsection (c)(3) and shall be completed and made available on the commission's website by July 1, 2020. The commission shall submit the first part of the study to the house committee on energy, utilities and telecommunications and the senate committee on utilities by January 14, 2020, and shall submit the second part of the study to such committees by January 12, 2021.

(5) The costs of the study shall be paid by the state corporation commission from an assessment of expenses pursuant to K.S.A. 66-1502, and amendments thereto, upon the utilities that are subject to the study, regardless of whether such utilities are subject to the jurisdiction of the commission.

(c) The study authorized by the legislative coordinating council shall address:

(1) The effectiveness of current Kansas ratemaking practices, including whether:

(A) Current ratemaking adequately attracts needed utility capital investments and adequately discourages unnecessary capital investments in Kansas;

(B) current ratemaking appropriately balances utility profits with the public interest objectives of achieving competitive rates over time while providing the best practicable combination of price, quality and service;

(C) Kansas electric public utilities are currently recovering from Kansas retail electric ratepayers the full or partial cost, including a return on investment, of any investments that are no longer fully used or required to be used in service to the public within the state of Kansas, including, but not limited to, generation capacity investments;

(D) the investments that Kansas electric public utilities have made in electric transmission and renewable generation resources have contributed, and to what extent, to the obsolescence of all the other generation facility investments of such utilities;

(E) allowing Kansas investor-owned electric public utilities to recover costs through surcharges and riders, without a comprehensive ratemaking process, has unnecessarily contributed to rising wholesale and retail electricity prices;

(F) the current ratemaking processes for Kansas electric cooperatives and municipal utilities are in the public interest; and

(G) electricity providers in surrounding states are subject to similar state laws, regulations and oversight to such requirements in Kansas;

(2) options available to the state corporation commission and the Kansas legislature to affect Kansas retail electricity prices to become re-

gionally competitive while providing the best practicable combination of price, quality and service, including reviewing whether:

(A) Capital expenditures and operating expenses of Kansas electric public utilities can be managed to achieve and sustain competitive retail rates while maintaining adequate and reliable service;

(B) any performance-based regulation, economic development initiatives, price-cap regulation or other non-traditional ratemaking methods should be considered to reduce retail electric rates or the level of increase of any rate;

(C) competitive markets for retail electricity can benefit all Kansas consumers;

(D) further investments in energy efficiency and renewable energy, including revenue decoupling and renewable energy incentives, can benefit all Kansas consumers;

(E) securitized ratepayer-backed bonds can benefit utilities and ratepayers by reducing investment risk, facilitating the recovery of certain stranded costs from under-utilized or otherwise obsolete generating and other facilities and lowering retail electric rates, and assisting in the transition to new technologies, including a review of whether securitized bonds could be effectively utilized by Kansas utilities;

(F) Kansas sales tax, property taxes, assessment rates and other fees and taxes on utilities are comparable to other states in the region and how such taxes and fees impact the competitiveness of utility rates;

(G) Kansas electric utilities and the state corporation commission can reduce the cost impacts of decisions of the southwest power pool by advocating for certain positions through the southwest power pool's stakeholder and regional state committee processes, including an identification of current and future issues most likely to impact Kansas retail electric rates;

(H) any other regulatory actions are available to the state corporation commission to manage or reduce retail electric rates; and

(I) legislative enactments can address retail electric rate escalation in Kansas; and

(3) other consequential issues materially affecting Kansas electricity rates, including:

(A) Whether any costs incurred by Kansas electric public utilities to build and operate electric vehicle charging stations, including any necessary upgrades to distribution infrastructure, are recovered from ratepayers not using electric vehicle charging services;

(B) how rates for electric vehicle charging services should be designed to ensure such rates are just and reasonable and not subsidized by other utility customers;

(C) the potential effects of deregulating electric vehicle charging services in Kansas, including whether deregulation would ensure that

electric vehicle charging services are not subsidized by public utility rate-payers not using electric vehicle charging services;

(D) whether Kansas consumers could benefit from improved access to advanced energy solutions, including micro grids, electric vehicles, charging stations, customer generation, battery storage and transactive energy;

(E) the extent to which transmission investments by Kansas electric public utilities have impacted retail rates, including any incremental regional transmission costs incurred by Kansas ratepayers for transmission investments in other states, and whether such costs have been fully offset by financial benefits such as improved access to low-cost renewable energy and wholesale energy markets;

(F) the costs and benefits incurred by Kansas ratepayers for transmission investments in Kansas, used to export energy out of Kansas;

(G) how rate increases or the associated rising costs of Kansas investor-owned electric public utilities impact the retail electric rates of Kansas electric cooperatives and municipal utilities;

(H) whether retail electric rates in Kansas are a material barrier to economic development in Kansas;

(I) the impact of contract rates with commercial and industrial customers and economic development rates on other customer classes, including whether expanded utilization of such approaches can benefit all customers over time;

(J) whether Kansas electric public utilities recover their costs of serving customers from each customer class on the basis of cost causation;

(K) how cyber and physical security and grid stabilization efforts have affected, or are projected to affect, electric public utility rates;

(L) the value of a utility integrated resource planning process that requires state regulatory approval; and

(M) economic analysis of the price fluctuations of generation fuels on the cost of electricity.

Sec. 2. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 10, 2019

Published in the *Kansas Register* April 18, 2019.

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## CHAPTER 32

## SENATE BILL No. 68

AN ACT concerning cities; relating to a valid contract franchise ordinance and wireless service providers; prohibitions; amending K.S.A. 2018 Supp. 12-2001 and repealing the existing section.

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

Section 1. K.S.A. 2018 Supp. 12-2001 is hereby amended to read as follows: 12-2001. (a) The governing body of any city may permit any person, firm or corporation to:

- (1) Manufacture, sell and furnish artificial or natural gas light and heat; electric light, water, power or heat; or steam heat to the inhabitants;
- (2) build street railways, to be operated over and along or under the streets and public grounds of such city;
- (3) lay pipes, conduits, cables and all appliances necessary for the construction, operation of gas and electric-light or steam-heat plants;
- (4) lay pipes, conduits, cables and all appliances necessary for the construction and operation of electric railways or bus companies;
- (5) lay pipes for the operation of a water plant for the distribution or furnishing of water over, under and along the streets and alleys of such city; or
- (6) use the streets in the carrying on of any business which is not prohibited by law.

(b) If the governing body of a city permits any activity specified in subsection (a), the granting of permission to engage in the activity shall be subject to the following:

(1) All contracts granting or giving any such original franchise, right or privilege, or extending or renewing or amending any existing grant, right, privilege or franchise, to engage in such an activity shall be made by ordinance, and not otherwise.

(2) No contract, grant, right, privilege or franchise to engage in such an activity, now existing or hereafter granted, shall be extended for any longer period of time than 20 years from the date of such grant or extension.

(3) No person, firm or corporation shall be granted any exclusive franchise, right or privilege whatever.

(4) The governing body of any city, at all times during the existence of any contract, grant, privilege or franchise to engage in such an activity, shall have the right by ordinance to fix a reasonable schedule of maximum rates to be charged such city and the inhabitants thereof for gas, light and heat, electric light, power or heat, steam heat or water; the rates of fare on any street railway or bus company; or the rates charged any such city, or the inhabitants thereof, by any person, firm or corporation operating

under any other franchise under this act. The governing body at no time shall fix a rate which prohibits such person, firm or corporation from earning a reasonable rate upon the fair value of the property used and useful in such public service. In fixing and establishing such fair value, the value of such franchise, contract and privilege given and granted by the city to such person, firm or corporation shall not be taken into consideration in ascertaining the reasonableness of the rates to be charged to the inhabitants of such city.

(5) No such grant, right, privilege or franchise shall be made to any person, firm, corporation or association unless it provides for adequate compensation or consideration therefor to be paid to such city, and regardless of whether or not other or additional compensation is provided for such grantee shall pay such fixed charge as may be prescribed in the franchise ordinance. Such fixed charge may consist of a percentage of the gross receipts derived from the service permitted by the grant, right, privilege or franchise from consumers or recipients of such service located within the corporate boundaries of such city, and, in case of public utilities or common carriers situated and operated wholly or principally within such city, or principally operated for the benefit of such city or its people, from consumers or recipients located in territory immediately adjoining such city and not within the boundaries of any other incorporated city; and in such case such city shall make and report to the governing body all such gross receipts once each month, or at such other intervals as stipulated in the franchise ordinance and pay into the treasury the amount due such city at the time the report is made. The governing body shall also have access to and the right to examine, at all reasonable times, all books, receipts, files, records and documents of any such grantee necessary to verify the correctness of such statement and to correct the same, if found to be erroneous. If such statement of gross receipts is incorrect, then such payment shall be made upon such corrected statement.

On and after the effective date of the act, any provision for compensation or consideration, included in a franchise granted pursuant to this section which is established on the basis of compensation or consideration paid by the utility under another franchise, is hereby declared to be contrary to the public policy of this state and shall be void and unenforceable. Any such provision, included in a franchise granted pursuant to this section and in force on the effective date of this act which requires payments to the city by a utility to increase by virtue of the compensation or consideration required to be paid under a franchise granted by another city to the utility's predecessor in interest, is hereby declared to be contrary to the public policy of this state and shall be void and unenforceable.

(6) No such right, privilege or franchise shall be effective until the ordinance granting the same has been adopted as provided by law.

All expense of publishing any ordinance adopted pursuant to this section shall be paid by the proposed grantee.

(7) All contracts, grants, rights, privileges or franchises for the use of the streets and alleys of such city, not herein mentioned, shall be governed by all the provisions of this act, and all amendments, extensions or enlargements of any contract, right, privilege or franchise previously granted to any person, firm or corporation for the use of the streets and alleys of such city shall be subject to all the conditions provided for in this act for the making of original grants and franchises. The provisions of this section shall not apply to railway companies for the purpose of reaching and affording railway connections and switch privileges to the owners or users of any industrial plants, or for the purpose of reaching and affording railway connections and switch privileges to any agency or institution of the state of Kansas.

(c) As used in this act:

(1) “Access line” shall mean and be limited to retail billed and collected residential lines; business lines; ISDN lines; PBX trunks and simulated exchange access lines provided by a central office based switching arrangement where all stations served by such simulated exchange access lines are used by a single customer of the provider of such arrangement. Access line may not be construed to include interoffice transport or other transmission media that do not terminate at an end user customer’s premises, or to permit duplicate or multiple assessment of access line rates on the provision of a single service or on the multiple communications paths derived from a billed and collected access line. Access line shall not include the following: Wireless telecommunications services, the sale or lease of unbundled loop facilities, special access services, lines providing only data services without voice services processed by a telecommunications local exchange service provider or private line service arrangements.

(2) “Access line count” means the number of access lines serving consumers within the corporate boundaries of the city on the last day of each month.

(3) “Access line fee” means a fee determined by a city, up to a maximum as set out in this act and amendments thereto, to be used by a telecommunications local exchange service provider in calculating the amount of access line remittance.

(4) “Access line remittance” means the amount to be paid by a telecommunications local exchange service provider to a city, the total of which is calculated by multiplying the access line fee, as determined in the city, by the number of access lines served by that telecommunications local exchange service provider within that city for each month in that calendar quarter.

(5) “Commission” means the state corporation commission.

(6) “Gross receipts” means only those receipts collected from within the corporate boundaries of the city enacting the franchise and which are derived from the following: (A) Recurring local exchange service for business and residence which includes basic exchange service, touch tone, optional calling features and measured local calls; (B) recurring local exchange access line services for pay phone lines provided by a telecommunications local exchange service provider to all pay phone service providers; (C) local directory assistance revenue; (D) line status verification/busy interrupt revenue; (E) local operator assistance revenue; and (F) nonrecurring local exchange service revenue which shall include customer service for installation of lines, reconnection of service and charge for duplicate bills. All other revenues, including, but not limited to, revenues from extended area service, the sale or lease of unbundled network elements, nonregulated services, carrier and end user access, long distance, wireless telecommunications services, lines providing only data service without voice services processed by a telecommunications local exchange service provider, private line service arrangements, internet, broadband and all other services not wholly local in nature are excluded from gross receipts. Gross receipts shall be reduced by bad debt expenses. Uncollectible and late charges shall not be included within gross receipts. If a telecommunications local exchange service provider offers additional services of a wholly local nature which if in existence on or before July 1, 2002, would have been included with the definition of gross receipts, such services shall be included from the date of the offering of such services in the city.

(7) “Local exchange service” means local switched telecommunications service within any local exchange service area approved by the state corporation commission, regardless of the medium by which the local telecommunications service is provided. The term local exchange service shall not include wireless communication services.

(8) “Telecommunications local exchange service provider” means a local exchange carrier ~~as defined in subsection (h) of K.S.A. 66-1,187, and amendments thereto,~~ and a telecommunications carrier *as those terms are defined in subsection (m) of K.S.A. 66-1,187, and amendments thereto,* which does, or in good faith intends to, provide local exchange service. The term telecommunications local exchange service provider does not include an interexchange carrier that does not provide local exchange service, competitive access provider that does not provide local exchange service or any wireless telecommunications local exchange service provider.

(9) “Telecommunications services” means providing the means of transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.



(d) A city may require a telecommunications local exchange service provider ~~which~~ *that* intends to provide local exchange service in that city, to enter into a valid contract franchise ordinance enacted pursuant to this act. Compensation for the contract franchise ordinance shall be established pursuant to subsection (j). A contract franchise complying with the provisions of this act shall be deemed reasonable and shall be adopted by the governing body of a city absent a compelling public interest necessitated by public health, safety and welfare. A contract franchise must be competitively neutral and may not be unreasonable or discriminatory. No telecommunications contract franchise ordinance shall be denied or revoked without reasonable notice and an opportunity for a public hearing before the city governing body. A city governing body's denial or revocation of a contract franchise ordinance may be appealed to a district court.

(e) If the governing body of a city requires a contract franchise as specified in subsection (d), the contract franchise shall be subject to the following:

(1) All contracts granting or giving any such original contract franchise, right or privilege or extending, renewing or amending any existing grant, right, privilege or franchise, to engage in such an activity shall be made by ordinance and not otherwise;

(2) no contract, grant, right, privilege or contract franchise to engage in such an activity, now existing or hereafter granted, shall be extended for any longer period of time than 20 years from the date of such grant or extension;

(3) no telecommunications local exchange service provider shall be granted any exclusive contract franchise, right or privilege whatever;

(4) no such right, privilege or contract franchise shall be effective until the ordinance granting the same has been adopted as provided by law. All expense of publishing any ordinance adopted pursuant to this section shall be paid by the proposed grantee; and

(5) no city shall have the authority or jurisdiction to regulate telecommunications local exchange service providers based upon the content, nature or type of telecommunications service or signal to be provided or the quality of service provided to customers.

(f) A franchisee shall make and report to the governing body once each quarter, or at such other intervals as stipulated in the contract franchise ordinance, the compensation collected and pay into the treasury the amount due such city at the time the report is made.

(g) A city may assess a one-time application fee to recover its costs associated with the review and approval of a contract franchise provided that such application fee reimburses the city for its reasonable, actual and verifiable costs of reviewing and approving the contract franchise. An ap-

plication fee must be competitively neutral and may not be unreasonable or discriminatory.

(h) Within 90 days of the receipt of a completed application for a telecommunications contract franchise, a city shall process and submit the application and contract franchise to the city's governing body, and the governing body shall take a final vote concerning such contract franchise unless the telecommunications local exchange service provider and city agree otherwise.

(i) In considering the adoption and passage of a telecommunications contract franchise ordinance, no city shall have the authority or jurisdiction to regulate telecommunications local exchange service providers based upon the content, nature or type of telecommunications service or signal to be provided, or the quality of service provided to customers.

(j) The governing body of a city may require telecommunications local exchange service providers to collect and remit to each such city an access line fee of up to a maximum of \$2.00 per month per access line or a fee on gross receipts as described in subsection (j)(2). The access line fee shall be a maximum of \$2.25 per month per access line in 2006; a maximum of \$2.50 in 2009; a maximum of \$2.75 in 2012 and thereafter.

(1) To determine an access line remittance fee, the telecommunications local exchange service provider shall calculate and remit an amount equal to the access line fee established by a city multiplied by the access line count. Such amount shall be due not later than 45 days after the end of the remittal period. The city shall have the right to examine, upon written notice to the telecommunications local exchange service provider, no more than once per calendar year, those access line count records necessary to verify the correctness of the access line count. If the access line count is determined to be erroneous, then the telecommunications local exchange service provider shall revise the access line fees accordingly and payment shall be made upon such corrected access line count. If the city and the telecommunications local exchange service provider cannot agree on the access line count, or are in dispute concerning the amounts due under this section for the payment of access line fees, either party may seek appropriate relief in a court of competent jurisdiction, and that court may impose all appropriate remedies, including monetary and injunctive relief and reasonable costs and attorney fees. All claims authorized in this section must be brought within three years of the date on which the disputed payment was due. The access line fee imposed under this section must be assessed in a competitively neutral manner, may not unduly impair competition, must be nondiscriminatory and must comply with state and federal law.

(2) As an alternative to the access line fee specified in subsection (j)(1), the governing body of a city may require telecommunications local

exchange service providers to collect and remit to each such city a fee of up to a maximum of 5% of gross receipts as defined in this act. The telecommunications local exchange service provider shall calculate the gross receipts and multiply such receipts by the fee, up to a maximum of 5%, established by the city. The telecommunications local exchange service provider shall remit such fee to the city no more frequently than each quarter unless the telecommunications local exchange service provider agrees otherwise, and not later than 45 days after the end of the remittance period. The city shall have the right to examine, upon written notice to the telecommunications local exchange service provider, no more than once per calendar year, those records necessary to verify the correctness of the gross receipts fee. If the gross receipts fee is determined to be erroneous, then the telecommunications local exchange service provider shall revise the gross receipts fee accordingly and payment shall be made upon such corrected gross receipts fee. If the city and the telecommunications local exchange service provider cannot agree on the gross receipts fee, or are in dispute concerning the amounts due under this section for the payment of gross receipts fees, either party may seek appropriate relief in a court of competent jurisdiction, and that court may impose all appropriate remedies, including monetary and injunctive relief, reasonable costs and attorney fees. All claims authorized in this section must be brought within three years of the date on which the disputed payment was due. The gross receipts fee imposed under this section must be assessed in a competitively neutral manner, may not unduly impair competition, must be nondiscriminatory and must comply with state and federal law.

(k) Notwithstanding any other provision of this act, payment by a telecommunications local exchange service provider that complies with the terms of an unexpired franchise ordinance that applies to the provider satisfies the payment attributable to the provider required by this act.

(l) Beginning January 1, 2004, and every 36 months thereafter, a city, subject to the public notification procedures set forth in subsection (m), may elect to adopt an increased access line fee or gross receipts fee subject to the provisions and maximum fee limitations contained in this act or may choose to decline all or any portion of any increase in the access line fee.

(m) Adoption of an increased access line fee or gross receipts fee by a city shall not become effective until the following public notification procedures occur: (1) Notice of the new fee has been provided at a regular meeting of the governing body; (2) immediately thereafter, notification of the new fee shall be published in the official city paper once a week for two consecutive weeks; and (3) sixty days have passed from the date of the regular meeting of the governing body at which the new fee was proposed. If, during the period of public notification of the new fee or prior

to the expiration of 60 days from the date of the regular meeting of the governing body at which the new fee was proposed, 20% of the qualified voters of such city voting for mayor, or in case no mayor is elected then the commissioner or council member receiving the highest number of votes at the last preceding city election, present a petition to the governing body asking that the new fee be submitted to popular vote, the mayor of the city shall issue a proclamation calling for an election for that purpose. Such election shall be held in conjunction with the next available general election. The proclamation calling such election shall specifically state that such election is called for the adoption of the new fee, and the new fee shall be set out in full in the proclamation. The proclamation shall be published once each week for two consecutive weeks in the official city newspaper, and the last publication shall not be less than 30 days before the day upon which the election is held. If, at the election the majority of votes cast shall be for the new fee, the new fee shall thereupon become effective. If a majority of the votes cast at the election are against the new fee, the new fee shall not become effective and shall be void.

(n) A city may require a telecommunications local exchange service provider to collect or remit an access line fee or a gross receipts fee to such city on those access lines that have been resold to another telecommunications local exchange service provider, but in such case the city shall not collect an access line fee or gross receipts fee from the reseller telecommunications local exchange service provider and shall not require the reseller to enter into a contract franchise ordinance pursuant to subsection (d).

(o) A city may not impose the following regulations on telecommunications local exchange service providers:

(1) Requirement that particular business offices or other telecommunications facilities be located in the city;

(2) requirement for filing reports and documents that are not reasonably related to the collection of compensation pursuant to this act;

(3) requirement for inspection of the business records of a telecommunications local exchange service provider except to the extent necessary to conduct the review of the records related to the access line count or gross receipts fee as provided for in this act;

(4) requirement for city approval of transfers of ownership or control of the business or assets of a telecommunications local exchange service provider except that a city may require that such provider maintain current point of contact information and provide notice of a transfer within a reasonable time; and

(5) requirement concerning the provisioning or quality of services, facilities, equipment or goods in-kind for use by the city, political subdivision or any other telecommunications local exchange service provider or public utility.

(p) Information provided to municipalities and political subdivisions under this act shall be governed by confidentiality procedures in compliance with K.S.A. 45-215 and 66-1220a et seq., and amendments thereto.

(q) Except as otherwise provided, this act does not affect the validity of a franchise agreement or contract ordinance with a telecommunications local exchange service provider so long as the franchise agreement or contract ordinance does not include a linear foot charge and/or a minimum fee, was enacted prior to the effective date of this act, and was agreed to by the telecommunications local exchange service provider. Under such circumstances, a city may continue to enforce a previously enacted franchise agreement or contract ordinance and to collect franchise fees and other charges under that franchise agreement or contract ordinance until the date on which the agreement or ordinance expires by its own terms or is terminated in accordance with the terms of this act. Notwithstanding any other provision hereof, where such a franchise agreement or contract ordinance exists between a city and a telecommunications local exchange service provider prior to the effective date of this act, during the term of such existing franchise agreement or contract ordinance the city must offer to new applicants franchise agreements or contract franchises whose terms and conditions are as a whole competitively neutral and nondiscriminatory, as compared to such existing agreement.

(r) Without prejudice to a telecommunications local exchange service provider's other rights and authorities, a telecommunications local exchange service provider which is assessed, collects and remits an application fee, access line fee or gross receipts fee assessed by a city shall add to its end-user customer's bill, statement or invoice a surcharge equal to the pro rata share of any such fees.

(s) Subsections (c) through (r) apply only to telecommunications local exchange service providers.

(t) (1) *Except as further provided in paragraph (2), a city:*

(A) *Shall not require a wireless services provider or a wireless infrastructure provider to enter into a franchise, franchise agreement, franchise ordinance, contract franchise or contract franchise ordinance for the provision of wireless services;*

(B) *may govern the use of the public right-of-way by a wireless services provider or a wireless infrastructure provider by requiring a small cell facility deployment agreement or a master license agreement, through permitting requirements or municipal ordinances or codes, or any combination thereof, in a manner consistent with federal and state law; and*

(C) *may assess a wireless services provider or a wireless infrastructure provider a fixed right-of-way access fee for each small cell facility that the provider deploys that requires use of the city's public right-of-way, but*

*such fee shall not be based on such provider's gross receipts derived from services provided within the city's corporate limits.*

(2) *The provisions of paragraph (1) shall only apply to a wireless infrastructure provider to the extent of such provider's operations and services as a provider for the deployment of small cell facilities in the city's public right-of-way that are used for the provision of wireless services. Nothing in this subsection shall be construed to apply to such provider's other operations and services as a utility or otherwise or have any effect on any franchise that is related to such other operations and services.*

(3) *Nothing in this subsection shall be construed as prohibiting a city from requiring a telecommunications local exchange service provider to enter into a valid contract franchise ordinance pursuant to this section.*

(4) *For the purposes of this subsection:*

(A) *The terms "authority," "public right-of-way," "small cell facility," "utility pole," "wireless infrastructure provider," "wireless services" and "wireless services provider" shall have the same meaning as provided in K.S.A. 66-2019, and amendments thereto; and*

(B) *"small cell facility deployment agreement" means an agreement between a wireless services provider or wireless infrastructure provider and an authority for the deployment of small cell facilities on or adjacent to existing, modified, replacement or new utility poles within the public right-of-way pursuant to K.S.A. 66-2019, and amendments thereto, and federal law. A "small cell facility deployment agreement" is not a franchise, franchise agreement, franchise ordinance, contract franchise or contract franchise ordinance.*

Sec. 2. K.S.A. 2018 Supp. 12-2001 is hereby repealed.

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

Approved April 11, 2019.

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## CHAPTER 33

## HOUSE BILL No. 2178

AN ACT concerning utilities; relating to the Kansas underground utility damage prevention act; definitions; location of facilities and duty to mark, exceptions; amending K.S.A. 66-1802, 66-1805 and 66-1806 and repealing the existing sections.

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

Section 1. K.S.A. 66-1802 is hereby amended to read as follows: 66-1802. As used in this act:

(a) “Damage” means any impact or contact with an underground facility, its appurtenances or its protective coating, or any weakening of the support for the facility or protective housing which requires repair.

(b) “*Electric public utility*” means the same as such term is defined in K.S.A. 66-101a, and amendments thereto.

(c) “Emergency” means any condition constituting a clear and present danger to life, health or property, or a customer service outage.

~~(e)~~(d) “Excavation” means any operation in which earth, rock or other material below the surface is moved or otherwise displaced by any means, except tilling the soil for normal agricultural purposes, or railroad or road and ditch maintenance that does not change the existing railroad grade, road grade and/or ditch flowline, or operations related to exploration and production of crude oil or natural gas, or both.

~~(d)~~(e) “Excavator” means any person who engages directly in excavation activities within the state of Kansas, but shall not include any occupant of a dwelling who: (1) Uses such dwelling as a primary residence; and (2) excavates on the premises of such dwelling.

~~(e)~~(f) “Facility” means any sanitary sewer or underground line, system or structure used for transporting, gathering, storing, conveying, transmitting or distributing potable water, gas, electricity, communication, crude oil, refined or processed petroleum, petroleum products or hazardous liquids; facility shall not include, any stormwater sewers or production petroleum lead lines, salt water disposal lines or injection lines, which are not located on platted land or inside the corporate limits of any city.

~~(f)~~(g) “Locatable facility” means facilities for which the tolerance zone can be determined by the operator using generally accepted practices such as as-built construction drawings, system maps, probes, locator devices or any other type of proven technology for locating.

~~(g)~~(h) “Marking” means the use of stakes, paint, flags or other clearly identifiable materials to show the field location of underground facilities, in accordance with the rules and regulations promulgated by the state corporation commission in the administration and enforcement of this act.

~~(h)~~(i) “Municipality” means any city, county, municipal corporation, public district or public authority located in whole or in part within this state which provides firefighting, law enforcement, ambulance, emergency medical or other emergency services.

~~(i)~~(j) “Notification center” means the statewide communication system operated by an organization which has as one of its purposes to receive and record notification of planned excavation in the state from excavators and to disseminate such notification of planned excavation to operators who are members and participants.

~~(j)~~(k) “Operator” means any person who owns or ~~operates~~ leases an underground tier 1 or tier 2 facility, except for any person who is the owner of real property wherein is located underground facilities for the purpose of furnishing services or materials only to such person or occupants of such property.

*An electric public utility shall not be considered an operator of any portion of an underground facility that is on another person’s side of the point where ownership of the facility changes from the electric public utility to another person as determined by the electric public utility’s rules and regulation, tariffs, service or membership agreement or other similar documents.*

~~(k)~~(l) “Preengineered project” means a public project or a project which is approved by a public agency wherein the public agency responsible for the project, as part of its engineering and contract procedures, holds a meeting prior to the commencement of any construction work on such project in which all persons, determined by the public agency to have underground facilities located within the construction area of the project, are invited to attend and given an opportunity to verify or inform the public agency of the location of their underground facilities, if any, within the construction area and where the location of all known and underground facilities are duly located or noted on the engineering drawing as specifications for the project.

~~(l)~~(m) “Permitted project” means a project where a permit for the work to be performed must be issued by a city, county, state or federal agency and, as a prerequisite to receiving such permit, the applicant must locate all underground facilities in the area of the work and in the vicinity of the excavation and notify each owner of such underground facilities.

~~(m)~~(n) “Person” means any individual, partnership, corporation, association, franchise holder, state, city, county or any governmental subdivision or instrumentality of a state and its employees, agents or legal representatives.

~~(n)~~(o) “Production petroleum lead line” means an underground facility used for production, gathering or processing on the lease or unit, or for delivery of hydrocarbon gas and/or liquids to an associated tank



battery, separator or sales facility. Production petroleum lead lines shall include underground lines associated with lease fuel and saltwater disposal and injection.

~~(o)~~(p) “Platted land” means a tract or parcel of land which has been subdivided into lots of less than five acres for the purpose of building developments, including housing developments, and for which a surveyor’s plat has been filed of record in the office of the register of deeds in the county where the land is located.

~~(p)~~(q) “Tier 1 facility” means an underground facility used for transporting, gathering, storing, conveying, transmitting or distributing gas, electricity, communications, crude oil, refined or reprocessed petroleum, petroleum products or hazardous liquids.

~~(q)~~(r) “Tier 2 facility” means an underground facility used for transporting, gathering, storing, conveying, transmitting or distributing potable water or sanitary sewage.

~~(r)~~(s) “Tier 3 facility” means a water or wastewater system utility which serves more than 20,000 customers who elects to be a tier 3 member of the notification center pursuant to this subsection. The operator of a tier 3 facility shall:

(1) Develop and operate a locate service website capable of receiving locate requests;

(2) publish and maintain a dedicated telephone number for locate services;

(3) maintain 24-hour response capability for emergency locates; and

(4) employ not less than two individuals whose primary job function shall be the location of underground utilities. Operators of tier 3 facilities shall make either such website or contact information available to the notification center. The notification center shall collect and charge a fee of \$500 a year for each tier 3 facility. No other fee, charge or cost shall be assessed to a tier 3 facility by the notification center. Tier 3 members shall be subject to all provisions of K.S.A. ~~66-1805 through 66-1810~~ 66-1801 *et seq.*, and amendments thereto.

~~(s)~~(t) “Tolerance zone” means the area not less than 24 inches of the outside dimensions in all horizontal directions of an underground facility, except that a larger tolerance zone for a tier 1, 2 or 3 facility may be established by rules and regulations adopted under K.S.A. 66-1815, and amendments thereto. An operator of a water or wastewater facility may elect to use a tolerance zone for such water or wastewater facility in which tolerance zone means the area not less than 60 inches of the outside dimensions in all horizontal directions of an underground water or wastewater facility upon notification of the excavator, except that a larger tolerance zone may be established by rules and regulations adopted under K.S.A. 66-1815, and amendments thereto.

~~(t)~~(u) “Update” means an additional request from the excavator to extend the time period of the request for intent to excavate beyond the 15 calendar day duration of the request.

~~(u)~~(v) “Whitelineing” means the act of marking by the excavator the route or boundary of the proposed excavation site with white paint, white stakes or white flags.

~~(v)~~(w) “Working day” means every day Monday through Friday beginning at 12:01 a.m., except for the following officially recognized holidays: New Year’s day, Memorial day, Independence day, Labor day, Thanksgiving day, the day after Thanksgiving and Christmas.

Sec. 2. K.S.A. 66-1805 is hereby amended to read as follows: 66-1805. (a) This act recognizes the establishment of a single notification center for the state of Kansas. Each operator who has an underground facility shall become a member of the notification center.

(b) For operators of tier 1 facilities or operators of tier 2 facilities that desire notification in the same manner as operators of tier 1 facilities, the notification center shall provide prompt notice of any proposed excavation to each affected operator that has facilities recorded with the notification center in the area of a proposed excavation site.

(c) For operators of tier 2 facilities that desire direct contact with the excavator, the notification center shall provide the excavator with the name and contact information of the affected operator that has facilities recorded with the notification center in the area of the proposed excavation.

(d) Notification to operators as defined in subsection (b) shall be given by notifying the notification center by telephone at the toll free number or by other communication methods approved by the notification center. The content of such notification shall be as required by K.S.A. 66-1804, and amendments thereto.

(e) Notification to operators as defined in subsection (c) may be given by notifying the operator of tier 2 facilities using the contact information provided by the notification center. The content of such notification shall be as required by K.S.A. 66-1804, and amendments thereto.

(f) Each operator who has an underground facility within the state shall be afforded the opportunity to become a member of the notification center on the same terms as the original members.

(g) A suitable record shall be maintained by the notification center to document the receipt of notices from excavators as required by this act.

(h) A suitable record shall be maintained by operators of tier 2 facilities that desire direct contact with the excavator pursuant to subsection (c) to document the receipt of notices from excavators.

(i) The notification center shall charge and collect an annual membership fee in the amount of \$25 from each tier 2 facility member.

(j) The notification center shall charge a referral fee to tier 2 facility members in an amount no more than 50% of the referral fee rate charged to tier 1 facility members.

(k) Upon request of the operator, the person filing the notice of intent to excavate shall wheline the proposed excavation site prior to locates being performed.

(l) The notification center established pursuant to this section shall be and is hereby deemed to be a public agency and shall be subject to the provisions of the open records act, K.S.A. 45-215 et seq., and amendments thereto, and the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto, except that the notification center or board of directors, or successor managing organization shall not disseminate, make available or otherwise distribute data or information provided by an operator of a tier 1, 2 or 3 facility unless such dissemination, making available or distributing is necessary for the state corporation commission or the notification center to carry out legal duties or specific statutory duties prescribed under this chapter.

(m) On and after July 1, 2009, the notification center's board of directors shall include two members from tier 2 facilities and ~~4~~ *one* member from tier 3 facilities.

(n) The notification center shall prepare an annual report which describes the activities of such center. An annual audit of the notification center shall be conducted by an independent certified public accountant. The notification center shall provide copies of such reports to each member of the notification center and shall be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto.

(o) The notification center shall solicit proposals for operation of the notification center not more than every five years which shall be awarded in an open meeting by the board of directors of the notification center. The bidding process prescribed by this subsection shall be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto.

(p) The notification center shall conduct a cost of service audit not more than every five years or as otherwise requested by the board of directors of the notification center or a majority of the members of such center.

(q) *On and after July 1, 2019, the notification center shall notify any person or excavator requesting identification of the location of underground facilities that utilities are only required to identify the location of utility-owned facilities and are not required to identify the location of privately owned facilities.*

Sec. 3. K.S.A. 66-1806 is hereby amended to read as follows: 66-1806.

(a) Within two working days, beginning on the later of the first working day after the excavator has filed notice of intent to excavate or the first day after the excavator has whelined the excavation site, an operator served

with notice, unless otherwise agreed between the parties, shall inform the excavator of the tolerance zone of the underground facilities of the operator in the area of the planned excavation by marking, flagging or other acceptable method.

(b) If the operator of tier 2 facilities cannot accurately mark the tolerance zone, such operator shall mark the approximate location to the best of its ability, notify the excavator that the markings may not be accurate, and provide additional guidance to the excavator in locating the facilities as needed during the excavation.

(c) The operator of tier 2 facilities shall not be required to provide notification of the tolerance zone for facilities which are at a depth at least two feet deeper than the excavator plans to excavate but does have to notify the excavator of their existence.

(d) (1) If the operator of a tier 1 facility has no underground facilities in the area of the proposed excavation, such operator, before the excavation start date, shall notify the excavator that it has no facilities in the area of proposed excavation by telephone, facsimile, marking the area all clear or by other technology that may be developed for such purposes.

(2) *If the operator of a tier 1 facility is a provider of electricity, the duty of the operator to mark shall not extend to another person's side of the point where ownership of the facility changes from the operator to another person as determined by the operator's rules and regulations, tariffs, service or membership agreements or other similar documents.*

(e) If the excavator notifies the notification center, within two working days after the initial identification of the tolerance zone by the operator, that the identifiers have been improperly removed or altered, the operator shall make a reasonable effort to reidentify the tolerance zone within one working day after the operator receives actual notice from the notification center.

(f) If the excavator has provided notice to an operator pursuant to K.S.A. 66-1804, and amendments thereto, and the operator fails to comply with subsections (a), (b) or (c) or notifies the excavator that it has no underground facilities in the area of the planned excavation, the excavator may proceed and shall not be liable to the operator for any direct or indirect damages resulting from contact with the operator's facilities, except that nothing in this act shall be construed to hold any excavator harmless from liability to the operator in those cases of gross negligence or willful and wanton conduct.

(g) For economic damages in any civil court of this state, failure of an operator to inform the excavator within two working days of the tolerance zone of the underground facilities of the operator in the manner required by ~~subsection (a) of~~ K.S.A. 66-1806(a), and amendments thereto, shall not give rise to a cause of action on the part of the excavator against an

operator, except that nothing in this act shall be construed to hold any operator harmless from liability in those cases of inaccurate marking of the tolerance zone, gross negligence or willful and wanton conduct. Such failure may subject an operator to civil penalties as determined by the state corporation commission.

(h) Any person claiming that an operator has failed to inform the excavator within two working days of the tolerance zone of the underground facilities of the operator shall file a complaint with the state corporation commission requesting enforcement of subsection (a) within one year of becoming aware of the violation.

(i) All tier 1 facilities installed by an operator after January 1, 2003, shall be locatable.

(j) All tier 2 facilities installed by an operator after July 1, 2008, shall be locatable.

Sec. 4. K.S.A. 66-1802, 66-1805 and 66-1806 are hereby repealed.

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

Approved April 11, 2019.

Published in the *Kansas Register* April 18, 2019.

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## CHAPTER 34

## HOUSE BILL No. 2215

AN ACT concerning the Kansas state fair board; authorizing the board to establish a non-profit corporation for the benefit of the state fair; amending K.S.A. 74-520a and repealing the existing section.

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

Section 1. K.S.A. 74-520a is hereby amended to read as follows: 74-520a. (a) On and after March 15, 1995, the Kansas state fair board is hereby established. The Kansas state fair board shall consist of the following members:

- (1) The secretary of agriculture or the successor of the secretary of agriculture, or the secretary's designee;
  - (2) the secretary of commerce, or the secretary's designee;
  - (3) the director of extension of Kansas state university of agriculture and applied science, or the director's designee;
  - (4) one person appointed by the governor from three persons nominated by the Kansas chamber of commerce and industry;
  - (5) one person appointed by the governor from three persons nominated by the travel industry association of Kansas;
  - (6) one person appointed by the governor from three persons nominated by the Kansas fairs association; and
  - (7) seven people from the general public appointed by the governor.
- Of such people appointed, one shall be from each of the five extension areas, as established in subsection (e), and two shall represent the state at large. Directors of each extension area shall submit three nominations to the governor. Such persons nominated shall be actively involved in agriculture production or agribusiness.

(b) Of the persons initially appointed by the governor under subsection (a), three shall have a term of one year, three shall have a term of two years and three shall have a term of three years and until a successor is appointed and qualified. Thereafter, all members shall have terms of three years and until a successor is appointed and qualified.

(c) Any vacancy occurring on the Kansas state fair board shall be filled as the original appointment was made.

(d) If any of the members able to appoint a designee does so, the designee shall be appointed for a term of not less than one year.

(e) For the purpose of this section the state shall be divided into five extension areas. The northwest extension area shall include the following counties: Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Osborne, Rooks, Graham, Sheridan, Thomas, Sherman, Wallace, Logan, Gove, Trego, Ellis, Russell, Barton, Rush and Ness. The southwest extension

area shall include the following counties: Greeley, Wichita, Scott, Lane, Pawnee, Hodgeman, Finney, Kearny, Hamilton, Edwards, Ford, Gray, Haskell, Grant, Stanton, Morton, Stevens, Seward, Meade, Clark, Comanche and Kiowa. The south central extension area shall include the following counties: Lincoln, Ottawa, Dickinson, Ellsworth, Saline, Rice, McPherson, Marion, Reno, Harvey, Butler, Kingman, Sedgwick, Cowley, Sumner, Harper, Barber, Pratt and Stafford. The southeast extension area shall include the following counties: Morris, Chase, Lyon, Osage, Franklin, Miami, Coffey, Anderson, Linn, Bourbon, Allen, Woodson, Greenwood, Elk, Wilson, Neosho, Crawford, Chautauqua, Montgomery, Labette and Cherokee. The northeast extension area shall include the following counties: Jewell, Republic, Washington, Marshall, Nemaha, Brown, Doniphan, Mitchell, Cloud, Clay, Riley, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth, Wyandotte, Johnson, Douglas, Shawnee, Wabaunsee and Geary.

*(f) (1) The Kansas state fair board is authorized to establish a nonprofit corporation organized under section 501(c)(3) of the internal revenue code of 1986. The board of directors of the nonprofit corporation shall consist of the members of the executive committee of the fair board, the general manager and other directors designated by the fair board.*

*(2) The purpose of the nonprofit corporation shall be to receive gifts, donations, grants and other moneys and engage in fundraising projects for the benefit of the Kansas state fair.*

Sec. 2. K.S.A. 74-520a is hereby repealed.

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

Approved April 12, 2019.

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## CHAPTER 35

## SENATE BILL No. 77\*

AN ACT concerning children and minors; relating to children with sexual behavior problems; Kansas department for children and families; voluntary services.

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

Section 1. (a) (1) In addition to any services required under K.S.A. 2018 Supp. 38-2201 et seq., and amendments thereto, after the department for children and families receives a report of child abuse or neglect where the subject of the report is a child with sexual behavior problems and the department determines that a joint investigation with law enforcement is required in accordance with K.S.A. 2018 Supp. 38-2226, and amendments thereto, the department shall immediately provide a referral to a child advocacy center or other mental health provider and, as needed, offer additional services to:

(A) The child with sexual behavior problems; and

(B) such child's family.

(2) Such services shall be voluntary, unless the department determines there will be a high risk of future sexual behavior problems by such child if such child or such child's family refuses to accept the services. The department shall thoroughly document:

(A) Offers by the department to provide voluntary services;

(B) the reasons these services are important to reduce the risk of future sexual behavior problems by the child;

(C) whether services were accepted and provided; and

(D) the outcome for the child and family.

(b) As used in this section, "child with sexual behavior problems" means a person less than 18 years of age who has allegedly committed sexual abuse against another person less than 18 years of age.

(c) Nothing in this section shall prohibit any other investigation or action by the department or law enforcement that is otherwise authorized by law.

(d) This section shall be a part of and supplemental to the revised Kansas code for care of children, K.S.A. 2018 Supp. 38-2201 et seq., and amendments thereto.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 12, 2019.

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## CHAPTER 36

## Substitute for SENATE BILL No. 130

AN ACT concerning municipal elections and election related matters; relating to advance ballots; amending K.S.A. 72-1073, 72-1088, 72-1133, 72-1138 and 80-202 and K.S.A. 2018 Supp. 25-1124, 25-21a03 and 25-2701 and repealing the existing sections.

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

Section 1. K.S.A. 2018 Supp. 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 ~~(d)~~ (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.

~~(e)~~(d) Any voted ballot may be transmitted to the county election officer by the voter or by another person designated in writing by the voter, except if the voter has a disability preventing the voter from writing and signing a statement, the written and signed statement required by subsection ~~(d)~~ (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.

~~(d)~~(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.

~~(e)~~(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.

Sec. 2. K.S.A. 2018 Supp. 25-2701 is hereby amended to read as follows: 25-2701. (a) (1) The county election officer shall determine the area to be served by each voting place at every election and shall provide notice of such voting places as required by law. *At the discretion of the county election officer, all voters within a county may be allowed to vote at any polling location on election day, provided all rules and regulations are followed as established by the secretary of state for such purpose.*

(2) Any precinct having less than 20 registered voters shall be included with an adjacent precinct or precincts in a single area to be served by a common voting place. The location of voting places shall be designated by the county election officer as provided by K.S.A. 25-2703, and amendments thereto.

(b) For any election to which this section is applicable, wherever a city is located in two counties, the county election officer of the county in which the greater population of the city is located may designate a voting place located in a portion of the city in the other county to serve an area within that portion of the city within the county in which the greater population of the city is located.

(c) At voting places serving two or more precincts, one or more of which have less than 20 registered voters, all ballots which are identical

shall be deposited in the same ballot box or boxes and such votes shall be counted and canvassed in a manner as to minimize the possibility of identifying the ballots cast by any voter.

(d) (1) The county election officer may not change a voting place prior to an election without providing mailed notice to the voters affected at least 30 days prior to the election. If an emergency is declared by the county election officer, the mailed notice requirement shall be waived.

(2) Failure to receive notice of a change in the voting place shall not give rise to a cause of action challenging the results of the election.

Sec. 3. K.S.A. 2018 Supp. 25-21a03 is hereby amended to read as follows: 25-21a03. (a) The secretary of state shall develop the style and form of the official primary ballot and the official general election ballot for municipal offices.

(b) The declaration of intent to become a candidate shall be prescribed by the secretary of state. The declarations *for any municipality* shall be filed with the county election officer not later than 12 noon, June 1, prior to the primary election in both even-numbered and odd-numbered years, or if such date falls on a Saturday, Sunday or holiday, then before 12 noon of the next day that is not a Saturday, Sunday or holiday.

(c) ~~For municipalities where a primary election is not authorized or otherwise required by law, the declaration of intent to become a candidate shall be filed with the county election officer not later than 12 noon, September 1, prior to the general election in odd-numbered years, or if such date falls on a Saturday, Sunday or holiday, then before 12 noon of the next day that is not a Saturday, Sunday or holiday.~~

(d) The secretary of state shall establish primary election procedures for primary elections for municipalities.

~~(e)~~(d) The secretary of state shall establish general election procedures for general elections for municipalities.

~~(f)~~(e) County election officers shall conduct municipal elections in odd-numbered years and elections in even-numbered years if needed.

~~(g)~~(f) The secretary of state shall adopt rules and regulations to implement this section on or before July 1, 2016.

Sec. 4. K.S.A. 80-202 is hereby amended to read as follows: 80-202. Every person elected to the office of trustee, clerk or treasurer of any township, or road overseer of any road district, shall be an elector of ~~said the township or road district at the time of his or her such election or appointment, and shall within twenty (20) days after he shall be notified of his or her election take and subscribe the oath of office prescribed by law, and shall forthwith cause such. The oath to shall be filed in the office of the county clerk of his or her county; and. In case the event any of such officers officer shall become nonresidents a nonresident of their respective townships the township or road districts, their offices district, the office shall at once become vacant.~~

Sec. 5. K.S.A. 72-1073 is hereby amended to read as follows: 72-1073. The provisions of law relating to the term of office of members of boards of education, including method and time of qualification and of taking office shall apply to every school district in this state. In the event no candidate is elected to a position on the board of education of a school district in a regular election, or if an elected member moves out of the school district after such member is elected and before such member takes office the *second Monday in January* following ~~July 1 the election,~~ or if such member becomes ineligible to serve for any other reason during that period of time, the holdover member shall continue to sit as a voting member of the board of education of such school district until an eligible successor is appointed by the board of education to fill the position. ~~Such successor shall be appointed not later than November 15 next following the regular election of board members.~~

Sec. 6. K.S.A. 72-1133 is hereby amended to read as follows: 72-1133. (a) At the first meeting of the board of education ~~in July on or after the second Monday in January~~ of each year, *or at a later meeting during that calendar year if so determined by the board at the first meeting,* the board shall elect a president and vice-president, both of whom shall be members of the board. The president and vice-president shall each serve for a term of one ~~(1)~~ year and until ~~his~~ a successor is elected and qualified.

(b) The president shall preside at meetings of the board and perform such other duties as are provided by law.

(c) In the absence or inability to act of the president, the vice-president shall perform the duties of the president. In the absence or inability to act of both the president and vice-president, the remaining members shall select a member to act in the capacity of president.

Sec. 7. K.S.A. 72-1138 is hereby amended to read as follows: 72-1138. (a) The board shall meet at least once each month. ~~During the month of July~~ *On or after the second Monday in January and before February 1* of each year, *or at a later date during that calendar year if so determined by the board at the first meeting of the board on or after the second Monday in January of each year,* the board shall adopt a resolution specifying a regular meeting time of the board and the regular hour of commencement of the meeting, as well as the day of the week and the week of the month. Such resolution also shall specify the alternative date and time of any meeting if the regular meeting date occurs on a Sunday or on a legal holiday or on a holiday specified by the board. Such resolution also shall specify the regular meeting place of the board and may specify that any regular meeting may be adjourned to another time and place. If the board cancels a regularly scheduled meeting because of an emergency, within 24 hours of such cancellation, the board shall establish and give notice of the new meeting date and time. Special meetings may be called at any

time by the president of the board or by joint action of any three members of the board. Unless waived, written notice, stating the time and place of any special meeting and the purpose for which called, shall be given each member of the board at least two days in advance of the special meeting and no business other than that stated in the notice shall be transacted at such meeting. A majority of the full membership of the board shall constitute a quorum for the purpose of conducting any business of the school district, and the vote of a majority of the full membership of the board shall be required for the passage of any motion or resolution. Any member who abstains from voting shall be counted as having voted against the motion or resolution. If a member announces a conflict of interest with regard to the issue, the member may leave the meeting until the voting on the issue is concluded, and the member who abstains from voting thereby shall not be counted as having voted.

(b) Except as otherwise provided by law, the board shall have and may exercise the same powers and authorities as were immediately prior to this act conferred uniformly upon boards of education in cities of the first class, and, in addition thereto, the powers and authority expressly conferred by law.

(c) The board shall have authority to prescribe courses of study for each year of the school program and to adopt rules and regulations for teaching in the school district and general government thereof, and to approve and adopt suitable textbooks and study material for use therein subject to the plans, methods, rules and regulations of the state board of education.

(d) The board may provide legal counsel at district expense to any members of the board of education, or school district officers or employees who are sued in situations relating to and arising out of the performance of their office or employment. No teacher or other employment contract shall make reference to or incorporate the provisions of this subsection, nor shall the provisions of this subsection be construed ~~as to be~~ any part of the consideration of employment of any teacher, officer or other employee of the board.

(e) (1) The board may transact all school district business and adopt policies that the board deems appropriate to perform its constitutional duty to maintain, develop and operate local public schools.

(2) The power granted by this subsection shall not be construed to relieve a board from compliance with state law.

The power granted by this subsection shall not be construed to relieve any other unit of government of its duties and responsibilities ~~which that~~ are prescribed by law, nor to create any responsibility on the part of a school district to assume the duties or responsibilities ~~which that~~ are required of another unit of government.

(3) The board shall exercise the power granted by this subsection by resolution of the board of education.

Sec. 8. K.S.A. 72-1088 is hereby amended to read as follows: 72-1088. *The issue of the change of method of election or voting plan, or both, in any school district may be made in the manner provided in this act at any time during the period beginning on the first Wednesday in November of each even-numbered year and ending on the first Tuesday in June of each odd-numbered year, if such change is also approved in a manner authorized in this act before the end of such period submitted to voters at any primary election or general election as defined in K.S.A. 25-2502, and amendments thereto, or at a special election called for such purpose. If approved by voters, the new method of election and voting plan in such the school district shall be followed in the election of members next following such the change and shall continue in force until again changed in the manner provided in this act. Change of method of election or voting plan shall not shorten the term of any member serving on the board at the time the change is made, and the county election officer shall not submit to election any plan of change which violates this prohibition.*

Sec. 9. K.S.A. 72-1073, 72-1088, 72-1133, 72-1138 and 80-202 and K.S.A. 2018 Supp. 25-1124, 25-21a03 and 25-2701 are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 15, 2019.

Published in the *Kansas Register* April 25, 2019.

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## CHAPTER 37

## SENATE Substitute for HOUSE BILL No. 2167

AN ACT concerning industrial hemp; establishing a commercial industrial hemp program; amending K.S.A. 65-4101 and 65-4105 and K.S.A. 2018 Supp. 2-3901, 2-3902, 2-3903, 21-5701 and 21-5702 and repealing the existing sections; also repealing K.S.A. 65-4101c and 65-4105b and K.S.A. 2018 Supp. 21-5701a.

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

New Section 1. (a) It is the intent of the legislature of the state of Kansas that the implementation of the commercial industrial hemp act by the Kansas department of agriculture shall be conducted in the least restrictive manner allowed under federal law.

(b) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments thereto.

New Sec. 2. (a) The Kansas department of agriculture, in consultation with the governor and attorney general, shall submit a plan to the United States department of agriculture under which the Kansas department of agriculture will monitor and regulate the commercial production of industrial hemp within the state in accordance with 7 U.S.C. § 1621 et seq. and any rules and regulations adopted thereunder.

(b) Such plan shall include the following:

(1) A procedure to maintain relevant information regarding land on which industrial hemp is produced, including a legal description of the land, for a period of not less than three calendar years;

(2) a procedure for testing, using post-decarboxylation or other similarly reliable methods, the delta-9 tetrahydrocannabinol concentration levels of industrial hemp produced;

(3) a procedure for the effective disposal of industrial hemp and hemp products that are found to be in violation of this act;

(4) any licensing requirements or other rules and regulations deemed necessary by the Kansas department of agriculture for the proper monitoring and regulation of industrial hemp cultivation and production for commercial purposes, including, but not limited to, fees for licenses, license renewals and other necessary expenses to defray the cost of implementing and operating the plan on an ongoing basis;

(5) a procedure for the creation of documentation that any person in possession of unprocessed industrial hemp may use to prove to any law enforcement officer that such industrial hemp was lawfully grown under this section;

(6) a procedure for conducting annual inspections of, at a minimum, a random sample of hemp producers to verify that industrial hemp is not produced in violation of this act; and

(7) any other procedures necessary to meet the requirements set forth in 7 U.S.C. § 1621 et seq. and any rules and regulations adopted thereunder.

(c) (1) A hemp producer who negligently violates this section or any rules and regulations adopted hereunder shall not be subject to any state or local criminal enforcement action, but shall comply with the following corrective actions as applicable:

(A) A reasonable date by which the hemp producer shall correct the negligent violation; and

(B) a requirement that the hemp producer shall periodically report to the Kansas department of agriculture on the hemp producer's compliance with this section and rules and regulations adopted hereunder, for a period of not less than the next two calendar years.

(2) A hemp producer who negligently violates this section or any rules and regulations adopted hereunder three times in a five-year period shall be ineligible to produce industrial hemp for a period of five years beginning on the date of the third violation.

(3) The Kansas department of agriculture shall immediately report any violation by a hemp producer with a greater culpable mental state than negligence to the attorney general and such hemp producer shall not be subject to the exemption in subsection (c)(1).

(d) Any individual otherwise eligible to become a licensed hemp producer shall not be eligible to produce industrial hemp if such individual has submitted any materially false information in any application to become a licensed hemp producer.

(e) (1) The department shall require, as a qualification for initial or continuing licensure, all individuals seeking a license or license renewal as a hemp producer under this section to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or any other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the individual and for making an official determination of the qualifications for initial or continuing licensure as a hemp producer pursuant to this section and rules and regulations promulgated hereunder. Disclosure or use of any information received by the department for any purpose other than the purposes provided for in the commercial industrial hemp act shall be a class A misdemeanor and shall constitute grounds for removal from office or termination of employment.



(2) An individual who has been convicted of a felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or a substantially similar offense in another jurisdiction, within the immediately preceding 10 years, shall be disqualified from initial or continuing licensure as a hemp producer under this section.

(3) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.

(4) The individual seeking a license or license renewal as a hemp producer under this section shall pay the costs of fingerprinting and the state and national criminal history record checks.

(f) The secretary of agriculture shall promulgate rules and regulations to implement the plan submitted to the United States department of agriculture and to otherwise effectuate the provisions of this section.

(g) Upon the repeal of 7 U.S.C. § 5940 or either the adoption of a federal plan by the United States department of agriculture that allows for the cultivation and production of industrial hemp for commercial purposes within the state or upon the adoption of rules and regulations by the Kansas secretary of agriculture that establish the cultivation and production of industrial hemp for commercial purposes within the state, the Kansas department of agriculture may discontinue the industrial hemp research program established pursuant to K.S.A. 2018 Supp. 2-3902, and amendments thereto.

(h) Any modification fee established by the department for any requested change to a license that was previously issued by the department under this section shall not exceed \$50.

(i) Any licensing or other fees collected pursuant to this section and any rules and regulations adopted hereunder shall be deposited in the commercial industrial hemp act licensing fee fund established by K.S.A. 2018 Supp. 2-3903, and amendments thereto, for all costs of the administration of the commercial production of industrial hemp.

(j) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments thereto.

New Sec. 3. The secretary of agriculture shall continue to accept any applications for licensure submitted under the provisions of K.S.A. 2018 Supp. 2-3902, and amendments thereto, for the 2019 growing season from March 1, 2019, through June 1, 2019.

New Sec. 4. (a) The Kansas department of agriculture shall create and maintain a registry of all hemp processors operating within the state of Kansas.

(b) Any person engaging in the processing of industrial hemp shall register annually with the secretary of agriculture prior to processing industrial hemp, except as provided in subsection (f).

(c) Registration shall expire annually on April 30. A registration fee, not to exceed \$200, shall be established pursuant to rules and regulations adopted by the secretary.

(d) Any person required to register as a hemp processor pursuant to this section shall submit an annual registration application on a form provided by the secretary that shall include, at a minimum:

(1) The full legal name, date of birth, address and telephone number of the applicant. If the applicant is not an individual, the same information shall also be provided for all owners and the individual responsible for all industrial hemp processing and related activities performed by the applicant;

(2) the physical location of any premises that will serve as a part of the applicant's industrial hemp processing operations;

(3) a brief description of the industrial hemp processing methods, activities and products planned for production; and

(4) certification that such applicant has fully complied with the fingerprinting and criminal history record check requirements contained in this section, if applicable. Any such applicant who provides a false statement of compliance with such requirements shall be guilty of a class C nonperson misdemeanor.

(e) The Kansas department of agriculture shall provide an updated list of all hemp processors to the Kansas bureau of investigation and to the county sheriff in each county where a hemp processor is located as often as is reasonably required or requested.

(f) No hemp processor who is licensed under K.S.A. 2018 Supp. 2-3902, and amendments thereto, shall be required to register pursuant to this section, but the secretary shall include such hemp processors in the list of registered hemp processors maintained by the Kansas department of agriculture pursuant to this section.

(g) Fees collected pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the commercial industrial hemp act licensing fee fund.

(h) Except as provided in subsection (f), it shall be unlawful for any person to operate as a hemp processor without valid registration.

(i) (1) Upon a first conviction for a violation of subsection (h), a person shall be guilty of a class A nonperson misdemeanor.

(2) On a second or subsequent conviction for a violation of subsection (h), a person shall be guilty of a severity level 9, nonperson felony.

(j) (1) A registered hemp processor, or an applicant to become a registered hemp processor, shall request the Kansas bureau of investigation to conduct a state and national criminal history record check on any individ-

ual employed or seeking employment under such registered hemp processor or applicant who would be engaged in extraction of cannabinoids, including through the disposal of cannabinoids from industrial hemp, pursuant to section 6, and amendments thereto. The request for a state and national criminal history record check shall include the following:

- (A) The individual's fingerprints; and
- (B) a copy of a completed and signed statement furnished by the hemp processor that includes:
  - (i) A waiver permitting the hemp processor to request and receive a criminal history record check for the purpose of determining the individual's qualification and fitness to process industrial hemp;
  - (ii) the name, address and date of birth of the individual as it appears on a valid identification document;
  - (iii) a disclosure of whether or not the individual has ever been convicted of or is the subject of pending charges for a criminal offense and, if convicted, a description of the crime and the result of the conviction; and
  - (iv) a notice to the individual that they are entitled to obtain a copy of the criminal history record check to challenge the accuracy and completeness of any information contained in any such report before any final determination is made by the hemp processor.

(2) A registered hemp processor, or an applicant to become a registered hemp processor, shall require such individual to be fingerprinted and to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Such hemp processor or applicant shall use the fingerprints to identify the individual and to determine whether the individual has a record of criminal history in this state or other jurisdictions or countries. The hemp processor may use the information obtained from the fingerprints and such state and national criminal history record checks in the official determination of the qualifications and fitness of the individual to process industrial hemp. Disclosure or use of any information received by the hemp processor for any purpose other than the purposes provided for in the commercial industrial hemp act shall be a class A nonperson misdemeanor.

(3) Local and state law enforcement officers and agencies shall assist the hemp processor in taking and processing such individual's fingerprints as authorized by this section.

(4) The Kansas bureau of investigation shall release all records of the individual's adult convictions and adult convictions from another state, jurisdiction or country, to the hemp processor to make a final determination of the qualification of such individual to process industrial hemp.

(5) An individual who has been convicted of a felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments

thereto, or a substantially similar offense in another jurisdiction, within the immediately preceding 10 years, shall be disqualified from processing industrial hemp under this section.

(6) A hemp processor shall be solely responsible for making any determination that an individual's criminal history record shows that such individual has been convicted of a crime that bears upon the fitness of such individual to extract cannabinoids from industrial hemp. This section does not require the Kansas bureau of investigation to make such a determination on behalf of any hemp processor.

(7) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.

(8) A registered hemp processor, or an applicant to become a registered hemp processor, shall pay the costs of fingerprinting and the state and national criminal history record checks for individuals seeking employment under such hemp processor or applicant.

(k) The secretary shall promulgate rules and regulations to carry out the provisions of this section.

(l) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments thereto.

New Sec. 5. (a) (1) It shall be unlawful for any of the following hemp products to be manufactured, marketed, sold or distributed by any person in the state of Kansas:

- (A) Cigarettes containing industrial hemp;
- (B) cigars containing industrial hemp;
- (C) chew, dip or other smokeless material containing industrial hemp;
- (D) teas containing industrial hemp;
- (E) liquids, solids or gases containing industrial hemp for use in vaporizing devices; and

(F) any other hemp product intended for human or animal consumption containing any ingredient derived from industrial hemp that is prohibited pursuant to the Kansas food, drug and cosmetic act, K.S.A. 65-636 et seq., and amendments thereto, and the commercial feeding stuffs act, K.S.A. 2-1001 et seq., and amendments thereto. This subparagraph shall not otherwise prohibit the use of any such ingredient, including cannabidiol oil, in such hemp products.

(2) As used in this subsection:

- (A) "Human or animal consumption" means:
  - (i) Ingested orally; or
  - (ii) applied by any means such that an ingredient derived from industrial hemp enters the human or animal body.
- (B) "Intended for human or animal consumption" means:
  - (i) Designed by the manufacturer for human or animal consumption;

(ii) marketed for human or animal consumption; or  
(iii) distributed with the intent that it be used for human or animal consumption.

(b) It shall be unlawful for any of the following hemp products to be marketed, sold or distributed to any person in Kansas who is not registered as a hemp processor pursuant to section 4, and amendments thereto, or who does not possess a license by the Kansas department of agriculture under any commercial plan established pursuant to section 2, and amendments thereto, or the research program established pursuant to K.S.A. 2018 Supp. 2-3902, and amendments thereto:

- (1) Industrial hemp buds;
- (2) ground industrial hemp floral material; or
- (3) ground industrial hemp leaf material.

(c) (1) Upon a first conviction for a violation of this section, a person shall be guilty of a class A nonperson misdemeanor.

(2) On a second or subsequent conviction for a violation of this section, a person shall be guilty of a severity level 9, nonperson felony.

(d) Nothing in this section shall prohibit:

(1) The use of any hemp product for research purposes by a state educational institution or affiliated entity; or

(2) the production, use or sale of any hemp product that is otherwise not prohibited by state or federal law.

(e) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments thereto.

New Sec. 6. (a) (1) All solid waste, as defined in K.S.A. 65-3402, and amendments thereto, and all hazardous waste, as defined in K.S.A. 65-3430, and amendments thereto, resulting from the cultivation, production or processing of industrial hemp under the commercial industrial hemp act shall be managed in accordance with all applicable solid and hazardous waste laws and regulations and the requirements of subsection (a)(2).

(2) (A) If any such waste can be used in the same manner as, or has the appearance of, a controlled substance, as defined in K.S.A. 65-4101, and amendments thereto, all such waste shall be rendered unusable and unrecognizable before the waste is transported or disposed.

(B) This requirement shall not apply to waste that is managed as a hazardous waste and sent to a hazardous waste facility, as defined in K.S.A. 65-3430, and amendments thereto.

(3) For the purposes of this section, “unusable and unrecognizable” means that such waste can not be used in the same manner as, and does not have the appearance of, a controlled substance, as defined in K.S.A. 65-4101, and amendments thereto.

(b) Any violation of this section shall be considered an unlawful act for the purposes of K.S.A. 65-3409, and amendments thereto.

(c) This section shall be a part of and supplemental to the commercial industrial hemp act, K.S.A. 2018 Supp. 2-3901 et seq., and amendments thereto.

Sec. 7. K.S.A. 2018 Supp. 2-3901 is hereby amended to read as follows: 2-3901. (a) K.S.A. 2018 Supp. 2-3901 ~~and 2-3902 et seq.~~, and amendments thereto, shall be known and may be cited as the ~~alternative crop research~~ commercial industrial hemp act.

(b) As used in the ~~alternative crop research~~ commercial industrial hemp act:

(1) ~~“Certified seed” means industrial hemp seed that has been certified by a certifying agency, as defined by K.S.A. 2-1415, and amendments thereto, as having a delta 9 tetrahydrocannabinol concentration of no more than 0.3% on a dry weight basis.~~

~~(2) “Commercial” means the cultivation or production of industrial hemp for purposes other than research as authorized under section 2, and amendments thereto.~~

(2) “Delta-9 tetrahydrocannabinol concentration” means the combined percentage of delta-9 tetrahydrocannabinol and its optical isomers, their salts and acids, and salts of their acids, reported as free THC:

(A) On a dry weight basis, of any part of the plant *cannabis sativa* L.; or

(B) *on a percentage by weight basis in hemp products, waste or substances resulting from the production or processing of industrial hemp.*

~~(3) “Department” means the Kansas department of agriculture.~~

~~(4) “Effective disposal” includes, but is not limited to:~~

~~(A) Destruction; or~~

~~(B) any other method of disposing of industrial hemp or hemp products found to be in violation of this act that is permitted under the provisions of 7 U.S.C. § 1621 et seq. and any rules and regulations adopted thereunder.~~

(4) “Hemp products” means all products made from industrial hemp, including, but not limited to, cloth, cordage, fiber, food, fuel, paint, paper, particleboard, plastics, seed, seed meal and seed oil for consumption and ~~certified authorized seed or clone plants~~ for cultivation, if the seeds originate from industrial hemp varieties.

(5) “Hemp producer” means any individual, licensed or otherwise, engaging in the cultivation or production of industrial hemp for commercial purposes pursuant to section 2, and amendments thereto.

~~(5)(6)~~ (6) “Hemp processor” means a person registered under section 4, and amendments thereto, to process and manufacture industrial hemp and hemp products.

(7) “Industrial hemp” means all parts and varieties of the plant *cannabis sativa* L., ~~cultivated or possessed by a state educational institution or the department~~, whether growing or not, that contain a delta-9 tetrahydrocannabinol concentration of ~~no~~ not more than 0.3% on a dry weight basis.

~~(6)~~(8) “Person” means an individual, corporation, partnership, association, joint stock company, trust, unincorporated organization or any similar entity or any combination of the foregoing acting in concert.

(9) “Seed research” means research conducted to develop or recreate better strains of industrial hemp, particularly for the purpose of seed production.

~~(7)~~(10) “State educational institution” means the university of Kansas, Kansas state university, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university.

(11) “Authorized seed or clone plants” means a source of industrial hemp seeds or clone plants that:

(A) Has been certified by a certifying agency, as defined by K.S.A. 2-1415, and amendments thereto;

(B) has been produced from plants that were tested during the active growing season and were found to produce industrial hemp having a tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis and has been certified in writing by the grower or distributor of such seeds or clone plants to possess such qualities; or

(C) meets any other authorized standards approved by the Kansas department of agriculture through rules and regulations, except that no seed or clone plants shall be considered authorized seed or clone plants if they do not meet any standard adopted by the United States department of agriculture pursuant to 7 U.S.C. § 1621 *et seq.*

Sec. 8. On and after July 1, 2019, K.S.A. 2018 Supp. 2-3902 is hereby amended to read as follows: 2-3902. (a) ~~The department~~ *Kansas department of agriculture*, alone or in coordination with a state educational institution, may cultivate industrial hemp grown from ~~certified~~ *authorized seed or clone plants* and promote the research and development of industrial hemp, in accordance with 7 U.S.C. § 5940. This research may include:

(1) Oversight and analysis of growth of industrial hemp to conduct agronomy research and analysis of required soils, growing conditions and harvest methods relating to the production of various varieties of industrial hemp that may be suitable for various commercial hemp products;

(2) seed research on various types of industrial hemp that are best suited to be grown in Kansas, including seed availability, creation of hybrid types, in-the-ground variety trials and seed production;

(3) analysis on the economic feasibility of developing an industrial hemp market in various types of industrial hemp that can be grown in Kansas;



(4) analysis on the estimated value-added benefits, including environmental benefits, that Kansas businesses would reap by having an industrial hemp market of Kansas-grown industrial hemp varieties;

(5) a study on the agronomy research conducted worldwide relating to industrial hemp varieties, production and utilization;

(6) a study on the feasibility of attracting federal and private funding for industrial hemp research; and

(7) a pilot program in Russell county, and other counties as determined by the department, for the purpose of economic development, research, cultivation, market analysis, manufacturing and transportation of industrial hemp and industrial hemp products.

(b) In the event that the department acts alone to cultivate industrial hemp grown from ~~certified~~ *authorized seed or clone plants* and to promote the research and development of industrial hemp, the secretary of agriculture shall establish an advisory board within the department to review and recommend applications for pilot projects and research proposals to the secretary. The secretary shall not approve any such project or proposal without the recommendation of the advisory board.

(c) The department shall oversee and annually license all individuals participating in the cultivation, growth, research, oversight, study, analysis, transportation, processing or distribution of ~~certified~~ *authorized seed or clone plants* or industrial hemp pursuant to this ~~act~~ *section*. The department shall establish fees for licenses, license renewals and other necessary expenses to defray the cost of implementing and operating the ~~alternative crop research act~~ *provisions of this section* in this state on an ongoing basis. *Any modification fee established by the department for any requested change to a license that was previously issued by the department under this section shall not exceed \$50.*

~~(d)-(1) The department shall require, as a qualification for initial or continuing licensure, all individuals seeking a license or license renewal under this act to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or any other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the individual and for making an official determination of the qualifications for initial or continuing licensure pursuant to this act and rules and regulations promulgated pursuant to this act. Disclosure or use of any information received by the department for any purpose other than the purpose provided for in this section~~



shall be a class A misdemeanor and shall constitute grounds for removal from office or termination of employment.

(2) ~~An individual who has been convicted of any of the following shall be disqualified from initial or continuing licensure under this act: A felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2010 Supp. 21-36a01 through 21-36a17, prior to their transfer, or any felony violation of any provision of the uniform controlled substances act, prior to July 1, 2009.~~

(3) ~~The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.~~

(4) ~~The applicant shall pay the costs of fingerprinting and the state and national criminal history record check.~~

~~(e)(1) The department shall require, as a qualification for initial or continuing licensure, all individuals seeking a license or license renewal under the research program established under this section to be fingerprinted and to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or any other jurisdiction. The department is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The department may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the individual and for making an official determination of the qualifications for initial or continuing licensure pursuant to this section and rules and regulations promulgated hereunder. Disclosure or use of any information received by the department for any purpose other than the purposes provided for in this section shall be a class A misdemeanor and shall constitute grounds for removal from office or termination of employment.~~

~~(2) An individual who has been convicted of a felony violation of article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or a substantially similar offense in another jurisdiction, within the immediately preceding 10 years, shall be disqualified from initial or continuing licensure under this section.~~

~~(3) The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check.~~

~~(4) The individual seeking a license or license renewal under this section shall pay the costs of fingerprinting and the state and national criminal history record checks.~~

~~(e) The secretary of agriculture shall promulgate rules and regulations to carry out the provisions of the alternative crop research act this section on or before December 31, 2018 2019, except that no such promulgated rule or regulation shall concern the recording of license plates. Such~~

*rules and regulations shall include, but not be limited to, a requirement that license holders shall have a current license in their possession at all times that they are engaged in the cultivation, growth, research, oversight, study, analysis, transportation, processing or distribution of authorized seed or clone plants or industrial hemp pursuant to this section.* ~~Such rules and regulations shall include, but not be limited to, a requirement that license holders shall have a current license in their possession at all times that they are engaged in cultivation, growth, research, oversight, study, analysis, transportation, processing or distribution of certified seed or industrial hemp pursuant to this act.~~

(f) The department shall submit a report to the legislature outlining the steps and timeline to implement a process that would allow individuals and business entities to grow and process industrial hemp in Kansas and to sell industrial hemp in other states. Such report shall be submitted to the senate standing committee on agriculture and natural resources and the house standing committee on agriculture on or before January 14, 2019. The department shall send such committees an annual supplemental report on the continued progress of such process at the beginning of each regular legislative session for the following three years.

(g) ~~Nothing in the alternative crop research act~~ *this section* shall be construed to authorize any individual to violate any state or federal law.

(h) The legislature shall review the provisions of ~~this act~~ *this section* prior to July 1, 2022.

Sec. 9. K.S.A. 2018 Supp. 2-3903 is hereby amended to read as follows: 2-3903. (a) ~~There is hereby created in the state treasury~~ The alternative crop research act licensing fee fund *created in the state treasury shall be renamed the commercial industrial hemp act licensing fee fund and continue* to be administered by the secretary of agriculture. All expenditures from the ~~alternative crop research~~ *commercial industrial hemp* act licensing fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers signed by the secretary of agriculture or the secretary's designee.

(b) Licensing and renewal fees shall be established pursuant to rules and regulations adopted by the secretary under the ~~alternative crop research~~ *commercial industrial hemp* act. The amounts received for such fees shall be deposited in the state treasury in accordance with K.S.A. 75-4215, and amendments thereto, and shall be credited to the ~~alternative crop research~~ *commercial industrial hemp* act licensing fee fund.

Sec. 10. K.S.A. 2018 Supp. 21-5701 is hereby amended to read as follows: 21-5701. As used in K.S.A. 2018 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 des-

ignated 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 ~~which~~ *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) “Drug” means:

(1) 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) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;

(3) substances, other than food, intended to affect the structure or any function of the body of humans or animals; and

(4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

(f) “Drug paraphernalia” means all equipment and materials of any kind ~~which~~ *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 ~~which~~ *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, ~~which~~ *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. 2018 Supp. 21-5709(a), and amendments thereto.

(g) “Immediate precursor” means a substance ~~which~~ *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 ~~which~~ *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 re-

search, 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, ~~which~~ *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 ~~which~~ *that* is incapable of germination; (2) any substance listed in schedules II through V of the uniform controlled substances act; ~~or~~ (3) cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); *or* (4) *industrial hemp as defined in K.S.A. 2018 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 ~~which~~ *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 ~~which~~ *that* is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves ~~which~~ *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 ~~which~~ *that* identifies itself by a common name or slang term associated with a controlled substance and ~~which~~ *that* indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance.

Sec. 11. K.S.A. 2018 Supp. 21-5702 is hereby amended to read as follows: 21-5702. (a) Prosecutions for crimes committed prior to July 1, 2009, shall be governed by the law in effect at the time the crime was committed. For purposes of this section, a crime was committed prior to July 1, 2009, if any element of the crime occurred prior thereto.

(b) The prohibitions of this act shall apply unless the conduct prohibited is authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act, the ~~alternative crop research~~ *commercial industrial hemp* act or otherwise authorized by law.

Sec. 12. K.S.A. 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 ~~which~~ *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 ~~which~~ *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) “Drug” means: (1) 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) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human or animals; (3) substances (other than food) intended to affect the structure or any function of the body of human or animals; and (4) substances intended for use as a component of any article specified in paragraph (1), (2) or (3). It does not include devices or their components, parts or accessories.

(q) “Immediate precursor” means a substance ~~which~~ *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 ~~which~~ *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.

(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 ~~which~~ *that* identifies a particular person as the source of the mes-

sage, 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, manufac-

ture, 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 ~~which~~ *that* is incapable of germination; (2) any substance listed in schedules II through V of the uniform controlled substances act; ~~or~~ (3) cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); *or* (4) *industrial hemp as defined in K.S.A. 2018 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 ~~which~~ *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 ~~which~~ *that* is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves ~~which~~ *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 ~~which~~ *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. 13. K.S.A. 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 ~~which~~ *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) Cyclopentyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide)
- (23) Cyclopropyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide) .....9845
- (24) Dextromoramide.....9613
- (25) Diampromide.....9615
- (26) Diethylthiambutene .....9616

(27)	Difenoxin.....	9168
(28)	Dimenoxadol.....	9617
(29)	Dimepheptanol.....	9618
(30)	Dimethylthiambutene .....	9619
(31)	Dioxaphetyl butyrate .....	9621
(32)	Dipipanone .....	9622
(33)	Ethylmethylthiambutene .....	9623
(34)	Etonitazene.....	9624
(35)	Etoperidone.....	9625
(36)	Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide).....	9834
(37)	Furethidine .....	9626
(38)	Hydroxypethidine .....	9627
(39)	Isobutyryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide)	
(40)	Ketobemidone .....	9628
(41)	Levomoramide.....	9629
(42)	Levophenacymorphan .....	9631
(43)	Methoxyacetyl fentanyl (2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide).....	9825
(44)	3-Methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide).....	9813
(45)	3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide).....	9833
(46)	Morpheridine.....	9632
(47)	Ocfentanil (N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetamide)	
(48)	O-desmethyltramadol	
	Some trade or other names: 2-((dimethylamino)methyl-1-(3-hydroxyphenyl)cyclohexanol;3-(2-((dimethylamino)methyl)-1-hydroxycyclohexyl)phenol	
(49)	MPPP (1-methyl-4-phenyl-4-propionoxypiperidine).....	9661
(50)	MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine)	
(51)	Noracymethadol .....	9633
(52)	Norlevorphanol.....	9634
(53)	Normethadone.....	9635
(54)	Norpipanone .....	9636
(55)	Ortho-fluorofentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide; 2-fluorofentanyl).....	9816
(56)	Para-chloroisobutyryl fentanyl (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	
(57)	Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide)	

(58) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide).....	9812
(59) Para-fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, 4-fluoroisobutyryl fentanyl) .....	9824
(60) Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide) .....	
(61) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine) .....	9663
(62) Phenadoxone .....	9637
(63) Phenampromide .....	9638
(64) Phenomorphan .....	9647
(65) Phenoperidine.....	9641
(66) Piritramide .....	9642
(67) Proheptazine .....	9643
(68) Properidine .....	9644
(69) Propiram .....	9649
(70) Racemoramide.....	9645
(71) Tetrahydrofuranlyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide).....	9843
(72) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide).....	9835
(73) Tilidine .....	9750
(74) Trimeperidine .....	9646
(75) U-47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide) .....	9547
(76) Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide)	

(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) Codeine methylbromide.....	9070
(5) Codeine-N-Oxide .....	9053
(6) Cyprenorphine.....	9054
(7) Desomorphine .....	9055
(8) Dihydromorphine.....	9145
(9) Drotebanol .....	9335
(10) Etorphine (except hydrochloride salt) .....	9056
(11) Heroin .....	9200
(12) Hydromorphanol.....	9301

(13)	Methyl-desorphine.....	9302
(14)	Methyldihydromorphine .....	9304
(15)	Morphine methylbromide .....	9305
(16)	Morphine methylsulfonate .....	9306
(17)	Morphine-N-Oxide.....	9307
(18)	Myrophine.....	9308
(19)	Nicocodeine .....	9309
(20)	Nicomorphine .....	9312
(21)	Normorphine .....	9313
(22)	Pholcodine .....	9314
(23)	Thebacon.....	9315

(d) Any material, compound, mixture or preparation ~~which~~ *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: tryptamine; Monase;  $\alpha$ -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole;  $\alpha$ -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-methylphenethylamine; 2,5-DMA.
- (4) 4-methoxyamphetamine ..... 7411  
Some trade or other names: 4-methoxy-alpha-methylphenethylamine; 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] azeepino [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-1-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-cyclo-hexylamine; (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; Cimi-5.
- (49) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.....7537  
Some trade or other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimi-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.

(e) Any material, compound, mixture or preparation ~~which~~ *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 ~~which~~ *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-oxazamine

(2) Fenethylamine .....1503

(3) N-ethylamphetamine .....1475

(4) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazamine) .....1590

(5) N,N-dimethylamphetamine (also known as N,N-alpha-trimethylbenzeneethanamine; 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 ~~which~~ *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 (thethylfentanyl), 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. 2018 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. 2018 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. 2018 Supp. 2-3901, and amendments thereto, unless otherwise deemed unlawful pursuant to section 5, 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 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 naphthyl ring to any extent.
- (3) **Naphthylmethylinindoles**  
Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane 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 naphthyl ring to any extent.
- (4) **Naphthoylpyrroles**  
Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole 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 pyrrole ring to any extent, whether or not substituted in the benzyl or naphthyl ring to any extent.
- (5) **Naphthylmethylinindenes**  
Any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene 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 indene ring to any extent, whether or not substituted in 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) 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 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) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone.  
Some trade or other names: WIN 55,212-2.
- (10) 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) 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 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) Indazole-3-carboxamides

Any compound containing a 1H-indazole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinoliny, isoquinoliny, 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, or 2-(4-morpholiny)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl, quinoliny, isoquinoliny, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.

(14) Indole-3-carboxamides

Any compound containing a 1H-indole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinoliny, isoquinoliny, 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, or 2-(4-morpholiny)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not further substituted on the naphthyl, quinoliny, isoquinoliny, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.

(15) (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, or 2-(4-morpholiny)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.

Sec. 14. K.S.A. 65-4101, 65-4101c, 65-4105 and 65-4105b and K.S.A. 2018 Supp. 2-3901, 2-3903, 21-5701, 21-5701a and 21-5702 are hereby repealed.

Sec. 15. On and after July 1, 2019, K.S.A. 2018 Supp. 2-3902 is hereby repealed.

Sec. 16. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 15, 2019.

Published in the *Kansas Register* April 18, 2019.

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## CHAPTER 38

## HOUSE BILL No. 2085

AN ACT concerning water; relating to public water supply systems; municipal loans; reinstatement of rural water district benefit units; amending K.S.A. 65-163i and K.S.A. 2018 Supp. 82a-621 and repealing the existing sections.

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

Section 1. K.S.A. 65-163i is hereby amended to read as follows: 65-163i. (a) Municipalities ~~which~~ *that* desire the provision of a loan under this act shall submit an application therefor to the secretary. Applications shall be in such form and shall include such information as the secretary shall require and shall be submitted in a manner and at a time to be determined by the secretary.

(b) The secretary may enter into agreements with any municipality for the provision of a loan thereto for payment of all or a part of project costs and any municipality may enter into such an agreement and may accept such loan when so authorized by the municipal governing body. The purposes of the loan to be provided, the amount thereof, the interest rate thereon and the repayment terms and conditions thereof, all of which may vary among municipalities, shall be included in the agreements. Loans shall be provided at or below market interest rates. All such agreements with municipalities shall require that municipalities establish a dedicated source of revenue for repayment of the loans as provided in K.S.A. 65-163j, *and amendments thereto*. Such agreements shall further provide that repayment of any loan received shall begin not later than one year after completion of the project and that such loan shall be repaid in full no later than ~~20~~ 40 years thereafter.

(c) If a municipality to which a loan is made available under this act fails to enter into an agreement with the secretary for the provision of such loan in accordance with the requirements of this act, the secretary may make the amount of the loan available for one or more other projects on the priority list.

(d) The secretary shall provide any municipality, upon request, with technical advice and assistance regarding a project or an application for a loan for the payment of all or part of project costs.

Sec. 2. K.S.A. 2018 Supp. 82a-621 is hereby amended to read as follows: 82a-621. (a) Plans, specifications, proposed operating budget, schedules of unit fees and benefit units, rules and regulations and estimates of cost for any authorized proposed improvement shall be filed with the chief engineer and with the secretary of the district. The total benefits of any such improvement shall be divided into a suitable number of benefit units. Each landowner within the district shall subscribe to a number



of such units in proportion to the extent such landowner desires to participate in the benefits of the improvements.

(b) Upon determining a schedule of benefit units and unit fees, the board shall cause a declaration of availability of such units for subscription to be entered in the board's minutes. Any individual, firm, partnership, association or corporation ~~which~~ *that* fails to become a participating member within 90 days after such declaration shall not be qualified to hold office as a director, participate at any meeting or vote at any election held thereafter unless such individual, firm, partnership, association or corporation shall thereafter become a participating member.

(c) As long as the capacity of the district's facilities permits, participating members of the district may subscribe to additional units upon payment of a unit fee for each such unit. Owners of land located within the district who are not participating members may subscribe to such units as the board in its discretion may grant, and upon payment of the unit fee for each such unit shall be entitled to the same rights as original participating members. Proceeds realized from benefit units may be accumulated and used by the district for any lawful purpose, including but not limited to, construction, expansion and improvement of the district's water producing and water transportation facilities.

(d) *As long as the capacity of the district's facilities permits*, the board of a district shall reinstate any benefit unit forfeited for nonpayment of fees and charges upon payment of:

(1) All fees and charges due to the district in addition to any fees and charges that would have accrued since the date of forfeiture; and

(2) a benefit unit reinstatement fee which shall not exceed 20% of the district's current new benefit unit fee.

(e) If the capacity of the district's facilities permits, the district may sell water to persons engaged in hauling water and to any municipal, quasi-municipal or nonprofit corporation organized for any purpose consistent with that for which the district was organized.

Sec. 3. K.S.A. 65-163i and K.S.A. 2018 Supp. 82a-621 are hereby repealed.

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

Approved April 16, 2019.

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## CHAPTER 39

## HOUSE BILL No. 2084

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

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

Section 1. K.S.A. 2018 Supp. 12-5363 is hereby amended to read as follows: 12-5363. As used in the Kansas 911 act:

(a) “Consumer” means a person who purchases prepaid wireless service in a retail transaction.

(b) “Department” means the Kansas department of revenue.

(c) “Enhanced 911 service” or “E-911 service” means an emergency telephone service that generally may provide, but is not limited to, selective routing, automatic number identification and automatic location identification features.

(d) “Exchange telecommunications service” means the service that provides local telecommunications exchange access to a service user.

(e) “GIS” means a geographic information system for capturing, storing, displaying, analyzing and managing data and associated attributes that are spatially referenced.

(f) “GIS data” means the geometry and associated attributes packaged in a geodatabase that defines the roads, address points and boundaries within a PSAP’s jurisdiction.

(g) “Governing body” means the board of county commissioners of a county or the governing body of a city.

~~(f)(h)~~ “Local collection point administrator” or “LCPA” means, ~~on the effective date of this act, the statewide association of cities established by K.S.A. 12-1610c, and amendments thereto, and the statewide association of counties established by K.S.A. 19-2690, and amendments thereto. After January 1, 2012, “local collection point administrator” means the person designated by the 911 coordinating council to serve as the local collection point administrator to collect and distribute 911 fees, 911 operations fund moneys and 911 state grant fund moneys.~~

~~(g)~~(i) “Multi-line telephone system” means a system comprised of common control units, telephones and control hardware and software providing local telephone service to multiple end-use customers that may include VoIP service and network and premises based systems such as centrex, private branch exchange and hybrid key telephone systems.

~~(h)~~(j) “Next generation 911” means 911 service that conforms with national emergency number association (NENA) i3 standards and enables

PSAPs to receive Enhanced 911 service calls and emergency calls from Internet Protocol (IP) based technologies and applications that may include text messaging, image, video and data information from callers.

~~(i)~~(k) “Non-traditional PSAP” means a PSAP not operated by a city or county, including, but not limited to, PSAPs operated by universities, tribal governments or the state federal government.

~~(l)~~ “Person” means any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, nonprofit organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy or any other legal entity.

~~(j)~~(m) “Prepaid wireless service” means a wireless telecommunications service that allows a caller to dial 911 to access the 911 system, which service must be paid for in advance and is sold in predetermined units or dollars of which the number declines with use in a known amount.

~~(k)~~(n) “Place of primary use” has the meaning provided in the mobile telecommunications act as defined by 4 U.S.C. § 116 et seq., as in effect on the effective date of this act.

~~(l)~~(o) “Provider” means any person providing exchange telecommunications service, wireless telecommunications service, VoIP service or other service capable of contacting a PSAP. A provider may also be a 911 system operator.

~~(m)~~(p) “PSAP” means a public safety answering point operated by a city or county.

~~(n)~~(q) “Retail transaction” means the purchase of prepaid wireless service from a seller for any purpose other than resale, not including the use, storage or consumption of such services.

~~(o)~~(r) “Seller” means a person who sells prepaid wireless service to another person.

~~(p)~~(s) “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 PSAP.

~~(q)~~(t) “Subscriber account” means the 10-digit access number assigned to a service user by a provider for the purpose of billing a service user up to the maximum capacity of the simultaneous outbound calling capability of a multi-line telephone system or equivalent service.

~~(r)~~(u) “Subscriber radio equipment” means mobile and portable radio equipment installed in vehicles or carried by persons for voice communication with a radio system.

~~(s)~~(v) “VoIP service” means voice over internet protocol.

~~(t)~~(w) “Wireless telecommunications service” means commercial mobile radio service as defined by 47 C.F.R. § 20.3 as in effect on the effective date of this act.

~~(u)~~(x) “911 call” means any electronic request for emergency response, presented by means of wireline, wireless, VoIP or telecommunications device for the deaf (TDD) technology, text message or any other technology by which a service user initiates an immediate information interchange or conversation with a PSAP.

~~(v)~~(y) “911 system operator” means any entity that accepts 911 calls from providers, processes those calls and presents those calls to the appropriate PSAP. A “911 system operator” may also be a provider.

Sec. 2. K.S.A. 2018 Supp. 12-5364 is hereby amended to read as follows: 12-5364. (a) (1) There is hereby created the 911 coordinating council which shall monitor the delivery of 911 services, develop strategies for future enhancements to the 911 system and distribute available grant funds to PSAPs. In as much as possible, the council shall include individuals with technical expertise regarding 911 systems, internet technology and GIS technology.

(2) The 911 coordinating council shall consist of 13 voting members to be appointed by the governor: Two members representing information technology personnel from government units; one member representing the Kansas sheriff’s association; one member representing the Kansas association of chiefs of police; one member representing a fire chief; one member recommended by the adjutant general; one member recommended by the Kansas emergency medical services board; one member recommended by the Kansas commission for the deaf and hard of hearing; two members representing PSAPs located in counties with less than 75,000 in population; two members representing PSAPs located in counties with greater than 75,000 in population; and one member representing PSAPs without regard to size *the Kansas chapter of the association of public safety communications officials*. At least two of the members representing PSAPs shall be administrators of a PSAP or have extensive prior 911 experience in Kansas.

(3) Other voting members of the 911 coordinating council shall include: One member of the Kansas house of representatives as appointed by the speaker of the house; one member of the Kansas house of representatives as appointed by the minority leader of the house; one member of the Kansas senate as appointed by the senate president; and one member of the Kansas senate as appointed by the senate minority leader.

(4) The 911 coordinating council shall also include nonvoting members to be appointed by the governor: One member representing rural telecommunications companies recommended by the Kansas rural independent telephone companies; one member representing incumbent local exchange

carriers with over 50,000 access lines; one member representing large wireless providers; one member representing VoIP providers; one member recommended by the league of Kansas municipalities; one member recommended by the Kansas association of counties; one member recommended by the Kansas geographic information systems policy board; one member recommended by the Kansas office of information technology services; ~~and~~ one member, a Kansas resident, recommended by the Mid-America regional council; *and two members representing non-traditional PSAPs, one of whom shall be a representative of tribal government.*

(b) (1) Except as provided in subsection (b)(2) and (b)(3), the terms of office for voting members of the 911 coordinating council shall commence on the effective date of this act and shall be subject to reappointment every three years. No voting member shall 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 three-year terms.

(2) The following members, whose terms began on the effective date of this act, shall serve initial terms as follows:

(A) One member representing information technology personnel from government units, one member recommended by the adjutant general, one member representing PSAPs located in counties with less than 75,000 in population and one member representing PSAPs located in counties with ~~greater than~~ 75,000 *or more* in population shall serve a term of two years;

(B) one member representing information technology personnel from government units, one member recommended by the Kansas emergency medical services board, one member representing PSAPs located in counties with less than 75,000 in population and one member representing PSAPs without regard to size shall serve a term of three years; and

(C) one member representing a fire chief, one member recommended by the Kansas commission for the deaf and hard of hearing, one member representing the Kansas association of chiefs of police and one member representing PSAPs located in counties with ~~greater than~~ 75,000 *or more* in population shall serve a term of four years.

(3) The initial term for one member representing the Kansas sheriff's association shall begin on July 1, 2014, and be for a period of three years.

(4) The terms of members specified in this subsection shall expire on June 30 in the last year of such member's term.

(c) (1) The governor shall select the chair of the 911 coordinating council, who shall serve at the pleasure of the governor and have extensive prior 911 experience in Kansas.

(2) The chair shall serve as the coordinator of E-911 services and next generation 911 services in the state, implement statewide 911 planning,

have the authority to sign all certifications required under 47 C.F.R. part 400 and administer the 911 federal grant fund and 911 state maintenance fund. The chair shall serve subject to the direction of the council and ensure that policies adopted by the council are carried out. The chair shall serve as the liaison between the council and the LCPA. The chair shall preside over all meetings of the council and assist the council in effectuating the provisions of this act.

(d) The 911 coordinating council, by an affirmative vote of nine voting members, shall select the local collection point administrator, pursuant to K.S.A. 2018 Supp. 12-5367, and amendments thereto, to collect 911 fees and to distribute such fees to PSAPs and to distribute 911 *operations fund moneys and 911 state grant fund moneys* as directed by the council. The council shall adopt rules and regulations for the terms of the contract with the LCPA. All contract terms and conditions shall satisfy all contract requirements as established by the secretary of administration. The council shall determine the compensation of the LCPA who shall provide the council with any staffing necessary in carrying out the business of the council or effectuating the provisions of this act. The moneys used to reimburse these expenses shall be paid from the ~~911-state grant~~ *operations fund*, pursuant to subsection ~~(i)~~ *(j)*.

(e) *(1) The 911 coordinating council is hereby authorized to adopt rules and regulations necessary to effectuate the provisions of this act, including, but not limited to: (A) Creating a uniform reporting form designating how moneys, including 911 fees, have been spent by the PSAPs; (B) requiring service providers to notify the council pursuant to subsection (j), setting (k); (C) establishing standards for coordinating and purchasing equipment; (D) recommending standards for general operations training of PSAP personnel; (E) establishing training standards and programs related to the technology and operations of the NG911 hosted solution; (F) establishing data standards, maintenance policies and data reporting requirements for GIS data; and (G) assessing civil penalties pursuant to subsection (m).*

*(2) The chair of the council shall work with the council to develop rules and regulations necessary for the distribution of moneys in the 911 federal grant fund. The council shall work with the chair to carry out the provisions of this act. adopt rules and regulations necessary to begin for the administration of this act shall be adopted by December 31, 2011, but the council shall not adopt any rules and regulations or impose any requirements that creates a mandatory certification program of PSAP operations or PSAP emergency communications personnel.*

*(f) If the 911 coordinating council finds that the GIS data for a PSAP is inaccurate or has not been updated for one year or more, the council shall give written notice to the governing body that oversees the PSAP. If,*

*within 60 days of providing such notice, the council does not receive an acceptable proposal for the PSAP to bring the GIS data into compliance, the council may contract with a third party to review and update the GIS data. A PSAP with GIS data that has not been updated for one year or more may provide a certification attesting that the GIS data has been reviewed and remains accurate. If the council receives such certification and has information that the data may not be accurate, the council shall provide a written notice to the PSAP that describes the areas the council believes to be inaccurate and a deadline of 30 days for the PSAP to submit updated GIS data. If the updated GIS data is not received within the deadline, the council may contract with a third party to review and update the GIS data. The council shall assess the governing body that oversees the PSAP for any costs incurred in updating the GIS data.*

~~(f)~~(g) The council may, pursuant to rules and regulations, ~~raise or lower~~ the 911 fee *established pursuant to K.S.A. 2018 Supp. 12-5369, and amendments thereto*, upon a finding based on information submitted on the uniform reporting forms, that moneys generated by such fee are in excess of ~~or below~~ the costs required to operate PSAPs in the state. ~~The council shall not set the 911 fee above \$.60.~~

~~(g)~~(h) The council may appoint subcommittees as necessary to administer grants, oversee collection and distribution of moneys by the LCPA, develop technology standards, develop training recommendations and other issues as deemed necessary by the council. Subcommittees, if appointed, shall include members of the council and other persons as needed.

~~(h)~~(i) The council may reimburse independent contractors or state agencies for expenses incurred in carrying out the business of the council, including salaries, that are directly attributable to effectuating the provisions of this act. The moneys used to reimburse these expenses shall be paid from the 911 ~~state grant~~ *operations* fund, pursuant to sub-section ~~(i)~~ (j).

~~(i)~~(j) All expenses related to the council shall be paid from the 911 ~~state grant~~ *operations* fund. No more than ~~2.5%~~ *2.0%* of the total receipts from providers and the department received by the LCPA shall be used to pay for ~~such administrative expenses of the council~~. 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 with the exception of legislative members *who shall receive compensation pursuant to K.S.A. 75-3212, and amendments thereto*.

~~(j)~~(k) Every provider shall submit contact information for the provider to the council ~~prior to January 1, 2012~~. Any provider that has not previously provided wireless telecommunications service in this state shall



submit contact information for the provider to the council within three months of first offering wireless telecommunications services in this state.

~~(k)(l)~~ Each PSAP shall file *an annual report* with the council, by March 1, 2012, and every March 1 thereafter, *a report of each year* demonstrating how such PSAP has spent the moneys earned from the 911 fee during the preceding calendar year. The council shall designate the content and form of such report *and any associated documentation that is required to finalize such report.*

(2) *If a PSAP fails to file and finalize an annual report, the council shall provide notice of such failure to the PSAP and the governing body of such PSAP. If such PSAP fails to file or finalize an annual report within 60 days of receiving such notice, 10% of each subsequent distribution of 911 fees to such PSAP pursuant to K.S.A. 2018 Supp. 12-5373, and amendments thereto, shall be withheld by the LCPA and only distributed to such PSAP once the report has been submitted.*

~~(l)(m)~~ The council, upon a finding that a provider has violated any provision of this act, may impose a civil penalty. No civil penalty shall be imposed pursuant to this section except upon the written order of the council. Such order shall state the violation, the penalty to be imposed and the right of such person to appeal to a hearing before the council. Any such person may, within 15 days after service of the order, make a written request to the council for a hearing thereon. Hearings under this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

~~(m)(n)~~ Any action of the council pursuant to subsection ~~(l)~~ (m) is subject to review in accordance with the Kansas judicial review act.

~~(n)(o)~~ Any civil penalty recovered pursuant to this section shall be transferred to the LCPA for deposit in the 911 state grant fund.

~~(o)~~ ~~As long as the provider is working in good faith to comply with the provisions of this act, no civil penalty shall be imposed prior to January 1, 2013.~~

(p) The 911 coordinating council shall make an annual report, to include a detailed description of all expenditures made from 911 fees received by the PSAPs, to the house committee on *energy*, utilities and telecommunications and the senate committee on utilities.

Sec. 3. K.S.A. 2018 Supp. 12-5365 is hereby amended to read as follows: 12-5365. (a) There is hereby established in the state treasury the 911 federal grant fund.

(b) The chair of the 911 coordinating council shall serve as the administrator of the 911 federal grant fund and shall distribute grants in accordance with the recommendations of the 911 coordinating council. Subject to the conditions and in accordance with the requirements of this act and 47 C.F.R. part 400, the chair is authorized to perform such acts necessary for the effectuation of this act.



(c) Moneys received by the state from the federal government for the purposes of the fund shall be credited to the fund.

(d) Subject to the conditions and in accordance with the requirements of this act and 47 C.F.R. part 400, moneys credited to the fund shall be used only:

- (1) To pay all expenses incurred in the administration of the fund; and
- (2) to provide grants to eligible municipalities only for necessary and reasonable costs incurred or to be incurred by PSAPs for: (A) Implementation of enhanced 911 service and next generation 911 service, as defined in K.S.A. 2018 Supp. 12-5363, and amendments thereto; (B) purchase of equipment and upgrades and modification to equipment used solely to process the data elements of enhanced 911 service and next generation 911 service, as defined in K.S.A. 2018 Supp. 12-5363, and amendments thereto; and (C) maintenance and license fees for such equipment and training of personnel to operate such equipment, including costs of training PSAP personnel to provide effective service to all users of the emergency telephone system who have communications disabilities. Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities or for other capital outlay or equipment not expressly authorized by this act.

(e) All payments and disbursements 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 chair or by a person or persons designated by the chair.

~~(f) This section shall take effect on and after January 1, 2012.~~

Sec. 4. K.S.A. 2018 Supp. 12-5366 is hereby amended to read as follows: 12-5366. (a) There is hereby established in the state treasury the 911 state maintenance fund.

(b) The chair of the 911 coordinating council shall serve as the administrator of the 911 state maintenance fund and shall distribute grants in accordance with the recommendations of the 911 coordinating council. Subject to the conditions and in accordance with the requirements of this act and 47 C.F.R. part 400, the chair is authorized to perform such acts necessary for the effectuation of this act.

(c) Moneys from the following sources shall be credited to the fund:

- (1) Amounts appropriated or otherwise made available by the legislature for the purposes of the fund;
- (2) interest attributable to investment of moneys in the fund; and
- (3) amounts received from any public or private entity for the purposes of the fund.

(d) Moneys credited to the fund shall be used only:

- (1) To pay all expenses incurred in the administration of the fund; and

(2) to provide grants to eligible municipalities only for necessary and reasonable costs incurred or to be incurred by PSAPs for: (A) Implementation of enhanced 911 service and next generation 911 service, as defined in K.S.A. 2018 Supp. 12-5363, and amendments thereto; (B) purchase of equipment and upgrades and modification to equipment used solely to process the data elements of enhanced 911 service and next generation 911 service, as defined in K.S.A. 2018 Supp. 12-5363, and amendments thereto; and (C) maintenance and license fees for such equipment and training of personnel to operate such equipment, including costs of training PSAP personnel to provide effective service to all users of the emergency telephone system who have communications disabilities. Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities or for other capital outlay or equipment not expressly authorized by this act.

(e) On or before the 10<sup>th</sup> of each month, the director of accounts and reports shall transfer from the state general fund to the 911 state maintenance fund interest earnings based on:

(1) The average daily balance of moneys in the 911 state maintenance fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(f) All payments and disbursements 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 chair or by a person or persons designated by the chair.

~~(g) This section shall take effect on and after January 1, 2012.~~

Sec. 5. K.S.A. 2018 Supp. 12-5367 is hereby amended to read as follows: 12-5367. The 911 coordinating council, by an affirmative vote of nine voting members, shall select the local collection point administrator. In selecting the LCPA, the council shall contract with the LCPA for services for no longer than two years, however, the council may, by an affirmative vote of nine voting members, extend such contract for up to two additional years. The 911 coordinating council shall receive the ~~advice and consent~~ *approval* of the legislative coordinating council in selecting an LCPA if the entity to be designated as the LCPA is different than the previous entity designated as the LCPA. The 911 coordinating council shall annually review the designation of the LCPA and the contract with the LCPA for services. The LCPA shall be subject to the requirements of the Kansas open meetings act, the Kansas open records act and shall treat all moneys received as public funds pursuant to article 14 of chapter 9 of the Kansas Statutes Annotated, and amendments thereto. Notwithstanding any other provision of law to the contrary, the LCPA shall not be considered a state agency.

Sec. 6. K.S.A. 2018 Supp. 12-5368 is hereby amended to read as follows: 12-5368. (a) Upon the ~~advice and consent~~ *approval* of the 911 coordinating council, the LCPA shall establish *the following funds, which shall not be a part of the state treasury: (1) The 911 state fund for the collection and distribution of 911 fees; (2) the 911 operations fund for administrative costs of the 911 coordinating council and deployment and maintenance of the statewide NG911 system; and (3) the 911 state grant fund* ~~which shall not be part of the state treasury for grants to individual PSAPs. On or after the effective date of this section, the secretary of administration shall certify all unobligated funds remaining in the wireless enhanced 911 grant fund as having originated as either federal grant moneys or 911 fee moneys. All such moneys originating from 911 fees, and any interest accrued on such fees, shall be paid to the LCPA for deposit in the 911 state grant fund or 911 operations fund pursuant to subsection (b). All unobligated federal moneys, and any interest accrued on such moneys, shall be transferred to the 911 federal grant fund.~~

(b) (1) *Except as provided for in paragraph (2), prior to the distribution to the PSAPs pursuant to K.S.A. 2018 Supp. 12-5374, and amendments thereto, the LCPA shall withhold \$.23 from every 911 fee remitted pursuant to K.S.A. 2018 Supp. 12-5369, and amendments thereto, and shall deposit such amount in the 911 operations fund for the deployment and maintenance of the statewide NG911 system and standardized functionality upgrades to that system.*

(2) *If the funds withheld from distribution pursuant to paragraph (1) exceed 15% of the total receipts received by the LCPA from providers and the department over the prior three years, such funds in excess of that 15% total shall be deposited in the 911 state grant fund and used for PSAP grants based on demonstrated need pursuant to subsection (d).*

(3) *If the balance in the 911 state grant fund is less than \$2,000,000, prior to the distribution to the PSAPs pursuant to K.S.A. 2018 Supp. 12-5374, and amendments thereto, the LCPA shall withhold \$.01 from every 911 fee remitted pursuant to K.S.A. 2018 Supp. 12-5369, and amendments thereto, and shall deposit such amount in the 911 state grant fund. If the balance in the 911 state grant fund exceeds \$2,000,000, the LCPA shall not withhold such amount.*

(c) The council shall be responsible for ensuring that the *911 operations fund and the 911 state grant fund* and any interest earned on money credited to the fund is only expended for the following purposes: (1) Projects involving the development and implementation of next generation 911 services; (2) costs associated with PSAP consolidation or cost-sharing projects; (3) expenses related to the 911 coordinating council; (4) costs of audits conducted pursuant to K.S.A. 2018 Supp. 12-5377, and amendments thereto; and (5) other costs pursuant to K.S.A. 2018 Supp. 12-5375, and amendments thereto.

~~(e)~~(d) The council shall develop criteria for *PSAPs* for eligible purchases and for grant applicants and make the final determination as to the distribution of grant funds. Such criteria shall promote the procurement of equipment that meets open architecture and national technical standards. Distribution of grant funds shall not include expenditures to procure, maintain or upgrade subscriber radio equipment.

~~(d)~~(e) The LCPA shall be authorized to maintain an action to collect any funds owed by any providers in the district court in the county of the registered office of such provider or, if such provider does not have a registered office in the state, such an action may be maintained in the county where such provider's principal office is located. If such provider has no principal office in the state, such an action may be maintained in the district court of any county in which such provider provides service.

~~(e) This section shall take effect on and after January 1, 2012.~~

Sec. 7. K.S.A. 2018 Supp. 12-5369 is hereby amended to read as follows: 12-5369. ~~(a) Subject to the provisions of K.S.A. 2018 Supp. 12-5364(g), and amendments thereto,~~ there is hereby imposed a 911 fee in the amount of ~~\$.53~~-.90 per month per subscriber account of any exchange telecommunications service, wireless telecommunications service, VoIP service, or other service capable of contacting a PSAP. Such fee shall not be imposed on prepaid wireless service. It shall be the duty of each exchange telecommunications service provider, wireless telecommunications service provider, VoIP service provider or other service provider to remit such fees to the LCPA as provided in K.S.A. 2018 Supp. 12-5370, and amendments thereto.

~~(b) This section shall take effect on and after January 1, 2012.~~

Sec. 8. K.S.A. 2018 Supp. 12-5370 is hereby amended to read as follows: 12-5370. (a) Every billed service user shall be liable for the 911 fee until such fees have been paid to the exchange telecommunications service provider, wireless telecommunications service provider, VoIP service provider or other service provider.

(b) *All providers shall have the duty to collect the fees imposed pursuant to this act* ~~shall commence January 1, 2012.~~ Such fees shall be added to and may be stated separately in billings for the subscriber account. If stated separately in billings, the fees shall be labeled "911 fees."

(c) The provider shall have no obligation to take any legal action to enforce the collection of the fees imposed by this act. The provider shall provide annually to the LCPA a list of the amount of uncollected 911 fees along with the names and addresses of those service users which carry a balance that can be determined by the provider to be nonpayment of such fees.

(d) The fees imposed by this act shall be collected insofar as practicable at the same time as, and along with, the charges for local exchange,

wireless, VoIP, or other service in accordance with regular billing practice of the provider.

(e) The 911 fees and the amounts required to be collected therefor are due monthly. The amount of such fees collected in one month by the provider shall be remitted to the LCPA not more than 15 days after the close of the calendar month. On or before the 15<sup>th</sup> day of each calendar month following, a return for the preceding month shall be filed with the LCPA. Such return shall be in such form and shall contain such information as required by the LCPA. The provider required to file the return shall deliver the return together with a remittance of the amount of fees payable to the LCPA. The provider shall maintain records of the amount of any such fees collected in accordance with this act for a period of three years from the time the fees are collected.

(f) The provisions of this section shall not be construed to apply to prepaid wireless service.

~~(g) This section shall take effect on and after January 1, 2012.~~

Sec. 9. K.S.A. 2018 Supp. 12-5371 is hereby amended to read as follows: 12-5371. (a) There is hereby imposed a prepaid wireless 911 fee of ~~1.06%~~ 2.06% per retail transaction or, on and after the effective date of an adjusted amount per retail transaction that is established under subsection (f), such adjusted amount.

(b) The prepaid wireless 911 fee shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the prepaid wireless 911 fee shall be either separately stated on an invoice, receipt or other similar document that is provided to the consumer by the seller, or otherwise disclosed to the consumer.

(c) For purposes of subsection (b), a retail transaction that is effected in person by a consumer in a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction shall be treated as occurring in this state if the retail transaction is treated as occurring in this state for the purposes of ~~subsection (c)(3) of K.S.A. 79-3673(c)(3)~~, and amendments thereto.

(d) The prepaid wireless 911 fee is the liability of the consumer and not of the seller nor of any provider, except that the seller shall be liable to remit all prepaid wireless 911 fees that the seller collects from consumers pursuant to this section, and amendments thereto, including all such fees that the seller is deemed to collect where the amount of the charge has not been separately stated in an invoice, receipt or other similar document provided to the consumer by the seller.

(e) The amount of the prepaid wireless 911 fee that is collected by a seller from a consumer, if such amount is separately stated on an invoice, receipt or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge or

other charge that is imposed by this state, any political subdivision of this state or any intergovernmental agency.

(f) The prepaid wireless 911 fee shall be proportionately ~~increased or reduced, as applicable, upon any change~~ *reduction* to the fee imposed by ~~subsection (a) of K.S.A. 2018 Supp. 12-5369(a), and amendments thereto, pursuant to the 911 coordinating council's authority to reduce the fee under K.S.A. 2018 Supp. 12-5364(g), and amendments thereto. The adjusted amount shall be ~~determined by the product of dividing the numeric amount of the new fee imposed by subsection (a) of adjusted pursuant to K.S.A. 2018 Supp. 12-5369 12-5364(g), and amendments thereto, by \$50~~ 50. Such ~~increase or~~ reduction shall be effective on the effective date of the ~~change to~~ *reduction of* the fee imposed by ~~subsection (a) of K.S.A. 2018 Supp. 12-5369(a), and amendments thereto, or, if later, the first day of the calendar quarter to occur at least 60 days after the enactment to the change to of the reduction of the fee imposed by subsection (a) of K.S.A. 2018 Supp. 12-5369(a), and amendments thereto. The department shall provide not less than 60 days' notice of such ~~increase or~~ decrease on the department's website.~~~~

(g) When prepaid wireless service is sold with one or more other products or services for a single, non-itemized price, then the percentage specified in subsection (a) shall apply to the entire non-itemized price unless the seller elects to apply such percentage to: (1) If the amount of the prepaid wireless service is disclosed to the consumer as a dollar amount, such dollar amount; or (2) if the seller can identify the portion of the price that is attributable to the prepaid wireless service by reasonable and verifiable standards from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, non-tax purposes, such portion.

~~(h) This section shall take effect on and after January 1, 2012.~~

Sec. 10. K.S.A. 2018 Supp. 12-5372 is hereby amended to read as follows: 12-5372. (a) Prepaid wireless 911 fees collected by sellers shall be remitted to the department by electronic filing that is consistent with the provisions of article 36 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto. The department shall establish registration and payment procedures for the collection of the prepaid wireless 911 fee.

(b) To minimize additional costs to the department, the department may conduct audits of sellers in conjunction with sales and use tax audits. The department is authorized to provide the LCPA with information obtained in such audits if such information indicates that a seller may not be complying with the provisions of this section and K.S.A. 2018 Supp. 12-5371, and amendments thereto. The LCPA may request the department to initiate collection or audit procedures on individual sellers if collection efforts by the LCPA are unsuccessful.

(c) The department shall establish procedures by which a seller may document that a sale is not a retail sale, which procedures shall substantially coincide with procedures for documenting sale for resale transactions for article 36 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto.

(d) The department shall transfer all remitted prepaid wireless 911 fees to the LCPA within 30 days of receipt for distribution as provided in K.S.A. 2018 Supp. 12-5374, and amendments thereto.

~~(e) The department may retain up to \$70,000 of remitted funds in fiscal year 2012 only for use in paying for programming and other one-time costs for establishing a system for collecting the prepaid wireless 911 fee.~~

~~(f) This section shall take effect on and after January 1, 2012.~~

Sec. 11. K.S.A. 2018 Supp. 12-5373 is hereby amended to read as follows: 12-5373. ~~(a)~~ The prepaid wireless 911 fee imposed in this act shall be the only 911 funding obligation imposed with respect to prepaid wireless service in this state. No tax, fee, surcharge or other charge shall be imposed by this state, any political subdivision of this state or any intergovernmental agency for 911 funding purposes upon any prepaid wireless service provider, seller or consumer with respect to the sale, purchase, use or provision of prepaid wireless service.

~~(b) This section shall take effect on and after January 1, 2012.~~

Sec. 12. K.S.A. 2018 Supp. 12-5374 is hereby amended to read as follows: 12-5374. (a) *(1) Except for the amounts withheld by the LCPA pursuant to K.S.A. 2018 Supp. 12-5368(b), and amendments thereto, and any amounts withheld pursuant to K.S.A. 2018 Supp. 12-5364(l), and amendments thereto, not later than 30 days after the receipt of moneys from providers pursuant to K.S.A. 2018 Supp. 12-5370 and 12-5371, and amendments thereto, and the department pursuant to K.S.A. 2018 Supp. 12-5372, and amendments thereto, the LCPA shall distribute such moneys to the PSAPs. The amount of money distributed to the PSAPs in each county shall be based upon the amount of 911 fees collected from service users located in that county, based on place of primary use information provided by the providers, by using the following distribution method: In a county with a population over 80,000, 82% of the money collected from service users whose place of primary use, as provided by the providers, is within the county shall be distributed to the PSAPs within the county based on place of primary use information; in a county with a population between 65,000 and 79,999, 85% of the money collected from service users whose place of primary use, as provided by the providers, is within the county shall be distributed to the PSAPs within the county based on place of primary use information; in a county with a population between 55,000 and 64,999, 88% of the money collected from service users whose place of primary use, as provided by the providers, is within the county shall be*



~~distributed to the PSAPs within the county based on place of primary use information; in a county with a population between 45,000 and 54,999, 91% of the money collected from service users whose place of primary use, as provided by the providers, is within the county shall be distributed to the PSAPs within the county based on place of primary use information; in a county with a population between 35,000 and 44,999, 94% of the money collected from service users whose place of primary use, as provided by the providers, is within the county shall be distributed to the PSAPs within the county based on place of primary use information; in a county with a population between 25,000 and 34,999, 97% of the money collected from service users whose place of primary use, as provided by the providers, is within the county shall be distributed to the PSAPs within the county based on place of primary use information; and in a county with a population of less than 25,000, 100% of the money collected from service users whose place of primary use, as provided by the providers, is within the county shall be distributed to the PSAPs within the county based on place of primary use information.~~

<i>Population of county</i> .....	<i>Percentage of collected where PSAP is located</i> .....
<i>Over 80,000</i> .....	<i>82%</i>
<i>65,000 to 79,999</i> .....	<i>85%</i>
<i>55,000 to 64,999</i> .....	<i>88%</i>
<i>45,000 to 54,999</i> .....	<i>91%</i>
<i>35,000 to 44,999</i> .....	<i>94%</i>
<i>25,000 to 34,999</i> .....	<i>97%</i>
<i>Less than 25,000</i> .....	<i>100%</i>

(2) There shall be a minimum county distribution of ~~\$50,000~~ \$60,000 and no county shall receive less than ~~\$50,000~~ \$60,000 of direct distribution moneys. If there is more than one PSAP in a county then the direct distribution allocated to that county by population shall be deducted from the minimum county distribution and the difference shall be proportionately divided between the PSAPs in the county. All moneys remaining after distribution, *moneys withheld pursuant to K.S.A. 2018 Supp. 12-5368(b)(1), and amendments thereto*, and any moneys ~~which~~ that cannot be attributed to a specific PSAP shall be transferred to the 911 ~~state grant~~ operations fund.

(b) All fees remitted to the LCPA shall be deposited in the 911 state fund and for the purposes of this act be treated as if they are public funds, pursuant to article 14 of chapter 9 of the Kansas Statutes Annotated, and amendments thereto.

(c) All moneys in the 911 state fund that have been collected from the prepaid wireless 911 fee shall be deposited in the 911 ~~state grant~~ operations fund unless ~~\$2~~ \$3 million of such moneys have been deposited in



any given year then all remaining moneys shall be distributed to the counties in an amount proportional to each county's population as a percentage share of the population of the state. For each PSAP within a county, such moneys shall be distributed to each PSAP in an amount proportional to the PSAP's population as a percentage share of the population of the county. If there is no PSAP within a county, then such moneys shall be distributed to the PSAP providing service to such county. Such moneys distributed to counties and PSAPs only shall be used for the uses authorized in K.S.A. 2018 Supp. 12-5375, and amendments thereto.

(d) The LCPA shall keep accurate accounts of all receipts and disbursements of moneys from the 911 fees.

(e) Information provided by providers to the local collection point administrator or to the 911 coordinating council pursuant to this act will be treated as proprietary records which will be withheld from the public upon request of the party submitting such records.

(f) The provisions of subsection (e) shall expire on July 1, 2021, unless the legislature acts to reenact such provision. The provisions of subsection (e) shall be reviewed by the legislature prior to July 1, 2021.

Sec. 13. K.S.A. 2018 Supp. 12-5375 is hereby amended to read as follows: 12-5375. (a) The proceeds of the 911 fees imposed pursuant to this act, and any interest earned on revenue derived from such fee, shall be used only for necessary and reasonable costs incurred or to be incurred by PSAPs for: (1) Implementation of 911 services; (2) purchase of 911 equipment and upgrades; (3) maintenance and license fees for 911 equipment; (4) training of personnel, *not to include salaries*; (5) monthly recurring charges billed by service suppliers; (6) installation, service establishment and nonrecurring start-up charges billed by the service supplier; (7) charges for capital improvements and equipment or other physical enhancements to the 911 system; or (8) the original acquisition and installation of road signs designed to aid in the delivery of emergency service. Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities. Such costs shall also not include expenditures to purchase, *procure, maintain or upgrade* subscriber radio equipment.

(b) *The 911 coordinating council shall, pursuant to rules and regulations, establish a process for a PSAP, at the discretion of the PSAP, to seek pre-approval of an expenditure. The council shall respond in writing to any pre-approval request within 30 days and inform the PSAP if the requested expenditure is approved or disapproved. If the expenditure is disapproved, the written notification shall state the reason for the disapproval and such PSAP may, within 15 days after service of the notification, make a written request to the council to appeal the council's decision*

*and for a hearing to be conducted in accordance with the provisions of the Kansas administrative procedure act.*

*(c) The 911 coordinating council shall annually review expenditures of 911 funds reported on the annual report for each PSAP and shall appoint a committee to review such expenditures. If the committee determines that a reported expenditure was not authorized by this act, the committee shall request that the expenditure be refunded by the PSAP to the PSAP's 911 account. If a PSAP does not concur with the finding of the committee, the PSAP may request a review of the decision of the committee before the 911 coordinating council. If the 911 coordinating council, based upon information obtained from the PSAP reports or an audit of the PSAPs, determines that any PSAP has used any 911 fees for any purpose other than those authorized in this act, the governing body for such PSAP shall repay all such funds moneys used for any unauthorized purposes plus to the 911 fee fund of such PSAP. Upon a finding that the expenditure was made intentionally from the 911 fee fund of such PSAP for a purpose clearly established as an unauthorized expenditure, the 911 coordinating council may require such PSAP to pay the lesser of \$500 or 10%, of such misused moneys, to the LCPA for deposit in the 911 state grant fund. No such repayment of 911 fees shall be imposed pursuant to this section except upon the written order of the council. Such order shall state the unauthorized purposes for which the funds were used, the amount of funds to be repayed and the right of such PSAP to appeal to a hearing before the council Kansas office of administrative hearings. Any such PSAP may, within 15 days after service of the order, make a written request to the council for a hearing thereon. Hearings under this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act.*

*(e)(d) Any final action of the council pursuant to subsection (b) or (c) is subject to review in accordance with the Kansas judicial review act.*

*(d) As long as the PSAP is working in good faith to use the 911 fees for expenditures authorized by this act, no repayment of 911 fees shall be required prior to January 1, 2013.*

*(e) This section shall take effect on and after January 1, 2012.*

Sec. 14. K.S.A. 2018 Supp. 12-5376 is hereby amended to read as follows: 12-5376. ~~(a)~~ Except as provided by the Kansas tort claims act, and except for failure to use ordinary care, or for intentional acts *action or inaction that constitutes gross negligence or willful and wanton misconduct*, the LCPA, PSAPs, and each provider, and their employees ~~and~~, agents, suppliers and subcontractors, and each seller, and their employees ~~and~~, agents, suppliers and subcontractors, 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 911 service.

~~(b) This section shall take effect on and after January 1, 2012.~~

Sec. 15. K.S.A. 2018 Supp. 12-5377 is hereby amended to read as follows: 12-5377. (a) The receipts and disbursements of the LCPA shall be audited yearly by a licensed municipal accountant or certified public accountant.

(b) The LCPA may require an audit of any provider's books and records concerning the collection and remittance of fees pursuant to this act. The cost of any such audit shall be paid from the ~~911-state grant operations~~ fund.

(c) (1) On or before December 31, 2018, and at least once every five years thereafter, the division of post audit shall conduct an audit of the 911 system to determine: (A) Whether the moneys received by PSAPs pursuant to this act are being used appropriately; (B) whether the amount of moneys collected pursuant to this act is adequate; and (C) the status of 911 service implementation. The auditor to conduct such audit shall be specified in accordance with K.S.A. 46-1122, and amendments thereto.

(2) The post auditor shall compute the reasonably anticipated cost of providing audits pursuant to this subsection, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto. Upon such approval, the division of post audit shall be reimbursed from the ~~911-state grant operations~~ fund for the amount approved by the contract audit committee. The audit report shall be submitted to the 911 coordinating council, the LCPA, the house of representatives committee on energy, utilities and telecommunications and the senate committee on utilities.

(d) (1) On or before December 31, 2018, the division of post audit shall conduct an audit of the budget and expenditures of the 911 coordinating council. In conducting such audit, the division shall examine: (A) The annual expenses and financial needs, including personnel, of the council; (B) the total annual operating expenses of the council that are included in the 2.5% cap on expenditures pursuant to K.S.A. 2018 Supp. 12-5364(i), and amendments thereto; (C) the current and projected contractual expenses of the council; (D) the expenditures and distribution of moneys from the 911 state grant fund by the council; and (E) whether the moneys expended by the council are being used pursuant to this act. The auditor, to conduct such audit, shall be specified in accordance with K.S.A. 46-1122, and amendments thereto.

(2) The post auditor shall compute the reasonably anticipated cost of providing the audit pursuant to this subsection, subject to review and approval by the contract audit committee established by K.S.A. 46-1120, and amendments thereto. Upon such approval, the division of post au-

dit shall be reimbursed from the 911-state grant ~~operations~~ fund for the amount approved by the contract audit committee. The audit report shall be submitted to the 911 coordinating council, the house of representatives committee on energy, utilities and telecommunications and the senate committee on utilities.

(e) The legislature shall review this act at the regular-2014 2019 legislative session and at the regular legislative session every five years thereafter.

Sec. 16. K.S.A. 2018 Supp. 12-5378 is hereby amended to read as follows: 12-5378. ~~(a)~~ Nothing in this act shall be construed to limit the ability of a provider from recovering directly from the provider's customers its costs associated with designing, developing, deploying and maintaining 911 service and its cost of collection and administration of the fees imposed by this act, whether such costs are itemized on the customer's bill as a surcharge or by any other lawful method.

~~(b) This section shall take effect on and after January 1, 2012.~~

Sec. 17. K.S.A. 2018 Supp. 12-5380 is hereby amended to read as follows: 12-5380. The governing body of each city and county shall provide or contract for the 24-hour receipt of ~~wireless emergency~~ 911 calls for all ~~wireless~~ service areas within the jurisdiction of the city or county.

Sec. 18. K.S.A. 2018 Supp. 19-101a is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

(1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.

(2) Counties may not affect the courts located therein.

(3) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.

(4) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.

(5) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271 – 74<sup>th</sup> congress, or amendments thereof.

(6) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.

(7) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 ~~to through~~ 12-195, ~~inclusive~~, and amend-

ments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.

(8) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.

(9) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment project area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.

(10) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.

(11) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

(12) Except as otherwise specifically authorized by K.S.A. 12-1,101 through 12-1,109, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.

(13) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto.

(14) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

(15) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto.

(16) Counties may not exempt from or effect changes in the provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-1260 through 12-1270 and 12-1276, and amendments thereto.

(17) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.

(18) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.

(19) Counties may not regulate the production or drilling of any oil or gas well in any manner which would result in the duplication of regulation by the state corporation commission and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations

adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge for the drilling or production of any oil or gas well.

(20) Counties may not exempt from or effect changes in K.S.A. 79-41a04, and amendments thereto.

(21) Counties may not exempt from or effect changes in K.S.A. 79-1611, and amendments thereto.

(22) Counties may not exempt from or effect changes in K.S.A. 79-1494, and amendments thereto.

(23) Counties may not exempt from or effect changes in ~~subsection (b) of K.S.A. 19-202(b)~~, and amendments thereto.

(24) Counties may not exempt from or effect changes in ~~subsection (b) of K.S.A. 19-204(b)~~, and amendments thereto.

(25) Counties may not levy or impose an excise, severance or any other tax in the nature of an excise tax upon the physical severance and production of any mineral or other material from the earth or water.

(26) Counties may not exempt from or effect changes in K.S.A. 79-2017 or 79-2101, and amendments thereto.

(27) Counties may not exempt from or effect changes in K.S.A. 2-3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-1,178 through 65-1,199, 65-3001 through 65-3028, and amendments thereto.

(28) Counties may not exempt from or effect changes in K.S.A. 2018 Supp. 80-121, and amendments thereto.

(29) Counties may not exempt from or effect changes in K.S.A. 19-228, and amendments thereto.

(30) Counties may not exempt from or effect changes in the ~~wireless enhanced Kansas 911 act, in the VoIP enhanced 911 act or in the provisions of K.S.A. 12-5301 through 12-5308, and amendments thereto.~~

(31) Counties may not exempt from or effect changes in K.S.A. 2018 Supp. 26-601, and amendments thereto.

(32) (A) Counties may not exempt from or effect changes in the Kansas liquor control act except as provided by paragraph (B).

(B) Counties may adopt resolutions which are not in conflict with the Kansas liquor control act.

(33) (A) Counties may not exempt from or effect changes in the Kansas cereal malt beverage act except as provided by paragraph (B).

(B) Counties may adopt resolutions which are not in conflict with the Kansas cereal malt beverage act.

(34) Counties may not exempt from or effect changes in the Kansas lottery act.

(35) Counties may not exempt from or effect changes in the Kansas expanded lottery act.

(36) Counties may neither exempt from nor effect changes to the eminent domain procedure act.

(37) Any county granted authority pursuant to the provisions of K.S.A. 19-5001 through 19-5005, and amendments thereto, shall be subject to the limitations and prohibitions imposed under K.S.A. 19-5001 through 19-5005, and amendments thereto.

(38) Except as otherwise specifically authorized by K.S.A. 19-5001 through 19-5005, and amendments thereto, counties may not exercise any authority granted pursuant to K.S.A. 19-5001 through 19-5005, and amendments thereto, including the imposition or levy of any retailers' sales tax.

(b) Counties shall apply the powers of local legislation granted in subsection (a) by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.

(c) Any resolution adopted by a county which conflicts with the restrictions in subsection (a) is null and void.

Sec. 19. K.S.A. 2018 Supp. 12-5327, 12-5338, 12-5361, 12-5363, 12-5364, 12-5365, 12-5366, 12-5367, 12-5368, 12-5369, 12-5370, 12-5371, 12-5372, 12-5373, 12-5374, 12-5375, 12-5376, 12-5377, 12-5378, 12-5380 and 19-101a are hereby repealed.

Sec. 20. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 16, 2019.

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## CHAPTER 40

## HOUSE BILL No. 2070

AN ACT concerning roads and highways; designating a portion of United States highway 75 as the John Armstrong memorial highway and a bridge on United States highway 77 as the SGT Kevin A. Gilbertson memorial bridge; amending K.S.A. 68-1051 and repealing the existing section.

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

New Section 1. The portion of United States highway 75 from the junction of United States highway 75 and N.W. 46th street in Shawnee county, then south on United States highway 75 to the junction of United States highway 75 and interstate highway 70 is hereby designated as the John Armstrong memorial highway. Upon compliance with K.S.A. 2018 Supp. 68-10,114, and amendments thereto, the secretary of transportation shall place highway signs along the highway right-of-way at proper intervals to indicate that the highway is the John Armstrong memorial highway.

Sec. 2. K.S.A. 68-1051 is hereby amended to read as follows: 68-1051. The portion of United States highway 75 where it enters the state on the Kansas-Nebraska border on the north then south to the junction with K-9, then south from the junction of K-9 with K-62 to the junction of K-62 with K-16 then east to the junction with United States highway 75 then south on United States highway 75 to the southern city limits of Holton, then from the junction of United States highway 75 ~~and N.W. 46th street~~ and interstate highway 70 in Shawnee county then south on United States highway 75 to the southern boundary of Osage county, then from the northern city limits of the city of Yates Center south on United States highway 75 to the northern interchange with United States highway 400, then south from the southern interchange with United States highway 400 to the Kansas-Oklahoma border, is hereby designated the purple heart/combat wounded veterans highway. The secretary of transportation shall place markers along the highway right-of-way at proper intervals to indicate that the highway is the purple heart/combat wounded veterans highway. The secretary of transportation may accept and administer gifts and donations to aid in obtaining suitable highway signs bearing the proper approved inscription.

New Sec. 3. Bridge no. 018-011 located on United States highway 77 in Cowley county is hereby designated as the SGT Kevin A. Gilbertson memorial bridge. Upon compliance with K.S.A. 68-10,114, and amendments thereto, the secretary of transportation shall place suitable signs to indicate the bridge is the SGT Kevin A. Gilbertson memorial bridge.



Sec. 4. K.S.A. 68-1051 is hereby repealed.

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

Approved April 16, 2019.

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## CHAPTER 41

## HOUSE BILL No. 2144

AN ACT concerning community colleges; relating to publication of financial information; identification of transferable credits; amending K.S.A. 71-301 and repealing the existing section.

WHEREAS, Nineteen Kansas community colleges are located in 18 of the 105 Kansas counties and exercise taxing authority through their board of trustees for an increasingly greater percentage of total college revenue; and

WHEREAS, These community colleges derive property tax income from local taxpayers while their neighboring counties utilize the college and its benefits, yet do not pay any local property tax; and

WHEREAS, These local taxpayers are owed a high degree of transparency and accountability for their property tax contribution; and

WHEREAS, Students who attend community colleges deserve transparency regarding the transfer of student courses and how student fees are expended; and

WHEREAS, The students and taxpayers of the taxing county or district shall be reaffirmed as priority in financial decisions, reporting processes and transparency measures that provide maximum benefit and accountability to the local taxpayers and local in-district students; and

WHEREAS, The provisions of sections 1 and 2 and the 2019 amendments to K.S.A. 71-301 shall be known as the community college taxpayer transparency act.

Now, therefore:

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

Section 1. The board of trustees of each community college shall identify those courses offered by such community college that transfer to all state educational institutions, as that term is defined in K.S.A. 76-711, and amendments thereto. All such courses shall be prominently identified on such community college's website and shall be accessible through a link on the state board of regent's website.

New Sec. 2. The board of trustees of each community college shall annually publish the following information on such community college's website homepage with an easily identifiable link, which shall be titled, "Taxpayer and student transparency data":

(a) The tuition rate for: (1) Students residing in the community college district; (2) students residing outside the community college district; (3) students residing outside the state of Kansas; and (4) students residing outside the United States;

(b) the fees charged to: (1) Students residing in the community college district; (2) students residing outside the community college district;

(3) students residing outside the state of Kansas; and (4) students residing outside the United States;

(c) the total cost, excluding textbooks and housing costs, per credit hour for each semester for: (1) Students residing in the community college district; (2) students residing outside the community college district; (3) students residing outside the state of Kansas; and (4) students residing outside the United States;

(d) the percentage of students attending each campus operated by the community college for: (1) Students residing in the community college district; (2) students residing outside the community college district; (3) students residing outside the state of Kansas; and (4) students residing outside the United States;

(e) the enrollment percentage of: (1) Students residing in the community college district; and (2) students residing outside the community college district;

(f) the enrollment percentage of students residing in the service area of the community college;

(g) the aggregate amount of property tax revenues collected for tax levies imposed by the board of trustees of the community college for each of the immediately preceding five fiscal years and the change in such amount from year-to-year, expressed as a percentage;

(h) the aggregate amount of mills levied by the board of trustees of the community college for each of the immediately preceding five fiscal years and the change in such amount from year-to-year, expressed as a percentage; and

(i) (1) subject to paragraph (2), the aggregate amount disbursed for the two immediately preceding fiscal years for all institutional scholarships, foundation scholarships and pell grants, and the total amount disbursed for the two immediately preceding fiscal years for:

(A) Athletic scholarships for students residing in the community college district;

(B) athletic scholarships for students residing outside the state of Kansas;

(C) non-athletic scholarships for students residing in the community college district; and

(D) non-athletic scholarships for students residing outside the state of Kansas.

(2) No aggregate information required to be reported pursuant to paragraph (1) shall be reported if such information could identify a student with reasonable certainty.

Sec. 3. K.S.A. 71-301 is hereby amended to read as follows: 71-301.

(a) The board of trustees shall charge to and collect from each student tuition at rates per credit hour enrolled which shall be established by the board of trustees.

(b) In addition to tuition, the board of trustees may charge to and collect from each student fees at rates ~~which shall be~~ and for purposes established by the board of trustees. *Any fee charged pursuant to this section shall be for a specific purpose, which shall be clearly stated on the community college's website. Any billing statements or other information provided to students regarding student fees shall guide students to such website address. Revenues from all fees shall only be expended for that purpose for which the fee is charged.*

Sec. 4. K.S.A. 71-301 is hereby repealed.

Sec. 5. This act shall take effect and be in force from and after July 1, 2020, and its publication in the statute book.

Approved April 16, 2019.

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## CHAPTER 42

## HOUSE BILL No. 2365

AN ACT concerning civil procedure and civil actions; relating to rules of evidence; peer support counseling session communication privilege; Kansas national guard members; amending K.S.A. 2018 Supp. 60-473 and repealing the existing section.

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

Section 1. K.S.A. 2018 Supp. 60-473 is hereby amended to read as follows: 60-473. (a) For the purposes of this section:

(1) “Emergency services personnel” means any employee or volunteer of an emergency services provider who is engaged in providing or supporting firefighting, dispatching services and emergency medical services.

(2) “Emergency services provider” means any public employer that employs persons to provide firefighting, dispatching services and emergency medical services.

(3) “Employee assistance program” means a program established by a law enforcement agency ~~or~~, emergency services provider *or the Kansas national guard* to provide professional counseling or support services to employees of a law enforcement agency, emergency services provider, *national guard member* or a professional mental health provider associated with a peer support team.

(4) “Law enforcement agency” means any public agency that employs law enforcement officers.

(5) “Law enforcement personnel” means a law enforcement officer, as defined in K.S.A. 22-2202 or 74-5602, and amendments thereto, an employee or volunteer of a law enforcement agency.

(6) “*National guard member*” means a regularly enlisted, officer or civilian member of the *Kansas national guard*.

(7) “Peer support counseling session” means any session conducted by a peer support specialist that is called or requested in response to a critical incident or traumatic event involving the personnel of the law enforcement agency ~~or~~, emergency services provider *or the Kansas national guard*.

~~(7)~~(8) “Peer support specialist” is a person:

(A) Designated by a law enforcement agency, emergency services provider, *the Kansas national guard*, employee assistance program or peer support team leader to lead, moderate or assist in a peer support counseling session;

(B) who is a member of a peer support team; and

(C) has received training in counseling and providing emotional and moral support to law enforcement officers ~~or~~, emergency services personnel *or national guard members* who have been involved in emotionally traumatic incidents by reason of their employment.

~~(8)~~(9) “Peer support team” means a group of peer support specialists serving one or more law enforcement providers or emergency services providers.

(b) Any communication made by a participant or peer support specialist in a peer support counseling session pursuant to this section, and any oral or written information conveyed in or as the result of the peer support counseling session, are confidential and may not be disclosed by any person participating in the peer support counseling session.

(c) Any communication relating to a peer support counseling session made confidential under subsection (b) that is made between peer support specialists, between peer support specialists and the supervisors or staff of an employee assistance program, or between the supervisors or staff of an employee assistance program, is confidential and may not be disclosed.

(d) The provisions of this section apply only to peer support counseling sessions conducted by a peer support specialist.

(e) (1) The provisions of this section apply to all oral communications, notes, records and reports arising out of a peer support counseling session.

(2) Any notes, records or reports arising out of a peer support counseling session shall not be public records and shall not be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this paragraph shall ~~expire on July 1, 2020, unless the legislature acts to reenact such provisions. The provisions of this paragraph shall be reviewed by the legislature prior to July 1, 2020 not be required to be reviewed by the legislature and shall not expire in accordance with K.S.A. 45-229, and amendments thereto.~~

(f) Any communication made by a participant or peer support specialist in a peer support counseling session subject to this section, and any oral or written information conveyed in a peer support counseling session subject to this section, are not admissible in any judicial proceeding, administrative proceeding, arbitration proceeding or other adjudicatory proceeding. Communications and information made confidential under this section shall not be disclosed by the participants in any judicial proceeding, administrative proceeding, arbitration proceeding or other adjudicatory proceeding. The limitations on disclosure imposed by this subsection include disclosure during any discovery conducted as part of an adjudicatory proceeding.

(g) Nothing in this section limits the discovery or introduction into evidence of knowledge acquired by any law enforcement personnel or emergency services personnel from observation made during the course of employment, or material or information acquired during the course of employment, that is otherwise subject to discovery or introduction into evidence.

- (h) This section does not apply to any:
  - (1) Threat of suicide or criminal act made by a participant in a peer support counseling session, or any information conveyed in a peer support counseling session relating to a threat of suicide or criminal act;
  - (2) information relating to abuse of spouses, children or the elderly, or other information that is required to be reported by law;
  - (3) admission of criminal conduct;
  - (4) disclosure of testimony by a participant who received peer support counseling services and expressly consented to such disclosure; or
  - (5) disclosure of testimony by the surviving spouse or executor or administrator of the estate of a deceased participant who received peer support counseling services and such surviving spouse or executor or administrator expressly consented to such disclosure.
- (i) This section does not prohibit any communications between peer support specialists who conduct peer support counseling sessions, or any communications between peer support specialists and the supervisors or staff of an employee assistance program.
- (j) This section does not prohibit communications regarding fitness of an employee for duty between an employee assistance program and an employer.
- (k) This section shall be *a* part of and supplemental to article 4 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 2. K.S.A. 2018 Supp. 60-473 is hereby repealed.

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

Approved April 17, 2019.

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## CHAPTER 43

## HOUSE BILL No. 2103

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

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

New Section 1. (a) Whenever a child is placed in a qualified residential treatment program, the secretary shall notify the court in writing within seven days of placement. Written notice shall also be given to: (1) The petitioner; (2) the attorney for the parents, if any; (3) each parent at the last known address; (4) the child, if 12 or more years of age; (5) the child's guardian ad litem; (6) any other party or interested party; and (7) the child's court-appointed special advocate.

(b) Within 30 days after a child is placed in a qualified residential treatment program, any person enumerated in subsection (a)(1) through (7) receiving notice as provided above may request, in writing, that the court conduct a hearing. If a hearing is requested, the court shall conduct the hearing within 60 days of placement. The court shall give notice of the hearing to all persons enumerated in subsection (a)(1) through (7).

(c) The secretary shall provide to the court in writing an assessment and documentation of the need for placement in a qualified residential treatment program.

(d) Within 60 days after a child is placed in a qualified residential treatment program, the court shall:

(1) Consider the assessment and documentation provided by the secretary pursuant to subsection (c);

(2) determine whether the needs of the child can be met through placement in a foster family home or, if not, whether placement of the child in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment and whether that placement is consistent with the short-term and long-term goals for the child as specified in the permanency plan for the child; and

(3) approve or disapprove the placement.

(e) This section shall be part of and supplemental to the revised Kansas code for care of children.

Sec. 2. K.S.A. 2018 Supp. 23-2210 is hereby amended to read as follows: 23-2210. (a) The district court has jurisdiction of an action brought under the Kansas parentage act. The action may be joined with an action for divorce, annulment, separate maintenance, support or adoption.



(b) If any determination is sought in any action under the Kansas parentage act for custody, residency or parenting time, the initial pleading seeking that determination shall include that information required by K.S.A. 2018 Supp. 23-37,209, and amendments thereto.

(c) The action may be brought in the county in which the child, the mother or the presumed or alleged father resides or is found. If a parent or an alleged or presumed parent is deceased, an action may be brought in the county in which proceedings for probate of the estate of the parent or alleged or presumed parent have been or could be commenced.

(d) Any order issued pursuant to the revised Kansas code for care of children or the revised Kansas juvenile justice code, shall take precedence over any order under article 22 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto (determination of parentage), until jurisdiction under the revised Kansas code for care of children or the revised Kansas juvenile justice code is terminated.

(e) If a court of competent jurisdiction within this state has entered an order pursuant to the revised Kansas code for care of children regarding custody of a child or children who are involved in a proceeding filed pursuant to this section, and such court has determined pursuant to ~~subsection (i)(2)~~ of K.S.A. 38-2264(k), and amendments thereto, that the orders in that case shall become the custody orders in the parentage case, such court shall file a certified copy of the orders with the civil case number in the caption and then close the case under the revised Kansas code for care of children. Such orders shall be binding on the parties, unless modified based on a material change in circumstances, even if such courts have different venues.

Sec. 3. K.S.A. 2018 Supp. 38-2202 is hereby amended to read as follows: 38-2202. As used in the revised Kansas code for care of children, unless the context otherwise indicates:

(a) “Abandon” or “abandonment” means to forsake, desert or, without making appropriate provision for substitute care, cease providing care for the child.

(b) “Adult correction facility” means any public or private facility, secure or nonsecure, ~~which~~ *that* is used for the lawful custody of accused or convicted adult criminal offenders.

(c) “Aggravated circumstances” means the abandonment, torture, chronic abuse, sexual abuse or chronic, life threatening neglect of a child.

(d) “Child in need of care” means a person less than 18 years of age at the time of filing of the petition or issuance of an ex parte protective custody order pursuant to K.S.A. 2018 Supp. 38-2242, and amendments thereto, who:

(1) Is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child’s parents or other custodian;

(2) is without the care or control necessary for the child's physical, mental or emotional health;

(3) has been physically, mentally or emotionally abused or neglected or sexually abused;

(4) has been placed for care or adoption in violation of law;

(5) has been abandoned or does not have a known living parent;

(6) is not attending school as required by K.S.A. 72-977 or 72-1111, and amendments thereto;

(7) except in the case of a violation of K.S.A. 41-727, K.S.A. 74-8810(j), K.S.A. 79-3321(m) or (n), or K.S.A. 2018 Supp. 21-6301(a)(14), and amendments thereto, or, except as provided in paragraph (12), does an act which, when committed by a person under 18 years of age, is prohibited by state law, city ordinance or county resolution, but which is not prohibited when done by an adult;

(8) while less than 10 years of age, commits any act ~~which~~ *that* if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 2018 Supp. 21-5102, and amendments thereto;

(9) is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian;

(10) is willfully and voluntarily absent at least a second time from a court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee;

(11) has been residing in the same residence with a sibling or another person under 18 years of age, who has been physically, mentally or emotionally abused or neglected, or sexually abused;

(12) while less than 10 years of age commits the offense defined in K.S.A. 2018 Supp. 21-6301(a)(14), and amendments thereto;

(13) has had a permanent custodian appointed and the permanent custodian is no longer able or willing to serve; or

(14) has been subjected to an act ~~which~~ *that* would constitute human trafficking or aggravated human trafficking, as defined by K.S.A. 2018 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2018 Supp. 21-6422, and amendments thereto, or has committed an act which, if committed by an adult, would constitute selling sexual relations, as defined by K.S.A. 2018 Supp. 21-6419, and amendments thereto.

(e) "Citizen review board" is a group of community volunteers appointed by the court and whose duties are prescribed by K.S.A. 2018 Supp. 38-2207 and 38-2208, and amendments thereto.

(f) "Civil custody case" includes any case filed under chapter 23 of the Kansas Statutes Annotated, and amendments thereto, the Kansas family

law code, article 11 of chapter 38 of the Kansas Statutes Annotated, and amendments thereto, determination of parentage, article 21 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, adoption and relinquishment act, or article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, guardians and conservators.

(g) “Court-appointed special advocate” means a responsible adult other than an attorney guardian ad litem who is appointed by the court to represent the best interests of a child, as provided in K.S.A. 2018 Supp. 38-2206, and amendments thereto, in a proceeding pursuant to this code.

(h) “Custody” whether temporary, protective or legal, means the status created by court order or statute ~~which~~ *that* vests in a custodian, whether an individual or an agency, the right to physical possession of the child and the right to determine placement of the child, subject to restrictions placed by the court.

(i) “Extended out of home placement” means a child has been in the custody of the secretary and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date at which a child in the custody of the secretary was removed from the child’s home.

(j) “Educational institution” means all schools at the elementary and secondary levels.

(k) “Educator” means any administrator, teacher or other professional or paraprofessional employee of an educational institution who has exposure to a pupil specified in K.S.A. 72-89b03(a), and amendments thereto.

(l) “Harm” means physical or psychological injury or damage.

(m) “Interested party” means the grandparent of the child, a person with whom the child has been living for a significant period of time when the child in need of care petition is filed, and any person made an interested party by the court pursuant to K.S.A. 2018 Supp. 38-2241, and amendments thereto, or Indian tribe seeking to intervene that is not a party.

(n) “Jail” means:

(1) An adult jail or lockup; or

(2) a facility in the same building or on the same grounds as an adult jail or lockup, unless the facility meets all applicable standards and licensure requirements under law and there is: (A) Total separation of the juvenile and adult facility spatial areas such that there could be no hazardous or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.

(o) “Juvenile detention facility” means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders ~~which~~ *that* must not be a jail.

(p) “Juvenile intake and assessment worker” means a responsible adult authorized to perform intake and assessment services as part of the intake and assessment system established pursuant to K.S.A. 75-7023, and amendments thereto.

(q) “Kinship care placement” means the placement of a child in the home of an adult with whom the child or the child’s parent already has close emotional ties.

(r) “Law enforcement officer” means any 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 crimes, whether that duty extends to all crimes or is limited to specific crimes.

(s) “Multidisciplinary team” means a group of persons, appointed by the court under K.S.A. 2018 Supp. 38-2228, and amendments thereto, ~~which~~ *that* has knowledge of the circumstances of a child in need of care.

(t) “Neglect” means acts or omissions by a parent, guardian or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child’s parents or other custodian. Neglect may include, but shall not be limited to:

(1) Failure to provide the child with food, clothing or shelter necessary to sustain the life or health of the child;

(2) failure to provide adequate supervision of a child or to remove a child from a situation ~~which~~ *that* requires judgment or actions beyond the child’s level of maturity, physical condition or mental abilities and that results in bodily injury or a likelihood of harm to the child; or

(3) failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall, not for that reason, be considered a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to K.S.A. 2018 Supp. 38-2217(a)(2), and amendments thereto.

(u) “Parent” when used in relation to a child or children, includes a guardian and every person who is by law liable to maintain, care for or support the child.

(v) “Party” means the state, the petitioner, the child, any parent of the child and an Indian child’s tribe intervening pursuant to the Indian child welfare act.

(w) “Permanency goal” means the outcome of the permanency planning process, which may be reintegration, adoption, appointment of a permanent custodian or another planned permanent living arrangement.

(x) “Permanent custodian” means a judicially approved permanent guardian of a child pursuant to K.S.A. 2018 Supp. 38-2272, and amendments thereto.

(y) “Physical, mental or emotional abuse” means the infliction of physical, mental or emotional harm or the causing of a deterioration of a child and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child’s health or emotional well-being is endangered.

(z) “Placement” means the designation by the individual or agency having custody of where and with whom the child will live.

(aa) “*Qualified residential treatment program*” means a program designated by the secretary for children and families as a qualified residential treatment program pursuant to federal law.

(bb) “Reasonable and prudent parenting standard” means the standard characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural and social activities.

~~(bb)~~(cc) “Relative” means a person related by blood, marriage or adoption.

~~(ee)~~(dd) “Runaway” means a child who is willfully and voluntarily absent from the child’s home without the consent of the child’s parent or other custodian.

~~(dd)~~(ee) “Secretary” means the secretary for children and families or the secretary’s designee.

~~(ee)~~(ff) “Secure facility” means a facility, other than a staff secure facility ~~which~~ or juvenile detention facility, that is operated or structured so as to ensure that all entrances and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or ~~which~~ that relies on locked rooms and buildings, fences or physical restraint in order to control behavior of its residents. No secure facility shall be in a city or county jail.

~~(ff)~~(gg) “Sexual abuse” means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include, but is not limited to, allowing, permitting or encouraging a child to:

- (1) Be photographed, filmed or depicted in pornographic material; or

(2) be subjected to aggravated human trafficking, as defined in K.S.A. 2018 Supp. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the offender or another, or be subjected to an act ~~which~~ *that* would constitute conduct proscribed by article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2018 Supp. 21-6419 or 21-6422, and amendments thereto.

~~(gg)~~(hh) “Shelter facility” means any public or private facility or home, other than a juvenile detention facility or staff secure facility, that may be used in accordance with this code for the purpose of providing either temporary placement for children in need of care prior to the issuance of a dispositional order or longer term care under a dispositional order.

~~(hh)~~(ii) “Staff secure facility” means a facility described in K.S.A. 65-535, and amendments thereto: (1) That does not include construction features designed to physically restrict the movements and activities of juvenile residents who are placed therein; (2) that may establish reasonable rules restricting entrance to and egress from the facility; and (3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision. No staff secure facility shall be in a city or county jail.

~~(ii)~~(jj) “Transition plan” means, when used in relation to a youth in the custody of the secretary, an individualized strategy for the provision of medical, mental health, education, employment and housing supports as needed for the adult and, if applicable, for any minor child of the adult, to live independently and specifically provides for the supports and any services for which an adult with a disability is eligible including, but not limited to, funding for home and community based services waivers.

~~(jj)~~(kk) “Youth residential facility” means any home, foster home or structure ~~which~~ *that* provides 24-hour-a-day care for children and ~~which~~ *that* is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 4. K.S.A. 2018 Supp. 38-2234 is hereby amended to read as follows: 38-2234. (a) *Filing and contents of petition.* (1) A petition filed to commence an action pursuant to this code shall be filed with the clerk of the district court and shall state, if known:

- (A) The name, date of birth and residence address of the child;
- (B) the name and residence address of the child’s parents;
- (C) the name and address of the child’s nearest known relative if no parent can be found;
- (D) the name and residence address of any persons having custody or control of the child; and
- (E) plainly and concisely in the language of the statutory definition, the basis for the petition.

(2) The petition shall also state the specific facts ~~which~~ *that* are relied upon to support the allegation referred to in the preceding paragraph including any known dates, times and locations.

(3) The proceedings shall be entitled: “In the Interest of \_\_\_\_\_.”

(4) The petition shall contain a request that the court find the child to be a child in need of care.

(5) The petition shall contain a request that the parent or parents be ordered to pay child support. The request for child support may be omitted with respect to a parent already ordered to pay child support for the child and shall be omitted with respect to one or both parents upon written request of the secretary.

(6) If the petition requests custody of the child to the secretary or a person other than the child’s parent, the petition shall specify the efforts known to the petitioner to have been made to maintain the family and prevent the transfer of custody, or it shall specify the facts demonstrating that an emergency exists which threatens the safety to the child.

(7) If the petition requests removal of the child from the child’s home, in addition to the information required by K.S.A. 2018 Supp. 38-2234 (a)(6), and amendments thereto, the petition shall specify the facts demonstrating that allowing the child to remain in the home would be contrary to the welfare of the child or that placement is in the best interests of the child and the child is likely to sustain harm if not removed from the home.

(8) *The petition shall have an attached copy of the prevention plan, if any, that has been prepared for the child.*

(9) The petition shall contain the following statement: “If you do not appear in court the court will be making decisions without your input which could result in:

(A) The permanent or temporary removal of the child from the custody of the parent or present legal guardian;

(B) an order requiring one or both parents to pay child support until the permanent termination of one or both of the parents’ parental rights;

(C) the permanent termination of one or both of the parents’ parental rights; and

(D) the appointment of a permanent custodian for the child.

If you cannot attend the hearing you may send a written response to the petition to the clerk of the court.”

~~(9)~~(10) The petition shall contain the following statement: “You may receive further notices of other hearings, proceedings and actions in this case which you may attend. These notices will be sent to you by first class mail to your last known address or an address you provide to the court. It is your responsibility to keep the court informed of your current address.”



(b) *Motions.* Motions may be made orally or in writing. The motion shall state with particularity the grounds for the motion and shall state the relief or order sought.

Sec. 5. K.S.A. 2018 Supp. 38-2264 is hereby amended to read as follows: 38-2264. (a) A permanency hearing is a proceeding conducted by the court or by a citizen review board for the purpose of determining progress toward accomplishment of a permanency plan as established by K.S.A. 2018 Supp. 38-2263, and amendments thereto.

(b) The court or a citizen review board shall hear and the court shall determine whether and, if applicable, when the child will be:

- (1) Reintegrated with the child's parents;
- (2) placed for adoption;
- (3) placed with a permanent custodian; or
- (4) if the child is 16 years of age or older and the secretary has documented compelling reasons why it would not be in the child's best interests for a placement in one of the placements pursuant to paragraphs (1), (2) or (3), placed in another planned permanent *living* arrangement.

(c) At each permanency hearing, the court shall:

(1) Enter a finding as to whether reasonable efforts have been made by appropriate public or private agencies to rehabilitate the family and achieve the permanency goal in place at the time of the hearing;

(2) enter a finding as to whether the reasonable and prudent parenting standard has been met and whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities. The secretary shall report to the court the steps the secretary is taking to ensure that the child's foster family home or child care institution is following the reasonable and prudent parenting standard and that the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities, including consultation with the child in an age-appropriate manner about the opportunities of the child to participate in the activities;

(3) if the child is 14 years of age or older, document the efforts made by the secretary to help the child prepare for the transition from custody to a successful adulthood. The secretary shall report to the court the programs and services that are being provided to the child ~~which~~ *that* will help the child prepare for the transition from custody to a successful adulthood.

(d) The requirements of this subsection shall apply only if the permanency goal in place at the time of the hearing is another planned permanent *living* arrangement as described in subsection (b)(4). At each permanency hearing held with respect to the child, in addition to the requirements of subsection (c), the court shall:

(1) Ask the child, if the child is able, by attendance at the hearing or by report to the court, about the desired permanency outcome for the child;



(2) document the intensive, ongoing and, as of the date of the hearing, unsuccessful permanency efforts made by the secretary to return the child home or secure a placement for the child with a fit and willing relative, a legal guardian or an adoptive parent. The secretary shall report to the court the intensive, ongoing and, as of the date of the hearing, unsuccessful efforts made by the secretary to return the child home or secure a placement for the child with a fit and willing relative, a legal guardian or an adoptive parent, including efforts that utilize search technology, including social media, to find biological family members of the children; and

(3) make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and provide compelling reasons why it continues to not be in the best interests of the child to return home, be placed for adoption, be placed with a legal guardian or be placed with a fit and willing relative.

(e) *The requirements of this subsection shall apply only if the child is placed in a qualified residential treatment program at the time of the permanency hearing. At each permanency hearing held with respect to the child, in addition to the requirements of subsection (c), the court shall document:*

(1) *That the ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home, that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and that the placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan for the child;*

(2) *the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and*

(3) *the efforts made by the secretary to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, or an adoptive parent, or in a foster family home.*

(f) A permanency hearing shall be held within 12 months of the date the court authorized the child's removal from the home and not less frequently than every 12 months thereafter. *If the court makes a finding that the requirements of subsection (c)(1) or (2) have not been met, a subsequent permanency hearing shall be held no later than 60 days following the finding.*

~~(f)~~(g) If the court determines at any time other than during a permanency hearing that reintegration may not be a viable alternative for the child, a permanency hearing shall be held no later than 30 days following that determination.

~~(g)~~(h) When the court finds that reintegration continues to be a viable alternative, the court shall determine whether and, if applicable, when the child will be returned to the parent. The court may rescind any of its prior dispositional orders and enter any dispositional order authorized by this code or may order that a new plan for the reintegration be prepared and submitted to the court. If reintegration cannot be accomplished as approved by the court, the court shall be informed and shall schedule a hearing pursuant to this section. No such hearing is required when the parents voluntarily relinquish parental rights or consent to appointment of a permanent custodian.

~~(h)~~(i) If the court finds reintegration is no longer a viable alternative, the court shall consider whether: (1) The child is in a stable placement with a relative; (2) services set out in the case plan necessary for the safe return of the child have been made available to the parent with whom reintegration is planned; or (3) compelling reasons are documented in the case plan to support a finding that neither adoption nor appointment of a permanent custodian are in the child's best interest. If reintegration is not a viable alternative and either adoption or appointment of a permanent custodian might be in the best interests of the child, the county or district attorney or the county or district attorney's designee shall file a motion to terminate parental rights or a motion to appoint a permanent custodian within 30 days and the court shall set a hearing on such motion within 90 days of the filing of such motion.

~~(i)~~(j) If the court enters an order terminating parental rights to a child, or an agency has accepted a relinquishment pursuant to K.S.A. 59-2124, and amendments thereto, the requirements for permanency hearings shall continue until an adoption or appointment of a permanent custodian has been accomplished. If the court determines that reasonable efforts or progress have not been made toward finding an adoptive placement or appointment of a permanent custodian or placement with a fit and willing relative, the court may rescind its prior orders and make others regarding custody and adoption that are appropriate under the circumstances. Reports of a proposed adoptive placement need not contain the identity of the proposed adoptive parents.

~~(j)~~(k) If permanency with one parent has been achieved without the termination of the other parent's rights, the court may, prior to dismissing the case, enter child custody orders, including residency and parenting time that the court determines to be in the best interests of the child. The court shall complete a parenting plan pursuant to K.S.A. 2018 Supp. 23-3213, and amendments thereto.

(1) Before entering a custody order under this subsection, the court shall inquire whether a custody order has been entered or is pending in a civil custody case by a court of competent jurisdiction within the state of Kansas.

(2) If a civil custody case has been filed or is pending, a certified copy of the custody, residency and parenting time orders shall be filed in the civil custody case. The court in the civil custody case may, after consultation with the court in the child in need of care case, enter an order declaring that the custody order in the child in need of care case shall become the custody order in the civil custody case.

(3) A district court, on its own motion or upon the motion of any party, may order the consolidation of the child in need of care case with any open civil custody case involving the child and both of the child's parents. Custody, residency and parenting time orders entered in consolidated child in need of care and civil custody cases take precedence over any previous orders affecting both parents and the child that were entered in the civil custody case regarding the same or related issues. Following entry of a custody order in a consolidated case, the court shall dismiss the child in need of care case and, if necessary, return the civil custody case to the original court having jurisdiction over it.

(4) If no civil custody case has been filed, the court may direct the parties to file a civil custody case and to file the custody orders from the child in need of care case in that case. Costs of the civil custody case may be assessed to the parties.

(5) Nothing in this subsection shall operate to expand access to information that is confidential under K.S.A. 2018 Supp. 38-2209, and amendments thereto, and the confidentiality of such information shall be preserved in all filings in a civil custody case.

~~(k)(l)~~ When permanency has been achieved to the satisfaction of the court, the court shall enter an order closing the case.

Sec. 6. K.S.A. 2017 Supp. 38-2202, as amended by section 9 of chapter 107 of the 2018 Session Laws of Kansas, and K.S.A. 2018 Supp. 23-2210, 38-2202, 38-2234 and 38-2264 are hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 18, 2019.

Published in the *Kansas Register* May 2, 2019.

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## CHAPTER 44

## HOUSE BILL No. 2038\*

AN ACT concerning inheritance rights; relating to revocation upon divorce.

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

Section 1. (a) As used in this section:

(1) “Disposition or appointment of property” includes a transfer of an item of property or any other benefit to a beneficiary designated in a governing instrument.

(2) “Divorce or annulment” means any divorce or annulment, or any dissolution or declaration of invalidity of a marriage that would exclude the spouse as a surviving spouse. A decree of separation that does not terminate the parties’ marital status is not a divorce for purposes of this section.

(3) “Divorced individual” includes an individual whose marriage has been annulled.

(4) “Governing instrument” means a document executed by the divorced individual before the divorce or annulment of such individual’s marriage to such individual’s former spouse.

(5) “Relative of the divorced individual’s former spouse” means an individual who is related to the divorced individual’s former spouse by blood, adoption or affinity and who, after the divorce or annulment, is not related to the divorced individual by blood, adoption or affinity.

(6) “Revocable,” with respect to a disposition, appointment, provision or nomination, means one under which the divorced individual, at the time of the divorce or annulment, was alone empowered, by law or under the governing instrument, to cancel the designation in favor of such individual’s former spouse or former spouse’s relative, whether or not the divorced individual was then empowered to designate such individual’s self in place of such individual’s former spouse or in place of such individual’s former spouse’s relative and whether or not the divorced individual then had the capacity to exercise the power.

(7) “Surviving spouse” does not include an individual who:

(A) Is divorced from the decedent or whose marriage to the decedent has been annulled unless, by virtue of a subsequent marriage, such individual is married to the decedent at the time of death. A decree of separation that does not terminate the parties’ marital status is not a divorce for purposes of this section;

(B) obtains or consents to a final decree or judgment of divorce from the decedent or an annulment of the marriage, if the decree or judgment is not recognized as valid in this state, unless subsequently the individual and the decedent participated in a marriage ceremony purporting to marry each to the other;

(C) following an invalid decree or judgment of divorce or annulment obtained by the decedent, participates in a marriage ceremony with a third individual; or

(D) was a party to a valid proceeding concluded by an order purporting to terminate all marital property rights.

(b) On and after July 1, 2019, except as provided by the express terms of a governing instrument, a court order or contract relating to the division of the marital estate made between the divorced individuals before or after the marriage, divorce or annulment, the divorce or annulment of a marriage:

(1) Revokes any revocable:

(A) Disposition or appointment of property made by a divorced individual to such individual's former spouse in a governing instrument and any disposition or appointment created by law or in a governing instrument to a relative of the divorced individual's former spouse;

(B) provision in a governing instrument conferring a general or non-general power of appointment on the divorced individual's former spouse or on a relative of the divorced individual's former spouse; and

(C) nomination in a governing instrument, nominating a divorced individual's former spouse or a relative of the divorced individual's former spouse to serve in any fiduciary or representative capacity, including a personal representative, executor, trustee, conservator, agent or guardian; and

(2) severs the interests of the former spouses in property held by them at the time of the divorce or annulment as joint tenants with the right of survivorship, transforming the interests of the former spouses into equal tenancies in common.

(c) A severance under subsection (b)(2) does not affect any third-party interest in property acquired for value and in good faith reliance on an apparent title by survivorship in the survivor of the former spouses, unless a writing declaring the severance has been noted, registered, filed or recorded in records appropriate to the kind and location of the property that are relied upon in the ordinary course of transactions involving such property, as evidence of ownership.

(d) Provisions of a governing instrument are given effect as if the former spouse and relatives of the former spouse disclaimed all provisions revoked by this section or, in the case of a revoked nomination in a fiduciary or representative capacity, as if the former spouse and relatives of the former spouse died immediately before the divorce or annulment.

(e) No change of circumstances other than as described in this section and K.S.A. 59-610, and amendments thereto, effects a revocation.

(f) (1) A payor or other third party is not liable for having made a payment or transferring an item of property or any other benefit to a beneficiary designated in a governing instrument affected by a divorce, an-

nulment or remarriage, or for having taken any other action in good faith reliance on the validity of the governing instrument before the payor or other third party received written notice of the claimed forfeiture or revocation under this section as a result of a divorce, annulment or remarriage. A payor or other third party is liable for a payment made or other action taken after the payor or other third party received written notice of a claimed forfeiture or revocation under this section as a result of a divorce, annulment or remarriage.

(2) Written notice of the claimed forfeiture or revocation under this section as a result of a divorce, annulment or remarriage under subsection (f)(1) shall be mailed to the payor's or other third party's main office or home by registered or certified mail, return receipt requested, or served upon the payor or other third party in the same manner as a summons in a civil action. Upon receipt of written notice of the claimed forfeiture or revocation under this section as a result of a divorce, annulment or remarriage, a payor or other third party may pay any amount owed or transfer or deposit any item of property held by the payor or third party to or with the court having jurisdiction of the probate proceedings relating to the decedent's estate or, if no proceedings have commenced, to or with the court having jurisdiction of probate proceedings relating to the decedent's estate located in the county of the decedent's residence. The court shall hold the funds or item of property and, upon its determination under this section, shall order disbursement or transfer in accordance with the determination. Payments, transfers or deposits made to or with the court discharge the payor or other third party from all claims for the value of amounts paid to or items of property transferred to or deposited with the court.

(g) (1) A person who purchases property from a former spouse, relative of a former spouse or any other person for value and without notice, or who receives from a former spouse, relative of a former spouse or any other person a payment or other item of property in partial or full satisfaction of a legally enforceable obligation, is neither obligated under this section to return the payment, item of property or benefit, nor liable under this section for the amount of the payment or the value of the item of property or benefit. A former spouse, relative of a former spouse or other person who, not for value, received a payment, item of property or any other benefit to which that person is not entitled under this section is obligated to return the payment, item of property or benefit, or is personally liable for the amount of the payment or the value of the item of property or benefit, to the person who is entitled to it under this section.

(2) If this section or any part of this section is preempted by federal law with respect to payment, an item of property or any other benefit covered by this section, a former spouse, relative of a former spouse or any other person who, not for value, received a payment, item of property

or any other benefit to which that person is not entitled under this section is obligated to return that payment, item of property or benefit, or is personally liable for the amount of the payment or the value of the item of property or benefit, to the person who would have been entitled to it were this section or part of this section not preempted.

(h) If this section is preempted by federal law with respect to any property item, then this section shall not apply to such item of property preempted by federal law, but shall apply in all other circumstances.

(i) This section shall be a part of and supplemental to the Kansas probate code.

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 18, 2019.

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## CHAPTER 45

## HOUSE BILL No. 2126

AN ACT concerning the division of motor vehicles; relating to the disclosure of records; adopting the driver's privacy protection act; amending K.S.A. 74-2012 and repealing the existing section.

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

Section 1. K.S.A. 74-2012 is hereby amended to read as follows: 74-2012. (a) (1) All motor vehicle records shall be subject to the provisions of the open records act, except as otherwise provided under the provisions of this section and by K.S.A. 65-2422d and 74-2022, and amendments thereto.

(2) Nothing in this section shall prevent the transmittal of motor vehicle records for the purpose of processing voter registration applications.

(3) For the purpose of this section, "motor vehicle records" means any record that pertains to a motor vehicle drivers' license, motor vehicle certificate of title, motor vehicle registration or identification card issued by the division of vehicles.

(b) All motor vehicle records which relate to the physical or mental condition of any person, have been expunged or are photographs or digital images maintained in connection with the issuance of drivers' licenses shall be confidential and shall not be disclosed except in accordance with a proper judicial order or as otherwise more specifically provided in this section or by other law. Photographs or digital images maintained by the division of vehicles in connection with the issuance of drivers' licenses may be disclosed to any federal, state or local agency, including any court or law enforcement agency, to assist such agency in carrying out the functions required of such governmental agency. In January of each year the division shall report to the house committee on veterans, military and homeland security regarding the utilization of the provisions of this subsection. Motor vehicle records relating to diversion agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-2908, and amendments thereto, shall be confidential and shall not be disclosed except in accordance with a proper judicial order or by direct computer access to:

(1) A city, county or district attorney, for the purpose of determining a person's eligibility for diversion or to determine the proper charge for a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by those statutes;

(2) a municipal or district court, for the purpose of using the record in connection with any matter before the court;

(3) a law enforcement agency, for the purpose of supplying the record to a person authorized to obtain it under paragraph (1) or (2); or



(4) an employer when a person is required to retain a commercial driver's license due to the nature of such person's employment.

(c) Lists of persons' names and addresses contained in or derived from motor vehicle records shall not be sold, given or received for the purposes prohibited by K.S.A. 2018 Supp. 45-230, and amendments thereto, except that:

(1) The director of vehicles may provide to a requesting party, and a requesting party may receive, such a list and accompanying information from motor vehicle records upon written certification that the requesting party shall use the list solely for the purpose of:

~~(A) Assisting manufacturers of motor vehicles in compiling statistical reports or in notifying owners of vehicles believed to:~~

~~(i) Have safety-related defects;~~

~~(ii) fail to comply with emission standards; or~~

~~(iii) have any defect to be remedied at the expense of the manufacturer;~~

~~(B) assisting an insurer authorized to do business in this state, or the insurer's authorized agent:~~

~~(i) In processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy; or~~

~~(ii) in conducting antifraud activities by identifying potential undisclosed drivers of a motor vehicle currently insured by an insurer licensed to do business in this state by providing only the following information: Drivers' license number, license type, date of birth, name, address, issue date and expiration date;~~

~~(C) assisting the selective service system in the maintenance of a list of persons 18 to 26 years of age in this state as required under the provisions of section 3 of the federal military selective service act;~~

~~(D) assisting any federal, state or local agency, including any court or law enforcement agency, or any private person acting on behalf of such agencies in carrying out the functions required of such governmental agency, except that such records shall not be redisclosed;~~

~~(E)(B) assisting businesses with the verification or reporting of information derived from the title and registration records of the division to prepare and assemble vehicle history reports, except that such vehicle history reports shall not include the names or addresses of any current or previous owners;~~

~~(F) assisting businesses in producing motor vehicle title or motor vehicle registration, or both, statistical reports, so long as personal information is not published, redisclosed or used to contact individuals;~~

~~(G)(C) assisting an employer or an employer's authorized agent in monitoring the driving record of the employees required to drive in the course of employment to ensure driver behavior, performance or safety; or~~

~~(H)~~(D) assisting the Kansas commission on veterans affairs office in notifying veterans of the facilities, benefits and services available to veterans; or

(E) *any other purpose authorized by the driver's privacy protection act, 18 U.S.C. § 2721, as it existed on January 1, 2018.*

(2) Any law enforcement agency of this state which has access to motor vehicle records may furnish to a requesting party, and a requesting party may receive, such a list and accompanying information from such records upon written certification that the requesting party shall use the list solely for the purpose of assisting an insurer authorized to do business in this state, or the insurer's authorized agent, in processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy.

(d) If a law enforcement agency of this state furnishes information to a requesting party pursuant to subsection (c)(2), the law enforcement agency shall charge the fee prescribed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, for any copies furnished and may charge an additional fee to be retained by the law enforcement agency to cover its cost of providing such copies. The fee prescribed pursuant to K.S.A. 74-2022, and amendments thereto, shall be paid monthly to the secretary of revenue and upon receipt thereof shall be deposited in the state treasury to the credit of the electronic databases fee fund, except for the \$1 of the fee for each record required to be credited to the highway patrol training center fund under subsection (f).

(e) The secretary of revenue, the secretary's agents or employees, the director of vehicles or the director's agents or employees shall not be liable for damages caused by any negligent or wrongful act or omission of a law enforcement agency in furnishing any information obtained from motor vehicle records.

(f) A fee in an amount fixed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, of not less than \$2 for each full or partial motor vehicle record shall be charged by the division, except that the director may charge a lesser fee pursuant to a contract between the secretary of revenue and any person to whom the director is authorized to furnish information under subsection (c)(1), and such fee shall not be less than the cost of production or reproduction of any full or partial motor vehicle record requested. ~~Except for the fees charged pursuant to a contract for motor vehicle records authorized by this subsection pertaining to motor vehicle titles or motor vehicle registrations or pursuant to subsection (c)(1)(B)(ii) or (c)(1)(D), \$1 shall be credited to the highway patrol training center fund for each motor vehicle record provided by the division of vehicles. One dollar shall be credited to the highway patrol training center fund for each motor vehicle record provided by the division of vehicles, except for fees charged:~~

(1) *Pursuant to a contract for motor vehicle records authorized by this subsection pertaining to motor vehicle titles or motor vehicle registrations; or*

(2) *for motor vehicle records authorized for disclosure pursuant to subsection (c)(1)(E) for the purposes of:*

(A) *Assisting an insurer authorized to do business in this state, or the insurer's authorized agent, in conducting antifraud activities; or*

(B) *assisting any federal, state or local agency, including any court or law enforcement agency, or any private person acting on behalf of such agencies, in carrying out the functions required of such governmental agency.*

(g) The secretary of revenue may adopt such rules and regulations as are necessary to implement the provisions of this section.

Sec. 2. K.S.A. 74-2012 is hereby repealed.

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

Approved April 18, 2019.

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## CHAPTER 46

## HOUSE BILL No. 2177

AN ACT concerning insurance; relating to the accounting treatment of certain derivative instruments used in hedging transactions; version of risk-based capital instructions in effect; exempting certain domestic insurers from filing enterprise risk reports; defining amount involved for fraudulent insurance acts; amending K.S.A. 2018 Supp. 40-2,118, 40-2c01 and 40-3305 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 40-2,118a.

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

New Section 1. (a) As used in this section:

(1) “Eligible derivative asset” means an option, as defined in K.S.A. 40-2b25, and amendments thereto, that is purchased or written to hedge the growth in interest credited to an indexed product as a direct result of changes in each related external index.

(2) “External index” means a list of securities, commodities or other financial instruments that is published or disseminated by a source other than an insurance company, including Standard & Poor’s, nasdaq and dow jones.

(3) “Hedging transaction” has the meaning specified in K.S.A. 40-2b25, and amendments thereto.

(4) “Indexed annuity products” means contracts that:

(A) Provide a minimum guaranteed interest accumulation on a portion of all premium payments; and

(B) include provisions under which interest is credited based upon the performance of one or more external indices.

(5) “Indexed life products” means life insurance policies that:

(A) Provide a minimum guaranteed interest accumulation on a portion of all premium payments; and

(B) include provisions under which interest is credited based upon the performance of one or more external indices.

(6) “Indexed products” means indexed annuity products and indexed life products.

(7) “Interest-crediting period” means the length of time over which the performance of each external index is measured for purposes of determining the amount of interest credited under an indexed product.

(b) (1) Any insurance company may account for eligible derivative assets at amortized cost if the insurance company can demonstrate that such eligible derivative assets meet the following criteria for an economic hedge:

(A) At inception of the hedge, or as of the date that an insurance company begins using the accounting practices set forth herein, if later, there must be a formal documentation of the economic hedging relationship

and the insurance company's risk management objective and strategy for undertaking the economic hedge, including identification of the specific eligible derivative assets purchased to hedge indexed products, the nature of the particular risk being hedged, and how the eligible derivative assets' effectiveness will be assessed, retrospectively and prospectively, on a qualitative basis; and

(B) at inception of the hedge, or as of the date that an insurance company begins using the accounting practices set forth herein, if later, and at the end of each quarterly reporting period thereafter, the insurance company must maintain documentation that the economic hedge is expected to be and continues to be highly effective as defined by the criteria in subparagraph (A) in achieving offsetting changes in fair value attributable to the hedged risk during the period that the economic hedge is designated.

(2) Eligible derivative assets purchased or written with a year or less to maturity or expiration shall not be required to be amortized.

(c) (1) The following accounting practices shall apply to the indexed annuity product reserves:

(A) Indexed annuity product reserve calculations shall be based on actuarial guideline XXXV assuming the market value of the eligible derivative assets associated with the current interest crediting period is zero, regardless of the observable market for the eligible derivative assets.

(B) At the conclusion of each interest-crediting period, the interest credited to an indexed annuity product shall be reflected in the indexed annuity product reserve as realized, based on the actual performance of the relevant external index or external indices.

(2) The accounting practices specified in this subsection shall not apply to the calculation of indexed life product reserves.

(d) (1) If an insurance company elects to use the alternative accounting practices prescribed herein, it shall report quarterly to the commissioner of insurance, for analysis purposes, the market value of its eligible derivative assets and what the actuarial guideline XXXV reserve would be, using the market value of such eligible derivative assets.

(2) An insurance company that elects to use the alternative accounting practices prescribed herein shall not change its accounting practices back to those that would apply in the absence of the statute without the prior approval of the commissioner of insurance.

(e) The commissioner of insurance shall have the power to adopt all reasonable rules and regulations necessary to implement this section.

Sec. 2. K.S.A. 2018 Supp. 40-2c01 is hereby amended to read as follows: 40-2c01. As used in this act:

(a) "Adjusted RBC report" means an RBC report which has been adjusted by the commissioner in accordance with K.S.A. 40-2c04, and amendments thereto.

(b) “Corrective order” means an order issued by the commissioner specifying corrective actions which the commissioner has determined are required to address an RBC level event.

(c) “Domestic insurer” means any insurance company or risk retention group which is licensed and organized in this state.

(d) “Foreign insurer” means any insurance company or risk retention group not domiciled in this state which is licensed or registered to do business in this state pursuant to article 41 of chapter 40 of the Kansas Statutes Annotated, *and amendments thereto*, or K.S.A. 40-209, and amendments thereto.

(e) “NAIC” means the national association of insurance commissioners.

(f) “Life and health insurer” means any insurance company licensed under article 4 or 5 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or a licensed property and casualty insurer writing only accident and health insurance.

(g) “Property and casualty insurer” means any insurance company licensed under articles 9, 10, 11, 12, 12a, 15 or 16 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, but shall not include monoline mortgage guaranty insurers, financial guaranty insurers and title insurers.

(h) “Negative trend” means, with respect to a life and health insurer, a negative trend over a period of time, as determined in accordance with the “trend test calculation” included in the RBC instructions defined in subsection (j).

(i) “RBC” means risk-based capital.

(j) “RBC instructions” means the risk-based capital instructions promulgated by the NAIC, which are in effect on December 31, ~~2017~~ 2018, or any later version promulgated by the NAIC as may be adopted by the commissioner under K.S.A. 2018 Supp. 40-2c29, and amendments thereto.

(k) “RBC level” means an insurer’s company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC where:

(1) “Company action level RBC” means, with respect to any insurer, the product of 2.0 and its authorized control level RBC;

(2) “regulatory action level RBC” means the product of 1.5 and its authorized control level RBC;

(3) “authorized control level RBC” means the number determined under the risk-based capital formula in accordance with the RBC instructions; and

(4) “mandatory control level RBC” means the product of 0.70 and the authorized control level RBC.

(l) “RBC plan” means a comprehensive financial plan containing the elements specified in K.S.A. 40-2c06, and amendments thereto. If the

commissioner rejects the RBC plan, and it is revised by the insurer, with or without the commissioner's recommendation, the plan shall be called the "revised RBC plan."

(m) "RBC report" means the report required by K.S.A. 40-2c02, and amendments thereto.

(n) "Total adjusted capital" means the sum of:

(1) An insurer's capital and surplus or surplus only if a mutual insurer; and

(2) such other items, if any, as the RBC instructions may provide.

(o) "Commissioner" means the commissioner of insurance.

Sec. 3. K.S.A. 2018 Supp. 40-3305 is hereby amended to read as follows: 40-3305. (a) Every insurer ~~which~~ *that* is authorized to do business in this state and ~~which~~ *that* is a member of an insurance holding company system shall register with the commissioner of insurance, except a foreign insurer subject to registration requirements and standards adopted by statute or regulation in the jurisdiction of its domicile ~~which~~ *that* are substantially similar to those contained in this section. Any insurer ~~which~~ *that* is subject to registration under this section shall register within 15 days after it becomes subject to registration, and annually thereafter by May 1 of each year unless the commissioner of insurance for good cause shown extends the time for registration, and then within such extended time. The commissioner of insurance may require any authorized insurer ~~which~~ *that* is a member of an insurance holding company system and ~~which~~ *that* is not subject to registration under this section to furnish a copy of the registration statement, the summary specified in subsection (c) or other information filed by such insurance company with the insurance regulatory authority of domiciliary jurisdiction.

(b) Pursuant to subsection (a), every insurer subject to registration shall file a registration statement on a form provided by the commissioner of insurance, ~~which~~ *that* shall contain current information about:

(1) The capital structure, general financial condition, ownership and management of the insurer and any person controlling the insurer;

(2) the identity and relationship of every member of the insurance holding company system;

(3) the following agreements in force and transactions currently outstanding or ~~which~~ *that* occurred during the last calendar year between such insurer and its affiliates:

(A) Loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;

(B) purchases, sales, or exchanges of assets;

(C) transactions not in the ordinary course of business;

(D) guarantees or undertakings for the benefit of an affiliate ~~which~~ *that* result in an actual contingent exposure of the insurer's assets to liabil-

ity, other than insurance contracts entered into in the ordinary course of the insurer's business;

(E) all management agreements, service contracts and cost sharing arrangements;

(F) reinsurance agreements;

(G) dividends and other distributions to shareholders; and

(H) consolidated tax allocation agreements;

(4) other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms adopted or approved by the commissioner of insurance;

(5) any pledge of the insurer's stock, including stock of any subsidiary or controlling affiliate, for a loan made to any member of the insurance holding company system;

(6) ~~if requested by the commissioner of insurance, the insurer shall include~~ financial statements of or within an insurance holding company system, including all affiliates, ~~if requested by the commissioner of insurance~~. Financial statements may include, but are not limited to, annual audited financial statements filed with the U.S. securities and exchange commission (SEC) pursuant to the securities act of 1933, as amended, or the securities exchange act of 1934, as amended. An insurer required to file financial statements pursuant to this paragraph may satisfy the request by providing the commissioner of insurance with the most recently filed parent corporation financial statements that have been filed with the SEC;

(7) statements that the insurer's board of directors and principal officers oversee corporate governance and internal controls and that the insurer's principal officers have approved, implemented and continue to maintain and monitor corporate governance and internal control procedures; and

(8) any other information required by the commissioner of insurance by rules and regulations.

(c) All registration statements shall be accompanied by a summary outlining all items in the current registration statement representing changes from the prior registration statement.

(d) No information need be disclosed on the registration statement filed pursuant to subsection (b) if such information is not material for the purpose of this section. Unless the commissioner of insurance by rules and regulations or order provides otherwise, sales, purchases, exchanges, loans or extensions of credit, investments or guarantees, involving 0.5% or less of an insurer's admitted assets as of the December 31 immediately preceding shall be deemed immaterial for purposes of this section.

(e) Each registered insurer shall keep current the information required to be disclosed in such insurer's registration statement by reporting all material changes or additions on amendment forms provided by



the commissioner of insurance within 15 days after the end of the month in which it learns of each such change or addition, except each registered insurer shall report all dividends and other distributions to shareholders within five business days following its declaration. Any such dividend or distribution shall not be paid for at least 10 business days from the commissioner's receipt of the notice of its declaration.

(f) Any person within an insurance holding company system subject to registration shall provide complete and accurate information to an insurer, where such information is reasonably necessary to enable the insurer to comply with the provisions of this act.

(g) The commissioner of insurance shall terminate the registration of any insurer ~~which~~ *that* demonstrates that such insurer no longer is a member of an insurance holding company system.

(h) The commissioner of insurance may require or allow two or more affiliated insurers subject to registration hereunder to file a consolidated registration statement.

(i) The commissioner of insurance may allow an insurer ~~which~~ *that* is authorized to do business in this state and ~~which~~ *that* is part of an insurance holding company system to register on behalf of any affiliated insurer ~~which~~ *that* is required to register under subsection (a) and to file all information and material required to be filed under this section.

(j) The provisions of this section shall not apply to any information or transaction if and to the extent the commissioner of insurance by rule and regulation or order ~~shall exempt~~ *exempts* the same from the provisions of this section.

(k) Any person may file with the commissioner of insurance a disclaimer of affiliation with any authorized insurer or such a disclaimer may be filed by such insurer or any member of an insurance holding company system. The disclaimer shall fully disclose all material relationships and bases for affiliation between such person and such insurer as well as the basis for disclaiming such affiliation. After a disclaimer has been filed, the insurer shall be relieved of any duty to register or report under this section which may arise out of the insurer's relationship with such person unless and until the commissioner of insurance disallows such a disclaimer. The commissioner of insurance shall disallow such a disclaimer only after furnishing all parties in interest with notice and opportunity to be heard in accordance with the provisions of the Kansas administrative procedure act.

(l) (1) Except as provided in paragraph (2), the ultimate controlling person of every insurer subject to registration also shall file an annual enterprise risk report. The report, to the best of the ultimate controlling person's knowledge and belief, shall identify the material risks within the insurance holding company system that could pose enterprise risk to the

insurer. *The report shall be appropriate to the nature, scale and complexity of the insurer.* The report shall be filed with the lead state commissioner of insurance of the insurance holding company system as determined by the procedures within the financial analysis handbook adopted by the national association of insurance commissioners. The first enterprise risk report shall be filed no later than May 1, 2015, and annually thereafter by May 1 of each year unless the commissioner of insurance extends the time for filing for good cause shown.

(2) The ultimate controlling person of ~~an~~ a domestic insurer that is authorized, admitted or eligible to engage in the business of insurance only in this state with total direct and assumed annual premiums of less than \$300 million is not required to submit an enterprise risk report under paragraph (1) unless the ultimate controlling person of the domestic insurer also controls other insurers that do not meet the requirements of this subsection. For the purposes of this subsection, an insurer is not considered to be authorized, admitted or eligible to engage in the business of insurance only in this state if the insurer directly or indirectly writes or assumes insurance in any other manner in another state.

(m) The failure of an insurer or an ultimate controlling person of the insurer to file a registration statement, any summary of the registration statement or enterprise risk filing within the specified time for filing shall be a violation by the insurer or by the ultimate controlling person of the insurer, as applicable.

Sec. 4. K.S.A. 2018 Supp. 40-2,118 is hereby amended to read as follows: 40-2,118. (a) For purposes of this act a “fraudulent insurance act” means an act committed by any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written, electronic, electronic impulse, facsimile, magnetic, oral, or telephonic communication or statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto.

(b) An insurer that has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed shall provide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may require.

(c) Any other person ~~that~~ who has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed may pro-

vide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may request.

(d) (1) Each insurer shall have antifraud initiatives reasonably calculated to detect fraudulent insurance acts. Antifraud initiatives may include fraud investigators, who may be insurer employees or independent contractors and an antifraud plan submitted to the commissioner no later than July 1, 2007. Each insurer that submits an antifraud plan shall notify the commissioner of any material change in the information contained in the antifraud plan within 30 days after such change occurs. Such insurer shall submit to the commissioner in writing the amended antifraud plan.

The requirement for submitting any antifraud plan, or any amendment thereof, to the commissioner shall expire on the date specified in subsection (d)(2) unless the legislature reviews and reenacts the provisions of subsection (d)(2) prior to such date.

(2) Any antifraud plan, or any amendment thereof, submitted to the commissioner for informational purposes only shall be confidential and not be a public record and shall not be subject to discovery or subpoena in a civil action unless following an in camera review, the court determines that the antifraud plan is relevant and otherwise admissible under the rules of evidence set forth in article 4 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto. The provisions of this paragraph shall expire on July 1, 2021, unless the legislature reviews and reenacts this provision prior to July 1, 2021.

(e) Except as otherwise specifically provided in K.S.A. 2018 Supp. 21-5812(a), and amendments thereto, and K.S.A. 44-5,125, and amendments thereto, a fraudulent insurance act shall constitute a severity level 6, nonperson felony if the amount involved is \$25,000 or more; a severity level 7, nonperson felony if the amount *involved* is at least \$5,000 but less than \$25,000; a severity level 8, nonperson felony if the amount *involved* is at least \$1,000 but less than \$5,000; and a class C nonperson misdemeanor if the amount *involved* is less than \$1,000. Any combination of fraudulent acts as defined in subsection (a) which occur in a period of six consecutive months which involves \$25,000 or more shall have a presumptive sentence of imprisonment regardless of its location on the sentencing grid block.

(f) In addition to any other penalty, a person who violates this statute shall be ordered to make restitution to the insurer or any other person or entity for any financial loss sustained as a result of such violation. An insurer shall not be required to provide coverage or pay any claim involving a fraudulent insurance act.

(g) *For the purposes of this section:*

(1) “Amount involved” means the greater of: (A) The actual pecuniary harm resulting from the fraudulent insurance act; (B) the pecuniary harm

*that was intended to result from the fraudulent insurance act; or (C) the intended pecuniary harm that would have been impossible or unlikely to occur, such as in a government sting operation or a fraud in which the claim for payment or other benefit pursuant to an insurance policy exceeded the allowed value. The aggregate dollar amount of the fraudulent claims submitted to the insurance company shall constitute prima facie evidence of the amount of intended loss and is sufficient to establish the aggregate amount involved in the fraudulent insurance act, if not rebutted; and*

(2) *“pecuniary harm” means harm that is monetary or that otherwise is readily measurable in money, and does not include emotional distress, harm to reputation or other non-economic harm.*

(h) This act shall apply to all insurance applications, ratings, claims and other benefits made pursuant to any insurance policy.

Sec. 5. K.S.A. 2018 Supp. 40-2,118, 40-2,118a, 40-2c01 and 40-3305 are hereby repealed.

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

Approved April 18, 2019.

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## CHAPTER 47

## HOUSE BILL No. 2039

AN ACT concerning business entities; relating to charitable organizations; exemption from registration; animal shelters; limited liability companies; Kansas revised limited liability company act; business entity standard treatment act; amending K.S.A. 17-76,135 and 17-76,138 and K.S.A. 2018 Supp. 17-1762, 17-7662, 17-7663, 17-7673, 17-7675, 17-7675, as amended by section 16 of this act, 17-7679, 17-7679, as amended by section 18 of this act, 17-7680, 17-7680, as amended by section 20 of this act, 17-7681, 17-7687, 17-7689, 17-7690, 17-7695, 17-7698, 17-76,106, 17-76,112, 17-76,113, 17-76,114, 17-76,116, 17-76,118, 17-76,136, 17-76,136, as amended by section 35 of this act, 17-76,139, 17-76,143, 17-76,145, 17-76,146, 17-7904, 17-7904, as amended by section 42 of this act, 17-7915, 17-7916, 17-7918, 17-7923, 17-7929, 17-7933, 60-304, 84-1-201 and 84-9-102 and repealing the existing sections.

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

New Section 1. (a) Unless otherwise provided in an operating agreement, any person may enter into an operating agreement or amendment thereof by an agent, including an attorney-in-fact. An authorization, including a power of attorney, to enter into an operating agreement or amendment thereof need not be in writing, need not be sworn to, verified or acknowledged.

(b) For all purposes of the laws of the state of Kansas, unless otherwise provided in an operating agreement, a power of attorney or proxy with respect to a limited liability company granted to any person shall be irrevocable if it states that it is irrevocable and it is coupled with an interest sufficient in law to support an irrevocable power or proxy. Such irrevocable power of attorney or proxy, unless otherwise provided therein or in an operating agreement, shall not be affected by subsequent death, disability, incapacity, dissolution, termination of existence or bankruptcy of, or any other event concerning, the principal. A power of attorney or proxy with respect to matters relating to the organization, internal affairs or termination of a limited liability company or granted by a person as a member or an assignee of a limited liability company interest or by a person seeking to become a member or an assignee of a limited liability company interest and, in either case, granted to the limited liability company, a manager or member thereof, or any of their respective officers, directors, managers, members, partners, trustees, employees or agents shall be deemed coupled with an interest sufficient in law to support an irrevocable power or proxy. The provisions of this subsection shall not be construed to limit the enforceability of a power of attorney or proxy that is part of an operating agreement.

New Sec. 2. (a) As used in this section, and section 7, and amendments thereto, and K.S.A. 17-7675, and amendments thereto:

(1) “Dividing company” means the domestic limited liability company that is effecting a division in the manner provided in this section.

(2) “Division” means the division of a dividing company into two or more domestic limited liability companies in accordance with this section.

(3) “Division company” means a surviving company, if any, and each resulting company.

(4) “Division contact” means, in connection with any division, a natural person who is a Kansas resident, any division company in such division or any other domestic limited liability company or other domestic entity as defined in K.S.A. 2018 Supp. 17-78-102, and amendments thereto, which division contact shall maintain a copy of the plan of division for a period of six years from the effective date of the division and shall comply with subsection (g)(3).

(5) “Organizational documents” means the articles of organization and operating agreement of a domestic limited liability company.

(6) “Resulting company” means a domestic limited liability company formed as a consequence of a division.

(7) “Surviving company” means a dividing company that survives the division.

(b) Pursuant to a plan of division, any domestic limited liability company may, in the manner provided in this section, be divided into two or more domestic limited liability companies. The division of a domestic limited liability company in accordance with this section and, if applicable, the resulting cessation of the existence of the dividing company pursuant to a certificate of division shall not be deemed to affect the personal liability of any person incurred prior to such division with respect to matters arising prior to such division, nor shall it be deemed to affect the validity or enforceability of any obligations or liabilities of the dividing company incurred prior to such division; except that such obligations and liabilities shall be allocated to and vested in, and valid and enforceable obligations of, such division company or companies to which such obligations and liabilities have been allocated pursuant to the plan of division, as provided in subsection (l). Each resulting company in a division shall be formed in compliance with the requirements of the Kansas revised limited liability company act and subsection (i).

(c) If the operating agreement of the dividing company specifies the manner of adopting a plan of division, the plan of division shall be adopted as specified in the operating agreement. If the operating agreement of the dividing company does not specify the manner of adopting a plan of division and does not prohibit a division of the limited liability company, the plan of division shall be adopted in the same manner as is specified in the operating agreement for authorizing a merger or consolidation that involves the limited liability company as a constituent party to the merg-

er or consolidation. If the operating agreement of the dividing company does not specify the manner of adopting a plan of division or authorizing a merger or consolidation that involves the limited liability company as a constituent party and does not prohibit a division of the limited liability company, the adoption of a plan of division shall be authorized by the consent or approval of members who own more than 50% of the then-current percentage or other interest in the profits of the dividing company owned by all of the members. Notwithstanding prior consent or approval, a plan of division may be terminated or amended pursuant to a provision for such termination or amendment contained in the plan of division.

(d) Unless otherwise provided in a plan of division, the division of a domestic limited liability company pursuant to this section shall not require such limited liability company to wind up its affairs under K.S.A. 17-76,118, and amendments thereto, or pay its liabilities and distribute its assets under K.S.A. 17-76,119, and amendments thereto, and the division shall not constitute a dissolution of such limited liability company.

(e) In connection with a division under this section, rights or securities of, or interests in, the dividing company may be exchanged for or converted into cash, property, rights or securities of, or interests in, the surviving company or any resulting company or, in addition to or in lieu thereof, may be exchanged for or converted into cash, property, rights or securities of, or interests in, an entity as defined in K.S.A. 2018 Supp. 17-78-102, and amendments thereto, that is not a division company, or may be canceled or remain outstanding, if the dividing company is a surviving company.

(f) (1) A plan of division adopted in accordance with subsection (c):

(A) May effect: (i) Any amendment to the operating agreement of the dividing company if it is a surviving company in the division; or (ii) the adoption of a new operating agreement for the dividing company if it is a surviving company in the division; and

(B) shall effect the adoption of a new operating agreement for each resulting company.

(2) Any amendment to an operating agreement or adoption of a new operating agreement for the dividing company, if it is a surviving company in the division, or adoption of a new operating agreement for each resulting company made pursuant to this subsection shall be effective at the effective time or date of the division. Any amendment to an operating agreement or adoption of an operating agreement for the dividing company, if it is a surviving company in the division, shall be effective notwithstanding any provision in the operating agreement of the dividing company relating to amendment or adoption of a new operating agreement, other than a provision that by its terms applies to an amendment to the operating agreement or the adoption of a new operating agreement, in either case, in connection with a division, merger or consolidation.

(g) If a domestic limited liability company is dividing under this section, the dividing company shall adopt a plan of division that shall set forth:

(1) The terms and conditions of the division, including:

(A) Any conversion or exchange of the limited liability company interests of the dividing company into or for limited liability company interests or other securities or obligations of any division company or cash, property, or rights or securities or obligations of or interests in an entity as defined in K.S.A. 2018 Supp. 17-78-102, and amendments thereto, that is not a division company, or that the limited liability company interests of the dividing company shall remain outstanding or be canceled, or any combination of the foregoing; and

(B) the allocation of assets, property, rights, series, debts, liabilities, and duties of the dividing company among the division companies;

(2) the name of each resulting company and, if the dividing company will survive the division, the name of the surviving company;

(3) the name and business address of a division contact, which shall have custody of a copy of the plan of division. The division contact, or any successor division contact, shall serve for a period of six years following the effective date of the division. During such six-year period, the division contact shall provide, without cost, to any creditor of the dividing company, within 30 days following the division contact's receipt of a written request from any creditor of the dividing company, the name and business address of the division company to which the claim of such creditor was allocated pursuant to the plan of division; and

(4) any other matters that the dividing company determines to include therein.

(h) If a domestic limited liability company divides under this section, the surviving company, if any, or any other division company shall file a certificate of division executed by one or more authorized persons on behalf of such division company in the office of the secretary of state in accordance with K.S.A. 2018 Supp. 17-7910, and amendments thereto, and articles of organization that comply with K.S.A. 17-7673, and amendments thereto, for each resulting company executed by one or more authorized persons in accordance with K.S.A. 2018 Supp. 17-7908(b), and amendments thereto. The certificate of division shall state:

(1) The name of the dividing company and, if it has been changed, the name under which its articles of organization were originally filed and whether the dividing company is a surviving company;

(2) the name of each division company;

(3) the name and business address of the division contact required by subsection (g)(3);

(4) the future effective date or time, which shall be a date or time certain, of the division if it is not to be effective upon the filing of the certificate of division;



(5) that the division has been consented to or approved in accordance with this section;

(6) that the plan of division is on file at a place of business of such division company as is specified therein, and shall state the address thereof; and

(7) that a copy of the plan of division will be furnished by such division company as is specified therein, on request and without cost, to any member of the dividing company.

(i) The certificate of division and each articles of organization for each resulting company required by subsection (h) shall be filed simultaneously in the office of the secretary of state and, if such certificate and articles of organization are not to become effective upon their filing, then each such certificate shall provide for the same effective date or time in accordance with K.S.A. 2018 Supp. 17-7911, and amendments thereto. Concurrently with the effective date or time of a division, the operating agreement of each resulting company shall become effective.

(j) A certificate of division shall act as a certificate of cancellation for a dividing company that is not a surviving company.

(k) An operating agreement may provide that a domestic limited liability company shall not have the power to divide as set forth in this section.

(l) Upon the division of a domestic limited liability company becoming effective:

(1) The dividing company shall be subdivided into the distinct and independent resulting companies named in the plan of division, and, if the dividing company is not a surviving company, the existence of the dividing company shall cease.

(2) For all purposes of the laws of the state of Kansas, all of the rights, privileges and powers, and all the property, real, personal, and mixed, of the dividing company and all debts due on whatever account to it, as well as all other things and other causes of action belonging to it, shall without further action be allocated to and vested in the applicable division company in such a manner and basis and with such effect as is specified in the plan of division, and the title to any real property or interest therein allocated to and vested in any division company shall not revert or be in any way impaired by reason of the division.

(3) Each division company shall, from and after effectiveness of the certificate of division, be liable as a separate and distinct domestic limited liability company for such debts, liabilities and duties of the dividing company as are allocated to such division company pursuant to the plan of division in the manner and on the basis provided in subsection (g)(1)(B).

(4) Each of the debts, liabilities and duties of the dividing company shall without further action be allocated to and be the debts, liabilities and duties of such division company as is specified in the plan of division as

having such debts, liabilities and duties allocated to it, in such a manner and basis and with such effect as is specified in the plan of division, and no other division company shall be liable therefor, so long as the plan of division does not constitute a fraudulent transfer under applicable law, and all liens upon any property of the dividing company shall be preserved unimpaired, and all debts, liabilities and duties of the dividing company shall remain attached to the division company to which such debts, liabilities and duties have been allocated in the plan of division, and may be enforced against such division company to the same extent as if such debts, liabilities and duties had originally been incurred or contracted by it in its capacity as a domestic limited liability company.

(5) In the event that any allocation of assets, debts, liabilities and duties to division companies in accordance with a plan of division is determined by a court of competent jurisdiction to constitute a fraudulent transfer, each division company shall be jointly and severally liable on account of such fraudulent transfer notwithstanding the allocations made in the plan of division, except that the validity and effectiveness of the division are not otherwise affected thereby.

(6) Debts and liabilities of the dividing company that are not allocated by the plan of division shall be the joint and several debts and liabilities of all of the division companies.

(7) It shall not be necessary for a plan of division to list each individual asset, property, right, series, debt, liability or duty of the dividing company to be allocated to a division company so long as the assets, property, rights, series, debts, liabilities or duties so allocated are reasonably identified by any method where the identity of such assets, property, rights, series, debts, liabilities or duties is objectively determinable.

(8) The rights, privileges, powers, and interests in property of the dividing company that have been allocated to a division company, as well as the debts, liabilities and duties of the dividing company that have been allocated to such division company pursuant to a plan of division, shall remain vested in each such division company and shall not be deemed, as a result of the division, to have been assigned or transferred to such division company for any purpose of the laws of the state of Kansas.

(9) Any action or proceeding pending against a dividing company may be continued against the surviving company as if the division did not occur and against any resulting company to which the asset, property, right, series, debt, liability or duty associated with such action or proceeding was allocated pursuant to the plan of division by adding or substituting such resulting company as a party in the action or proceeding.

(m) In applying the provisions of the Kansas revised limited liability company act on distributions, a direct or indirect allocation of property or liabilities in a division is not deemed a distribution.

(n) The provisions of this section shall not be construed to limit the means of accomplishing a division by any other means provided for in an operating agreement or other agreement or as otherwise permitted by the Kansas revised limited liability company act or as otherwise permitted by law.

(o) All limited liability companies formed on and after July 1, 2019, shall be governed by this section. All limited liability companies formed prior to July 1, 2019, shall be governed by this section, except that if the dividing company is a party to any written contract, indenture or other agreement entered into prior to July 1, 2019, that, by its terms, restricts, conditions or prohibits the consummation of a merger or consolidation by the dividing company with or into another party, or the transfer of assets by the dividing company to another party, then such restriction, condition or prohibition shall be deemed to apply to a division as if it were a merger, consolidation or transfer of assets, as applicable.

New Sec. 3. (a) Pursuant to an agreement of merger or consolidation, one or more series may merge or consolidate with or into one or more other series of the same limited liability company with such series as the agreement shall provide being the surviving or resulting series. Unless otherwise provided in the operating agreement, an agreement of merger or consolidation shall be consented to or approved by each series that is to merge or consolidate by members of such series who own more than 50% of the then-current percentage or other interest in the profits of such series owned by all of the members of such series. In connection with a merger or consolidation hereunder, rights or securities of, or interests in, a series which is a constituent party to the merger or consolidation may be exchanged for or converted into cash, property, rights, or securities of, or interests in, the surviving or resulting series or, in addition to or in lieu thereof, may be exchanged for or converted into cash, property, rights, or securities of, or interests in, an entity as defined in K.S.A. 2018 Supp. 17-78-102, and amendments thereto, that is not the surviving or resulting series in the merger or consolidation, may remain outstanding or may be canceled. Notwithstanding prior consent or approval, an agreement of merger or consolidation may be terminated or amended pursuant to a provision for such termination or amendment contained in the agreement of merger or consolidation.

(b) If a series is merging or consolidating under this section, the series surviving or resulting in or from the merger or consolidation shall file a certificate of merger or consolidation executed by one or more authorized persons on behalf of the series when it is the surviving or resulting series in the office of the secretary of state. The certificate of merger or consolidation shall state:

(1) The name of each series that is to merge or consolidate and the name of the limited liability company that formed such series;

(2) that an agreement of merger or consolidation has been consented to or approved and executed by or on behalf of each series that is to merge or consolidate;

(3) the name of the surviving or resulting series;

(4) such amendment, if any, to the certificate of designation of the series that is the surviving or resulting series to change the name of the surviving series, as is desired to be effected by the merger;

(5) the future effective date or time, which shall be a date or time certain, of the merger or consolidation if it is not to be effective upon the filing of the certificate of merger or consolidation;

(6) that the agreement of merger or consolidation is on file at a place of business of the surviving or resulting series or the limited liability company that formed such series and shall state the address thereof; and

(7) that a copy of the agreement of merger or consolidation will be furnished by the surviving or resulting series, upon request and without cost, to any member of any series that is to merge or consolidate.

(c) Unless a future effective date or time is provided in a certificate of merger or consolidation, a merger or consolidation pursuant to this section shall be effective upon the filing of a certificate of merger or consolidation in the office of the secretary of state.

(d) A certificate of merger or consolidation shall act as a certificate of cancellation of the certificate of designation of the series that is not the surviving or resulting series in the merger or consolidation. A certificate of merger or consolidation that sets forth any amendment in accordance with subsection (b)(4) shall be deemed to be an amendment to the certificate of designation of the surviving or resulting series, and no further action shall be required to amend the certificate of designation of the surviving or resulting series under K.S.A. 2018 Supp. 17-76,143, and amendments thereto, with respect to such amendments set forth in the certificate of merger or consolidation. Whenever this section requires the filing of a certificate of merger or consolidation, such requirement shall be deemed satisfied by the filing of an agreement of merger or consolidation containing the information required by this section to be set forth in the certificate of merger or consolidation.

(e) An agreement of merger or consolidation consented to or approved in accordance with subsection (a) may effect any amendment to the operating agreement relating solely to the series that are constituent parties to the merger or consolidation. Any amendment to an operating agreement relating solely to the series that are constituent parties to the merger or consolidation made pursuant to the foregoing sentence shall be effective at the effective time or date of the merger or consolidation and shall be effective notwithstanding any provision of the operating agreement relating to amendment of the operating agreement, other than a

provision that by its terms applies to an amendment to the operating agreement in connection with a merger or consolidation. The provisions of this subsection shall not be construed to limit the accomplishment of a merger or of any of the matters referred to herein by any other means provided for in an operating agreement or other agreement or as otherwise permitted by law, including that the operating agreement relating to any constituent series to the merger or consolidation, including a series formed for the purpose of consummating a merger or consolidation, shall be the operating agreement of the surviving or resulting series.

(f) (1) (A) When any merger or consolidation shall have become effective under this section, for all purposes of the laws of the state of Kansas, all of the rights, privileges and powers of each of the series that have merged or consolidated, and all property, real, personal and mixed, and all debts due to any of such series, as well as all other things and causes of action belonging to each of such series, shall be vested in the surviving or resulting series, and shall thereafter be the property of the surviving or resulting series as they were of each of the series that have merged or consolidated, and the title to any real property vested by deed or otherwise, under the laws of the state of Kansas, in any of such series, shall not revert or be in any way impaired by reason of the Kansas revised limited liability company act.

(B) All rights of creditors and all liens upon any property of any of the series that have merged or consolidated shall be preserved unimpaired, and all debts, liabilities and duties of each of such series that have merged or consolidated shall thereafter attach to the surviving or resulting series, and may be enforced against it to the same extent as if such debts, liabilities and duties had been incurred or contracted by it.

(2) Unless otherwise agreed, a merger or consolidation of a series that is not the surviving or resulting series in the merger or consolidation, shall not require such series to wind up its affairs under K.S.A. 2018 Supp. 17-76,143, and amendments thereto, or pay its liabilities and distribute its assets under K.S.A. 2018 Supp. 17-76,143, and amendments thereto, and the merger or consolidation shall not constitute a dissolution of such series.

(g) An operating agreement may provide that a series of such limited liability company shall not have the power to merge or consolidate as set forth in this section.

(h) This section shall take effect on and after July 1, 2020.

New Sec. 4. (a) A series whose certificate of designation has been canceled pursuant to K.S.A. 17-76,139, and amendments thereto, may be reinstated by filing in the office of the secretary of state a certificate of reinstatement accompanied by the payment of the fee required by K.S.A. 17-76,136(d), and amendments thereto, and payment of the annual re-

port fee due under K.S.A. 17-76,139(c), and amendments thereto, and all penalties and interest thereon due at the time of the cancellation of its certificate of designation. The certificate of reinstatement shall set forth:

(1) The name of the limited liability company at the time the certificate of designation was canceled and, if such name has changed, the name of the limited liability company at the time of reinstatement of the series;

(2) the name of the series at the time the certificate of designation was canceled and, if such name is not available at the time of reinstatement, the name under which the series is to be reinstated;

(3) a statement that the certificate of reinstatement is filed by one or more persons authorized to execute and file the certificate of reinstatement to reinstate the series; and

(4) any other matters the persons executing the certificate of reinstatement determine to include therein.

(b) The certificate of reinstatement shall be deemed to be an amendment to the certificate of designation, and no further actions shall be required to amend its certificate of designation under K.S.A. 2018 Supp. 17-76,143(d)(3), and amendments thereto, with respect to the matters set forth in the certificate of reinstatement.

(c) Upon the filing of a certificate of reinstatement, a series shall be reinstated with the same force and effect as if its certificate of designation had not been canceled pursuant to K.S.A. 17-76,139, and amendments thereto. Such reinstatement shall validate all contracts, acts, matters and things made, done and performed by the series, its members, managers, employees and agents during the time when its certificate of designation was canceled pursuant to K.S.A. 17-76,139, and amendments thereto, with the same force and effect and to all intents and purposes as if the certificate of designation had remained in full force and effect. All real and personal property, and all rights and interests, that belonged to the series at the time its certificate of designation was canceled pursuant to K.S.A. 17-76,139, and amendments thereto, or were acquired by the series following the cancellation of its certificate of designation pursuant to K.S.A. 17-76,139, and amendments thereto, and were not disposed of prior to the time of its reinstatement, shall be vested in the series after its reinstatement as fully as they were held by the series at, and after, as the case may be, the time its certificate of designation was canceled pursuant to K.S.A. 17-76,139, and amendments thereto. After its reinstatement, the series shall be as exclusively liable for all contracts, acts, matters and things made, done or performed in its name and on its behalf by its members, managers, employees and agents prior to its reinstatement as if its certificate of designation had at all times remained in full force and effect.

(d) This section shall take effect on and after July 1, 2020.

New Sec. 5. Sections 5 through 12, and amendments thereto, apply to all statutory public benefit limited liability companies, as defined in section 6, and amendments thereto. If a limited liability company elects to become a statutory public benefit limited liability company under sections 5 through 12, and amendments thereto, in the manner prescribed in sections 5 through 12, and amendments thereto, it shall be subject in all respects to the provisions of the Kansas revised limited liability company act, except to the extent sections 5 through 12, and amendments thereto, impose additional or different requirements, such requirements shall apply and notwithstanding K.S.A. 17-76,134, and amendments thereto, or any other provision of the Kansas revised limited liability company act, such requirements imposed by sections 5 through 12, and amendments thereto, may not be altered in the operating agreement.

New Sec. 6. (a) A “statutory public benefit limited liability company” is a for-profit limited liability company formed under and subject to the requirements of the Kansas revised limited liability company act that is intended to produce a public benefit or public benefits and to operate in a responsible and sustainable manner. To that end, a statutory public benefit limited liability company shall be managed in a manner that balances the members’ pecuniary interests, the best interests of those materially affected by the limited liability company’s conduct, and the public benefit or public benefits set forth in its articles of organization. A statutory public benefit limited liability company shall state in the heading of its articles of organization that it is a statutory public benefit limited liability company, and shall set forth one or more specific public benefits to be promoted by the limited liability company in its articles of organization. The operating agreement of a statutory public benefit limited liability company may not contain any provision inconsistent with sections 5 through 12, and amendments thereto.

(b) “Public benefit” means a positive effect, or reduction of negative effects, on one or more categories of persons, entities, communities or interests, other than members in their capacities as members, including, but not limited to, effects of an artistic, charitable, cultural, economic, educational, environmental, literary, medical, religious, scientific or technological nature. “Public benefit provisions” means the provisions of the articles of organization, an operating agreement, or both, in either case as contemplated by sections 5 through 12, and amendments thereto.

(c) If the name of a statutory public benefit limited liability company does not contain the term “statutory public benefit limited liability company,” or the abbreviation “S.P.B.L.L.C.,” or the designation “SPBLLC,” or words or abbreviations of like import in other languages if they are written in Roman characters or letters, the statutory public benefit limited liability company shall, prior to issuing any limited liability company



interest, provide notice to any person to whom such limited liability company interest is issued that it is a statutory public benefit limited liability company. Such notice need not be provided if the issuance is pursuant to an offering registered under the securities act of 1933, 15 U.S.C. § 77r et seq., or if, at the time of issuance, the statutory public benefit limited liability company has a class of securities that is registered under the securities exchange act of 1934, 15 U.S.C. § 78a et seq.

New Sec. 7. Notwithstanding any other provision of the Kansas revised limited liability company act and unless otherwise provided in the operating agreement, a statutory public benefit limited liability company may not, without the vote, consent or approval of members who own at least  $\frac{2}{3}$  of the then-current percentage or other interest in the profits of the limited liability company owned by all members:

(a) Amend its articles of organization to delete or amend a provision required by section 6(a), and amendments thereto;

(b) merge or consolidate with or into another entity or divide into two or more domestic limited liability companies if, as a result of such merger, consolidation or division, the limited liability company interests in such limited liability company would become, or be converted into or exchanged for the right to receive, limited liability company interests or other equity interests in a domestic or foreign limited liability company or other entity that is not a statutory public benefit limited liability company or similar entity, the articles of organization or operating agreement, or similar governing document, of which does not contain provisions identifying a public benefit or public benefits comparable in all material respects to those set forth in the articles of organization of such limited liability company as contemplated by section 6(a), and amendments thereto, or that does not contain provisions imposing requirements pursuant to section 9, and amendments thereto, that are comparable in all material respects to those set forth in the articles of organization of such limited liability company; or

(c) cease to be a statutory public benefit limited liability company under the provisions of sections 5 through 12, and amendments thereto.

New Sec. 8. (a) The members, managers or other persons with authority to manage or direct the business and affairs of a statutory public benefit limited liability company shall manage or direct the business and affairs of the statutory public benefit limited liability company in a manner that balances the pecuniary interests of the members, the best interests of those materially affected by the limited liability company's conduct, and the specific public benefit or public benefits set forth in its articles of organization. Unless otherwise provided in an operating agreement, a member, manager or other person with authority to manage or direct the business and affairs of the statutory public benefit limited liability com-



pany shall not have any liability for monetary damages for the failure to manage or direct the business and affairs of the statutory public benefit limited liability company as provided in this subsection.

(b) A member, manager or other person with authority to manage or direct the business and affairs of the statutory public benefit limited liability company shall not, by virtue of the public benefit provisions or section 6(a), and amendments thereto, have any duty to any person on account of any interest of such person in the public benefit or public benefits set forth in its articles of organization or on account of any interest materially affected by the limited liability company's conduct and, with respect to a decision implicating the balance requirement in subsection (a), will be deemed to satisfy such person's fiduciary duties to members and the limited liability company if such person's decision is both informed and disinterested and not such that no person of ordinary, sound judgment would approve.

New Sec. 9. (a) A statutory public benefit limited liability company, at least annually, shall provide its members with a statement as to the limited liability company's promotion of the public benefit or public benefits set forth in its articles of organization and as to the best interests of those materially affected by the limited liability company's conduct. The statement shall include:

(1) The objectives that have been established to promote such public benefit or public benefits and interests;

(2) the standards that have been adopted to measure the limited liability company's progress in promoting such public benefit or public benefits and interests;

(3) objective factual information based on those standards regarding the limited liability company's success in meeting the objectives for promoting such public benefit or public benefits and interests; and

(4) an assessment of the limited liability company's success in meeting the objectives and promoting such public benefit or public benefits and interests.

(b) A statutory public benefit limited liability company shall provide the statement in subsection (a) to its members at the time prescribed by K.S.A. 17-76,139, and amendments thereto, for the filing of the statutory public benefit limited liability company's annual report.

(c) The statement described in subsection (a) shall be based on a third-party standard. A "third-party standard" means a standard for defining, reporting and assessing promotion of the public benefit or public benefits identified in the statutory public benefit limited liability company's articles of organization that: (1) Is developed by a person or entity that is independent of the statutory public benefit limited liability company; and (2) is transparent because the following information about the

standard is publicly available: (A) The factors considered when measuring the performance of a business; (B) the relative weightings of those factors; and (C) the identity of the persons who developed the standard and who control changes to the standard and the process by which those changes are made. For purposes of this section, the term “independent” means having no material relationship with the statutory public benefit limited liability company or any of its members, managers, affiliates or other persons with authority to manage or direct the business and affairs of the statutory public benefit limited liability company.

(d) A statutory public benefit limited liability company shall post its most recent statement described in subsection (a) on the public portion of its website, if any, concurrently with the delivery of such statement to its members under subsection (b). If a statutory public benefit limited liability company does not have a website, it shall provide a copy of such statement, without charge, to any person that requests a copy. Any compensation paid to any person and any other financial or proprietary information contained in the statement described in subsection (a) may be omitted from any statement that is publicly posted or provided to any person pursuant to this subsection, other than a statement provided to a member, manager or other person with authority to manage or direct the business and affairs of the statutory public benefit limited liability company.

(e) The articles of organization or the operating agreement of a statutory public benefit limited liability company may require that the statutory public benefit limited liability company obtain a periodic third-party certification addressing the statutory public benefit limited liability company's promotion of the public benefit or public benefits identified in the articles of organization or the best interests of those materially affected by the statutory public benefit limited liability company's conduct, or both.

**New Sec. 10.** Members of a statutory public benefit limited liability company or assignees of limited liability company interests in a statutory public benefit limited liability company owning individually or collectively, as of the date of instituting such derivative suit, at least 2% of the then-current percentage or other interest in the profits of the limited liability company or, in the case of a limited liability company with limited liability company interests listed on a national securities exchange, the lesser of such percentage or limited liability company interests of at least \$2,000,000 in market value, unless an operating agreement provides for a different percentage or other interest or market value, may maintain a derivative lawsuit to enforce the requirements set forth in section 8(a), and amendments thereto.

**New Sec. 11.** Sections 5 through 12, and amendments thereto, shall not affect a statute or rule of law that is or would be applicable to any limited liability company that is formed under the Kansas revised lim-

ited liability company act but is not a statutory public benefit limited liability company.

New Sec. 12. The provisions of sections 5 through 12, and amendments thereto, shall not be construed to limit the accomplishment by any other means permitted by law of the formation or operation of a limited liability company that is formed or operated for a public benefit, including a limited liability company that is designated as a public benefit limited liability company, that is not a statutory public benefit limited liability company.

Sec. 13. K.S.A. 2018 Supp. 17-7662 is hereby amended to read as follows: 17-7662. K.S.A. 17-7662 through ~~17-76,143~~ 17-76,142, and amendments thereto, and K.S.A. 2018 Supp. ~~17-76,144~~ 17-76,143 through 17-76,146, and sections 1 through 12, and amendments thereto, shall be known and may be cited as the Kansas revised limited liability company act.

Sec. 14. K.S.A. 2018 Supp. 17-7663 is hereby amended to read as follows: 17-7663. As used in ~~this~~ *the Kansas revised limited liability company act* unless the context otherwise requires:

(a) “Articles of organization” means the articles of organization referred to in K.S.A. 17-7673, and amendments thereto, and the articles of organization as amended.

(b) “Bankruptcy” means an event that causes a person to cease to be a member as provided in K.S.A. 17-7689, and amendments thereto.

(c) “Contribution” means any cash, property, services rendered or a promissory note or other obligation to contribute cash or property or to perform services, which a person contributes to a limited liability company in such person’s capacity as a member.

(d) “Foreign limited liability company” means a limited liability company formed under the laws of any state or under the laws of any foreign country or other foreign jurisdiction ~~and denominated as such under the laws of such state or foreign country or other foreign jurisdiction~~. *When used in the Kansas revised limited liability company act in reference to a foreign limited liability company, the terms “operating agreement,” “limited liability company interest,” “manager” or “member” shall mean an operating agreement, limited liability company interest, manager or member, respectively, under the laws of the state or foreign country or other foreign jurisdiction under which the foreign limited liability company is formed.*

(e) “Knowledge” means a person’s actual knowledge of a fact, rather than the person’s constructive knowledge of the fact.

(f) “Limited liability company” and “domestic limited liability company” means a limited liability company formed under the laws of the state of Kansas and having one or more members.

(g) “Limited liability company interest” means a member’s share of the profits and losses of a limited liability company and a member’s right to receive distributions of the limited liability company’s assets.

(h) “Liquidating trustee” means a person carrying out the winding up of a limited liability company.

(i) “Manager” means a person who is named as a manager of a limited liability company in, or designated as a manager of a limited liability company pursuant to, an operating agreement or similar instrument under which the limited liability company is formed.

(j) “Member” means a person who is admitted to a limited liability company as a member as provided in K.S.A. 17-7686, and amendments thereto, ~~or, in the case of a foreign limited liability company, in accordance with the laws of the state or foreign country or other foreign jurisdiction under which the foreign limited liability company is formed.~~

(k) “Operating agreement” means any agreement, whether referred to as an operating agreement, limited liability company agreement or otherwise, written, oral, or implied, of the member or members as to the affairs of a limited liability company and the conduct of its business. A member or manager of a limited liability company or an assignee of a limited liability company interest is bound by the operating agreement whether or not the member or manager or assignee executes the operating agreement. A limited liability company is not required to execute its operating agreement. A limited liability company is bound by its operating agreement whether or not the limited liability company executes the operating agreement. An operating agreement of a limited liability company having only one member shall not be unenforceable by reason of there being only one person who is a party to the operating agreement. An operating agreement is not subject to any statute of frauds, including K.S.A. 33-106, and amendments thereto. An operating agreement may provide rights to any person, including a person who is not a party to the operating agreement, to the extent set forth therein. A written operating agreement or another written agreement or writing:

(1) May provide that a person shall be admitted as a member of a limited liability company, or shall become an assignee of a limited liability company interest or other rights or powers of a member to the extent assigned:

(A) If such person, or a representative authorized by such person orally, in writing or by other action such as payment for a limited liability company interest, executes the operating agreement or any other writing evidencing the intent of such person to become a member or assignee; or

(B) without such execution, if such person, or a representative authorized by such person orally, in writing or by other action such as payment for a limited liability company interest, complies with the conditions for

becoming a member or assignee as set forth in the operating agreement or any other writing; and

(2) shall not be unenforceable by reason of its not having been signed by a person being admitted as a member or becoming an assignee as provided in subsection (k)(1), or by reason of its having been signed by a representative as provided in ~~this~~ *the Kansas revised limited liability company act*.

(l) “Person” means a natural person, partnership, whether general or limited, limited liability company, trust, including a common law trust, business trust, statutory trust, voting trust or any other form of trust, estate, association, including any group, organization, co-tenancy, plan, board, council or committee, corporation, government, including a country, state, county or any other governmental subdivision, agency or instrumentality, custodian, nominee or any other individual or entity, or series thereof, in its own or any representative capacity, in each case, whether domestic or foreign.

(m) “Personal representative” means, as to a natural person, the executor, administrator, guardian, conservator or other legal representative thereof and, as to a person other than a natural person, the legal representative or successor thereof.

(n) “Series” means *a designated series of members, managers, limited liability company interests or assets that is established in accordance with K.S.A. 2018 Supp. 17-76,143, and amendments thereto.*

(o) “State” means the District of Columbia or the commonwealth of Puerto Rico or any state, territory, possession or other jurisdiction of the United States other than the state of Kansas.

Sec. 15. K.S.A. 2018 Supp. 17-7673 is hereby amended to read as follows: 17-7673. (a) In order to form a limited liability company, one or more authorized persons must execute articles of organization. The articles of organization shall be filed with the secretary of state and set forth:

- (1) The name of the limited liability company;
- (2) the address of the registered office required to be maintained by K.S.A. 2018 Supp. 17-7924, and amendments thereto, and the name of the resident agent for service of process required to be maintained by K.S.A. 2018 Supp. 17-7925, and amendments thereto;
- (3) any other matters the members determine to include therein;
- (4) if the limited liability company is organized to exercise the powers of a professional association or professional corporation, each such profession shall be stated; and
- (5) if the limited liability company will have series, the matters required by K.S.A. 17-76,143, and amendments thereto.

(b) *A limited liability company is formed at the time provided in K.S.A. 2018 Supp. 17-7911, and amendments thereto, if there has been substantial compliance with the requirements of this section.* A limited

liability company formed under ~~this~~ *the Kansas revised limited liability company act* shall be a separate legal entity, the existence of which as a separate legal entity shall continue until cancellation of the limited liability company's articles of organization.

(c) An operating agreement shall be entered into or otherwise existing either before, after or at the time of the filing of the articles of organization and, whether entered into or otherwise existing before, after or at the time of such filing, may be made effective as of the effective time of such filing or at such other time or date as provided in or reflected by the operating agreement.

(d) The articles of organization shall be amended as provided in a certificate of amendment or judicial decree of amendment upon the filing of the certificate of amendment or judicial decree of amendment with the secretary of state or upon the future effective date specified in the certificate of amendment.

(e) Upon filing the articles of organization of a limited liability company organized to exercise powers of a professional association or professional corporation, the limited liability company shall file with the secretary of state a certificate by the licensing body, as defined in K.S.A. 74-146, and amendments thereto, of the profession involved that each of the members is duly licensed to practice that profession, and that the proposed company name has been approved.

Sec. 16. K.S.A. 2018 Supp. 17-7675 is hereby amended to read as follows: 17-7675. (a) Articles of organization shall be canceled upon the dissolution and the completion of winding up of a limited liability company, or as provided in K.S.A. 17-76,117 or 17-76,139 or K.S.A. 2018 Supp. 17-7926(b) or 17-7929(b), and amendments thereto, or upon the filing of a certificate of merger or consolidation if the limited liability company is not the surviving or resulting entity in a merger or consolidation, or upon the future effective date of a certificate of merger or consolidation if the limited liability company is not the surviving or resulting entity in a merger or consolidation, *or upon the filing of a certificate of division if the limited liability company is a dividing company that is not a surviving company, or upon the future effective date of a certificate of division if the limited liability company is a dividing company that is not a surviving company.* A certificate of cancellation shall be filed with the secretary of state to accomplish the cancellation of articles of organization upon the dissolution and the completion of winding up of a limited liability company. The certificate shall set forth:

- (1) The name of the limited liability company;
- (2) the reason for filing the certificate of cancellation;
- (3) the future effective date or time, ~~which shall be a date or time certain not later than 90 days after the date of filing,~~ of cancellation if it is not to be effective upon the filing of the certificate; and

(4) any other information the person filing the certificate of cancellation determines.

(b) A certificate of cancellation that is filed with the secretary of state prior to the dissolution or the completion of winding up of a limited liability company may be corrected as an erroneously executed certificate of cancellation by filing with the secretary of state a certificate of correction of such certificate of cancellation in accordance with K.S.A. 2018 Supp. 17-7912, and amendments thereto.

(c) The secretary of state shall not issue a certificate of good standing with respect to a limited liability company if its articles of organization are canceled.

Sec. 17. On and after July 1, 2020, K.S.A. 2018 Supp. 17-7675, as amended by section 16 of this act, is hereby amended to read as follows: 17-7675. (a) Articles of organization shall be canceled upon the dissolution and the completion of winding up of a limited liability company, or as provided in K.S.A. 17-76,117 or 17-76,139 or K.S.A. 2018 Supp. 17-7926(b) or 17-7929(b), and amendments thereto, or upon the filing of a certificate of merger or consolidation if the limited liability company is not the surviving or resulting entity in a merger or consolidation or upon the future effective date of a certificate of merger or consolidation if the limited liability company is not the surviving or resulting entity in a merger or consolidation or upon the filing of a certificate of division if the limited liability company is a dividing company that is not a surviving company or upon the future effective date of a certificate of division if the limited liability company is a dividing company that is not a surviving company. A certificate of cancellation shall be filed with the secretary of state to accomplish the cancellation of articles of organization upon the dissolution and the completion of winding up of a limited liability company. The certificate shall set forth:

- (1) The name of the limited liability company;
- (2) the reason for filing the certificate of cancellation;
- (3) *if the limited liability company has formed one or more series whose certificate of designation has not been canceled prior to the filing of the certificate of cancellation, the name of each such series;*
- (4) the future effective date or time of cancellation if it is not to be effective upon the filing of the certificate; and
- ~~(4)~~(5) any other information the person filing the certificate of cancellation determines.

(b) A certificate of cancellation that is filed with the secretary of state prior to the dissolution or the completion of winding up of a limited liability company may be corrected as an erroneously executed certificate of cancellation by filing with the secretary of state a certificate of correction of such certificate of cancellation in accordance with K.S.A. 2018 Supp. 17-7912, and amendments thereto.



(c) The secretary of state shall not issue a certificate of good standing with respect to a limited liability company, *or any series thereof*, if its articles of organization are canceled.

Sec. 18. K.S.A. 2018 Supp. 17-7679 is hereby amended to read as follows: 17-7679. The fact that articles of organization, or amendments thereto, are on file with the secretary of state is notice that the entity formed in connection with the filing of the articles of organization is a limited liability company formed under the laws of the state of Kansas and is notice of all other facts set forth therein which are required to be set forth in articles of organization by ~~subsections (a)(1), (a)(2), (a)(4) and (a)(5) of~~ K.S.A. 17-7673(a)(1), (a)(2), (a)(4) and (a)(5), and amendments thereto, *and section 6, and amendments thereto.*

Sec. 19. On and after July 1, 2020, K.S.A. 2018 Supp. 17-7679, as amended by section 18 of this act, is hereby amended to read as follows: 17-7679. The fact that articles of organization, or amendments thereto, are on file with the secretary of state is notice that the entity formed in connection with the filing of the articles of organization is a limited liability company formed under the laws of the state of Kansas and is notice of all other facts set forth therein which are required to be set forth in articles of organization by K.S.A. 17-7673(a)(1), (a)(2), (a)(4) and (a)(5), and amendments thereto, *and K.S.A. 2018 Supp. 17-76,143(b) and section 6, and amendments thereto. The fact that a certificate of designation is on file in the office of the secretary of state is notice that the series named in such certificate of designation has been formed pursuant to K.S.A. 2018 Supp. 17-76,143, and amendments thereto, and is notice of all other facts set forth therein, which are required to be set forth in a certificate of designation by K.S.A. 2018 Supp. 17-76,143(d), and amendments thereto.*

Sec. 20. K.S.A. 2018 Supp. 17-7680 is hereby amended to read as follows: 17-7680. (a) A limited liability company may, whenever desired, integrate into a single instrument all of the provisions of its articles of organization which are then in effect and operative as a result of there having previously been filed with the secretary of state one or more certificates or other instruments pursuant to K.S.A. 17-7673 through 17-7683, and amendments thereto, ~~and the business entity standard treatment act, K.S.A. 2018 Supp. 17-7901 et seq., and amendments thereto, and section 2, and amendments thereto,~~ and it may at the same time also further amend its articles of organization by adopting restated articles of organization.

(b) If restated articles of organization merely restate and integrate but do not further amend the initial articles of organization, as previously amended or supplemented by any certificate or instrument that was executed and filed pursuant to K.S.A. 17-7673 through 17-7683, and amendments thereto, and the business entity standard treatment act, K.S.A. 2018



Supp. 17-7901 et seq., and amendments thereto, they shall be specifically designated in their heading as “restated articles of organization” together with such other words as the limited liability company may deem appropriate and shall be executed by an authorized person and filed with the secretary of state as provided in K.S.A. 2018 Supp. 17-7910, and amendments thereto. If restated articles of organization restate and integrate and also further amend in any respect the articles of organization, as previously amended or supplemented, they shall be specifically designated in their heading as “amended and restated articles of organization” together with such other words as the limited liability company may deem appropriate and shall be executed by at least one authorized person and filed as provided in K.S.A. 2018 Supp. 17-7910, and amendments thereto.

(c) Restated articles of organization shall state, either in their heading or in an introductory paragraph, the limited liability company’s present name; if it has been changed, the name under which it was originally filed; the date of filing of its original articles of organization with the secretary of state; and the future effective date, which shall be a date certain, of the restated articles of organization if they are not to be effective upon the filing of the restated articles of organization with the secretary of state; ~~such future effective date must be within 90 days of the date of filing such restated articles of organization with the secretary of state.~~ Restated articles of organization shall also state that they were duly executed and are being filed in accordance with this section. If restated articles of organization only restate and integrate and do not further amend a limited liability company’s articles of organization as previously amended or supplemented and there is no discrepancy between those provisions and the restated articles of organization, they shall state that fact as well.

(d) Upon the filing of restated articles of organization with the secretary of state, or upon the future effective date of restated articles of organization as provided for therein, the initial articles of organization, as previously amended or supplemented, shall be superseded. Thereafter the restated articles of organization, including any further amendment or changes made thereby, shall be the articles of organization of the limited liability company, but the original effective date of formation shall remain unchanged.

(e) Any amendment or change effected in connection with the restatement and integration of the articles of organization shall be subject to any other provision of ~~this~~ *the Kansas revised limited liability company act*, not inconsistent with this section, which would apply if a separate certificate of amendment were filed to effect such amendment or change.

Sec. 21. On and after July 1, 2020, K.S.A. 2018 Supp. 17-7680, as amended by section 20 of this act, is hereby amended to read as follows: 17-7680. (a) *Restated articles of organization.*

(1) A limited liability company may, whenever desired, integrate into a single instrument all of the provisions of its articles of organization which are then in effect and operative as a result of there having previously been filed with the secretary of state one or more certificates or other instruments pursuant to K.S.A. 17-7673 through 17-7683, and amendments thereto, and the business entity standard treatment act, K.S.A. 2018 Supp. 17-7901 et seq., and amendments thereto, and ~~section sections 2 and 3~~, and amendments thereto, and it may at the same time also further amend its articles of organization by adopting restated articles of organization.

~~(b)~~(2) If restated articles of organization merely restate and integrate but do not further amend the initial articles of organization, as previously amended or supplemented by any certificate or instrument that was executed and filed pursuant to K.S.A. 17-7673 through 17-7683, and amendments thereto, and the business entity standard treatment act, K.S.A. 2018 Supp. 17-7901 et seq., and amendments thereto, they shall be specifically designated in their heading as “restated articles of organization” together with such other words as the limited liability company may deem appropriate and shall be executed by an authorized person and filed with the secretary of state as provided in K.S.A. 2018 Supp. 17-7910, and amendments thereto. If restated articles of organization restate and integrate and also further amend in any respect the articles of organization, as previously amended or supplemented, they shall be specifically designated in their heading as “amended and restated articles of organization” together with such other words as the limited liability company may deem appropriate and shall be executed by at least one authorized person and filed as provided in K.S.A. 2018 Supp. 17-7910, and amendments thereto.

~~(c)~~(3) Restated articles of organization shall state, either in their heading or in an introductory paragraph, the limited liability company’s present name; if it has been changed, the name under which it was originally filed; the date of filing of its original articles of organization with the secretary of state; and the future effective date, which shall be a date certain, of the restated articles of organization if they are not to be effective upon the filing of the restated articles of organization with the secretary of state, ~~such future effective date must be within 90 days of the date of filing such restated articles of organization with the secretary of state.~~ Restated articles of organization shall also state that they were duly executed and are being filed in accordance with this section. If restated articles of organization only restate and integrate and do not further amend a limited liability company’s articles of organization as previously amended or supplemented and there is no discrepancy between those provisions and the restated articles of organization, they shall state that fact as well.

~~(d)~~(4) Upon the filing of restated articles of organization with the secretary of state, or upon the future effective date of restated articles of organization as provided for therein, the initial articles of organization, as previously amended or supplemented, shall be superseded. Thereafter the restated articles of organization, including any further amendment or changes made thereby, shall be the articles of organization of the limited liability company, but the original effective date of formation shall remain unchanged.

~~(e)~~(5) Any amendment or change effected in connection with the restatement and integration of the articles of organization shall be subject to any other provision of this act, not inconsistent with this section, which would apply if a separate certificate of amendment were filed to effect such amendment or change.

(b) *Restated certificate of designation.*

(1) *A series of a limited liability company may, whenever desired, integrate into a single instrument all of the provisions of its certificate of designation that are then in effect and operative as a result of there having previously been filed with the secretary of state one or more certificates or other instruments pursuant to K.S.A. 17-7673 through 17-7683, and amendments thereto, the business entity standard treatment act, K.S.A. 2018 Supp. 17-7901 et seq., and amendments thereto, and sections 2 and 3, and amendments thereto, and it may at the same time further amend its certificate of designation by adopting a restated certificate of designation.*

(2) *If a restated certificate of designation merely restates and integrates but does not further amend the initial certificate of designation, as previously amended or supplemented by any instrument that was executed and filed pursuant to K.S.A. 17-7673 through 17-7683, and amendments thereto, the business entity standard treatment act, K.S.A. 2018 Supp. 17-7901 et seq., and amendments thereto, and sections 2 and 3, and amendments thereto, it shall be specifically designated in its heading as a “restated certificate of designation” together with such other words as the series may deem appropriate and shall be executed by an authorized person and filed as provided in K.S.A. 2018 Supp. 17-7910, and amendments thereto. If a restated certificate restates and integrates and also further amends in any respect the certificate of designation as previously amended or supplemented, it shall be specifically designated in its heading as an “amended and restated certificate of designation” together with such other words as the series may deem appropriate and shall be executed by at least one authorized person and filed as provided in K.S.A. 2018 Supp. 17-7910, and amendments thereto.*

(3) *A restated certificate of designation shall state, either in its heading or in an introductory paragraph, the name of the limited liability company, the present name of the series, and, if the name of the series has*

*been changed, the name under which it was originally filed, and the future effective date or time, which shall be a date or time certain, of the restated certificate of designation if it is not to be effective upon the filing of the restated certificate of designation. A restated certificate shall also state that it was duly executed and is being filed in accordance with this section. If a restated certificate only restates and integrates and does not further amend a certificate of designation, as previously amended or supplemented and there is no discrepancy between those provisions and the restated certificate, it shall state that fact as well.*

(4) *Upon the filing of a restated certificate of designation with the secretary of state, or upon the future effective date or time of a restated certificate of designation as provided for therein, the initial certificate of designation, as theretofore amended or supplemented, shall be superseded. Thereafter, the restated certificate of designation, including any further amendment or changes made thereby, shall be the certificate of designation of such series, but the original effective date of formation of the series, as applicable, shall remain unchanged.*

(5) *Any amendment or change effected in connection with the restatement and integration of a certificate of designation shall be subject to any other provision of the Kansas revised limited liability company act, not inconsistent with this section, which would apply if a separate certificate of amendment were filed to effect such amendment or change.*

Sec. 22. K.S.A. 2018 Supp. 17-7681 is hereby amended to read as follows: 17-7681. (a) Pursuant to an agreement of merger or consolidation, one or more domestic limited liability companies may merge or consolidate with or into one or more limited liability companies formed under the laws of the state of Kansas or any other state or any foreign country or other foreign jurisdiction, or any combination thereof, with such limited liability company as the agreement shall provide being the surviving or resulting limited liability company.

(1) (A) *Unless otherwise provided in the operating agreement, an agreement of merger or consolidation shall be consented to or approved by each domestic limited liability company which is to merge or consolidate by members who own more than 50% of the then-current percentage or other interest in the profits of the domestic limited liability company owned by all of the members;*

(B) *unless otherwise provided in the operating agreement, a limited liability company whose original articles of organization were filed with the secretary of state and effective on or prior to June 30, 2019, shall not be governed by subsection (a)(1)(A), but shall be governed by this subparagraph. Unless otherwise provided in the operating agreement, an agreement of merger or consolidation shall be consented to or approved by each domestic limited liability company which is to merge or consolidate*

by the members, or if there is more than one class or group of members, then by each class or group of members, in either case, by members who own more than 50% of the then current percentage or other interest in the profits of the domestic limited liability company owned by all of the members or by the members in each class or group, as appropriate.

(2) In connection with a merger or consolidation hereunder, rights or securities of, or interests in, a domestic limited liability company which is a constituent party to the merger or consolidation may be exchanged for or converted into cash, property, rights or securities of, or interests in, the surviving or resulting limited liability company or, in addition to or in lieu thereof, may be exchanged for or converted into cash, property, rights or securities of, or interests in, ~~a limited liability company~~ *which an entity as defined in K.S.A. 2018 Supp. 17-78-102, and amendments thereto, that is not the surviving or resulting limited liability company in the merger or consolidation, may remain outstanding,* or may be canceled.

(3) Notwithstanding prior *consent or* approval, an agreement of merger or consolidation may be terminated or amended pursuant to a provision for such termination or amendment contained in the agreement of merger or consolidation.

(b) The limited liability company surviving or resulting in or from the merger or consolidation shall file a certificate of merger or consolidation executed by one or more authorized persons on behalf of the domestic limited liability company when it is the surviving or resulting entity with the secretary of state. The certificate of merger or consolidation shall state:

(1) The name and jurisdiction of formation or organization of each of the limited liability companies which is to merge or consolidate;

(2) that an agreement of merger or consolidation has been *consented to or* approved and executed by each of the limited liability companies which is to merge or consolidate;

(3) the name of the surviving or resulting limited liability company;

(4) in the case of a merger in which a domestic limited liability company is the surviving entity, such amendments, if any, to the articles of organization of the surviving domestic limited liability company to change its name, registered office or resident agent as are desired to be effected by the merger;

(5) the future effective date or time, which shall be a date certain, of the merger or consolidation if it is not to be effective upon the filing of the certificate of merger or consolidation, ~~which date shall, in no event, exceed 90 days after the date the certificate is filed with the secretary of state;~~

(6) that the agreement of merger or consolidation is on file at a place of business of the surviving or resulting limited liability company, and shall state the address thereof;

(7) that a copy of the agreement of merger or consolidation will be furnished by the surviving or resulting limited liability company, on request and without cost, to any member of any limited liability company which is to merge or consolidate; and

(8) if the surviving or resulting limited liability company is not a domestic limited liability company, a statement that such surviving or resulting limited liability company agrees that it may be served with process in the state of Kansas in any action, suit or proceeding for the enforcement of any obligation of any domestic limited liability company which is to merge or consolidate, irrevocably appointing the secretary of state as its agent to accept service of process in any such action, suit or proceeding and specifying the address to which a copy of such process shall be mailed to it by the secretary of state.

(c) A certificate of merger or consolidation shall act as a certificate of cancellation for a domestic limited liability company which is not the surviving or resulting limited liability company in the merger or consolidation. A certificate of merger that sets forth any amendment in accordance with subsection (b)(4) shall be deemed to be an amendment to the articles of organization of the limited liability company, and the limited liability company shall not be required to take any further action to amend its articles of organization under K.S.A. 17-7674, and amendments thereto, with respect to such amendments set forth in the certificate of merger. Whenever this section requires the filing of a certificate of merger or consolidation, such requirement shall be deemed satisfied by the filing of an agreement of merger or consolidation containing the information required by this section to be set forth in the certificate of merger or consolidation.

(d) An agreement of merger or consolidation *consented to or approved* in accordance with subsection (a) ~~of this section~~ may:

- (1) Effect any amendment to the operating agreement; or
- (2) effect the adoption of a new operating agreement, for a limited liability company if it is the surviving or resulting limited liability company in the merger or consolidation.

Any amendment to an operating agreement or adoption of a new operating agreement made pursuant to the foregoing sentence shall be effective at the effective time or date of the merger or consolidation and shall be effective notwithstanding any provision of the operating agreement relating to amendment or adoption of a new operating agreement, other than a provision that by its terms applies to an amendment to the operating agreement or the adoption of a new operating agreement, in either case, in connection with a merger or consolidation. The provisions of this subsection shall not be construed to limit the accomplishment of a merger or of any of the matters referred to herein by any other means provided

for in an operating agreement or other agreement or as otherwise permitted by law, including that the operating agreement of any constituent limited liability company to the merger or consolidation, including a limited liability company formed for the purpose of consummating a merger or consolidation, shall be the operating agreement of the surviving or resulting limited liability company.

(e) When any merger or consolidation shall have become effective under this section, for all purposes of the laws of the state of Kansas, all of the rights, privileges and powers of each of the limited liability companies that have merged or consolidated, and all property, real, personal and mixed, and all debts due to any of the limited liability companies, as well as all other things and causes of action belonging to each of such limited liability companies, shall be vested in the surviving or resulting limited liability company, and shall thereafter be the property of the surviving or resulting limited liability company as they were of each of the limited liability companies that have merged or consolidated, and the title to any real property vested by deed or otherwise, under the laws of the state of Kansas, in any of such limited liability companies, shall not revert or be in any way impaired by reason of this act, but all rights of creditors and all liens upon any property of any of the limited liability companies shall be preserved unimpaired, and all debts, liabilities and duties of each of the limited liability companies that have merged or consolidated shall thenceforth attach to the surviving or resulting limited liability company, and may be enforced against it to the same extent as if the debts, liabilities and duties had been incurred or contracted by it. Unless otherwise agreed, a merger or consolidation of a domestic limited liability company, including a domestic limited liability company which is not the surviving or resulting entity in the merger or consolidation, shall not require such domestic limited liability company to wind up its affairs under K.S.A. 17-76,118, and amendments thereto, or pay its liabilities and distribute its assets under K.S.A. 17-76,119, and amendments thereto, and the merger or consolidation shall not constitute a dissolution of such limited liability company.

(f) A limited liability company may merge or consolidate with or into any other entity in accordance with the business entity transactions act, K.S.A. 2018 Supp. 17-78-101 et seq., and amendments thereto.

(g) An operating agreement may provide that a domestic limited liability company shall not have the power to merge or consolidate as set forth in this section.

Sec. 23. K.S.A. 2018 Supp. 17-7687 is hereby amended to read as follows: 17-7687. (a) An operating agreement may provide for classes or groups of members having such relative rights, powers and duties as the operating agreement may provide, and may make provision for the future



creation in the manner provided in the operating agreement of additional classes or groups of members having such relative rights, powers and duties as may from time to time be established, including rights, powers and duties senior to existing classes and groups of members. An operating agreement may provide for the taking of an action, including the amendment of the operating agreement, without the vote, *consent* or approval of any member or class or group of members, including an action to create under the provisions of the operating agreement a class or group of limited liability company interests that was not previously outstanding. An operating agreement may provide that any member or class or group of members shall have no voting rights.

(b) An operating agreement may grant to all or certain identified members or a specified class or group of the members the right to vote separately or with all or any class or group of the members or managers, on any matter. Voting by members may be on a per capita, number, financial interest, class, group or any other basis.

(c) An operating agreement may set forth provisions relating to notice of the time, place or purpose of any meeting at which any matter is to be voted on by any members, waiver of any such notice, action by consent *or approval* without a meeting, the establishment of a record date, quorum requirements, voting in person or by proxy, or any other matter with respect to the exercise of any such right to vote.

(d) Unless otherwise provided in an operating agreement, meetings of members may be held by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this subsection shall constitute presence in person at the meeting. Unless otherwise provided in an operating agreement, on any matter that is to be voted on, consented to or approved by members, the members may take such action without a meeting, without prior notice and without a vote, if consented to *or approved*, in writing ~~or~~, by electronic transmission, *or by any other means permitted by law*, by members having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting at which all members entitled to vote thereon were present and voted. *Unless otherwise provided in an operating agreement, if a person, whether or not then a member, consents to or approves as a member any matter and provides that such consent or approval will be effective at a future time, including a time determined upon the happening of an event, then such person shall be deemed to have consented or approved as a member at such future time so long as such person is then a member.* Unless otherwise provided in an operating agreement, on any matter that is to be voted on by members, the members may vote in person or by proxy, and such proxy may be granted in writing, by means of



electronic transmission or as otherwise permitted by applicable law. Unless otherwise provided in an operating agreement, a consent *or approval* transmitted by electronic transmission by a member or by a person or persons authorized to act for a member shall be deemed to be written and signed for purposes of this subsection. For purposes of this subsection, the term “electronic transmission” means any form of communication not directly involving the physical transmission of paper, *including the use of, or participation in, one or more electronic networks or databases, including one or more distributed electronic networks or databases*, that creates a record that may be retained, retrieved and reviewed by a recipient thereof and that may be directly reproduced in paper form by such a recipient through an automated process.

(e) Unless otherwise provided in the operating agreement or in ~~this~~ *the Kansas revised limited liability company act*, every member holding an interest in profits shall be entitled to vote.

(f) If an operating agreement provides for the manner in which it may be amended, including by requiring the approval *or consent* of a person who is not a party to the operating agreement or the satisfaction of conditions, it may be amended only in that manner or as otherwise permitted by law, including as permitted by ~~subsection (e) of K.S.A. 17-7681(e)~~, and amendments thereto, provided that the approval *or consent* of any person may be waived by such person and that any such conditions may be waived by all persons for whose benefit such conditions were intended. Unless otherwise provided in an operating agreement, a supermajority amendment provision shall only apply to provisions of the operating agreement that are expressly included in the operating agreement. As used in this section, “supermajority amendment provision” means any amendment provision set forth in an operating agreement requiring that an amendment to a provision of the operating agreement be adopted by no less than the vote or consent *or approval* required to take action under such latter provision.

(g) If an operating agreement does not provide for the manner in which it may be amended, the operating agreement may be amended with the approval *or consent* of all of the members or as otherwise permitted by law, including as permitted by ~~subsection (e) of K.S.A. 17-7681(e)~~, and amendments thereto. This subsection shall only apply to a limited liability company whose original articles of organization were filed with the secretary of state on or after July 1, 2014.

Sec. 24. K.S.A. 2018 Supp. 17-7689 is hereby amended to read as follows: 17-7689. A person ceases to be a member of a limited liability company upon the happening of any of the following events:

(a) Unless otherwise provided in an operating agreement, or with the ~~written~~ consent *or approval* of all members, a member:

- (1) Makes an assignment for the benefit of creditors;
- (2) files a voluntary petition in bankruptcy;
- (3) is adjudged a bankrupt or insolvent, or has entered against the member an order for relief, in any bankruptcy or insolvency proceeding;
- (4) files a petition or answer seeking for the member any reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any statute, law or regulation;
- (5) files an answer or other pleading admitting or failing to contest the material allegations of a petition filed against the member in any proceeding of this nature;

(6) seeks, consents to or acquiesces in the appointment of a trustee, receiver or liquidator of the member or of all or any substantial part of the member's properties; or

(b) unless otherwise provided in an operating agreement, or with the ~~written~~ consent or *approval* of all members, 120 days after the commencement of any proceeding against the member seeking reorganization, arrangement, composition, readjustment, liquidation, dissolution or similar relief under any statute, law or regulation, if the proceeding has not been dismissed, or if within 90 days after the appointment without the member's consent or acquiescence of a trustee, receiver or liquidator of the member or of all or any substantial part of the member's properties, the appointment is not vacated or stayed, or within 90 days after the expiration of any such stay, the appointment is not vacated.

Sec. 25. K.S.A. 2018 Supp. 17-7690 is hereby amended to read as follows: 17-7690. (a) Each member of a limited liability company, *in person or by attorney or other agent*, has the right, subject to such reasonable standards, including standards governing what information and documents are to be furnished at what time and location and at whose expense, as may be set forth in an operating agreement or otherwise established by the manager or, if there is no manager, then by the members, to obtain from the limited liability company from time to time upon reasonable demand for any purpose reasonably related to the member's interest as a member of the limited liability company:

- (1) True and full information regarding the status of the business and financial condition of the limited liability company;
- (2) promptly after becoming available, a copy of the limited liability company's federal, state and local income tax returns for each year;
- (3) a current list of the name and last known business, residence or mailing address of each member and manager;
- (4) a copy of any written operating agreement and articles of organization and all amendments thereto, together with executed copies of any written powers of attorney pursuant to which the operating agreement and any certificate and all amendments thereto have been executed;

(5) true and full information regarding the amount of cash and a description and statement of the agreed value of any other property or services contributed by each member and which each member has agreed to contribute in the future, and the date on which each became a member; and

(6) other information regarding the affairs of the limited liability company as is just and reasonable.

(b) Each manager shall have the right to examine all of the information described in subsection (a) for a purpose reasonably related to the position of manager.

(c) The manager of a limited liability company shall have the right to keep confidential from the members, for such period of time as the manager deems reasonable, any information which the manager reasonably believes to be in the nature of trade secrets or other information the disclosure of which the manager in good faith believes is not in the best interest of the limited liability company or could damage the limited liability company or its business or which the limited liability company is required by law or by agreement with a third party to keep confidential.

(d) A limited liability company may maintain its records in other than a written form, *including on, by means of, or in the form of any information storage device, method, or one or more electronic networks or databases, including one or more distributed electronic networks or databases*, if such form is capable of conversion into written form within a reasonable time.

(e) ~~Any demand by a member~~ under this section shall be in writing and shall state the purpose of such demand. *In every instance where an attorney or other agent is the person who seeks the right to obtain the information described in subsection (a), the demand shall be accompanied by a power of attorney or such other writing that authorizes the attorney or other agent to so act on behalf of the member.*

(f) Any action to enforce any right arising under this section shall be brought in the district court. If the limited liability company refuses to permit a member, *or attorney or other agent acting for the member*, to obtain or a manager to examine the information described in subsection (a) or does not reply to the demand that has been made within five business days, or such shorter or longer period of time as is provided for in an operating agreement, but not longer than 30 business days, after the demand has been made, the demanding member or manager may apply to the district court for an order to compel such disclosure. The district court may summarily order the limited liability company to permit the demanding member to obtain or manager to examine the information described in subsection (a) and to make copies or abstracts therefrom, or the district court may summarily order the limited liability company to furnish to

the demanding member or manager the information described in subsection (a) on the condition that the demanding member or manager first pay to the limited liability company the reasonable cost of obtaining and furnishing such information and on such other conditions as the district court deems appropriate. When a demanding member seeks to obtain or a manager seeks to examine the information described in subsection (a), the demanding member or manager shall first establish: (1) That the demanding member or manager has complied with the provisions of this section respecting the form and manner of making demand for obtaining or examining of such information; and (2) that the information the demanding member or manager seeks is reasonably related to the member's interest as a member or the manager's position as a manager, as the case may be. The district court may, in its discretion, prescribe any limitations or conditions with reference to the obtaining or examining of information, or award such other or further relief as the district court may deem just and proper. The district court may order books, documents and records, pertinent extracts therefrom, or duly authenticated copies thereof, to be brought within the state of Kansas and kept in the state of Kansas upon such terms and conditions as the order may prescribe.

(g) The rights of a member or manager to obtain information as provided in this section may be restricted in an original operating agreement or in any subsequent amendment *consented to*, approved or adopted by all of the members or in compliance with any applicable requirements of the operating agreement. The provisions of this subsection shall not be construed to limit the ability to impose restrictions on the rights of a member or manager to obtain information by any other means permitted under ~~this~~ *the Kansas revised limited liability company act*.

(h) *A limited liability company shall maintain a current record that identifies the name and last known business, residence, or mailing address of each member and manager.*

Sec. 26. K.S.A. 2018 Supp. 17-7695 is hereby amended to read as follows: 17-7695. (a) An operating agreement may provide for classes or groups of managers having such relative rights, powers and duties as the operating agreement may provide, and may make provision for the future creation in the manner provided in the operating agreement of additional classes or groups of managers having such relative rights, powers and duties as may from time to time be established, including rights, powers and duties senior to existing classes and groups of managers. An operating agreement may provide for the taking of an action, including the amendment of the operating agreement, without the vote, *consent* or approval of any manager or class or group of managers, including an action to create under the provisions of the operating agreement a class or group of limited liability company interests that was not previously outstanding.

(b) An operating agreement may grant to all or certain identified managers or a specified class or group of the managers the right to vote, separately or with all or any class or group of managers or members, on any matter. Voting by managers may be on a per capita, number, financial interest, class, group or any other basis. Unless otherwise provided in an operating agreement, if more than one manager is appointed, all managers shall have an equal vote per capita.

(c) An operating agreement may set forth provisions relating to notice of the time, place or purpose of any meeting at which any matter is to be voted on by any manager or class or group of managers, waiver of any such notice, action by consent *or approval* without a meeting, the establishment of a record date, quorum requirements, voting in person or by proxy, or any other matter with respect to the exercise of any such right to vote.

(d) Unless otherwise provided in an operating agreement, meetings of managers may be held by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this subsection shall constitute presence in person at the meeting. Unless otherwise provided in an operating agreement, on any matter that is to be voted on, consented to or approved by the managers, the managers may take such action without a meeting, without prior notice and without a vote, if consented to *or approved*, in writing ~~or~~, by electronic transmission, *or by any other means permitted by law*, by managers having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting at which all managers entitled to vote thereon were present and voted. *Unless otherwise provided in an operating agreement, if a person, whether or not then a manager, consents to or approves as a manager any matter and provides that such consent or approval will be effective at a future time, including a time determined upon the happening of an event, then such person shall be deemed to have consented or approved as a manager at such future time, so long as such person is then a manager.* Unless otherwise provided in an operating agreement, on any matter that is to be voted on by managers, the managers may vote in person or by proxy, and such proxy may be granted in writing, by means of electronic transmission or as otherwise permitted by applicable law. Unless otherwise provided in an operating agreement, a consent *or approval* transmitted by electronic transmission by a manager or by a person or persons authorized to act for a manager shall be deemed to be written and signed for purposes of this subsection. For purposes of this subsection, the term “electronic transmission” means any form of communication not directly involving the physical transmission of paper, *including the use of, or participation in, one or more electronic networks*

*or databases, including one or more distributed electronic networks or databases, that creates a record that may be retained, retrieved and reviewed by a recipient thereof and that may be directly reproduced in paper form by such a recipient through an automated process.*

Sec. 27. K.S.A. 2018 Supp. 17-7698 is hereby amended to read as follows: 17-7698. Unless otherwise provided in the operating agreement, a member or manager of a limited liability company has the power and authority to delegate to one or more other persons *any or all of the member's or manager's, as the case may be, rights and powers and duties to manage and control the business and affairs of the limited liability company, including to delegate. Any such delegation may be to agents, officers and employees of a member or manager or the limited liability company, and to delegate by a management agreement or another agreement with, or otherwise to, other persons. Unless otherwise provided in the operating agreement, such delegation by a member or manager shall be irrevocable if it states that it is irrevocable.* Unless otherwise provided in the operating agreement, such delegation by a member or manager of a limited liability company shall not cause the member or manager to cease to be a member or manager, as the case may be, of the limited liability company or cause the person to whom any such rights and powers and duties have been delegated to be a member or manager, as the case may be, of the limited liability company. *No other provision of the Kansas revised limited liability company act shall be construed to restrict a member's or manager's power and authority to delegate any or all of its rights, powers, and duties to manage and control the business and affairs of the limited liability company.*

Sec. 28. K.S.A. 2018 Supp. 17-76,106 is hereby amended to read as follows: 17-76,106. (a) A member may resign from a limited liability company only at the time or upon the happening of events specified in an operating agreement and in accordance with the operating agreement. Notwithstanding anything to the contrary under applicable law, unless an operating agreement provides otherwise, a member may not resign from a limited liability company prior to the dissolution and winding up of the limited liability company.

(b) Unless otherwise provided in an operating agreement, a limited liability company whose original articles of organization were filed with the secretary of state and effective on or prior to June 30, 2014, shall ~~continue to be governed by this section as in effect on June 30, 2014, and shall not be governed by this section~~ *not be governed by subsection (a) but shall be governed by this subsection. A member may resign from a limited liability company only at the time or upon the happening of events specified in the operating agreement and in accordance with the operating agreement. Notwithstanding anything to the contrary under applicable law,*

*unless the operating agreement provides otherwise, a member may resign from a limited liability company prior to the dissolution and winding up of the limited liability company. Upon resignation, the member shall be deemed to be an assignee and shall have only the rights of an assignee. The resigned member is not released from the member's liability, if any, to a limited liability company. Notwithstanding anything to the contrary under applicable law, the operating agreement may provide that a limited liability company interest may not be assigned prior to the dissolution and winding up of the limited liability company.*

Sec. 29. K.S.A. 2018 Supp. 17-76,112 is hereby amended to read as follows: 17-76,112. (a) A limited liability company interest is assignable in whole or in part except as provided in an operating agreement. The assignee of a member's limited liability company interest shall have no right to participate in the management of the business and affairs of a limited liability company, except as provided in an operating agreement or, unless otherwise provided in the operating agreement, upon the ~~affirmative vote or written~~ consent or approval of all of the members of the limited liability company. Notwithstanding anything to the contrary under applicable law, an operating agreement may provide that a limited liability company interest may not be assigned prior to the dissolution and winding up of the limited liability company.

(b) Unless otherwise provided in an operating agreement:

(1) An assignment of a limited liability company interest does not entitle the assignee to become or to exercise any rights or powers of a member;

(2) an assignment of a limited liability company interest entitles the assignee to share in such profits and losses, to receive such distribution or distributions, and to receive such allocation of income, gain, loss, deduction, or credit or similar item to which the assignor was entitled, to the extent assigned; and

(3) a member ceases to be a member and to have the power to exercise any rights or powers of a member upon assignment of all of the member's limited liability company interest. Unless otherwise provided in an operating agreement, the pledge of, or granting of a security interest, lien or other encumbrance in or against, any or all of the limited liability company interest of a member shall not cause the member to cease to be a member or to have the power to exercise any rights or powers of a member.

(c) Unless otherwise provided in an operating agreement, a member's interest in a limited liability company may be evidenced by a certificate of limited liability company interest issued by the limited liability company. An operating agreement may provide for the assignment or transfer of any limited liability company interest represented by such a certificate and



make other provisions with respect to such certificates. A limited liability company shall not have the power to issue a certificate of limited liability company interest in bearer form.

(d) Unless otherwise provided in an operating agreement and except to the extent assumed by agreement, until an assignee of a limited liability company interest becomes a member, the assignee shall have no liability as a member solely as a result of the assignment.

(e) Unless otherwise provided in the operating agreement, a limited liability company may acquire, by purchase, redemption or otherwise, any limited liability company interest or other interest of a member or manager in the limited liability company. Unless otherwise provided in the operating agreement, any such interest so acquired by the limited liability company shall be deemed canceled.

Sec. 30. K.S.A. 2018 Supp. 17-76,113 is hereby amended to read as follows: 17-76,113. (a) On application by a judgment creditor of a member or of a member's assignee, a court having jurisdiction may charge the limited liability company interest of the judgment debtor to satisfy the judgment. To the extent so charged, the judgment creditor has only the right to receive any distribution or distributions to which the judgment debtor would otherwise have been entitled in respect of such limited liability company interest.

(b) A charging order constitutes a lien on the judgment debtor's limited liability company interest.

(c) ~~This~~ *The Kansas revised limited liability company act* does not deprive a member or member's assignee of a right under exemption laws with respect to the judgment debtor's limited liability company interest.

(d) The entry of a charging order is the exclusive remedy by which a judgment creditor of a member or of a member's assignee may satisfy a judgment out of the judgment debtor's limited liability company interest, *and attachment, garnishment, foreclosure, or other legal or equitable remedies are not available to the judgment creditor, whether the limited liability company has one member or more than one member.*

(e) No creditor of a member or of a member's assignee shall have any right to obtain possession of, or otherwise exercise legal or equitable remedies with respect to, the property of the limited liability company.

(f) The district court shall have jurisdiction to hear and determine any matter relating to any such charging order.

Sec. 31. K.S.A. 2018 Supp. 17-76,114 is hereby amended to read as follows: 17-76,114. (a) An assignee of a limited liability company interest ~~may become~~ *becomes* a member:

(1) As provided in the operating agreement; ~~or~~

(2) unless otherwise provided in the operating agreement, upon the ~~affirmative vote or written~~ *consent or approval* of all of the members of the limited liability company; *or*



(3) *unless otherwise provided in the operating agreement by a specific reference to this subsection (a) or otherwise provided in connection with the assignment, upon the voluntary assignment by the sole member of the limited liability company of all of the limited liability company interests in the limited liability company to a single assignee. An assignment will be voluntary for purposes of this subsection (a) if it is consented to or approved by the member at the time of the assignment and is not effected by foreclosure or other similar legal process.*

(b) An assignee who has become a member has, to the extent assigned, the rights and powers, and is subject to the restrictions and liabilities, of a member under an operating agreement and ~~this the Kansas revised limited liability company act~~. Notwithstanding the foregoing, unless otherwise provided in an operating agreement, an assignee who becomes a member is liable for the obligations of the assignor to make contributions as provided in K.S.A. 17-76,100, and amendments thereto, but shall not be liable for the obligations of the assignor under K.S.A. 17-76,104 through 17-76,110, and amendments thereto. However, the assignee is not obligated for liabilities, including the obligations of the assignor to make contributions as provided in K.S.A. 17-76,100, and amendments thereto, unknown to the assignee at the time the assignee became a member and which could not be ascertained from an operating agreement.

(c) Whether or not an assignee of a limited liability company interest becomes a member, the assignor is not released from liability to a limited liability company under K.S.A. 17-7699 through 17-76,110, and amendments thereto.

Sec. 32. K.S.A. 2018 Supp. 17-76,116 is hereby amended to read as follows: 17-76,116. (a) A limited liability company is dissolved and its affairs shall be wound up upon the first to occur of the following:

(1) At the time specified in an operating agreement, but if no such time is set forth in the operating agreement, then the limited liability company shall have a perpetual existence;

(2) upon the happening of events specified in an operating agreement;

(3) (A) *unless otherwise provided in an operating agreement, upon the affirmative vote, consent or written approval of members who own  $\frac{2}{3}$  or more of the then-current percentage or other interest in the profits of the limited liability company owned by all of the members; or*

(B) *unless otherwise provided in an operating agreement, a limited liability company whose original articles of organization were filed with the secretary of state and effective on or prior to June 30, 2019, shall not be governed by subparagraph (A) but shall be governed by this subparagraph. Unless otherwise provided in an operating agreement, upon the vote or consent of the members of the limited liability company or, if there is more than one class or group of members, then by each class or*

group of members, in either case, by members who own more than  $\frac{2}{3}$  of the then-current percentage or other interest in the profits of the limited liability company owned by all of the members or by the members in each class or group, as appropriate;

(4) at any time there are no members, provided that, the limited liability company is not dissolved and is not required to be wound up if:

(A) Unless otherwise provided in an operating agreement, within 90 days or such other period as is provided for in the operating agreement after the occurrence of the event that terminated the continued membership of the last remaining member, the personal representative of the last remaining member agrees ~~in writing~~ to continue the limited liability company and to the admission of the personal representative of such member or its nominee or designee to the limited liability company as a member, effective as of the occurrence of the event that terminated the continued membership of the last remaining member, except that an operating agreement may provide that the personal representative of the last remaining member shall be obligated to agree ~~in writing~~ to continue the limited liability company and to the admission of the personal representative of such member or its nominee or designee to the limited liability company as a member, effective as of the occurrence of the event that terminated the continued membership of the last remaining member; or

(B) a member is admitted to the limited liability company in the manner provided for in the operating agreement, effective as of the occurrence of the event that terminated the continued membership of the last remaining member, within 90 days or such other period as is provided for in the operating agreement after the occurrence of the event that terminated the continued membership of the last remaining member, pursuant to a provision of the operating agreement that specifically provides for the admission of a member to the limited liability company after there is no longer a remaining member of the limited liability company; or

(5) the entry of a decree of judicial dissolution under K.S.A. 17-76,117, and amendments thereto.

(b) Unless otherwise provided in an operating agreement, the death, retirement, resignation, expulsion, bankruptcy or dissolution of any member or the occurrence of ~~any other~~ *an* event that terminates the continued membership of any member shall not cause the limited liability company to be dissolved or its affairs to be wound up, and upon the occurrence of any such event, the limited liability company shall be continued without dissolution.

Sec. 33. K.S.A. 2018 Supp. 17-76,118 is hereby amended to read as follows: 17-76,118. (a) (1) Unless otherwise provided in the operating agreement, a manager who has not wrongfully dissolved a limited liability company or, if none, the members or a person *consented to or approved*

*by the members, in either case, by members who own more than 50% of the then-current percentage or other interest in the profits of the limited liability company owned by all of the members, may wind up the limited liability company's affairs, but the district court upon cause shown, may wind up the limited liability company's affairs upon application of any member or manager, or the member's personal representative or assignee, and in connection therewith, may appoint a liquidating trustee.*

(2) *Unless otherwise provided in the operating agreement, a limited liability company whose original articles of organization were filed with the secretary of state and effective on or prior to June 30, 2019, shall not be governed by paragraph (1) but shall be governed by this paragraph. Unless otherwise provided in the operating agreement, a manager who has not wrongfully dissolved a limited liability company or, if none, the members or a person consented to or approved by the members or, if there is more than one class or group of members, then by each class or group of members, in either case, by members who own more than 50% of the then-current percentage or other interest in the profits of the limited liability company owned by all of the members or by the members in each class or group, as appropriate, may wind up the limited liability company's affairs; but the district court upon cause shown, may wind up the limited liability company's affairs upon application of any member or manager, or the member's personal representative or assignee, and in connection therewith, may appoint a liquidating trustee.*

(b) Upon dissolution of a limited liability company and until the filing of a certificate of cancellation as provided in K.S.A. 17-7675, and amendments thereto, the persons winding up the limited liability company's affairs may, in the name of, and for and on behalf of, the limited liability company, prosecute and defend suits, whether civil, criminal or administrative, gradually settle and close the limited liability company's business, dispose of and convey the limited liability company's property, discharge or make reasonable provision for the limited liability company's liabilities, and distribute to the members any remaining assets of the limited liability company, all without affecting the liability of members and managers and without imposing liability on a liquidating trustee.

Sec. 34. K.S.A. 17-76,135 is hereby amended to read as follows: 17-76,135. In any case not provided for in ~~this~~ *the Kansas revised limited liability company act*, the rules of law and equity, including the *rules of law and equity relating to fiduciary duties and the law merchant*, shall govern.

Sec. 35. K.S.A. 2018 Supp. 17-76,136 is hereby amended to read as follows: 17-76,136. (a) The secretary of state shall charge each domestic and foreign limited liability company the following fees:

(1) A fee of \$20 for issuing or filing and indexing any of the following documents:

(A) A certificate of amendment of articles of organization;  
(B) restated articles of organization;  
(C) a certificate of cancellation;  
(D) a certificate of change of location of registered office or resident agent;

(E) a certificate of merger or consolidation; ~~and~~

(F) *a certificate of division; and*

(G) any certificate, affidavit, agreement or any other paper provided for in ~~this~~ *the Kansas revised limited liability company* act, for which no different fee is specifically prescribed;

(2) a fee of \$7.50 for each certified copy plus a fee per page, if the secretary of state supplies the copies, in an amount fixed by the secretary of state and approved by the director of accounts and reports for copies of corporate documents under K.S.A. 45-204, and amendments thereto;

(3) a fee of \$7.50 for each certificate of good standing and certificate of fact issued by the secretary of state;

(4) a fee of \$5 for a report of record search, but furnishing the following information shall not be considered a record search and no charge shall be made therefor: Name of the limited liability company and the address of its registered office; name and address of the resident agent; the state of the limited liability company's formation; the date of filing of its articles of organization or annual report; and date of expiration; and

(5) for photocopies of instruments on file or prepared by the secretary of state's office and which are not certified, a fee per page in an amount fixed by the secretary of state and approved by the director of accounts and reports for copies of corporate documents under K.S.A. 45-204, and amendments thereto.

(b) Every limited liability company hereafter formed in this state shall pay to the secretary of state, at the time of filing its articles of organization, an application and recording fee of \$150.

(c) At the time of filing its application to do business, every foreign limited liability company shall pay to the secretary of state an application and recording fee of \$150.

(d) The fee for filing a certificate of reinstatement shall be the same as that prescribed by K.S.A. 17-7506, and amendments thereto, for filing a certificate of reinstatement of a corporation's articles of incorporation.

Sec. 36. On and after July 1, 2020, K.S.A. 2018 Supp. 17-76,136, as amended by section 35 of this act, is hereby amended to read as follows: 17-76,136. (a) The secretary of state shall charge each domestic and foreign limited liability company the following fees:

(1) A fee of \$20 for issuing or filing and indexing any of the following documents:

(A) A certificate of amendment of articles of organization;

- (B) restated articles of organization;
  - (C) a certificate of cancellation, *which fee shall be multiplied by the number of series of the limited liability company named in the certificate of cancellation*;
  - (D) a certificate of change of location of registered office or resident agent;
  - (E) a certificate of merger or consolidation;
  - (F) a certificate of division; and
  - (G) any certificate, affidavit, agreement or any other paper provided for in the Kansas revised limited liability company act, for which no different fee is specifically prescribed;
- (2) a fee of \$7.50 for each certified copy plus a fee per page, if the secretary of state supplies the copies, in an amount fixed by the secretary of state and approved by the director of accounts and reports for copies of corporate documents under K.S.A. 45-204, and amendments thereto;
- (3) a fee of \$7.50 for each certificate of good standing, *including a certificate of good standing for a series of a limited liability company*, and certificate of fact issued by the secretary of state;
- (4) a fee of \$5 for a report of record search, but furnishing the following information shall not be considered a record search and no charge shall be made therefor: Name of the limited liability company and the address of its registered office; name and address of the resident agent; the state of the limited liability company's formation; the date of filing of its articles of organization or annual report; and date of expiration; and
- (5) for photocopies of instruments on file or prepared by the secretary of state's office and which are not certified, a fee per page in an amount fixed by the secretary of state and approved by the director of accounts and reports for copies of corporate documents under K.S.A. 45-204, and amendments thereto.
- (b) Every limited liability company hereafter formed in this state shall pay to the secretary of state, at the time of filing its articles of organization, an application and recording fee of \$150.
- (c) At the time of filing its application to do business, every foreign limited liability company shall pay to the secretary of state an application and recording fee of \$150.
- (d) The fee for filing a certificate of reinstatement shall be the same as that prescribed by K.S.A. 17-7506, and amendments thereto, for filing a certificate of reinstatement of a corporation's articles of incorporation.

Sec. 37. K.S.A. 17-76,138 is hereby amended to read as follows: 17-76,138. For purposes of any tax imposed by the state of Kansas or any instrumentality, agency or political subdivision of the state of Kansas, a *domestic* limited liability company ~~formed under this act~~ or a *foreign limited liability company* qualified to do business in the state of Kansas as a

~~foreign limited liability company~~ shall be classified as a partnership unless classified otherwise for federal income tax purposes, in which case the *domestic or foreign* limited liability company shall be classified in the same manner as it is classified for federal income tax purposes. For purposes of any tax imposed by the state of Kansas or any instrumentality, agency or political subdivision of the state of Kansas, a member or an assignee of a member of a *domestic* limited liability company ~~formed under this act~~ or a *foreign limited liability company* qualified to do business in the state of Kansas ~~as a foreign limited liability company~~ shall be treated as either a resident or nonresident partner unless classified otherwise for federal income tax purposes, in which case the member or assignee of a member shall have the same status as such member or assignee of a member has for federal income tax purposes.

Sec. 38. On and after July 1, 2020, K.S.A. 2018 Supp. 17-76,139 is hereby amended to read as follows: 17-76,139. (a) Every limited liability company organized *and on and after July 1, 2020, each series thereof* ~~formed or in existence~~ under the laws of this state shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the limited liability company *or series, as applicable*, at the close of business on the last day of its tax period next preceding the date of filing. If the limited liability company's *or series'* tax period is other than the calendar year, it shall give notice of its different tax period in writing to the secretary of state prior to December 31 of the year it commences the different tax period. The annual report shall be filed at the time prescribed by law for filing the limited liability company's *or series'* annual Kansas income tax return, *or if applicable law does not prescribe a time for filing an annual Kansas income tax return for a series, the annual report for the series shall be filed at, and for purposes of this section its tax period shall be deemed to be, the time prescribed by law for filing the annual Kansas income tax return for the limited liability company to which the series is associated.* The annual report shall be made on a form prescribed by the secretary of state. The report shall contain the following information:

(1) The name of the limited liability company *or series, as applicable*; and

(2) a list of the members owning at least 5% of the capital of the limited liability company *or series, as applicable*, with the post office address of each.

(b) Every foreign limited liability company shall make an annual report in writing to the secretary of state, stating the prescribed information concerning the limited liability company at the close of business on the last day of its tax period next preceding the date of filing. If the limited liability company's tax period is other than the calendar year, it shall give

notice in writing of its different tax period to the secretary of state prior to December 31 of the year it commences the different tax period. The annual report shall be filed at the time prescribed by law for filing the limited liability company's annual Kansas income tax return. The annual report shall be made on a form prescribed by the secretary of state. The report shall contain the name of the limited liability company.

(c) The annual report required by this section shall be executed by one or more authorized persons, and filed with the secretary of state. The execution of such annual report by a person who is authorized by ~~this the~~ *Kansas revised limited liability company act* to execute such annual report, upon filing such annual report with the secretary of state, constitutes an oath or affirmation, under penalties of perjury that, to the best of such person's knowledge and belief, the facts stated therein are true. At the time of filing the report, the limited liability company *or series* shall pay to the secretary of state an annual report fee in an amount equal to \$40.

(d) The provisions of K.S.A. 17-7509, and amendments thereto, relating to penalties for failure of a corporation to file an annual report or pay the required annual report fee, and the provisions of K.S.A. 17-7510(a), and amendments thereto, relating to penalties for failure of a corporation to file an annual report or pay the required annual report fee, shall be applicable to the articles of organization of any domestic limited liability company, *the certificate of designation of any series thereof*, or to the authority of any foreign limited liability company which fails to file its annual report or pay the annual report fee within 90 days of the time prescribed in this section for filing and paying the same or, in the case of an annual report filing and fee received by mail, postmarked within 90 days of the time for filing and paying the same. Whenever the articles of organization of a domestic limited liability company, *the certificate of designation of a series thereof*, or the authority of any foreign limited liability company are forfeited *or canceled* for failure to file an annual report or to pay the required annual report fee, the domestic limited liability company or the authority of a foreign limited liability company may be reinstated by filing a certificate of reinstatement, pursuant to K.S.A. 2018 Supp. 17-76,146, and amendments thereto, and *the certificate of designation may be reinstated by filing a certificate of reinstatement, pursuant to section 4, and amendments thereto, and in each case*, paying to the secretary of state all fees, including any penalties thereon, due to the state.

(e) No limited liability company *or series* shall be required to file its first annual report under ~~this the~~ *Kansas revised limited liability company act*, or pay any annual report fee required to accompany such report, unless such limited liability company has filed its articles of organization or application for authority *or the certificate of designation of such series has been filed* at least six months prior to the last day of its tax period.



(f) All copies of applications for extension of the time for filing income tax returns submitted to the secretary of state pursuant to law shall be maintained by the secretary of state in a confidential file and shall not be disclosed to any person except as authorized pursuant to the provisions of K.S.A. 79-3234, and amendments thereto, a proper judicial order, or subsection (g). All copies of such applications shall be preserved for one year and thereafter until the secretary of state orders that they be destroyed.

(g) A copy of such application shall be open to inspection by or disclosure to any person who was a member of such limited liability company or series during any part of the period covered by the extension.

Sec. 39. On and after July 1, 2020, K.S.A. 2018 Supp. 17-76,143 is hereby amended to read as follows: 17-76,143. (a) An operating agreement may establish or provide for the establishment of one or more designated series of members, managers or, limited liability company interests ~~having~~ or assets. *If an operating agreement so provides for the establishment or formation of one or more series, then a series may be formed by complying with this section. Any such series may have separate rights, powers or duties with respect to specified property or obligations of the limited liability company or profits and losses associated with specified property or obligations, and to the extent provided in the operating agreement, any such series may have a separate business purpose or investment objective. A series is formed by the filing of a certificate of designation in the office of the secretary of state. Other than pursuant to section 3, and amendments thereto, a series may not merge, convert, or consolidate pursuant to any section of the Kansas revised limited liability company act, the business entity transactions act, K.S.A. 2018 Supp. 17-78-101 et seq., and amendments thereto, or any other statute of this state.*

(b) *Notice of the limitation on liabilities of a series as referenced in subsection (c) shall be set forth in the articles of organization of the limited liability company. Notice in articles of organization of the limitation on liabilities of a series as referenced in subsection (c) shall be sufficient for all purposes of this subsection whether or not the limited liability company has formed any series when such notice is included in the articles of organization, and there shall be no requirement that any specific series of the limited liability company be referenced in such notice. The fact that articles of organization that contain the foregoing notice of the limitation on liabilities of a series is on file in the office of the secretary of state shall constitute notice of such limitation on liabilities of a series.*

(c) *Notwithstanding anything to the contrary set forth in this section the Kansas revised limited liability company act or under other applicable law, in the event that an operating agreement establishes or provides for the establishment of one or more series, and if to the extent the records maintained for any such series account for the assets associated with such*



series separately from the other assets of the limited liability company, or any other series thereof, and if the operating agreement so provides, and if notice of the limitation on liabilities of a series as referenced in this subsection is set forth in the articles of organization of the limited liability company and if the limited liability company has filed a certificate of designation for each series which is to have limited liability under this section, then the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to ~~a particular~~ *such* series shall be enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof, and, unless otherwise provided in the operating agreement, none of the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to the limited liability company generally or any other series thereof shall be enforceable against the assets of such series. ~~The fact that the articles of organization contain the foregoing notice of the limitation on liabilities of a series and a certificate of designation for a series is on file in the office of the secretary of state shall constitute notice of such limitation on liabilities of a series. A series with limited liability shall be treated as a separate entity to the extent set forth in the articles of organization. Each series with limited liability may, in its own name, contract, hold title to assets, grant security interests, sue and be sued and otherwise conduct business and exercise the powers of a limited liability company under this act. The limited liability company and any of its series may elect to consolidate their operations as a single taxpayer to the extent permitted under applicable law, elect to work cooperatively, elect to contract jointly or elect to be treated as a single business for purposes of qualification to do business in this or any other state. Such elections shall not affect the limitation of liability set forth in this section except to the extent that the series have specifically accepted joint liability by contract.~~

(c) ~~Except in the case of a foreign limited liability company that has adopted an assumed name pursuant to K.S.A. 2018 Supp. 17-7933, and amendments thereto, the name of the series with limited liability must contain the entire name of the limited liability company and be distinguishable from the names of the other series set forth in the articles of organization. In the case of a foreign limited liability company that has adopted an assumed name pursuant to K.S.A. 2018 Supp. 17-7933, and amendments thereto, the name of the series with limited liability must contain the entire name under which the foreign limited liability company has been admitted to transact business in this state.~~

(d) ~~Upon the filing of the certificate of designation with the secretary of state setting forth the name of each series with limited liability, the series' existence shall begin, and copies of the filed certificate of designa-~~

tion marked with the filing date shall be conclusive evidence, except as against the state, that all conditions precedent required to be performed have been complied with and that the series has been or shall be legally organized and formed under this act. If different from the limited liability company, the certificate of designation for each series shall list the names of the members if the series is member managed or the names of the managers if the series is manager managed. The name of a series with limited liability under subsection (b) may be changed by filing with the secretary of state a certificate of designation identifying the series whose name is being changed and the new name of such series. If not the same as the limited liability company, the names of the members of a member managed series or of the managers of a manager managed series may be changed by filing a new certificate of designation with the secretary of state. A series with limited liability under subsection (b) may be dissolved by filing with the secretary of state a certificate of designation identifying the series being dissolved or by the dissolution of the limited liability company as provided in subsection (m). Certificates of designation may be executed by the limited liability company or any manager, person or entity designated in the operating agreement for the limited liability company.

(e) A series of a limited liability company will be deemed to be in good standing as long as the limited liability company is in good standing.

(f) The resident agent and registered office for the limited liability company in Kansas shall serve as the agent and office for service of process in Kansas for each series.

(g) An operating agreement may provide for classes or groups of members or managers associated with a series having such relative rights, powers and duties as the operating agreement may provide, and may make provision for the future creation of additional classes or groups of members or managers associated with the series having such relative rights, powers and duties as may from time to time be established, including rights, powers and duties senior to existing classes and groups of members or managers associated with the series.

(h) A series may be managed by either the member or members associated with the series or by a manager or managers chosen by the members of such series, as provided in the operating agreement. Unless otherwise provided in an operating agreement, the management of a series shall be vested in the members associated with such series.

(i) An operating agreement may grant to all or certain identified members or managers or a specified class or group of the members or managers associated with a series the right to vote separately or with all or any class or group of the members or managers associated with the series, on any matter. An operating agreement may provide that any member or class or group of members associated with a series shall have no voting rights.

(j) Except to the extent modified in this section, the provisions of this act which are generally applicable to limited liability companies, their managers, members and transferees shall be applicable to each particular series with respect to the operation of such series.

(k) Except as otherwise provided in an operating agreement, any event under this act or in an operating agreement that causes a manager to cease to be a manager with respect to a series shall not, in itself, cause such manager to cease to be a manager of the limited liability company or with respect to any other series thereof.

(l) Except as otherwise provided in an operating agreement, any event under this act or an operating agreement that causes a member to cease to be associated with a series shall not, in itself, cause such member to cease to be associated with any other series or terminate the continued membership of a member in the limited liability company or cause the termination of the series, regardless of whether such member was the last remaining member associated with such series.

(m) Except to the extent otherwise provided in the operating agreement, a series may be dissolved and its affairs wound up without causing the dissolution of the limited liability company. The dissolution of a series established in accordance with subsection (b) shall not affect the limitation on liabilities of such series provided by subsection (b). A series is terminated and its affairs shall be wound up upon the dissolution of the limited liability company under article 76 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto.

(n) If a limited liability company with the ability to establish a series does not register to do business in a foreign jurisdiction for itself and certain of its series, a series of a limited liability company may itself register to do business as a limited liability company in the foreign jurisdiction in accordance with the laws of the foreign jurisdiction. *Neither the preceding sentences nor any provision pursuant thereto in an operating agreement, articles of organization or certificate of designation shall: Restrict a series or limited liability company on behalf of a series from agreeing in the operating agreement or otherwise that any or all of the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to the limited liability company generally or any other series thereof shall be enforceable against the assets of such series; or restrict a limited liability company from agreeing in the operating agreement or otherwise that any or all of the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to a series shall be enforceable against the assets of the limited liability company generally. Assets associated with a series may be held directly or indirectly, including in the name of such series, in the name of the limited liability company, through a nominee or otherwise. Records maintained for a series that reasonably identify its as-*

sets, including by specific listing, category, type, quantity, computational, or allocational formula or procedure, including a percentage or share of any asset or assets, or by any other method where the identity of such assets is objectively determinable, will be deemed to account for the assets associated with such series separately from the other assets of the limited liability company, or any other series thereof. As used in the Kansas revised limited liability company act, a reference to assets of a series includes assets associated with such series, a reference to assets associated with a series includes assets of such series, a reference to members or managers of a series includes members or managers associated with such series, and a reference to members or managers associated with a series includes members or managers of such series. The following shall apply to a series:

(1) A series may carry on any lawful business, purpose or activity, whether or not for profit, with the exception of the business of granting policies of insurance, assuming insurance risks, or banking as defined in K.S.A. 9-702, and amendments thereto. Unless otherwise provided in an operating agreement, a series shall have the power and capacity to, in its own name, contract, hold title to assets, including real, personal, and intangible property, grant liens and security interests, and sue and be sued.

(2) Except as otherwise provided by the Kansas revised limited liability company act, no member or manager of a series shall be obligated personally for any debt, obligation or liability of such series, whether arising in contract, tort or otherwise, solely by reason of being a member or acting as manager of such series. Notwithstanding the preceding sentence, under an operating agreement or under another agreement, a member or manager may agree to be obligated personally for any or all of the debts, obligations and liabilities of one or more series.

(3) An operating agreement may provide for classes or groups of members or managers associated with a series having such relative rights, powers and duties as the operating agreement may provide, and may make provision for the future creation in the manner provided in the operating agreement of additional classes or groups of members or managers associated with such series having such relative rights, powers and duties as may from time to time be established, including rights, powers and duties senior to existing classes and groups of members or managers associated with such series. An operating agreement may provide for the taking of an action, including the amendment of the operating agreement, without the vote, consent or approval of any member or manager or class or group of members or managers, including an action to create under the provisions of the operating agreement a class or group of a series of limited liability company interests that was not previously outstanding. An operating agreement may provide that any member or class or group of members associated with a series shall have no voting rights.

(4) *An operating agreement may grant to all or certain identified members or managers or a specified class or group of the members or managers associated with a series the right to vote separately or with all or any class or group of the members or managers associated with such series, on any matter. Voting by members or managers associated with a series may be on a per capita, number, financial interest, class, group or any other basis.*

(5) *Unless otherwise provided in an operating agreement, the management of a series shall be vested in the members associated with such series in proportion to the then-current percentage or other interest of members in the profits of such series owned by all of the members associated with such series, the decision of members owning more than 50% of such percentage or other interest in the profits controlling, except that if an operating agreement provides for the management of a series, in whole or in part, by a manager, the management of such series, to the extent so provided, shall be vested in the manager who shall be chosen in the manner provided in the operating agreement. The manager of a series shall also hold the offices and have the responsibilities accorded to the manager as set forth in an operating agreement. A series may have more than one manager. Subject to K.S.A. 17-76,105, and amendments thereto, a manager shall cease to be a manager with respect to a series as provided in an operating agreement. Except as otherwise provided in an operating agreement, any event under the Kansas revised limited liability company act or in an operating agreement that causes a manager to cease to be a manager with respect to a series shall not, in itself, cause such manager to cease to be a manager of the limited liability company or with respect to any other series thereof.*

(6) *Notwithstanding K.S.A. 17-76,109, and amendments thereto, but subject to subsections (c)(7) and (c)(10), and unless otherwise provided in an operating agreement, at the time a member of a series becomes entitled to receive a distribution with respect to such series, the member has the status of, and is entitled to all remedies available to, a creditor of such series, with respect to the distribution. An operating agreement may provide for the establishment of a record date with respect to allocations and distributions with respect to a series.*

(7) *Notwithstanding K.S.A. 17-76,110(a), and amendments thereto, a limited liability company may make a distribution with respect to a series. A limited liability company shall not make a distribution with respect to a series to a member to the extent that at the time of the distribution, after giving effect to the distribution, all liabilities of such series, other than liabilities to members on account of their limited liability company interests with respect to such series and liabilities for which the recourse of creditors is limited to specified property of such series, exceed the fair value of the assets*

*associated with such series, except that the fair value of property of such series that is subject to a liability for which the recourse of creditors is limited shall be included in the assets associated with such series only to the extent that the fair value of that property exceeds that liability. For purposes of the immediately preceding sentence, the term “distribution” shall not include amounts constituting reasonable compensation for present or past services or reasonable payments made in the ordinary course of business pursuant to a bona fide retirement plan or other benefits program. A member who receives a distribution in violation of this subsection, and who knew at the time of the distribution that the distribution violated this subsection, shall be liable to the series for the amount of the distribution. A member who receives a distribution in violation of this subsection, and who did not know at the time of the distribution that the distribution violated this subsection, shall not be liable for the amount of the distribution. Subject to K.S.A. 17-76,110(c), and amendments thereto, which shall apply to any distribution made with respect to a series under this subsection, this subsection shall not affect any obligation or liability of a member under an agreement or other applicable law for the amount of a distribution.*

(8) *Unless otherwise provided in the operating agreement, a member shall cease to be associated with a series and to have the power to exercise any rights or powers of a member with respect to such series upon the assignment of all of the member’s limited liability company interest with respect to such series. Except as otherwise provided in an operating agreement, any event under the Kansas revised limited liability company act or an operating agreement that causes a member to cease to be associated with a series shall not, in itself, cause such member to cease to be associated with any other series or terminate the continued membership of a member in the limited liability company or cause the dissolution of the series, regardless of whether such member was the last remaining member associated with such series.*

(9) *Subject to K.S.A. 17-76,116, and amendments thereto, except to the extent otherwise provided in the operating agreement, a series may be dissolved and its affairs wound up without causing the dissolution of the limited liability company. The dissolution of a series shall not affect the limitation on liabilities of such series provided by this subsection (c). A series is dissolved and its affairs shall be wound up upon the dissolution of the limited liability company under K.S.A. 17-76,116, and amendments thereto, or otherwise upon the first to occur of the following:*

- (A) *At the time specified in the operating agreement;*
- (B) *upon the happening of events specified in the operating agreement;*
- (C) *unless otherwise provided in the operating agreement, upon the vote, consent or approval of members associated with such series who own  $\frac{2}{3}$  or more of the then-current percentage or other interest in the profits of*



*such series of the limited liability company owned by all of the members associated with such series; or*

*(D) the dissolution of such series under subsection (c)(11).*

*(10) Notwithstanding K.S.A. 17-76,118(a), and amendments thereto, unless otherwise provided in the operating agreement, a manager associated with a series who has not wrongfully dissolved such series or, if none, the members associated with such series or a person consented to or approved by the members associated with such series, in either case, by members who own more than 50% of the then-current percentage or other interest in the profits of such series owned by all of the members associated with such series, may wind up the affairs of such series, but the district court, upon cause shown, may wind up the affairs of a series upon application of any member or manager associated with such series, or the member's personal representative or assignee, and in connection therewith, may appoint a liquidating trustee. The persons winding up the affairs of a series may, in the name of the limited liability company and for and on behalf of the limited liability company and such series, take all actions with respect to such series as are permitted under K.S.A. 17-76,118(b), and amendments thereto. The persons winding up the affairs of a series shall provide for the claims and obligations of such series and distribute the assets of such series as provided in K.S.A. 17-76,119, and amendments thereto, which section shall apply to the winding up and distribution of assets of a series. Actions taken in accordance with this subsection shall not affect the liability of members and shall not impose liability on a liquidating trustee.*

*(11) On application by or for a member or manager associated with a series, the district court may decree dissolution of such series whenever it is not reasonably practicable to carry on the business of such series in conformity with an operating agreement.*

*(12) For all purposes of the laws of the state of Kansas, a series is an association, regardless of the number of members or managers, if any, of such series.*

*(d) In order to form a series of a limited liability company, a certificate of designation must be filed in accordance with this subsection.*

*(1) (A) A certificate of designation shall set forth:*

*(i) The name of the limited liability company; and*

*(ii) the name of the series.*

*(B) A certificate of designation may include any other matter that the members of such series determine to include therein.*

*(C) A certificate of designation properly filed with the secretary of state prior to July 1, 2020, shall be deemed to comply with the requirements of this paragraph.*

*(2) A certificate of designation shall be executed in accordance with K.S.A. 2018 Supp. 17-7908(b), and amendments thereto, and shall be filed*

*in the office of the secretary of state in accordance with K.S.A. 2018 Supp. 17-7910, and amendments thereto. A certificate of designation is not an amendment to the articles of organization of the limited liability company.*

(3) *A certificate of designation may be amended by filing a certificate of amendment thereto in the office of the secretary of state.*

(A) *The certificate of amendment shall set forth:*

(i) *The name of the limited liability company;*

(ii) *the name of the series; and*

(iii) *the amendment to the certificate of designation.*

(B) *A certificate of designation properly filed with the secretary of state prior to July 1, 2020, that changed a previously filed certificate of designation shall be deemed to be a certificate of amendment thereto for purposes of this paragraph.*

(4) *A manager of a series or, if there is no manager, then any member of a series who becomes aware that any statement in a certificate of designation filed with respect to such series was false when made, or that any matter described therein has changed making the certificate of designation false in any material respect, shall promptly amend the certificate of designation.*

(5) *A certificate of designation may be amended at any time for any other proper purpose.*

(6) *Unless otherwise provided in the Kansas revised limited liability company act or unless a later effective date or time, which shall be a date or time certain, is provided for in the certificate of amendment, a certificate of amendment shall be effective at the time of its filing with the secretary of state.*

(7) *A certificate of designation shall be canceled upon the cancellation of the articles of organization of the limited liability company named in the certificate of designation, or upon the filing of a certificate of cancellation of the certificate of designation, or upon the future effective date or time of a certificate of cancellation of the certificate of designation, or as provided in K.S.A. 17-76,139(d), and amendments thereto, or upon the filing of a certificate of merger or consolidation if the series is not the surviving or resulting series in a merger or consolidation or upon the future effective date or time of a certificate of merger or consolidation if the series is not the surviving or resulting series in a merger or consolidation. A certificate of cancellation of the certificate of designation may be filed at any time, and shall be filed, in the office of the secretary of state to accomplish the cancellation of a certificate of designation upon the dissolution of a series for which a certificate of designation was filed and completion of the winding up of such series.*

(A) *A certificate of cancellation of the certificate of designation shall set forth:*



- (i) *The name of the limited liability company;*
- (ii) *the name of the series;*
- (iii) *the future effective date or time, which shall be a date or time certain, of cancellation if it is not to be effective upon the filing of the certificate of cancellation; and*
- (iv) *any other information the person filing the certificate of cancellation of the certificate of designation determines.*

(B) *A certificate of designation properly filed with the secretary of state prior to July 1, 2020, that dissolved a series shall be deemed to be a certificate of cancellation thereto for purposes of this paragraph.*

(8) *A certificate of designation of the certificate of designation that is filed in the office of the secretary of state prior to the dissolution or the completion of winding up of a series may be corrected as an erroneously executed certificate of cancellation of the certificate of designation by filing with the office of the secretary of state a certificate of correction of such certificate of cancellation of the certificate of designation in accordance with K.S.A. 2018 Supp. 17-7912, and amendments thereto.*

(9) *The secretary of state shall not issue a certificate of good standing with respect to a series if the certificate of designation is canceled or the limited liability company has ceased to be in good standing.*

- (e) *The name of each series as set forth in its certificate of designation:*

(1) *Shall include the name of the limited liability company, including any word, abbreviation or designation required by K.S.A. 2018 Supp. 17-7920, and amendments thereto;*

- (2) *may contain the name of a member or manager;*

(3) *must comply with the requirements of K.S.A. 2018 Supp. 17-7918, and amendments thereto, to the same extent as a covered entity; and*

(4) *may contain any word permitted by K.S.A. 2018 Supp. 17-7920, and amendments thereto, and may not contain any word prohibited to be included in the name of a limited liability company under Kansas law.*

~~(e)~~(f) *If a foreign limited liability company, as permitted in the jurisdiction of its organization, has established a series having separate rights, powers or duties and has limited the liabilities of such series so that is registered to do business in this state in accordance with K.S.A. 2018 Supp. 17-7931, and amendments thereto, is governed by an operating agreement that establishes or provides for the establishment of a series of members, managers, limited liability company interests or assets having separate rights, powers or duties with respect to specified property or obligations of the foreign limited liability company or profits and losses associated with specified property or obligations, that fact shall be so stated on the application for registration as a foreign limited liability company. In addition, the foreign limited liability company shall state on such application whether the debts, liabilities and obligations incurred, contracted for or*

otherwise existing with respect to a particular series, *if any*, are enforceable against the assets of such series only, and not against the assets of the *foreign* limited liability company generally or any other series thereof, ~~or so that and whether any of the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to the foreign limited liability company generally or any other series thereof are not shall be enforceable against the assets of such series, then the limited liability company, on behalf of itself or any of its series, or any of its series on their own behalf may register to do business in the state in accordance with the provisions of K.S.A. 2018 Supp. 17-7931, and amendments thereto. The limitation of liability shall be so stated on the application for admission as a foreign limited liability company and a certificate of designation shall be filed for each series being registered to do business in the state by the limited liability company. Unless otherwise provided in the operating agreement, the debts, liabilities and obligations incurred, contracted for or otherwise existing with respect to a particular series of such a foreign limited liability company shall be enforceable against the assets of such series only, and not against the assets of the foreign limited liability company generally or any other series thereof and none of the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to such a foreign limited liability company generally or any other series thereof shall be enforceable against the assets of such series.~~

Sec. 40. K.S.A. 2018 Supp. 17-76,145 is hereby amended to read as follows: 17-76,145. *(a) If an operating agreement provides the manner in which a dissolution may be revoked, it may be revoked in that manner and, unless an operating agreement prohibits revocation of dissolution, then notwithstanding the occurrence of an event set forth in subsections (a)(1) through (a)(4) of K.S.A. 17-76,116(a)(1) through (a)(4), and amendments thereto, the limited liability company shall not be dissolved and its affairs shall not be wound up if, prior to the filing of a certificate of cancellation with the secretary of state, the limited liability company is continued, effective as of the occurrence of such event, pursuant to the affirmative vote or written consent of all remaining members of the limited liability company or the personal representative of the last remaining member of the limited liability company if there is no remaining member, and any other person whose approval is required under the operating agreement to revoke a dissolution pursuant to this section, except that if the dissolution was caused by a vote or written consent, the dissolution shall not be revoked unless each member and other person, or their respective personal representatives, who voted in favor of, or consented to, the dissolution has voted or consented in writing to continue the limited liability company:*

*(1) In the case of dissolution effected by the vote, consent or approval of the members or other persons, pursuant to such vote, consent or ap-*

proval, and the vote, consent or approval of any members or other persons whose vote, consent or approval is required under the operating agreement to revoke a dissolution contemplated by this paragraph;

(2) in the case of dissolution under K.S.A. 17-76,116(a)(1) or (2), and amendments thereto, other than a dissolution effected by the vote, consent or approval of the members or other persons or the occurrence of an event that causes the last remaining member to cease to be a member, pursuant to such vote, consent or approval that, pursuant to the terms of the operating agreement, is required to amend the provision of the operating agreement effecting such dissolution, and the vote, consent or approval of any members or other persons whose vote, consent or approval is required under the operating agreement to revoke a dissolution contemplated by this paragraph; and

(3) in the case of dissolution effected by the occurrence of an event that causes the last remaining member to cease to be a member, pursuant to the vote, consent or approval of the personal representative of the last remaining member of the limited liability company or the assignee of all of the limited liability company interests in the limited liability company, and the vote, consent, or approval of any other person whose vote, consent or approval is required under the operating agreement to revoke a dissolution contemplated by this paragraph.

(b) If there is no remaining member of the limited liability company and the personal representative of the last remaining member or the assignee of all of the limited liability company interests in the limited liability company votes in favor of ~~or~~, consents to or approves the continuation of the limited liability company, such personal representative or such assignee, as applicable, shall be required to agree in writing to the admission of the personal representative of such member or its a nominee or designee to the limited liability company as a member, effective as of the occurrence of the event that terminated the continued membership of the last remaining member.

(c) The provisions of this section shall not be construed to limit the accomplishment of a revocation of dissolution by other means permitted by law.

Sec. 41. On and after July 1, 2020, K.S.A. 2018 Supp. 17-76,146 is hereby amended to read as follows: 17-76,146. (a) A domestic limited liability company whose articles of organization or a foreign limited liability company whose authority to do business has been canceled or forfeited pursuant to K.S.A. 2018 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, or whose articles of organization or authority to do business has been forfeited pursuant to K.S.A. 17-76,139(d), and amendments thereto, may be reinstated by filing with the secretary of state a certificate of reinstatement accompanied by the payment of the fee required

by K.S.A. 17-76,136(d), and amendments thereto, and payment of the annual report fees due under K.S.A. 17-76,139(c), and amendments thereto, and all penalties and interest thereon due at the time of the cancellation or forfeiture of its articles of organization or authority to do business. The certificate of reinstatement shall set forth:

(1) The name of the limited liability company at the time its articles of organization or authority to do business was canceled or forfeited and, if such name is not available at the time of reinstatement, the name under which the limited liability company is to be reinstated;

(2) the address of the limited liability company's registered office in the state of Kansas and the name and address of the limited liability company's resident agent in the state of Kansas;

(3) a statement that the certificate of reinstatement is filed by one or more persons authorized to execute and file the certificate of reinstatement to reinstate the limited liability company; and

(4) any other matters the persons executing the certificate of reinstatement determine to include therein.

(b) The certificate of reinstatement shall be deemed to be an amendment to the articles of organization or application for registration of the limited liability company, and the limited liability company shall not be required to take any further action to amend its articles of organization or application for registration under K.S.A. 17-7674 or K.S.A. 2018 Supp. 17-7935, and amendments thereto, with respect to the matters set forth in the certificate of reinstatement.

(c) Upon the filing of a certificate of reinstatement, a limited liability company *and all series thereof that have been formed and whose certificate of designation has not been canceled prior to the cancellation of the articles of organization* shall be reinstated with the same force and effect as if its articles of organization or authority to do business had not been canceled or forfeited pursuant to K.S.A. 17-76,139(d) or K.S.A. 2018 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto. Such reinstatement shall validate all contracts, acts, matters and things made, done and performed by the limited liability company, its members, managers, employees and agents during the time when its articles of organization or authority to do business was canceled or forfeited pursuant to K.S.A. 17-76,139(d) or K.S.A. 2018 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, with the same force and effect and to all intents and purposes as if the articles of organization or authority to do business had remained in full force and effect. All real and personal property, and all rights and interests, which belonged to the limited liability company at the time its articles of organization or authority to do business was canceled or forfeited pursuant to K.S.A. 17-76,139(d) or K.S.A. 2018 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, or

which were acquired by the limited liability company following the cancellation or forfeiture of its articles of organization or authority to do business pursuant to K.S.A. 17-76,139(d) or K.S.A. 2018 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, and which were not disposed of prior to the time of its reinstatement, shall be vested in the limited liability company after its reinstatement as fully as they were held by the limited liability company at, and after, as the case may be, the time its articles of organization or authority to do business was canceled or forfeited pursuant to K.S.A. 17-76,139(d) or K.S.A. 2018 Supp. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto. After its reinstatement, the limited liability company shall be as exclusively liable for all contracts, acts, matters and things made, done or performed in its name and on its behalf by its members, managers, employees and agents prior to its reinstatement as if its articles of organization or authority to do business had at all times remained in full force and effect.

Sec. 42. K.S.A. 2018 Supp. 17-7904 is hereby amended to read as follows: 17-7904. ~~(a)~~ The following documents related to limited liability companies shall be filed with the secretary of state:

- ~~(1)~~(a) Articles of organization as set forth in K.S.A. 17-7673 and K.S.A. 2018 Supp. 17-7673a, and amendments thereto;
- ~~(2)~~(b) professional articles of organization as set forth in K.S.A. 17-7673 and K.S.A. 2018 Supp. 17-7673a, and amendments thereto;
- ~~(3)~~(c) series limited liability company articles of organization as set forth in K.S.A. 2018 Supp. 17-76,143, and amendments thereto;
- ~~(4)~~(d) foreign limited liability company application for authority as set forth in K.S.A. 2018 Supp. 17-7931, and amendments thereto;
- ~~(5)~~(e) foreign series limited liability company application for admission to transact business as set forth in K.S.A. 2018 Supp. 17-7931 and K.S.A. 2018 Supp. 17-76,143, and amendments thereto;
- ~~(6)~~(f) annual report as set forth in K.S.A. 17-76,139, and amendments thereto;
- ~~(7)~~(g) certificate of amendment as set forth in K.S.A. 17-7674 and K.S.A. 2018 Supp. 17-7674a, and amendments thereto;
- ~~(8)~~(h) restated articles of organization as set forth in K.S.A. 17-7680, and amendments thereto;
- ~~(9)~~(i) series certificate of designation as set forth in K.S.A. 2018 Supp. 17-76,143, and amendments thereto;
- ~~(10)~~(j) certificate of amendment or termination to certificate of merger or consolidation as set forth in K.S.A. 17-7681, and amendments thereto;
- ~~(11)~~(k) certificate of correction as set forth in K.S.A. 2018 Supp. 17-7912, and amendments thereto;
- ~~(12)~~(l) foreign certificate of correction as set forth in K.S.A. 2018 Supp. 17-7912, and amendments thereto;

~~(13)(m)~~ change of registered office or resident agent as set forth in K.S.A. 2018 Supp. 17-7926, 17-7927, 17-7928 and 17-7929, and amendments thereto;

~~(14)(n)~~ mergers as set forth in K.S.A. 17-7681, and amendments thereto;

~~(15)(o)~~ reinstatement as set forth in K.S.A. 17-76,139, and amendments thereto;

~~(16)(p)~~ certificate of cancellation as set forth in K.S.A. 17-7675, and amendments thereto; ~~and~~

~~(17)(q)~~ foreign cancellation of registration as set forth in K.S.A. 2018 Supp. 17-7936, and amendments thereto; *and*

*(r) certificate of division as set forth in section 2, and amendments thereto.*

~~(b) This section shall take effect on and after January 1, 2015.~~

Sec. 43. On and after July 1, 2020, K.S.A. 2018 Supp. 17-7904, as amended by section 42 of this act, is hereby amended to read as follows: 17-7904. The following documents related to limited liability companies shall be filed with the secretary of state:

(a) Articles of organization as set forth in K.S.A. 17-7673 and K.S.A. 2018 Supp. 17-7673a, and amendments thereto;

(b) professional articles of organization as set forth in K.S.A. 17-7673 and K.S.A. 2018 Supp. 17-7673a, and amendments thereto;

(c) series limited liability company articles of organization as set forth in K.S.A. 2018 Supp. 17-76,143, and amendments thereto;

(d) foreign limited liability company application for authority as set forth in K.S.A. 2018 Supp. 17-7931, and amendments thereto;

(e) foreign series limited liability company application for admission to transact business as set forth in K.S.A. 2018 Supp. 17-7931 and K.S.A. 2018 Supp. 17-76,143, and amendments thereto;

(f) annual report as set forth in K.S.A. 17-76,139, and amendments thereto;

(g) certificate of amendment as set forth in K.S.A. 17-7674 and K.S.A. 2018 Supp. 17-7674a *and* 17-76,143, and amendments thereto;

(h) restated articles of organization as set forth in K.S.A. 17-7680, and amendments thereto;

(i) series certificate of designation as set forth in K.S.A. 2018 Supp. 17-76,143, and amendments thereto;

(j) certificate of amendment or termination to certificate of merger or consolidation as set forth in K.S.A. 17-7681 *or* section 3, and amendments thereto;

(k) certificate of correction as set forth in K.S.A. 2018 Supp. 17-7912, and amendments thereto;

(l) foreign certificate of correction as set forth in K.S.A. 2018 Supp. 17-7912, and amendments thereto;

(m) change of registered office or resident agent as set forth in K.S.A. 2018 Supp. 17-7926, 17-7927, 17-7928 and 17-7929, and amendments thereto;

(n) *mergers or consolidations* as set forth in K.S.A. 17-7681 *or section 3*, and amendments thereto;

(o) reinstatement as set forth in K.S.A. 17-76,139 *or section 4*, and amendments thereto;

(p) certificate of cancellation as set forth in K.S.A. 17-7675 *or K.S.A. 2018 Supp. 17-76,143*, and amendments thereto;

(q) foreign cancellation of registration as set forth in K.S.A. 2018 Supp. 17-7936, and amendments thereto; and

(r) certificate of division as set forth in section 2, and amendments thereto.

Sec. 44. K.S.A. 2018 Supp. 17-7915 is hereby amended to read as follows: 17-7915. Service of process in any action against a covered entity *or a series of a limited liability company* shall be made in the manner described in K.S.A. 60-304, and amendments thereto.

~~This section shall take effect on and after January 1, 2015.~~

Sec. 45. K.S.A. 2018 Supp. 17-7916 is hereby amended to read as follows: 17-7916. (a) Unless otherwise provided in a covered entity's public organic document or organic rules, any person may sign any document filed with the secretary of state pursuant to this act by an attorney-in-fact, but a power of attorney to sign a certificate relating to the admission of a general partner must describe the admission. Powers of attorney relating to the signing of a document by an attorney-in-fact need not be filed in the office of the secretary of state but must be retained by the covered entity.

(b) For all purposes of the laws of the state of Kansas, ~~unless otherwise provided in a covered entity's public organic document or organic rules, a power of attorney with respect to matters relating to the formation, internal affairs or termination of a covered entity or granted by a person as a member, incorporator, partner or limited partner of a covered entity, or by an assignee of an interest in a covered entity or by a person seeking to become a member, incorporator, partner, limited partner or an assignee of an interest in a covered entity~~ *any document filed with the secretary of state pursuant to the business entity standard treatment act, K.S.A. 2018 Supp. 17-7901 et seq., and amendments thereto*, shall be irrevocable if the power of attorney states that it is irrevocable and it is coupled with an interest sufficient in law to support an irrevocable power. Such irrevocable power of attorney, unless otherwise provided therein, *or in a covered entity's public organic document or organic rules*, shall not be affected by the subsequent death, disability, incapacity, dissolution, termination of existence or bankruptcy of, or any other event concerning, the principal. ~~A power of attorney with respect to matters relating to the organization,~~



internal affairs or termination of a covered entity or granted by a person as a member or an assignee of an interest in a covered entity or by a person seeking to become a member, incorporator, partner or limited partner or an assignee of an interest in a covered entity and, in either case, granted to the covered entity, a manager or member thereof, or any of their respective officers, directors, managers, members, partners, trustees, employees or agents shall be deemed coupled with an interest sufficient in law to support an irrevocable power.

Sec. 46. On and after July 1, 2020, K.S.A. 2018 Supp. 17-7918 is hereby amended to read as follows: 17-7918. (a) Except as otherwise provided in subsection (b), the names of all covered entities, except for banks, savings and loan associations and savings banks, must be distinguishable on the records of the office of the secretary of state from:

- (1) The name of any other covered entity or foreign covered entity;
- (2) the name of any non-covered entity, other than a general partnership, that has filed with the office of the secretary of state, *including a series of a limited liability company for which a certificate of designation has been filed*;
- (3) any entity name reserved pursuant to K.S.A. 2018 Supp. 17-7923, and amendments thereto; and
- (4) the name of any other covered entity, *series of a limited liability company* or foreign covered entity whose public organic documents, *certificate of designation* or foreign registration has been canceled or forfeited for any reason within the previous one year.

(b) A covered entity may register under any name that is not distinguishable on the records of the office of the secretary of state from the name of any other covered entity or non-covered entity that has filed with the office of the secretary of state with the written consent of the other entity, which written consent shall be filed with the secretary of state.

(c) A covered entity may use a name that is not distinguishable from a name described in subsection (a)(1) through (3) if the entity delivers to the secretary of state a certified copy of a final judgment of a court of competent jurisdiction establishing the right of the entity to use the name in this state.

Sec. 47. On and after July 1, 2020, K.S.A. 2018 Supp. 17-7923 is hereby amended to read as follows: 17-7923. (a) The exclusive right to the use of an entity name *or, as applicable, the name of a series of a limited liability company*, may be reserved by:

- (1) Any person intending to organize a covered entity under the laws of this state;
- (2) *any domestic limited liability company or any person intending to organize a domestic limited liability company, intending to file a certificate of designation to form a series of any such limited liability company*;



(3) any domestic covered entity intending to change its name *or intending to change the name of a series for which a certificate of designation has been filed*;

~~(3)(4)~~ any foreign covered entity intending to make application for a certificate of authority to transact business in this state;

~~(4)(5)~~ any foreign covered entity authorized to transact business in this state, and intending to change its name; and

~~(5)(6)~~ any person intending to organize a foreign covered entity, and intending to have such entity make application for a certificate of authority to transact business in this state.

(b) The reservation shall be made by filing with the secretary of state an application to reserve a specific covered entity name *or the name of a series of a domestic limited liability company*, executed by the applicant. The reservation may be filed by telefacsimile communication as prescribed by K.S.A. 2018 Supp. 17-7914, and amendments thereto. If the secretary of state finds that the name is available, the secretary of state shall reserve the same for the exclusive use of the applicant for a period of 120 days.

(c) The right to exclusive use of a specified entity name *or the name of a series of a domestic limited liability company*, reserved pursuant to this section, may be transferred to any other person or covered entity by filing in the office of the secretary of state, a notice of such transfer, executed by the applicant for whom the name was reserved, and specifying the name and address of the transferee.

~~(d) This section shall take effect on and after January 1, 2015.~~

Sec. 48. K.S.A. 2018 Supp. 17-7929 is hereby amended to read as follows: 17-7929. (a) The resident agent of one or more covered entities may resign without appointing a successor by paying a fee if authorized by law, as provided by K.S.A. 2018 Supp. 17-7910, and amendments thereto, and filing a certificate of resignation, with the secretary of state stating that the resident agent resigns as resident agent for the covered entities identified in the certificate, but such resignation shall not become effective until 30 days after the certificate is filed. The certificate shall be executed by the resident agent, shall contain a statement that written notice of resignation was given to each affected covered entity at least 30 days prior to the filing of the certificate by mailing or delivering such notice to the covered entity at its address last known to the resident agent and shall set forth the date of such notice.

(b) After receipt of the notice of the resignation of its resident agent, provided for in subsection (a), any covered entity for which such resident agent was acting shall obtain and designate a new resident agent to take the place of the resident agent so resigning. Such covered entity shall pay a fee if authorized by law, as provided by K.S.A. 2018 Supp. 17-7910, and amend-

ments thereto, and file with the secretary of state a certificate setting forth the name and address of the successor resident agent. Upon such filing, the successor resident agent shall become the resident agent of such covered entity and the successor resident agent's address, as stated in such certificate, shall become the address of the covered entity's registered office in this state. If such covered entity fails to obtain and designate a new resident agent as aforesaid, prior to the expiration of the period of 60 days after the filing by the resident agent of the certificate of resignation, the secretary of state shall declare the entity's organizing documents forfeited.

(c) After the resignation of the resident agent shall have become effective, as provided in subsection (a), and if no new resident agent shall have been obtained and designated in the time and manner provided for in subsection (b), service of legal process against the covered entity, *or in the case of a domestic or foreign limited liability company, any series of such limited liability company*, for which the resigned resident agent had been acting shall thereafter be upon the secretary of state in the manner prescribed by K.S.A. 60-304, and amendments thereto.

(d) Any covered entity affected by the filing of a certificate under this section shall not be required to take any further action to amend its public organic documents to reflect a change of registered office or resident agent.

Sec. 49. On and after July 1, 2020, K.S.A. 2018 Supp. 17-7933 is hereby amended to read as follows: 17-7933. (a) Except as otherwise provided in subsection (b), the names of all foreign covered entities must be distinguishable on the records of the office of the secretary of state from:

- (1) The name of any covered entity or foreign covered entity;
- (2) the name of any non-covered entity, other than a general partnership, that has filed with the secretary of state, *including a series of a limited liability company for which a certificate of designation has been filed*;
- (3) any entity name reserved pursuant to K.S.A. 2018 Supp. 17-7923, and amendments thereto; and
- (4) the name of any other covered entity, *series of a limited liability company* or foreign covered entity whose public organic document, *certificate of designation* or foreign registration has been canceled or forfeited for any reason within the previous one year.

(b) A foreign covered entity may register under any name that is not distinguishable on the records of the office of the secretary of state from the name of any other covered entity or non-covered entity that has filed with the office of the secretary of state:

- (1) With the written consent of the other entity, which written consent shall be filed with the secretary of state; or
- (2) if the foreign covered entity indicates, as a means of identification and in its advertising within this state, the state in which the foreign covered entity was formed, and the application sets forth this condition.

Sec. 50. K.S.A. 2018 Supp. 60-304 is hereby amended to read as follows: 60-304. As used in this section, “serving” means making service by any of the methods described in K.S.A. 60-303, and amendments thereto, unless a specific method of making service is prescribed in this section. Except for service by publication under K.S.A. 60-307, and amendments thereto, service of process under this article must be made as follows:

(a) *Individual*. On an individual other than a minor or a disabled person, by serving the individual or by serving an agent authorized by appointment or by law to receive service of process. If the agent is one designated by statute to receive service, such further notice as the statute requires must be given. Service by return receipt delivery must be addressed to an individual at the individual’s dwelling or usual place of abode and to an authorized agent at the agent’s usual or designated address. If the sheriff, party or party’s attorney files a return of service stating that the return receipt delivery to the individual at the individual’s dwelling or usual place of abode was refused or unclaimed and that a business address is known for the individual, the sheriff, party or party’s attorney may complete service by return receipt delivery, addressed to the individual at the individual’s business address.

(b) *Minor*. On a minor, by serving:

(1) The minor; and

(2) either:

(A) The minor’s guardian or conservator, if the minor has one within this state;

(B) the minor’s father, mother or other person having the minor’s care or control or with whom the minor resides; or

(C) if service cannot be made as specified in paragraphs (A) or (B), as provided by order of the court.

Service by return receipt delivery must be addressed to an individual at the individual’s dwelling or usual place of abode and to a corporate guardian or conservator at the guardian’s or conservator’s usual place of business.

(c) *Disabled person*. On a disabled person, as defined in K.S.A. 77-201, and amendments thereto, by:

(1) Serving:

(A) The person’s guardian, conservator or a competent adult member of the person’s family with whom the person resides;

(B) if the person resides in an institution, the director or chief executive officer of the institution; or

(C) if service cannot be made as specified in paragraphs (A) or (B), as provided by order of the court; and

(2) unless the court otherwise orders, serving the disabled person.

Service by return receipt delivery must be addressed to the director or chief executive officer of an institution at the institution, to any other

individual at the individual's dwelling or usual place of abode, and to a corporate guardian or conservator at the guardian's or conservator's usual place of business.

(d) *Governmental bodies. On:*

(1) A county, by serving one of the county commissioners, the county clerk or the county treasurer;

(2) a township, by serving the clerk or a trustee;

(3) a city, by serving the clerk or the mayor;

(4) any other public corporation, body politic, district or authority, by serving the clerk or secretary or, if the clerk or secretary is not found, any officer, director or manager thereof; and

(5) the state or any governmental agency of the state, when subject to suit, by serving the attorney general or an assistant attorney general.

Service by return receipt delivery must be addressed to the appropriate official at the official's governmental office. Income withholding orders for support and orders of garnishment of earnings of state officers and employees must be served on the state or governmental agency of the state in the manner provided by K.S.A. 60-723, and amendments thereto.

(e) *Corporations, domestic or foreign limited liability companies, domestic or foreign limited partnerships, domestic or foreign limited liability partnerships and partnerships.* On a domestic or foreign corporation, domestic or foreign limited liability company, domestic or foreign limited partnership, domestic or foreign limited liability partnership or a partnership or other unincorporated association that is subject to suit in a common name, by:

(1) Serving an officer, manager, partner or a resident, managing or general agent;

(2) leaving a copy of the summons and petition or other document at any of its business offices with the person having charge thereof; or

(3) serving any agent authorized by appointment or by law to receive service of process, and if the agent is one authorized by statute to receive service and the statute so requires, by also mailing a copy to the defendant.

Service by return receipt delivery on an officer, partner or agent must be addressed to the person at the person's usual place of business.

(f) *Resident agent for a corporation, limited liability company, limited partnership or limited liability partnership.* A domestic corporation, domestic limited liability company or domestic limited partnership, and, if it is authorized to transact business or transacts business without authority in this state, a foreign corporation, foreign limited liability company or foreign limited partnership irrevocably authorizes the secretary of state as its agent to accept on its behalf service of process, or any notice or demand required or permitted by law to be served on it, when: (1) It fails to appoint or maintain in this state a resident agent on whom service

may be had; or (2) its resident agent cannot with reasonable diligence be found at the registered office in this state. Service on the secretary of state of any process, notice or demand must be made by delivering to the secretary of state, by personal service or by return receipt delivery, the original and two copies of the process and two copies of the petition, notice or demand. When any process, notice or demand is served on the secretary of state, the secretary must promptly forward a copy of it by return receipt delivery, addressed to the corporation, limited liability company or limited partnership at its principal office as it appears in the records of the secretary of state, or at the registered or principal office of the corporation, limited liability company or limited partnership in the state of its incorporation or formation. The secretary of state must keep a record of all processes, notices and demands served on the secretary under this subsection, and must record the time of the service and the action taken by the secretary. A fee of \$40 must be paid to the secretary of state by the party requesting the service of process, to cover the cost of serving process, except the secretary of state may waive the fee for state agencies. The fee must not be included in or paid from any deposit as security for costs or the docket fee required by K.S.A. 60-2001 or 61-4001, and amendments thereto.

(g) *Insurance companies or associations.* Service of summons or other process on any insurance company or association, organized under the laws of this state, may also be made by serving the commissioner of insurance in the same manner as provided for service on foreign insurance companies or associations.

(h) *Service on an employee.* If a party or a party's agent or attorney files an affidavit or a declaration pursuant to K.S.A. 53-601, and amendments thereto, that to the best of the affiant's or declarant's knowledge and belief the person to be served is employed in this state, and is a nonresident or that the place of residence of the person is unknown, the affiant or declarant may request that the sheriff or other duly authorized person direct an officer, partner, managing or general agent or the individual having charge of the place at which the person to be served is employed, to make the person available to permit the sheriff or other duly authorized person to serve the summons or other process.

(i) *Service on a series of a limited liability company.* On a series established under a domestic or foreign limited liability company by service on such domestic or foreign limited liability company in the same manner as described in subsections (e) and (f), but if service is made on the resident, managing, general or other agent of the limited liability company upon which service may be made or the secretary of state on behalf of any such series, such service shall include the name of the limited liability company and the name of such series.

Sec. 51. On and after July 1, 2020, K.S.A. 2018 Supp. 84-1-201 is hereby amended to read as follows: 84-1-201. (a) Unless the context otherwise requires, words or phrases defined in this section, or in the additional definitions contained in other articles of the uniform commercial code that apply to particular articles or parts thereof, have the meanings stated.

(b) Subject to definitions contained in other articles of the uniform commercial code that apply to particular articles or parts thereof:

(1) “Action,” in the sense of a judicial proceeding, includes recoupment, counterclaim, set-off, suit in equity, and any other proceeding in which rights are determined.

(2) “Aggrieved party” means a party entitled to pursue a remedy.

(3) “Agreement,” as distinguished from “contract,” means the bargain of the parties in fact, as found in their language or inferred from other circumstances, including course of performance, course of dealing, or usage of trade as provided in K.S.A. 2018 Supp. 84-1-303, and amendments thereto.

(4) “Bank” means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company.

(5) “Bearer” means a person in control of a negotiable electronic document of title or a person in possession of a negotiable instrument, negotiable tangible document of title, or certificated security that is payable to bearer or indorsed in blank.

(6) “Bill of lading” means a document of title evidencing the receipt of goods for shipment issued by a person engaged in the business of directly or indirectly transporting or forwarding goods. The term does not include a warehouse receipt.

(7) “Branch” includes a separately incorporated foreign branch of a bank.

(8) “Burden of establishing” a fact means the burden of persuading the trier of fact that the existence of the fact is more probable than its nonexistence.

(9) “Buyer in ordinary course of business” means a person that buys goods in good faith, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller’s own usual or customary practices. A person that sells oil, gas, or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods

or documents of title under a preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under article 2 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, may be a buyer in ordinary course of business. “Buyer in ordinary course of business” does not include a person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) “Conspicuous,” with reference to a term, means so written, displayed, or presented that a reasonable person against which it is to operate ought to have noticed it. Whether a term is “conspicuous” or not is a decision for the court. Conspicuous terms include the following:

(A) A heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same or lesser size; and

(B) language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language.

(11) “Consumer” means an individual who enters into a transaction primarily for personal, family, or household purposes.

(12) “Contract,” as distinguished from “agreement,” means the total legal obligation that results from the parties’ agreement as determined by the uniform commercial code as supplemented by any other applicable laws.

(13) “Creditor” includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor’s or assignor’s estate.

(14) “Defendant” includes a person in the position of defendant in a counterclaim, cross-claim, or third-party claim.

(15) “Delivery,” with respect to an electronic document of title means voluntary transfer of control and with respect to an instrument, a tangible document of title, or chattel paper, means voluntary transfer of possession.

(16) “Document of title” means a record (i) that in the regular course of business or financing is treated as adequately evidencing that the person in possession or control of the record is entitled to receive, control, hold, and dispose of the record and the goods the record covers and (ii) that purports to be issued by or addressed to a bailee and to cover goods in the bailee’s possession which are either identified or are fungible portions of an identified mass. The term includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt and order for delivery of goods. An electronic document of title means a document of



title evidenced by a record consisting of information stored in an electronic medium. A tangible document of title means a document of title evidenced by a record consisting of information that is inscribed on a tangible medium.

(17) “Fault” means a default, breach, or wrongful act or omission.

(18) “Fungible goods” means:

(A) Goods of which any unit, by nature or usage of trade, is the equivalent of any other like unit; or

(B) goods that by agreement are treated as equivalent.

(19) “Genuine” means free of forgery or counterfeiting.

(20) “Good faith,” except as otherwise provided in article 5 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(21) “Holder” means:

(A) The person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession; or

(B) the person in possession of a negotiable tangible document of title if the goods are deliverable either to bearer or to the order of the person in possession; or

(C) the person in control of a negotiable electronic document of title.

(22) “Insolvency proceeding” includes an assignment for the benefit of creditors or other proceeding intended to liquidate or rehabilitate the estate of the person involved.

(23) “Insolvent” means:

(A) Having generally ceased to pay debts in the ordinary course of business other than as a result of bona fide dispute;

(B) being unable to pay debts as they become due; or

(C) being insolvent within the meaning of federal bankruptcy law.

(24) “Money” means a medium of exchange currently authorized or adopted by a domestic or foreign government. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries.

(25) “Organization” means a person other than an individual.

(26) “Party,” as distinguished from “third party,” means a person that has engaged in a transaction or made an agreement subject to the uniform commercial code.

(27) “Person” means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity, or *any series of any of the foregoing*.



(28) “Present value” means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into.

(29) “Purchase” means taking by sale, lease, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift, or any other voluntary transaction creating an interest in property.

(30) “Purchaser” means a person that takes by purchase.

(31) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(32) “Remedy” means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(33) “Representative” means a person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, executor, or administrator of an estate.

(34) “Right” includes remedy.

(35) “Security interest” means an interest in personal property or fixtures which secures payment or performance of an obligation. “Security interest” includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to article 9 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto. “Security interest” does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under K.S.A. 84-2-401 and amendments thereto, but a buyer may also acquire a “security interest” by complying with article 9 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto. Except as otherwise provided in K.S.A. 84-2-505, and amendments thereto, the right of a seller or lessor of goods under article 2 or 2a of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, to retain or acquire possession of the goods is not a “security interest,” but a seller or lessor may also acquire a “security interest” by complying with article 9 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under K.S.A. 84-2-401, and amendments thereto, is limited in effect to a reservation of a “security interest.” Whether a transaction in the form of a lease creates a “security interest” is determined pursuant to K.S.A. 2018 Supp. 84-1-203, and amendments thereto.

(36) “Send” in connection with a writing, record, or notice means:

(A) To deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and, in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances; or

(B) in any other way to cause to be received any record or notice within the time it would have arrived if properly sent.

(37) “Signed” includes using any symbol executed or adopted with present intention to adopt or accept a writing.

(38) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(39) “Surety” includes a guarantor or other secondary obligor.

(40) “Term” means a portion of an agreement that relates to a particular matter.

(41) “Unauthorized signature” means a signature made without actual, implied, or apparent authority. The term includes a forgery.

(42) “Warehouse receipt” means a document of title issued by a person engaged in the business of storing goods for hire.

(43) “Writing” includes printing, typewriting, or any other intentional reduction to tangible form. “Written” has a corresponding meaning.

Sec. 52. On and after July 1, 2020, K.S.A. 2018 Supp. 84-9-102 is hereby amended to read as follows: 84-9-102. (a) **Article 9 definitions.** In this article:

(1) “Accession” means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(2) “Account,” except as used in “account for,” means a right to payment of a monetary obligation, whether or not earned by performance, (A) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (B) for services rendered or to be rendered, (C) for a policy of insurance issued or to be issued, (D) for a secondary obligation incurred or to be incurred, (E) for energy provided or to be provided, (F) for the use or hire of a vessel under a charter or other contract, (G) arising out of the use of a credit or charge card or information contained on or for use with the card, or (H) as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes health-care-insurance receivables. The term does not include: (A) Rights to payment evidenced by chattel paper or an instrument, (B) commercial tort claims, (C) deposit accounts, (D) investment property, (E) letter-of-credit rights or letters of credit, or (F) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card.

(3) “Account debtor” means a person obligated on an account, chattel paper, or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the instrument constitutes part of chattel paper.

(4) “Accounting,” except as used in “accounting for,” means a record:

(A) Authenticated by a secured party;

(B) indicating the aggregate unpaid secured obligations as of a date not more than 35 days earlier or 35 days later than the date of the record; and

(C) identifying the components of the obligations in reasonable detail.

(5) “Agricultural lien” means an interest, other than a security interest, in farm products: (A) Which secures payment or performance of an obligation for:

(i) Goods or services furnished in connection with a debtor’s farming operation; or

(ii) rent on real property leased by a debtor in connection with its farming operation;

(B) which is created by statute in favor of a person that:

(i) In the ordinary course of its business furnished goods or services to a debtor in connection with a debtor’s farming operation; or

(ii) leased real property to a debtor in connection with the debtor’s farming operation; and

(C) whose effectiveness does not depend on the person’s possession of the personal property. Agricultural liens shall not include statutory liens.

(6) “As-extracted collateral” means: (A) Oil, gas, or other minerals that are subject to a security interest that:

(i) Is created by a debtor having an interest in the minerals before extraction; and

(ii) attaches to the minerals as extracted; or

(B) accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.

(7) “Authenticate” means:

(A) To sign; or

(B) with present intent to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol or process.

(8) “Bank” means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions, and trust companies.

(9) “Cash proceeds” means proceeds that are money, checks, deposit accounts, or the like.

(10) “Certificate of title” means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest’s

obtaining priority over the rights of a lien creditor with respect to the collateral. The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

(11) "Chattel paper" means a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this subsection, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term does not include (i) charters or other contracts involving the use or hire of a vessel or (ii) records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper.

(12) "Collateral" means the property subject to a security interest or agricultural lien. The term includes:

- (A) Proceeds to which a security interest attaches;
- (B) accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and
- (C) goods that are the subject of a consignment.

(13) "Commercial tort claim" means a claim arising in tort with respect to which:

- (A) The claimant is an organization; or
- (B) the claimant is an individual and the claim:
  - (i) Arose in the course of the claimant's business or profession; and
  - (ii) does not include damages arising out of personal injury to or the death of an individual.

(14) "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

(15) "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:

- (A) Traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or

(B) traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer.

(16) “Commodity customer” means a person for which a commodity intermediary carries a commodity contract on its books.

(17) “Commodity intermediary” means a person that:

(A) Is registered as a futures commission merchant under federal commodities law; or

(B) in the ordinary course of its business provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

(18) “Communicate” means:

(A) To send a written or other tangible record;

(B) to transmit a record by any means agreed upon by the persons sending and receiving the record; or

(C) in the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

(19) “Consignee” means a merchant to which goods are delivered in a consignment.

(20) “Consignment” means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

(A) The merchant:

(i) Deals in goods of that kind under a name other than the name of the person making delivery;

(ii) is not an auctioneer; and

(iii) is not generally known by its creditors to be substantially engaged in selling the goods of others;

(B) with respect to each delivery, the aggregate value of the goods is \$1,000 or more at the time of delivery;

(C) the goods are not consumer goods immediately before delivery; and

(D) the transaction does not create a security interest that secures an obligation.

(21) “Consignor” means a person that delivers goods to a consignee in a consignment.

(22) “Consumer debtor” means a debtor in a consumer transaction.

(23) “Consumer goods” means goods that are used or bought for use primarily for personal, family, or household purposes.

(24) “Consumer-goods transaction” means a consumer transaction in which:

(A) An individual incurs an obligation primarily for personal, family, or household purposes; and

(B) a security interest in consumer goods secures the obligation.

(25) “Consumer obligor” means an obligor who is an individual and who incurred the obligation as part of a transaction entered into primarily for personal, family, or household purposes.

(26) “Consumer transaction” means a transaction in which (i) an individual incurs an obligation primarily for personal, family, or household purposes, (ii) a security interest secures the obligation, and (iii) the collateral is held or acquired primarily for personal, family, or household purposes. The term includes consumer-goods transactions.

(27) “Continuation statement” means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

(B) indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

(28) “Debtor” means:

(A) A person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;

(B) a seller of accounts, chattel paper, payment intangibles, or promissory notes; or

(C) a consignee.

(29) “Deposit account” means a demand, time, savings, passbook, or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument.

(30) “Document” means a document of title or a receipt of the type described in ~~subsection (b) of K.S.A. 84-7-201(b)~~, and amendments thereto.

(31) “Electronic chattel paper” means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.

(32) “Encumbrance” means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property.

(33) “Equipment” means goods other than inventory, farm products, or consumer goods.

(34) “Farm products” means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are: (A) Crops grown, growing, or to be grown, including:

(i) Crops produced on trees, vines, and bushes; and

(ii) aquatic goods produced in aquacultural operations;

(B) livestock, born or unborn, including aquatic goods produced in aquacultural operations;

(C) supplies used or produced in a farming operation; or

(D) products of crops or livestock in their unmanufactured states.

(35) “Farming operation” means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.

(36) “File number” means the number assigned to an initial financing statement pursuant to ~~subsection (a) of~~ K.S.A. 2018 Supp. 84-9-519(a), and amendments thereto.

(37) “Filing office” means an office designated in K.S.A. 2018 Supp. 84-9-501, and amendments thereto, as the place to file a financing statement.

(38) “Filing-office rule” means a rule adopted pursuant to K.S.A. 2018 Supp. 84-9-526, and amendments thereto.

(39) “Financing statement” means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.

(40) “Fixture filing” means the filing of a financing statement covering goods that are or are to become fixtures and satisfying ~~subsections (a) and (b) of~~ K.S.A. 2018 Supp. 84-9-502(a) and (b), and amendments thereto. The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures.

(41) “Fixtures” means goods that have become so related to particular real property that an interest in them arises under real property law.

(42) “General intangible” means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. The term includes payment intangibles and software.

(43) Reserved.

(44) “Goods” means all things that are movable when a security interest attaches. The term includes (A) fixtures, (B) standing timber that is to be cut and removed under a conveyance or contract for sale, (C) the unborn young of animals, (D) crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes, and (E) manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if (A) the program is associated with the goods in such a manner that it customarily is considered part of the goods, or (B) by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction.

(45) “Governmental unit” means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.

(46) “Health-care-insurance receivable” means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided.

(47) “Instrument” means a negotiable instrument, a writing that would otherwise qualify as a certificate of deposit as defined by K.S.A. 84-3-104(j), and amendments thereto, but for the fact that the writing contains a limitation on transfer, or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment. The term does not include (i) investment property, (ii) letters of credit, or (iii) writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

(48) “Inventory” means goods, other than farm products, which:

(A) Are leased by a person as lessor;

(B) are held by a person for sale or lease or to be furnished under a contract of service;

(C) are furnished by a person under a contract of service; or

(D) consist of raw materials, work in process, or materials used or consumed in a business.

(49) “Investment property” means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

(50) “Jurisdiction of organization,” with respect to a registered organization, means the jurisdiction under whose law the organization is formed or organized.

(51) “Letter-of-credit right” means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

(52) “Lien creditor” means:

(A) A creditor that has acquired a lien on the property involved by attachment, levy, or the like;

(B) an assignee for benefit of creditors from the time of assignment;

(C) a trustee in bankruptcy from the date of the filing of the petition; or

(D) a receiver in equity from the time of appointment.



(53) “Manufactured home” means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States secretary of housing and urban development and complies with the standards established under title 42 of the United States code.

(54) “Manufactured-home transaction” means a secured transaction:

(A) That creates a purchase-money security interest in a manufactured home, other than a manufactured home held as inventory; or

(B) in which a manufactured home, other than a manufactured home held as inventory, is the primary collateral.

(55) “Mortgage” means a consensual interest in real property, including fixtures, which secures payment or performance of an obligation.

(56) “New debtor” means a person that becomes bound as a debtor under K.S.A. 2018 Supp. 84-9-203(d), and amendments thereto, by a security agreement previously entered into by another person.

(57) “New value” means (A) money, (B) money’s worth in property, services, or new credit, or (C) release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

(58) “Noncash proceeds” means proceeds other than cash proceeds.

(59) “Obligor” means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, (A) owes payment or other performance of the obligation, (B) has provided property other than the collateral to secure payment or other performance of the obligation, or (C) is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include issuers or nominated persons under a letter of credit.

(60) “Original debtor” except as used in K.S.A. 2018 Supp. 84-9-310(c), and amendments thereto, means a person that, as debtor, entered into a security agreement to which a new debtor has become bound under K.S.A. 2018 Supp. 84-9-203(d), and amendments thereto.

(61) “Payment intangible” means a general intangible under which the account debtor’s principal obligation is a monetary obligation.

(62) “Person related to,” with respect to an individual, means:

(A) The spouse of the individual;

(B) a brother, brother-in-law, sister or sister-in-law of the individual;

(C) an ancestor or lineal descendant of the individual or the individual's spouse; or

(D) any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual.

(63) "Person related to," with respect to an organization, means:

(A) A person directly or indirectly controlling, controlled by or under common control with the organization;

(B) an officer or director of, or a person performing similar functions with respect to, the organization;

(C) an officer or director of, or a person performing similar functions with respect to, a person described in subparagraph (A);

(D) the spouse of an individual described in subparagraph (A), (B) or (C); or

(E) an individual who is related by blood or marriage to an individual described in subparagraph (A), (B), (C) or (D) and shares the same home with the individual.

(64) "Proceeds" except as used in K.S.A. 2018 Supp. 84-9-609(b), and amendments thereto, means the following property:

(A) Whatever is acquired upon the sale, lease, license, exchange or other disposition of collateral;

(B) whatever is collected on, or distributed on account of, collateral;

(C) rights arising out of collateral;

(D) to the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; or

(E) to the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.

(65) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

(66) "Proposal" means a record authenticated by a secured party which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to K.S.A. 2018 Supp. 84-9-620, 84-9-621 and 84-9-622, and amendments thereto.

(67) "Public organic record" means a record that is available to the public for inspection and is:

(A) A record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;

(B) an organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

(C) a record consisting of legislation enacted by the legislature of a state or the congress of the United States which forms or organizes an organization, any record amending the legislation and any record filed with or issued by the state or the United States which amends or restates the name of the organization.

(68) “Pursuant to commitment,” with respect to an advance made or other value given by a secured party, means pursuant to the secured party’s obligation, whether or not a subsequent event of default or other event not within the secured party’s control has relieved or may relieve the secured party from its obligation.

(69) “Record,” except as used in “for record,” “of record,” “record or legal title,” and “record owner,” means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

(70) “Registered organization” means an organization formed or organized solely under the law of a single state or the United States by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by, the state or the United States. The term includes a business trust that is formed or organized under the law of a single state if a law of the state governing business trusts requires that the business trust’s organic record be filed with the state. *The term also includes a series of a registered organization if the series is an organization formed or organized under the law of a single state and the statute of the state governing the series requires that the public organic record of the series be filed with the state.*

(71) “Secondary obligor” means an obligor to the extent that:

(A) The obligor’s obligation is secondary; or

(B) the obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either.

(72) “Secured party” means:

(A) A person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(B) a person that holds an agricultural lien;

(C) a consignor;

(D) a person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;

(E) a trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or

(F) a person that holds a security interest arising under K.S.A. 84-2-401, 84-2-505, 84-2-711(3), 84-2a-508(5), 84-4-210 and 84-5-118, and amendments thereto.

(73) “Security agreement” means an agreement that creates or provides for a security interest.

(74) “Send,” in connection with a record or notification, means:

(A) To deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or

(B) to cause the record or notification to be received within the time that it would have been received if properly sent under subparagraph (A).

(75) “Software” means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is included in the definition of goods.

(76) “State” means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

(77) “Statutory lien” means liens created by K.S.A. 2-1319, 2-2608, 2-3007, 34-239, 47-836, 58-201, 58-203, 58-204, 58-207, 58-218, 58-220, 58-221, 58-241, 58-242, 58-2524, 58-2525, 58-2526, 58-2527 and 58-2528, and K.S.A. 2018 Supp. 84-7-209, and amendments thereto.

(78) “Supporting obligation” means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, a document, a general intangible, an instrument, or investment property.

(79) “Tangible chattel paper” means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.

(80) “Termination statement” means an amendment of a financing statement which:

(A) Identifies, by its file number, the initial financing statement to which it relates; and

(B) indicates either that it is a termination statement or that the identified financing statement is no longer effective.

(81) “Transmitting utility” means a person primarily engaged in the business of:

(A) Operating a railroad, subway, street railway, or trolley bus;

(B) transmitting communications electrically, electromagnetically, or by light;

(C) transmitting goods by pipeline or sewer; or

(D) transmitting or producing and transmitting electricity, steam, gas, or water.

(b) **Definitions in other articles.** The following definitions in other articles apply to this article:

“Applicant”	K.S.A. 84-5-102, and amendments thereto
“Beneficiary”	K.S.A. 84-5-102, and amendments thereto
“Broker”	K.S.A. 84-8-102, and amendments thereto
“Certificated security”	K.S.A. 84-8-102, and amendments thereto
“Check”	K.S.A. 84-3-104, and amendments thereto
“Clearing corporation”	K.S.A. 84-8-102, and amendments thereto
“Contract for sale”	K.S.A. 84-2-106, and amendments thereto
“Customer”	K.S.A. 84-4-104, and amendments thereto
“Entitlement holder”	K.S.A. 84-8-102, and amendments thereto
“Financial asset”	K.S.A. 84-8-102, and amendments thereto
“Holder in due course”	K.S.A. 84-3-302, and amendments thereto
“Issuer” (with respect to a letter of credit or letter-of-credit right)	K.S.A. 84-5-102, and amendments thereto
“Issuer” (with respect to a security)	K.S.A. 84-8-102, and amendments thereto
“Issuer” (with respect to documents of title)	K.S.A. 2018 Supp. 84-7-102, and amendments thereto
“Lease”	K.S.A. 84-2a-103, and amendments thereto
“Lease agreement”	K.S.A. 84-2a-103, and amendments thereto
“Lease contract”	K.S.A. 84-2a-103, and amendments thereto
“Leasehold interest”	K.S.A. 84-2a-103, and amendments thereto
“Lessee”	K.S.A. 84-2a-103, and amendments thereto

“Lessee in ordinary course of business”	K.S.A. 84-2a-103, and amendments thereto
“Lessor”	K.S.A. 84-2a-103, and amendments thereto
“Lessor’s residual interest”	K.S.A. 84-2a-103, and amendments thereto
“Letter of credit”	K.S.A. 84-5-102, and amendments thereto
“Merchant”	K.S.A. 84-2-104, and amendments thereto
“Negotiable instrument”	K.S.A. 84-3-104, and amendments thereto
“Nominated person”	K.S.A. 84-5-102, and amendments thereto
“Note”	K.S.A. 84-3-104, and amendments thereto
“Proceeds of a letter of credit”	K.S.A. 84-5-114, and amendments thereto
“Prove”	K.S.A. 84-3-103, and amendments thereto
“Sale”	K.S.A. 84-2-106, and amendments thereto
“Securities account”	K.S.A. 84-8-501, and amendments thereto
“Securities intermediary”	K.S.A. 84-8-102, and amendments thereto
“Security”	K.S.A. 84-8-102, and amendments thereto
“Security certificate”	K.S.A. 84-8-102, and amendments thereto
“Security entitlement”	K.S.A. 84-8-102, and amendments thereto
“Uncertificated security”	K.S.A. 84-8-102, and amendments thereto

(c) **Article 1 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, definitions and principles.** Article 1 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, contains general definitions and principles of construction and interpretation applicable throughout this article.

Sec. 53. K.S.A. 2018 Supp. 17-1762 is hereby amended to read as follows: 17-1762. The following persons shall not be required to register with the secretary of state:

(a) State educational institutions under the control and supervision of the state board of regents, unified school districts, educational interlocals, educational cooperatives, area vocational-technical schools, all educational institutions that are accredited by a regional accrediting association or by an organization affiliated with the national commission of accrediting, any foundation having an established identity with any of the aforementioned educational institutions, any other educational institution confining its solicitation of contributions to the student body, alumni, faculty and trustees of such institution, and their families, or a library established under the laws of this state, provided that the annual financial report of such institution or library shall be filed with the attorney general;

(b) fraternal, patriotic, social, educational, alumni organizations and historical societies when solicitation of contributions is confined to their membership. This exemption shall be extended to any subsidiary of a parent or superior organization exempted by this subsection where such solicitation is confined to the membership of the subsidiary, parent or superior organization;

(c) persons requesting any contributions for the relief or benefit of any individual, specified by name at the time of the solicitation, if the contributions collected are turned over to the named beneficiary, first deducting reasonable expenses for costs of banquets, or social gatherings, if any, provided all fund raising functions are carried on by persons who are unpaid, directly or indirectly, for such services;

(d) any charitable organization which does not intend to solicit and receive and does not actually receive contributions in excess of \$10,000 during such organization's tax period, as defined by K.S.A. 17-7501, and amendments thereto, if all of such organization's fund-raising functions are carried on by persons who are unpaid for such services. However, if the gross contributions received by such charitable organization during any such tax period is in excess of \$10,000, such organization, within 30 days after the end of such tax period, shall register with the secretary of state as provided in K.S.A. 17-1763, and amendments thereto;

(e) any incorporated community chest, united fund, united way or any charitable organization receiving an allocation from an incorporated community chest, united fund or united way;

(f) a bona fide organization of volunteer firemen, or a bona fide auxiliary or affiliate of such organization, if all fund-raising activities are carried on by members of such organization or an affiliate thereof and such members receive no compensation, directly or indirectly, therefor;

(g) any charitable organization operating a nursery for infants awaiting adoption if all fund-raising activities are carried on by members of such an organization or an affiliate thereof and such members receive no compensation, directly or indirectly, therefor;

(h) any corporation established by the federal congress that is required by federal law to submit annual reports of such corporation's activities to congress containing itemized accounts of all receipts and expenditures after being duly audited by the department of defense or other federal department;

(i) any girls' club which is affiliated with the girls' club of America, a corporation chartered by congress, if such an affiliate properly files the reports required by the girls' club of America and that the girls' club of America files with the government of the United States the reports required by such federal charter;

(j) any boys' club which is affiliated with the boys' club of America, a corporation chartered by congress, if such an affiliate properly files the reports required by the boys' club of America and that the boys' club of America files with the government of the United States the reports required by such federal charter;

(k) any corporation, trust or organization incorporated or established for religious purposes, or established for charitable, hospital or educational purposes and engaged in effectuating one or more of such purposes, that is affiliated with, operated by or supervised or controlled by a corporation, trust or organization incorporated or established for religious purposes, or to any other religious agency or organization which serves religion by the preservation of religious rights and freedom from persecution or prejudice or by fostering religion, including the moral and ethical aspects of a particular religious faith;

(l) the boy scouts of America and the girl scouts of America, including any regional or local organization affiliated therewith;

(m) the young men's christian association and the young women's christian association, including any regional or local organization affiliated therewith;

(n) any licensed medical care facility which is organized as a nonprofit corporation under the laws of this state;

(o) any licensed community mental health center or licensed mental health clinic;

(p) any licensed community center for people with intellectual disability and its affiliates as determined by the Kansas department for aging and disability services;

(q) any charitable organization of employees of a corporation whose principal gifts are made to an incorporated community chest, united fund or united way, and whose solicitation is limited to such employees;

(r) any community foundation or community trust to which deductible contributions can be made by individuals, corporations, public charities and private foundations, as well as other charitable organizations and governmental agencies for the overall purposes of the foundation or to



particular charitable and endowment funds established under agreement with the foundation or trust for the charitable benefit of the people of a specific geographic area and which is a nonprofit organization exempt from federal income taxation pursuant to section 501(a) of the internal revenue code of 1986, as in effect on the effective date of this act, by reason of qualification under section 501(c)(3) of the internal revenue code of 1986, as in effect on the effective date of this act, and which is deemed a publicly supported organization and not a private foundation within the meaning of section 509(a)(1) of the internal revenue code of 1986, as in effect on the effective date of this act;

(s) any charitable organization which does not intend to or does not actually solicit or receive contributions from more than 100 persons;

(t) any charitable organization the funds of which are used to support an activity of a municipality of this state;~~and~~

(u) the junior league, including any local community organization affiliated therewith; *and*

(v) *any charitable organization that is an animal shelter licensed pursuant to K.S.A. 47-1701 et seq., and amendments thereto.*

Sec. 54. K.S.A. 17-76,135 and 17-76,138 and K.S.A. 2018 Supp. 17-1762, 17-7662, 17-7663, 17-7673, 17-7675, 17-7679, 17-7680, 17-7681, 17-7687, 17-7689, 17-7690, 17-7695, 17-7698, 17-76,106, 17-76,112, 17-76,113, 17-76,114, 17-76,116, 17-76,118, 17-76,136, 17-76,145, 17-7904, 17-7915, 17-7916, 17-7929 and 60-304 are hereby repealed.

Sec. 55. On and after July 1, 2020, K.S.A. 2018 Supp. 17-7675, as amended by section 16 of this act, 17-7679, as amended by section 18 of this act, 17-7680, as amended by section 20 of this act, 17-76,136, as amended by section 35 of this act, 17-76,139, 17-76,143, 17-76,146, 17-7904, as amended by section 42 of this act, 17-7918, 17-7923, 17-7933, 84-1-201 and 84-9-102 are hereby repealed.

Sec. 56. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 18, 2019.

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## CHAPTER 48

## HOUSE BILL No. 2087

AN ACT concerning the motor-fuel tax law; relating to the definition of school bus; amending K.S.A. 2018 Supp. 79-3401 and repealing the existing section.

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

Section 1. K.S.A. 2018 Supp. 79-3401 is hereby amended to read as follows: 79-3401. This act, ~~and amendments thereto~~, shall be known and may be cited as the “motor-fuel tax law,” and as so constituted is hereinafter referred to as “this act.” The following words, terms and phrases, when used in this act, shall have the meanings ascribed to them in this section, except in those instances clearly indicating a different meaning:

- (a) “Aviation fuel” means motor fuels for use as fuel for aircraft;
- (b) “agricultural ethyl alcohol” means a motor-vehicle fuel component with a purity of at least 99%, exclusive of any added denaturants, denatured in conformity with one of the methods approved by the United States department of the treasury, bureau of alcohol, tobacco and fire-arms, and distilled in the United States of America from grain produced in the United States of America;
- (c) “bulk plant” means a motor fuels storage facility, other than a terminal, that is primarily used to redistribute motor fuels;
- (d) “dealer” means any person engaged in the retail sale of motor-vehicle fuels or special fuels;
- (e) “director” means the director of taxation, a duly authorized deputy, agent or representative;
- (f) “distributor” means any person, who:
  - (1) Imports or causes to be imported from any other state or territory of the United States motor-vehicle fuels or special fuels for such person’s own use in the state of Kansas, or for sale and delivery therein, after the same shall have come to rest or storage therein, whether or not in the original package, receptacle or container; or
  - (2) imports or causes to be imported, from a foreign country, motor-vehicle fuels or special fuels for such person’s own use in the state of Kansas, or for sale and delivery therein, after the same shall have come to rest or storage, whether or not in the original package, receptacle or container;
  - (3) purchases or receives motor-vehicle fuels or special fuels in the original package, receptacle or container in the state of Kansas for such person’s own use therein, or for sale and delivery therein, from any person who has imported the same from any other state or territory of the United States, or any other nation, in case such motor-vehicle fuels or special fuels have not, prior to such purchase or receipt, come to rest or storage in the state of Kansas; or

(4) received and, in any manner, uses, sells or delivers motor-vehicle fuels or special fuels in the state of Kansas on which the tax provided for in this act has not been previously paid;

(g) “exporter” means any person who exports or causes to be exported motor vehicle fuels or special fuels from Kansas to any other state or territory of the United States or to a foreign country, for such person’s own use or for sale or delivery therein, whether or not in the original package, receptacle or container;

(h) “importer” means any person who imports or causes to be imported motor-vehicle fuels or special fuels from any other state or territory of the United States or from a foreign country, for such person’s own use in the state of Kansas or for sale or delivery therein, whether or not in the original package, receptacle or container;

(i) “liquid fuels” or “motor fuels” means any inflammable liquid by whatever name such liquid shall be known or sold, ~~which~~ *that* is used, or practically or commercially usable, either alone or when mixed or combined in an internal-combustion engine for the generation of power;

(j) “manufacturer” or “refiner” means any person ~~who or which~~ *that* produces, refines, prepares, blends, distills, manufactures or compounds motor-vehicle fuels or special fuels in the state of Kansas for such person’s own use therein, or for sale or delivery therein. The term “manufacturer” shall not include any person ~~who or which~~ *that* mechanically separates liquids from natural gas at production facilities or gathering system pipelines on the lease. No person who produces, refines, prepares, blends, distills, manufactures, or compounds motor-vehicle fuels or special fuels shall be required to render a distributor’s (manufacturer’s) report as to any particular lot or lots of motor-vehicle fuels or special fuels until such motor-vehicle fuels or special fuels have been loaded at a refinery or other place of production into tank cars, or placed in any tank at such refinery or other place of production from which any withdrawals are made direct into tanks, tank wagons or other types of transportation equipment, containers or facilities;

(k) “motor vehicle” means a motor vehicle as defined by K.S.A. 8-126, and amendments thereto, ~~and which~~ *that* is required to be registered pursuant to K.S.A. 8-126 et seq., and amendments thereto;

(l) “motor-vehicle fuels” means gasoline, casinghead gasoline, natural gasoline, drip gasoline, aviation gasoline, gasohol, gasoline-oxygenate blend and any other spark-ignition motor fuel as defined by the 1995 United States department of commerce, national institute of standards and technology handbook 130 issued December of 1994, and as may subsequently be defined in rules and regulations ~~which~~ *that* the director may adopt pursuant to K.S.A. 79-3419, and amendments thereto;

(m) “oil inspector” means the director of taxation, a duly authorized deputy, agent or representative;

(n) “person” means every natural person, association, partnership, limited partnership, limited liability company or corporation. When used in any statute, prescribing and imposing a fine or imprisonment, or both, the term “person” as applied to firms and associations means the partners or members thereof and, as applied to corporations, the corporation and the officers thereof;

(o) “public highways” means and includes every way or place, of whatever nature, generally open to the use of the public as a matter of right, for the purposes of vehicular travel and notwithstanding that the same shall have been temporarily closed for the purpose of construction, reconstruction or repair;

(p) “received” means motor-vehicle fuel or special fuel produced, refined, prepared, distilled, manufactured, blended or compounded at any refinery or other place, in the state of Kansas by any person, or imported into this state from any other state, territory, or foreign country by pipeline or connecting pipeline at a pipeline terminal or pipeline tank farm for storage, shall be deemed to be “received” by such person thereat when the same shall have been loaded at such refinery, pipeline terminal, pipeline tank farm or other place, into tank cars, tank trucks or other container, or placed in any tank from which any withdrawals are made direct into tank cars, tank trucks or other types of transportation equipment, containers or facilities;

(q) “retailer” means a person that engages in the business of selling or distributing motor fuels to the end user;

(r) “school bus” means every ~~bus, as defined by K.S.A. 8-1406, and amendments thereto, which~~ *motor vehicle that* is: (1) Privately owned and contracted for, leased or hired by a school district or nonpublic school for the transportation of pupils, ~~or students or school personnel~~ to or from school or to or from school-related functions or activities; or (2) owned and operated by a school district or nonpublic school ~~which~~ *that* is registered under the provisions of K.S.A. 8-126 et seq., and amendments thereto, used for the transportation of pupils, ~~or students or school personnel~~ to or from school or to or from school-related functions or activities;

(s) “special fuels” means all combustible liquids suitable for the generation of power for the propulsion of motor vehicles including, but not limited to, diesel fuel, alcohol and such fuels not defined under the motor-vehicle fuels definition, hereinafter referred to as motor-vehicle fuel;

(t) “terminal” means a fuel storage and distribution facility that is supplied by motor vehicle, pipeline or marine vessel, and from which motor fuels may be removed at a rack. “Terminal” does not include any facility at which motor fuel blend stocks and additives are used in the manufacture of products other than motor fuels and from which no motor fuels are removed;

(u) “terminal operator” means the person who by ownership or contractual agreement is charged with the responsibility for, or physical control over, and operation of a terminal;

(v) “transporter” means a person who has been issued a liquid-fuels carrier’s license pursuant to K.S.A. 55-506 et seq., and amendments thereto; and

(w) “E85 fuels” means an alternative fuel that is a blend of denatured ethanol and hydrocarbon that typically contains 85% ethanol by volume, but at a minimum must contain 70% ethanol by volume, and complies with ASTM specification D5798-99.

Sec. 2. K.S.A. 2018 Supp. 79-3401 is hereby repealed.

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

Approved April 18, 2019.

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## CHAPTER 49

## Senate Substitute for HOUSE BILL No. 2007

AN ACT concerning transportation; relating to toll projects; authorizing certain toll projects for new projects or expanded capacity; required approval from local units of government, the Kansas turnpike authority and the state finance council; changing toll project financing requirements; amending K.S.A. 68-2001, 68-2002, 68-2004, 68-2008, 68-2012 and 68-2301 and repealing the existing sections.

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

Section 1. K.S.A. 68-2001 is hereby amended to read as follows: 68-2001. As used in this act, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(a) ~~The word “Authority” shall mean~~ *means* the Kansas turnpike authority, created by K.S.A. 68-2003, ~~and amendments thereto~~, or, if ~~said~~ the authority shall be abolished, the board, body or commission succeeding to the principal functions thereof or to whom the powers given by this act to the authority shall be given by law.

(b) ~~The word “Project” or the words “turnpike project” shall mean~~ *means* any express highway or superhighway constructed under the provisions of this act ~~by the authority~~, including all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, toll houses, service stations, and administration, storage and other buildings and facilities ~~which that~~ the authority may deem necessary for the operation of such project, together with all property, rights, easements, and interests ~~which that~~ may be acquired by the authority for the construction or the operation of such project.

(c) ~~The word “Cost,” as applied to a turnpike project shall embrace,~~ *means* the cost of construction, the cost of the acquisition of all land, rights-of-way, property, rights, easements and interests acquired by the authority for such construction, and the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to and during construction and, if deemed advisable by the authority, for a period of not exceeding one year after completion of construction, cost of traffic estimates and of engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues, other expenses necessary or incident to determining the feasibility or practicability of constructing any such project, administrative expense, and such other expenses as may be necessary or ~~incident~~ *incidental* to the construction of the project, the financing of such construction and the placing of the project in operation. Any obligation or expense ~~hereafter~~ incurred by the department of trans-

portation with the approval of the authority for traffic surveys, borings, preparation of plans and specifications, and other engineering services in connection with the construction of a project shall be regarded as a part of the cost of such project and shall be reimbursed to ~~said the~~ department out of the proceeds of turnpike revenue bonds ~~hereinafter~~ authorized.

(d) ~~The words~~ “Public highways” shall include all public highways, roads and streets in the state, whether maintained by the state or by any county, city, town or other political subdivision.

(e) ~~The word “Bonds” or the words “turnpike revenue bonds” shall mean~~ means revenue bonds of the authority authorized under the provisions of this act.

(f) ~~The word “Owner” shall include~~ includes all individuals, copartnerships, associations or corporations having any title or interest in any property, rights, easements and interest authorized to be acquired by this act.

Sec. 2. K.S.A. 68-2002 is hereby amended to read as follows: 68-2002. In order to provide for the construction of modern express highways or superhighways embodying, where feasible and necessary, safety devices, including center division, ample shoulder widths, long sight distances, multiple lanes in each direction and grade separation at intersections with other highways and railroads, and thereby facilitate vehicular traffic, provide better connections between the highway system of Kansas and the highway systems of the adjoining states, remove many of the present handicaps and hazards on the congested highways in the state, and promote the agricultural and industrial development of the state, the Kansas turnpike authority (~~hereinafter created~~) is hereby authorized and empowered to construct, maintain, repair and operate turnpike projects (~~as hereinbefore defined~~), and to issue revenue bonds of the authority, payable solely or partly from revenues, to finance such projects. No toll road project shall be undertaken unless and until such project and the proposed location therefor have been thoroughly studied with respect to traffic, engineering, cost and financing nor unless such study shows:

(a) That public funds for construction of a free expressway are not available;

(b) that the construction of a toll expressway can be financed ~~wholly~~ solely or partly through the investment of private funds in toll road revenue bonds; and

(c) that the project and indebtedness incurred therefor ~~will~~ can be entirely self liquidating financed solely or partly through tolls and other income from operation of the project.

Sec. 3. K.S.A. 68-2004 is hereby amended to read as follows: 68-2004. (a) The authority is hereby authorized and empowered to:

(1) Adopt bylaws for the regulation of its affairs and the conduct of its business;

- (2) adopt an official seal and alter the same at pleasure;
  - (3) maintain an office at such place or places within the state as it may designate;
  - (4) sue and be sued in its own name, plead and be impleaded;
  - (5) determine the location, subject to the approval of the secretary of transportation, of each turnpike project financed under the provisions of this act, determine its design and the materials of construction, and construct, maintain, repair and operate the same;
  - (6) issue turnpike revenue bonds of the authority for any of its corporate purposes, payable solely *or partly* from the tolls and revenues pledged for their payment, and to refund its bonds, all as provided in this act;
  - (7) fix and revise from time to time and charge and collect tolls for transit over each turnpike project ~~constructed by it~~;
  - (8) adopt rules and regulations for the use of any such turnpike project, and adopt rules and regulations for traffic control on such project;
  - (9) acquire, hold and dispose of real and personal property in the exercise of its powers and the performance of its duties under this act;
  - (10) designate the locations, and establish, limit and control such points of ingress to and egress from each turnpike project as may be necessary or desirable in the judgment of the authority to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated;
  - (11) make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act;
  - (12) employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation;
  - (13) receive and accept from any federal agency grants for or in aid of the construction of any turnpike project, and to receive and accept aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such grants and contributions may be made; and
  - (14) do all acts and things necessary or convenient to carry out the powers expressly granted in this act.
- (b) Violation of any of the rules and regulations adopted under this section shall be unlawful and subject to the penalties contained in K.S.A. 8-2116, and amendments thereto.

Sec. 4. K.S.A. 68-2008 is hereby amended to read as follows: 68-2008. Revenue bonds issued under the provisions of this act shall not be deemed to constitute a debt of the state or of any political subdivision thereof or a pledge of the faith and credit of the state or of any such political subdivi-



sion thereof, but all such bonds shall be payable solely *or partly* from the funds ~~herein provided therefor~~ from revenues. All such revenue bonds shall contain on the face ~~thereof~~ a statement to the effect that neither the state nor the authority shall be obligated to pay the same or the interest thereon except from revenues of the project or projects for which they are issued and that neither the faith and credit nor the taxing power of the state or any political subdivision thereof is pledge to the payment of the principal of or the interest on such bonds.

All expenses incurred in carrying out the provisions of this act shall be payable solely *or partly* from funds provided under the authority of this act and no liability or obligation shall be incurred by the authority ~~hereunder~~ beyond the extent to which moneys shall have been provided under the provisions of this act.

Sec. 5. K.S.A. 68-20,120 is hereby amended to read as follows: 68-20,120. In addition to other powers and duties granted to the secretary of transportation:

(a) (1) The secretary of transportation may study the feasibility of constructing ~~a new toll project~~ *projects* or turnpike ~~project or designating existing highways or any portion of such highways as a toll project or turnpike project~~ *projects*.

(2) The study of the feasibility of such toll project or turnpike project shall include, but not be limited to:

(A) The total cost of such project;

(B) a determination of the funding of such projects, including the use of ~~one or a combination of public funds, private funds or toll revenues in combination with other funds;~~

(C) a determination of the duration of the collection of tolls on such ~~projects project~~ and if such ~~projects are project~~ *project* is to become toll-free, a projected date when such ~~projects project~~ *project* would become toll-free; ~~and~~

(D) *a determination, after consulting with local officials, that traffic volume, local contribution or other relevant reasons make such tolling project feasible;*

~~(D)~~(E) such other data deemed necessary by the secretary for a determination of the project's feasibility; *and*

(F) *at least one local public meeting to review the project during the feasibility study process.*

(b) After conducting the feasibility study under subsection (a) and if such feasibility study provides a favorable result, the secretary of transportation may ~~recommend the construction of a new construct the toll project or turnpike project or the designation of an existing highway or any portion of such highway as a toll project or turnpike project.~~

(c) *Toll projects or turnpike projects constructed under subsection (b) shall only be constructed to add capacity to existing highways or bridges,*

*or to construct new highways or bridges where a highway or bridge did not previously exist.*

*(d) Prior to constructing a toll project or turnpike project, the secretary and local unit or units of government shall prepare a joint proposal for the construction of the toll project or turnpike project and present the joint proposal to the Kansas turnpike authority and the state finance council. The secretary and the local unit or units of government must receive:*

*(1) A resolution passed by the Kansas turnpike authority approving the construction of the toll project or turnpike project; and*

*(2) a resolution passed by the state finance council approving the construction of the toll project or turnpike project.*

*(e) For purposes of subsection (d):*

*(1) "Local unit or units of government" means the city council, if the toll project or turnpike project will be located partially or wholly within the limits of a city, and the county commission where the toll project or turnpike project is located, if the toll project or turnpike project is not wholly located within the limits of a city or cities.*

*(2) "Approving" means a vote by the Kansas turnpike authority or the state finance council approving the construction of the toll project or turnpike project by a majority of the members present, when a quorum of the members are present for the vote.*

*(f) Tolls shall be charged only on users of the additional capacity of the highway or bridge constructed as a toll project or turnpike project. Tolls shall be charged on all users of toll projects or turnpike projects that construct highways or bridges where none previously existed.*

*(g) The secretary shall use toll revenue for payment of the cost of the toll project or turnpike project for which the toll was collected. The secretary shall not use the toll revenue for payment of costs not associated with the toll project or turnpike project for which the toll was collected.*

*(h) Tolls shall be charged on all users of the toll project or turnpike project regardless of class, size or kind of traffic.*

*(i) The approvals by the state finance council required by subsection (d) are hereby characterized as matters of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto. Such approvals may be given by the state finance council when the legislature is in session.*

Sec. 6. K.S.A. 68-2301 is hereby amended to read as follows: 68-2301.

*(a) In order to provide for the construction of modern express highways and freeways to link the principal population centers of the state with the major express highways and freeways in this and other states, facilitate vehicular traffic in the areas to be served, remove many of the present handicaps and hazards on the congested highways in the state and promote the agricultural and industrial development of the state, the secre-*

tary of transportation is hereby authorized, empowered and directed to establish and construct a state system of modern express highways and freeways. The express highways and freeways within said system shall be constructed pursuant to the criteria established in subsection (b) ~~of this section~~ and shall be located by the secretary of transportation within the following corridors:

(1) Commencing in the vicinity of the intersection of U.S. highway 54 and the Kansas-Oklahoma border, thence proceeding in a northeasterly and easterly direction, within a corridor including and generally delineated by said U.S. highway 54, to the vicinity of the point in Butler county where said U.S. highway 54 and state highway 96 divide; thence proceeding in an easterly and southeasterly direction, generally described by said highway 96, to the vicinity of the juncture of state highway 96 and state highway 39; thence in a southeasterly direction, within a corridor including and generally delineated by state highway 96, U.S. highway 160 and state highway 57, to the Kansas-Missouri border;

(2) commencing in the vicinity of the intersection of interstate highway 70 and U.S. highway 183, near the city of Hays in Ellis county; thence in a southeasterly direction to the general vicinity of the intersection of the east city limits of the city of Great Bend in Barton county and state highway 96; thence in an easterly and southeasterly direction, within a corridor including and generally delineated by state highway 96, to the vicinity of the juncture of state highway 96 and U.S. highway 54 in Sedgwick county;

(3) commencing in the vicinity of the intersection of the north city limits of the city of Hutchinson in Reno county and state highway 61; thence in a northeasterly direction, within a corridor including and generally delineated by state highway 61, to a point near the south city limits of the city of McPherson in McPherson county;

(4) commencing in the vicinity of the intersection of U.S. highway 75 and the Kansas-Nebraska border; thence in a southerly direction, within a corridor including and generally delineated by U.S. highway 75, to a point near the intersection of said U.S. highway 75 and the proposed right-of-way for interstate highway 35, in the vicinity of the Osage-Coffey county line;

(5) commencing in the vicinity of the intersection of U.S. highway 36 and the Kansas-Missouri border; thence in a westerly direction, within a corridor including and generally delineated by U.S. highway 36, to a point near the intersection of U.S. highways 36 and 81; thence in a southerly direction to a point in the vicinity of the intersection of said U.S. highway 81 and interstate highway 70;

(6) commencing in the vicinity of the intersection of the city limits of the city of Atchison in Atchison county and state highway 7; thence in a southerly direction to the vicinity of the intersection of state highway 7 and interstate highway 35, near the city of Olathe in Johnson county;

(7) commencing in the vicinity of the intersection of U.S. highway 69 and interstate highway 435; thence in a southerly direction, within a corridor including and generally delineated by U.S. highway 69, to the Kansas-Oklahoma border;

(8) commencing in the vicinity of the city of Lawrence in Douglas county; thence in a southerly direction within a corridor which includes the areas between U.S. highways 75, 59 and 169, to the Kansas-Oklahoma border in the general vicinity of a point approximately between the cities of Caney and Coffeyville in Montgomery county; and

(9) commencing in the vicinity of the intersection of the city limits of the city of Lawrence in Douglas county and state highway 10; thence in an easterly direction, within a corridor including and generally delineated by state highway 10, to the vicinity of the intersection of interstate highway 35 and U.S. highways 50 and 56 in the city of Merriam in Johnson county.

(b) All of the moneys deposited in the state freeway fund created in K.S.A. 79-3425, and amendments thereto, except moneys accruing to such fund as a result of the interest or earnings from the investment of moneys in the state freeway fund or in the state freeway construction fund, as provided in ~~subsection (d) of~~ K.S.A. 68-2311(~~d~~), and amendments thereto, shall be subject to transfer to the state highway fund, as provided by K.S.A. 79-3425, and amendments thereto. After any such transfer, and subject to the provisions of K.S.A. 68-2311, and amendments thereto, the moneys remaining in the state freeway fund shall be expended by the secretary of transportation for: The construction, reconstruction, improvement and maintenance of the state system of express highways and freeways established in subsection (a) of this section; for the retirement of highway bonds and highway refunding bonds issued under the provisions of this act; and for the purpose of making payments to the Kansas turnpike authority pursuant to the provisions of K.S.A. 68-2096, and amendments thereto, except that such payments shall not be made from the interest or earnings from the investment of moneys in the state freeway construction fund, as provided in K.S.A. 68-2311, and amendments thereto. Moneys in the state freeway fund may be transferred to the state highway fund and may be expended from such fund for:

(1) The construction of state highways within the corridors designated in subsection (a) and approved by the secretary of transportation prior to the effective date of this act;

(2) the construction of bypass routes not exceeding five miles in length; and

(3) the reconstruction, improvement and maintenance of state highways, whether or not such highways are within the corridors designated in subsection (a). Such reconstruction, improvement and maintenance shall be according to need as determined by priorities assigned to such

state highways by the secretary of transportation in accordance with established standards and criteria.

The allocation and programming of funds within the state system in each fiscal year shall be according to need, as determined by a schedule of priorities assigned to segments of the existing highways which generally delineate the corridors of said state system of express highways and freeways. The secretary of transportation shall determine the length of each such segment in establishing said priorities, and the schedule of priorities shall be updated every four years on the basis of current criteria at that time. Immediately after the effective date of this act, the secretary of transportation shall evaluate the schedule of priorities and, where necessary, reestablish such schedule in accordance with the following standards and criteria: Except where it is specifically provided by law that any of the highways to be constructed within the corridors designated in subsection (a) shall be constructed so as to include multiple lanes in each direction on roadways separated by a median, barrier or other center division, all highways constructed within the state system of modern express highways and freeways after the effective date of this act may be constructed either with multiple lanes in each direction on roadways separated by a median, barrier or other center division or may be constructed with two lanes on a single roadway. Whenever the secretary of transportation deems it necessary and appropriate for the safety of vehicular traffic, such highways shall be designed and constructed to include controlled access, passing lanes, expanded shoulder width, long-sight distances, grade separations at intersections with other roads and highways and railroads. Nothing herein shall be construed as abrogating, limiting or otherwise affecting the construction of any highway for which bids for the construction thereof have been solicited and received prior to the effective date of this act, nor shall the foregoing be construed as precluding the secretary of transportation, whenever the secretary deems it feasible and appropriate, from acquiring right-of-way sufficient to accommodate the eventual construction of multiple-lane divided highways within any corridor designated in subsection (a).

(c) In constructing or reconstructing the state system of modern express highways and freeways established in this section, the secretary shall evaluate from time to time the feasibility of designating ~~a portion of new or added capacity~~ portions of any of the modern express highways and freeways within the system as a toll road. If the secretary shall determine that the designation of any ~~such new or added capacity~~ portion as a toll road is feasible, based on the projected traffic, engineering, cost and financing of the proposed toll road and a determination that adequate public funds for construction of such toll road are not available and that the construction of such toll road can be financed ~~entirely~~ *partly* through proceeds of the bonds issued pursuant to this act, the secretary ~~shall submit~~

to the legislature a recommendation that such portion be constructed as a toll road. The recommendation, together with any supporting information deemed necessary by the secretary, may be submitted with or as a part of the annual report required of the secretary in K.S.A. 68-2315 *may construct such toll road after meeting the requirements of K.S.A. 60-20,120, and amendments thereto*. Nothing in this subsection shall be construed as abrogating, limiting or otherwise affecting any obligations or duties imposed upon the secretary of transportation under this section with respect to the construction, reconstruction, improvement and maintenance of the state system of modern express highways and freeways, including without limitation location studies, engineering, right-of-way acquisition and public hearings, nor shall it affect in any way the allocation, programming or priority of funds therefor.

Sec. 7. K.S.A. 68-2001, 68-2002, 68-2004, 68-2008, 68-20,120 and 68-2301 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 18, 2019.

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## CHAPTER 50

## HOUSE BILL No. 2031

AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; definition of service-connected in the Kansas police and firemen's retirement system; powers and duties of the board of trustees; developing procedures for procurement of goods and services; making and entering into certain contracts; authorizing travel for trustees and employees of the system; relating to membership waiting period for direct support positions of community developmental disability organizations; employment after retirement, exempting individuals employed by the Kansas academies of the United States department of defense STARBASE program, providing certain retirants exemption from penalties, authorizing reimbursement of certain suspended retirement benefits, conditions for penalty waiver; relating to the deferred retirement option program act, including agents of the Kansas bureau of investigation as members, extending sunset date; amending K.S.A. 74-4909, 74-4911, 74-4914, 74-4952, 74-4986l, 74-4986p and 74-4986r and repealing the existing sections.

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

Section 1. K.S.A. 74-4952 is hereby amended to read as follows: 74-4952. As used in K.S.A. 74-4951 et seq., and amendments thereto:

(1) "Accumulated contributions" means the sum of all contributions by a member to the system which shall be credited to the member's account with interest allowed thereon after June 30, 1982.

(2) "Disability" means the total inability to perform permanently the duties of the position of a policeman or fireman.

(3) "Eligible employer" means any city, county, township or other political subdivision of the state employing one or more employees as firemen or policemen.

(4) "Employee" means any policeman or fireman employed by a participating employer whose employment for police or fireman purposes is not seasonal or temporary and requires at least 1,000 hours of work per year.

(5) "Entry date" means the date as of which an eligible employer joins the system; the first entry date pursuant to this act is January 1, 1967.

(6) "Final average salary" means:

(a) For members who are first hired as an employee, as defined in subsection (4), before July 1, 1993, the average highest annual compensation paid to a member for any three of the last five years of participating service immediately preceding retirement or termination of employment, or if participating service is less than three years, then the average annual compensation paid to the member during the full period of participating service, or if a member has less than one calendar year of participating service, then the member's final average salary shall be computed by multiplying the member's highest monthly salary received in that year by 12;

(b) for members who are first hired as an employee, as defined in subsection (4), on and after July 1, 1993, the average highest annual sal-

ary, as defined in K.S.A. 74-4902(33), and amendments thereto, paid to a member for any three of the last five years of participating service immediately preceding retirement or termination of employment, or if participating service is less than three years, then the average annual salary, as defined in K.S.A. 74-4902(33), and amendments thereto, paid to the member during the full period of participating service, or if a member has less than one calendar year of participating service, then the member's final average salary shall be computed by multiplying the member's highest monthly salary received in that year by 12;

(c) for purposes of subparagraphs (a) and (b) of this subsection, the date that such member is first hired as an employee for members who are employees of employers that elected to participate in the system on or after January 1, 1994, shall be the date that such employee's employer elected to participate in the system; and

(d) for any application to purchase or repurchase service credit for a certain period of service as provided by law received by the system after May 17, 1994, for any member who will have contributions deducted from such member's compensation at a percentage rate equal to two or three times the employee's rate of contribution or who will have contributions deducted from such member's compensation at an additional rate of contribution, in addition to the employee's rate of contribution as provided in K.S.A. 74-4919, and amendments thereto, or will begin paying to the system a lump-sum amount for such member's purchase or repurchase, and such deductions or lump-sum payment commences after the commencement of the first payroll period in the third quarter, "final average salary" shall not include any amount of compensation or salary which is based on such member's purchase or repurchase. Any application to purchase or repurchase multiple periods of service shall be treated as multiple applications.

(e) Notwithstanding any other provision of this section, for purposes of applying limits as provided by the federal internal revenue code, salary shall have the meaning as determined pursuant to K.S.A. 74-49,123, and amendments thereto.

(7) "Retirement benefit" means a monthly income or the actuarial equivalent thereof paid in such manner as specified by the member as provided under the system or as otherwise allowed to be paid at the discretion of the board, with benefits accruing from the first day of the month coinciding with or following retirement and ending on the last day of the month in which death occurs. Upon proper identification such surviving spouse may negotiate the warrant issued in the name of the retirant.

(8) "Normal retirement date" means the date on or after which a member may retire with eligibility for retirement benefits for age and service as provided in K.S.A. 74-4957(1) and (3), and amendments thereto.



(9) “Retirement system” or “system” means the Kansas police and firemen’s retirement system as established by this act and as it may be hereafter amended.

(10) “Service-connected” means: With regard to a death or any physical or mental disability, any such death or disability resulting from external force, violence or disease occasioned by an act of duty as a policeman or fireman and, for any member after five years of credited service, there shall be a rebuttable presumption, that any death or disability resulting from a heart disease, *contraction of a bloodborne pathogen as provided in this subsection* or disease of the lung or respiratory tract or cancer, *including, but not limited to, cancer of the brain, skin, digestive system, hematological system or genitourinary system* as provided in this subsection, except that in the event that the member ceases to be a contributing member by reason of a service-connected disability for a period of six months or more and then again becomes a contributing member, the provision relating to death or disability resulting from a heart disease, *contraction of a bloodborne pathogen as provided in this subsection*, disease of the lung or respiratory tract or cancer as provided in this subsection shall not apply until such member has again become a contributing member for a period of not less than two years or unless clear and precise evidence is presented that the heart disease, *contraction of a bloodborne pathogen as provided in this subsection*, disease of the lung or respiratory tract or cancer as provided in this subsection was in fact occasioned by an act of duty as a policeman or fireman. If the retirement system receives evidence to the contrary of such presumption, the burden of proof shall be on the member or other party to present evidence that such death or disability was service-connected. The provisions of ~~this section~~ *this subsection* relating to the presumption that the death or disability resulting from cancer ~~is~~ *was* service-connected shall only apply if the condition that caused the death or disability is a type of cancer which may, in general, result from exposure to heat, radiation or a known carcinogen. *For purposes of this subsection, “bloodborne pathogen” includes any disease that is present in human blood and is designated as infectious or contagious by the secretary of health and environment through rules and regulations adopted pursuant to K.S.A. 65-128, and amendments thereto.*

(11) Prior to July 1, 1998, “fireman” or “firemen” means an employee assigned to the fire department and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom or in support thereof and who is specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such. On and after July 1, 1998, “fireman” or “firemen” means an employee assigned to the fire department whose principal duties are engagement

in the fighting and extinguishment of fires and the protection of life and property therefrom and who is specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such.

(12) Prior to July 1, 1998, “police,” “policeman” or “policemen” means an employee assigned to the police department and engaged in the enforcement of law and maintenance of order within the state and its political subdivisions, including sheriffs and sheriffs’ deputies, or in support thereof and who is specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such. On and after July 1, 1998, “police,” “policeman” or “policemen” means an employee assigned to the police department whose principal duties are engagement in the enforcement of law and maintenance of order within the state and its political subdivisions, including sheriffs and sheriffs’ deputies; who has successfully completed the required course of instruction for law enforcement officers approved by the Kansas law enforcement training center and is certified pursuant to the provisions of K.S.A. 74-5607a, and amendments thereto; and who is specifically designated, appointed, commissioned or styled as such by the governing body or city manager of the participating employer and certified to the retirement system as such. “Police,” “policeman” or “policemen” who have been assigned to the police department, whose duties have included engagement in the enforcement of law and maintenance of order within the state and its political subdivisions, who have been certified pursuant to K.S.A. 74-5607a, and amendments thereto, who have been designated as “police,” “policeman” or “policemen” as provided in this subsection and for whom required contributions have been made to the Kansas police and firemen’s retirement system shall not be denied benefits due to a temporary or full-time assignment to a jail, adult detention center or other correctional facility by the state or any of its political subdivisions, and this provision shall be applied retroactively to July 1, 1999, to any member meeting such requirements as provided in this enactment.

(13) Except as otherwise defined in this act, words and phrases used in K.S.A. 74-4951 et seq., and amendments thereto, shall have the same meanings ascribed to them as are defined in K.S.A. 74-4902, and amendments thereto.

Sec. 2. K.S.A. 74-4909 is hereby amended to read as follows: 74-4909. (1) The board of trustees shall be responsible for the general administration of the system, subject to the provisions of this act.

(2) The board shall establish rules and regulations for the administration of the system and for the transaction of business consistent with law, which rules and regulations shall be filed in the office of the secretary of state.

(3) The board shall be responsible for the installation of a complete and adequate system of accounts and records. The board shall contract with the department of administration to provide such accounting services as are necessary to avoid duplication of efforts and promote efficiency. The board shall pay the department of administration an amount not exceeding the actual cost incurred in providing this service, which payments shall be deposited in the state treasury and then credited to the state general fund.

(4) All meetings of the board shall be open to the public. The board shall keep a record of all proceedings.

(5) The board may prescribe rules and regulations for the determination of the value of maintenance, board, lodging, laundry and other allowances to employees in lieu of money.

(6) The board may adopt all necessary actuarial tables to be used in the operation of the system as recommended by the actuary, and may compile such additional data as may be necessary for required actuarial valuations and calculations. Whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, the assumptions specified by the board in a way that precludes employer discretion.

(7) Subject to the provisions of K.S.A. 74-49,123, and amendments thereto, the board or the investment committee may invest all cash not required for current payments in securities eligible for investment under this act. All actions of the investment committee shall be reported to the board at the first meeting of the board following the action of the investment committee.

(8) The board, as soon after the close of the fiscal year as practical, shall publish for distribution among members a financial statement showing the financial status of the system.

(9) All decisions of the board as to questions of fact shall be final and conclusive on all persons except for the right of review as provided by law and except for fraud or such gross mistake of fact as to have an effect equivalent to fraud.

(10) Each member's account and records shall be administered in a confidential manner and specific data regarding the member shall not be released unless authorized in writing by the member; however, the board may release information to the employer or to other state and federal agencies as the board deems necessary.

(11) The board shall develop and adopt a specific plan which outlines strategies, goals, procedures and related costs, including additional employees necessary to carry out the provisions of this subsection, to provide for the system's internal management of the investment and reinvestment of moneys of the fund as provided in K.S.A. 74-4921, and amendments thereto. Such internal management would replace the management of all

or part of the fund by persons the board has contracted with as provided in ~~subsection (7) of K.S.A. 74-4921(7)~~, and amendments thereto. The board shall report such plan developed pursuant to this subsection to the legislature and the governor on or before January 1, 1993.

(12) The board shall adopt rules and regulations providing the requirements and procedures for the election of members of the board by members and retirants of the system as provided in ~~subsection (a)(2) of K.S.A. 74-4905(a)(2)~~, and amendments thereto, and for the filling of any vacancy involving such elected member of the board.

(13) The board shall cooperate with and provide any assistance to the actuary, the legislative coordinating council and the joint committee on pensions, investments and benefits related to the independent actuarial audit and evaluation as provided in K.S.A. 74-4908a, and amendments thereto.

(14) The board shall be responsible for the administration of the Kansas public employees deferred compensation plan and all related functions as prescribed in K.S.A. 74-4911f, ~~K.S.A. 74-49b01 through 74-49b06, and amendments thereto~~, and the Kansas public employees deferred compensation act, K.S.A. 74-49b07 *et seq.*, and amendments thereto.

(15) *The board is hereby authorized and empowered, in the exercise of its fiduciary duty to act in the best interest of the Kansas public employees retirement fund, and in the maintenance of transparency in state government, to:*

(a) *Develop policies and procedures generally applicable to the procurement of goods and services, based upon sound business practices;*

(b) *make and enter into contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act in a manner consistent with the professional services sunshine act, K.S.A. 2018 Supp. 75-37,130 through 75-37,135, and amendments thereto; and*

(c) *authorize in-state and out-of-state travel for trustees and employees of the system in accordance with the provisions of K.S.A. 75-3203a, and amendments thereto.*

Sec. 3. K.S.A. 74-4911 is hereby amended to read as follows: 74-4911.

(1) Any employee of a participating employer other than an elected official on the entry date of such employer shall be a member of the system on either the entry date or the first day of the payroll period coinciding with or following the completion of one year of service, whichever is later, except that an employee of a participating employer who was first employed by a participating employer on or after July 1, 2008, but before July 1, 2009, shall be a member on July 1, 2009, and except that an employee who is first employed by a participating employer on or after July 1, 2009, shall be a member of the system on the first day of employment of such

employee with such participating employer. *On and after July 1, 2019, employees employed in direct support positions of an affiliated employer organized under K.S.A. 19-4001, and amendments thereto, and defined under K.S.A. 39-1803, and amendments thereto, may become a member of the system on the first day of the payroll period coinciding with or following the completion of a two-year period of training, whichever is later.* For purposes of this act occasional breaks in service which shall not exceed an aggregate of 10 days in any such year shall not constitute a break in service for purposes of determining the membership date of such employee.

(2) Except as otherwise provided in this subsection, any employee other than an elected official who is employed by a participating employer after the entry date of such employer shall be a member of the system on the first day of the payroll period coinciding with or following completion of one year of continuous service. For purposes of this act, occasional breaks in service which shall not exceed an aggregate of 10 days in any such year shall not constitute a break in continuous service for purposes of determining the membership date of such employee. For purposes of this subsection, any employee of a local governmental unit which has its own pension plan who becomes an employee of a participating employer as a result of a merger or consolidation of services provided by local governmental units, which occurred on January 1, 1994, may count service with such local governmental unit in determining whether such employee has met the one year of continuous service requirement contained in this subsection.

(3) Any employee who is an elected official and is eligible to join the system shall file, within 90 days after taking the oath of office, an irrevocable election to become or not to become a member of the system. Such election shall become effective immediately upon making such election, if such election is made within 14 days of taking the oath of office or, otherwise, on the first day of the first payroll period of the first quarter following receipt of the election in the office of the retirement system. In the event that such elected official fails to file the election to become a member of the retirement system, it shall be presumed that such person has elected not to become a member.

(4) Except as otherwise required by USERRA, any employee other than an elected official who is in military service or on leave of absence on the entry date of such employee's employer shall become a member of the system upon returning to active employment or on the first day of the payroll period coinciding with or following the completion of one year of service, whichever is later. For purposes of this act, occasional breaks in service which shall not exceed an aggregate of 10 days in any such year shall not constitute a break in service for purposes of determining the membership date of such employee.

(5) Any employee of the state of Kansas other than an elected official, who is receiving or is eligible for assistance by the state board of regents in the purchase of a retirement annuity under K.S.A. 74-4925, and amendments thereto, and who becomes ineligible for such assistance because such employee's position is reclassified to a position in the classified service under the Kansas civil service act, or who becomes ineligible for such assistance because such person accepts and transfers to a position in the classified service under the Kansas civil service act shall be a member of the system on the first day of the payroll period coinciding with or following the effective date of such reclassification or transfer. Any such employee who became ineligible for such assistance prior to the effective date of this act because of such a reclassification or such a transfer occurring prior to the effective date of this act and who is not a member of the system on the effective date of this act shall be a member of the system on the first day of the payroll period coinciding with or following the effective date of this act.

(6) Any employee of the state board of regents or of an educational institution under its management, other than an elected official, who is a member of the system and who becomes ineligible to be a member of the system because such employee's position is reclassified to a position under the Kansas civil service act which is eligible for assistance by the state board of regents in the purchase of a retirement annuity under K.S.A. 74-4925, and amendments thereto, or who becomes ineligible to be a member of the system because such employee transfers to a position under the Kansas civil service act which is eligible for such assistance, shall become eligible for such assistance in accordance with the provisions of K.S.A. 74-4925, and amendments thereto, unless such employee files a written election in the office of the retirement system, in the form and manner prescribed by the board of trustees thereof, to remain a member of the system prior to the first day of the first complete payroll period occurring after the effective date of such reclassification or transfer. Failure to file such written election shall be presumed to be an election not to remain a member of the system and to become eligible for assistance by the state board of regents in the purchase of a retirement annuity under K.S.A. 74-4925, and amendments thereto. Such election, whether to remain a member of the system or to become eligible for such assistance, shall be effective as of the effective date of such reclassification or transfer, and shall be irrevocable.

(7) Any elected official who at the time of becoming an elected official is already a member of the system by being or having been an employee of a participating employer shall continue as a member of the system.

Sec. 4. K.S.A. 74-4914 is hereby amended to read as follows: 74-4914.

(1) The normal retirement date for a member of the system shall be the

first day of the month coinciding with or following termination of employment with any participating employer not followed by employment with any participating employer within 60 days, or 180 days as provided in subsection (10), and without any prearranged agreement for employment with any participating employer, and the attainment of age 65 or, commencing July 1, 1993, age 62 with the completion of 10 years of credited service or the first day of the month coinciding with or following the date that the total of the number of years of credited service and the number of years of attained age of the member is equal to or more than 85. In no event shall a normal retirement date for a member be before six months after the entry date of the participating employer by whom such member is employed. A member may retire on the normal retirement date or on the first day of any month thereafter upon the filing with the office of the retirement system of an application in such form and manner as the board shall prescribe. Such application shall contain a certification by the member that the member will not be employed with any participating employer within 60 days, or 180 days as provided in subsection (10), of retirement and the member has not entered into a prearranged agreement for employment with any participating employer. Nothing herein shall prevent any person, member or retirant from being employed, appointed or elected as an employee, appointee, officer or member of the legislature. Elected officers may retire from the system on any date on or after the attainment of the normal retirement date, but no retirement benefits payable under this act shall be paid until the member has terminated such member's office.

(2) No retirant shall make contributions to the system or receive service credit for any service after the date of retirement.

(3) Any member who is an employee of an affiliating employer pursuant to K.S.A. 74-4954b, and amendments thereto, and has not withdrawn such member's accumulated contributions from the Kansas police and firemen's retirement system may retire before such member's normal retirement date on the first day of any month coinciding with or following the attainment of age 55.

(4) Any member may retire before such member's normal retirement date on the first day of any month coinciding with or following termination of employment with any participating employer not followed by employment with any participating employer within 60 days, or 180 days as provided in subsection (10), and the attainment of age 55 with the completion of 10 years of credited service, but in no event before six months after the entry date, upon the filing with the office of the retirement system of an application for retirement in such form and manner as the board shall prescribe. The member's application for retirement shall contain a certification by the member that the member will not be employed



with any participating employer within 60 days, or 180 days as provided in subsection (10), of retirement and the member has not entered into a prearranged agreement for employment with any participating employer.

(5) Except as provided in subsections (7) and (10), on or after July 1, 2006, through December 31, 2017, for any retirant who is first employed or appointed in or to any position or office by a participating employer other than a participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation, and, on or after April 1, 2009, for any retirant who is employed by a third-party entity who contracts services with a participating employer other than a participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation to fill a position covered under K.S.A. 72-5410(a), and amendments thereto, with such retirant, such participating employer shall pay to the system the actuarially determined employer contribution and the statutorily prescribed employee contribution based on the retirant's compensation during any such period of employment or appointment. If a retirant is employed or appointed in or to any position or office for which compensation for service is paid in an amount equal to \$25,000 or more in any one calendar year between July 1, 2016, and January 1, 2018, by any participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation, and, on or after April 1, 2009, by any third-party entity who contracts services to fill a position covered under K.S.A. 72-5410(a), and amendments thereto, with such retirant with a participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation, such retirant shall not receive any retirement benefit for any month for which such retirant serves in such position or office. The participating employer who employs such retirant whether by contract directly with the retirant or through an arrangement with a third-party entity shall report to the system within 30 days of when the compensation paid to the retirant is equal to or exceeds any limitation provided by this section. Any participating employer who contracts services with any such third-party entity to fill a position covered under K.S.A. 72-5410(a), and amendments thereto, shall include in such contract a provision or condition which requires the third-party entity to provide the participating employer with the necessary compensation paid information related to any such position filled by the third-party entity with a retirant to enable the participating employer to comply with provisions of this subsection relating to the payment of contributions and reporting requirements. The provisions and requirements provided for in amendments made in this act which relate to positions filled with a retirant or employment of a retirant by a third-party entity shall not apply to any contract for services entered into



prior to April 1, 2009, between a participating employer and third-party entity as described in this subsection. Any retirant employed by a participating employer or a third-party entity as provided in this subsection shall not make contributions nor receive additional credit under such system for such service except as provided by this section. Upon request of the executive director of the system, the secretary of revenue shall provide such information as may be needed by the executive director to carry out the provisions of this act. The provisions of this subsection shall not apply to retirants employed as substitute teachers without a contract or officers, employees or appointees of the legislature. The provisions of this subsection shall not apply to members of the legislature. The provisions of this subsection shall not apply to any other elected officials. Commencing July 1, 2005, the provisions of this subsection shall not apply to retirants who either retired under the provisions of subsection (1), or, if they retired under the provisions of subsection (4), were retired more than 30 days prior to the effective date of this act and are licensed professional nurses or licensed practical nurses employed by the state of Kansas in an institution as defined in K.S.A. 76-12a01(b) or K.S.A. 38-2302(k), and amendments thereto, the Kansas soldiers' home or the Kansas veterans' home. Nothing in this subsection shall be construed to create any right, or to authorize the creation of any right, which is not subject to amendment or nullification by act of the legislature. The participating employer of such retirant shall pay to the system the actuarially determined employer contribution based on the retirant's compensation during any such period of employment. The provisions of the subsection shall expire on January 1, 2018.

(6) For purposes of this section, any employee of a local governmental unit which has its own pension plan who becomes an employee of a participating employer as a result of a merger or consolidation of services provided by local governmental units, which occurred on January 1, 1994, may count service with such local governmental unit in determining whether such employee has met the years of credited service requirements contained in this section.

(7) (a) (i) Except as provided in K.S.A. 74-4937(3), (4), or (5), and amendments thereto, and the provisions of this subsection, commencing July 1, 2016, and ending January 1, 2018, any retirant who is employed or appointed in or to any position by a participating employer, an independent contractor or a third-party entity who contracts services with a participating employer to fill a position, without any prearranged agreement with such participating employer and not prior to 60 days after such retirant's retirement date, shall not receive any retirement benefit for any month in any calendar year in which the retirant receives compensation in an amount equal to \$25,000 or more, pursuant to this subsection. Any participating employer who hires a retirant covered by this subsection shall pay to the system the

statutorily prescribed employer contribution rate for such retirant, without regard to whether the retirant is receiving benefits.

(ii) Commencing January 1, 2018, for all retirements that occurred prior to such date, any retirant who is employed or appointed in or to any position by a participating employer, an independent contractor or a third-party entity who contracts services with a participating employer to fill a position, without any prearranged agreement with such participating employer and not prior to 60 days after such retirant's retirement date, shall not be subject to an earnings limitation that when met or exceeded requires that the retirant not receive a retirement benefit for any month for which such retirant serves in such position. If a retirant is employed in a covered position, as defined in K.S.A. 74-49,202, and amendments thereto, the participating employer of such retirant shall pay to the system the statutorily prescribed employer contribution rate on the first \$25,000 of such retirant's compensation in a calendar year and a 30% employer contribution on any compensation in excess of \$25,000 in a calendar year during any such period of employment. If a retirant is employed by more than one participating employer or performing duties in more than one position, contributions shall be made on compensation from all such employment for that calendar year. If a retirant is employed in a non-covered position, no employer contribution shall be paid to the system.

(b) The provisions of this subsection shall not apply, except as specifically provided in this subsection, to retirants who are:

(i) Licensed professional nurses or licensed practical nurses employed by the state of Kansas in an institution as defined in K.S.A. 76-12a01(b) or 38-2302(k), and amendments thereto, the Kansas soldiers' home or the Kansas veterans' home. The participating employer of such retirant shall pay to the system the actuarially determined employer contribution based on the retirant's compensation and the statutorily prescribed employee contribution during any such period of employment;

(ii) employed by a school district in a position as provided in K.S.A. 74-4937(3), (4) or (5), and amendments thereto;

(iii) certified law enforcement officers employed by the law enforcement training center. Such law enforcement officers shall receive their benefits notwithstanding this subsection. The law enforcement training center shall pay to the system the actuarially determined employer contribution and the statutorily prescribed employee contribution based on the retirant's compensation during any such period of employment;

(iv) members of the Kansas police and firemen's retirement system pursuant to K.S.A. 74-4951 et seq., and amendments thereto, members of the retirement system for judges pursuant to K.S.A. 20-2601 et seq., and amendments thereto, or members of the state board of regents retirement plan pursuant to K.S.A. 74-4925 et seq., and amendments thereto;

(v) employed as substitute teachers without a contract or officers, employees or appointees of the legislature;

(vi) a poll worker hired to work an election day for a county election officer responsible for conducting all official elections held in the county;

(vii) employed by, or have accepted employment from, a participating employer prior to May 1, 2015. Any break in continuous employment by a retirant or move to a different position by a retirant during the effective period of this subsection shall be deemed new employment and shall subject the retirant to the provisions of this subsection. Commencing January 1, 2018, the participating employer of a retirant described in this subsection (7)(b)(vii) who is employed in a covered position, as defined in K.S.A. 74-49,202, and amendments thereto, shall pay to the system the statutorily prescribed employer contribution rate on the first \$25,000 of such retirant's compensation in a calendar year and a 30% employer contribution on any compensation in excess of \$25,000 in a calendar year during any such period of employment. If a retirant is employed by more than one participating employer or performing duties in more than one position, contributions shall be made on compensation from all such employment for that calendar year. If a retirant is employed in a non-covered position, no employer contribution shall be paid to the system; ~~or~~

(viii) state or local elected officials. A retirant shall not be employed in an elected office within 30 days of such retirant's retirement, except that if a retirant is filling a vacant elected office, no waiting period shall be required; *or*

(ix) *employed by the Kansas academies of the United States department of defense STARBASE program.*

(c) The participating employer shall enroll all retirants, including retirants under subsection (7)(b)(i), (ii), (iii), (vii) and (viii), and report to the system when compensation is paid to a retirant as provided in this subsection. Such report shall contain a certification by the appointing authority of the participating employer that any hired retirant has not been employed by the participating employer within 60 days of such retirant's retirement and that there was no prearranged agreement for employment between the participating employer and the hired retirant. Upon request of the executive director of the system, the participating employer shall provide such information as may be needed by the executive director to carry out the provisions of this subsection. No retirant shall make contributions to the system or receive credit for service while employed under the provisions of this subsection.

(d) A participating employer may employ a retirant without regard to the compensation limitation in this subsection for a period of one calendar year or one school year, as the case may be, if the following requirements are met:

(i) The employer certifies to the board that the position being filled has been vacated due to an unexpected emergency or the employer has been unsuccessful in filling the position;

(ii) the employer pays to the system a 30% employer contribution based on the retirant's compensation during any such period of employment; and

(iii) the employer maintains documentation of its efforts to fill the position with a non-retirant and provides such documentation to the joint committee on pensions, investments and benefits upon request of the committee.

The provisions of this paragraph shall expire on January 1, 2018.

(e) An employer may submit a written assurance protocol to the system to extend the exception provided for in subsection (7)(d) by one-year increments for a total extension not to exceed three years. A written assurance protocol shall be submitted to the system for each one-year increment extension. If a school district submits a written assurance protocol, such written assurance protocol shall be signed by the superintendent and the board president of such school district. If a municipality, as defined in K.S.A. 75-1117, and amendments thereto, other than a school district, submits a written assurance protocol, such written assurance protocol shall be signed by the governing body or such governing body's designee for such municipality. Such written assurance protocol shall state that the position was advertised on multiple platforms for a minimum of 30 calendar days and that at least one of the following conditions occurred:

(i) No applications were submitted for the position;

(ii) if applications were submitted, none of the applicants met the reference screening criteria of the employer; or

(iii) if applications were submitted, none of the applicants possessed the appropriate licensure, certification or other necessary credentials for the position.

The provisions of this paragraph shall expire on January 1, 2018.

(f) Retirants who are independent contractors or employees of third-party entities who contract with a participating employer, shall not be subject to the compensation limitation or employer contribution requirements in this subsection or the requirements of subsection (7)(c) regarding enrollment and reporting to the system, so long as all of the following apply:

(A) The contractual relationship was not created to allow the retirant to continue employment with the participating employer after retirement in a position similar to the one such retirant held prior to retirement;

(B) the activities performed by the independent contractor or third-party entity are not normally performed exclusively by employees of that participating employer; and

(C) the retirant meets the classification of independent contractor as provided in K.S.A. 2018 Supp. 44-768, and amendments thereto, or activities performed by the third-party entity that employs the retirant are performed on a limited-term basis and the third-party entity is not a participating employer in the system.

(g) Nothing in this subsection shall be construed to create any right, or to authorize the creation of any right, which is not subject to amendment or nullification by act of the legislature.

(8) (a) *Except as provided in subsection (8)(b),* if determined by the retirement system that a retirant entered into a prearranged agreement for employment with a participating employer prior to such retirant's retirement and prior to the end of the subsequent 60-day waiting period, or the 180-day waiting period under subsection (10), the monthly retirement benefit of such retirant shall be suspended during the period that begins on the month in which the retirant is re-employed and ends six months after the retirant's termination of such employment. The retirant shall repay to the retirement system all monthly retirement benefits paid to the retirant by the retirement system that the retirant received after such employment began. The participating employer which hired such retirant shall be required to pay to the system any fees, fines, penalties or any other cost imposed by the internal revenue service and indemnify the system for any cost incurred by the system to defend any action brought by the internal revenue service based on in-service distributions which are a result of any determined prearranged agreement and for any cost incurred by the system to collect any monthly retirement benefit required to be repaid by such retirant pursuant to this subsection.

(b) *For members who retired on and after July 1, 2016, and on or before July 1, 2019, if determined by the retirement system that a retirant entered into a prearranged agreement for employment with a participating employer prior to such retirant's retirement date and the subsequent 60-day waiting period, or the 180-day waiting period under subsection (10), and upon being notified of the violation, the retirant terminated such employment, the provisions of subsection (a) shall not apply. If any retirant had benefits suspended prior to July 1, 2019, such benefits shall be reimbursed by the retirement system, if the retirant terminated such prearranged employment in accordance with the provisions of this act. On and after July 1, 2019, the executive director may waive such penalties under this subsection if it is determined by the retirement system that any of the following conditions were satisfied:*

(i) *The retirant's total length of reemployment was less than 21 calendar days;*

(ii) *the retirant's total compensation during the total length of reemployment was less than 10% of the amount of such retirant's retirement benefit that would be suspended pursuant to this subsection; or*

(iii) *other facts and circumstances indicated that the retirant would not have been reemployed but for an error on the part of the participating employer or the retirement system in verifying the retirement status of such retirant and such retirant immediately terminated employment upon being notified of the violation.*

(c) *On or before the first day of each regular session of the legislature, beginning with the 2020 regular session, the executive director shall submit an annual report on the number of waivers granted pursuant to subsection (8)(b) in the prior calendar year to the joint committee on pensions, investments and benefits, the house of representatives standing committee on financial institutions and pensions and the senate standing committee on financial institutions and insurance, or the successors of such committees.*

(9) For the purposes of this section a prearranged agreement for employment may be determined by whether the facts and circumstances of the situation indicate that the employer and employee reasonably anticipated that further services would be performed after the employee's retirement.

(10) (a) Notwithstanding the provisions of subsection (5) or (7) to the contrary, commencing January 1, 2018, any retirant who is retired more than 60 days, if such retirant's age on the date of retirement is 62 or older, or is retired more than 180 days, if such retirant's age on the date of retirement is less than 62, and who is subsequently hired without any prearranged agreement with the participating employer in a covered position, as defined in K.S.A. 74-49,202, and amendments thereto, or an independent contractor or a third-party entity who contracts service to fill such covered position shall not be subject to an earnings limitation that when met or exceeded requires that the retirant not receive a retirement benefit for any month for which such retirant serves in such covered position. The participating employer of such retirant shall pay to the system the statutorily prescribed employer contribution rate on the first \$25,000 of such retirant's compensation in a calendar year and a 30% employer contribution on any compensation in excess of \$25,000 in a calendar year during any such period of employment. If a retirant is employed by more than one participating employer or performing duties in more than one position, contributions shall be made on compensation from all such employment for that calendar year.

(b) Notwithstanding the provisions of subsection (5) or (7) to the contrary, commencing January 1, 2018, any retirant who is retired more than 60 days, if such retirant's age on the date of retirement is 62 or older, or is retired more than 180 days, if such retirant's age on the date of retirement is less than 62, and who is subsequently hired without any prearranged agreement with the participating employer in a non-covered position, or

an independent contractor or a third-party entity who contracts service to fill such non-covered position, shall not be subject to an earnings limitation that when met or exceeded requires that the retirant not receive a retirement benefit for any month for which such retirant serves in such non-covered position. No employer contribution shall be paid to the system on compensation paid to a retirant hired in a non-covered position.

(c) The participating employer shall enroll all retirants, including retirants under subsection (7)(b)(i), (ii), (iii), (vii) and (viii), and report to the system when compensation is paid to a retirant as provided in this subsection. Such report shall contain a certification by the appointing authority of the participating employer that any hired retirant has not been employed by the participating employer within 60 days of such retirant's retirement in the case of a retirant whose age on the date of retirement is 62 or older, or within 180 days of such retirant's retirement in the case of a retirant whose age on the date of retirement is less than 62, and that there was no prearranged agreement for employment between the participating employer and the hired retirant. Upon request of the executive director of the system, the participating employer shall provide such information as may be needed by the executive director to carry out the provisions of this subsection. No retirant shall make contributions to the system or receive credit for service while employed under the provisions of this subsection.

(d) The provisions of this subsection relating to an earnings limitation and employer contributions shall not apply to any retirant described in subsection (7)(b) or to retirants who are independent contractors or employees of third-party entities who contract with a participating employer as described in subsection (7)(f), except as specifically provided in this subsection.

(e) Nothing in this subsection shall be construed to create any right, or to authorize the creation of any right that is not subject to amendment or nullification by act of the legislature.

Sec. 5. K.S.A. 74-4986~~l~~ is hereby amended to read as follows: 74-4986~~l~~. (a) As used in this act, unless otherwise provided or the context otherwise requires:

- (1) "Act" means the Kansas deferred retirement option program act;
- (2) "board" means the board of trustees of the Kansas public employees retirement system;
- (3) "DROP" means the deferred retirement option program established by K.S.A. 74-4986m, and amendments thereto;
- (4) "DROP account" means the notional account to which is credited the monthly DROP accrual;
- (5) "DROP period" means the period of time that a member irrevocably elects to participate in the DROP pursuant to K.S.A. 74-4986n, and amendments thereto;



(6) “member” means a trooper, examiner or officer of the Kansas highway patrol *or an agent of the Kansas bureau of investigation* who is eligible to participate in the DROP and who elects to participate in the DROP as provided in this act;

(7) “monthly DROP accrual” means the amount equal to the monthly retirement benefit that would have been payable to the member had the member terminated service and retired on the day the member elected; and

(8) “system” means the Kansas police and firemen’s retirement system.

(b) Unless specifically provided in this section or in this act, words and phrases used in this act shall have the meanings ascribed to them as provided under the provisions of K.S.A. 74-4901 et seq. and K.S.A. 74-4951 et seq., and amendments thereto.

Sec. 6. K.S.A. 74-4986p is hereby amended to read as follows: 74-4986p. (a) A member’s participation in the DROP ceases on the occurrence of the earliest of the following:

(1) Termination of the member’s active service with the Kansas highway patrol *or Kansas bureau of investigation*;

(2) the last day of the member’s elected DROP period that begins on the effective date of the member’s election to participate in the DROP;

(3) retirement due to disability as defined in K.S.A. 74-4952, and amendments thereto; or

(4) the member’s death.

(b) If a member dies before taking a distribution from such member’s DROP account, the member’s designated beneficiary shall receive a lump-sum payment equal to the member’s DROP account balance, including any lump sum credited as provided in K.S.A. 74-4986o(d), and amendments thereto. If the DROP member has not named a beneficiary for such member’s DROP account, the amount in the DROP account shall be paid to the beneficiary of the member’s retirement benefit.

Sec. 7. K.S.A. 74-4986r is hereby amended to read as follows: 74-4986r. The provisions of K.S.A. 74-4986k through 74-4986r, and amendments thereto, shall expire on January 1, ~~2020~~ 2025.

Sec. 8. K.S.A. 74-4909, 74-4911, 74-4914, 74-4952, 74-4986l, 74-4986p and 74-4986r are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 18, 2019.

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## CHAPTER 51

## Senate Substitute for HOUSE BILL No. 2225

AN ACT regulating traffic; relating to oversize and overweight vehicles, permit fees; escort vehicle service, registration; amending K.S.A. 2018 Supp. 8-1911 and repealing the existing section.

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

New Section 1. (a) Commencing on and after January 1, 2020, each company that operates an escort vehicle service in this state shall register annually with the secretary of transportation in accordance with rules and regulations adopted by the secretary.

(b) Each application for registration shall be accompanied by the following:

- (1) The name and address of the agent for service of process;
- (2) proof that each vehicle operated in this state by the applicant maintains the required insurance, self-insurance or other financial security required pursuant to K.S.A. 40-3104, and amendments thereto;
- (3) proof that each driver of an escort vehicle has a valid operator's license issued by a state or territory of the United States;
- (4) proof that each driver has successfully completed an escort vehicle training course approved by the secretary; and
- (5) such other information as the secretary may require.

(c) The secretary may revoke, suspend or refuse to issue a registration for any violation of this section.

Sec. 2. K.S.A. 2018 Supp. 8-1911 is hereby amended to read as follows: 8-1911. (a) The secretary of transportation with respect to highways under the secretary's jurisdiction and local authorities with respect to highways under their jurisdiction, in their discretion, upon application, may issue a special permit, ~~which~~ *such* term shall include an authorization number, to the owner or operator of an oversize or overweight vehicle. The special permit shall authorize the special permit holder to operate or move a vehicle or combination of vehicles ~~which~~ *that* exceed the limitations of this act, on a route, or routes, designated in the special permit and in accordance with the terms and conditions of the special permit.

(b) The application for the permit shall describe the vehicle, or combination of vehicles and all loads or cargo for which the special permit is requested, the route or routes on which operation is sought and whether a single trip or annual operation is requested. One special permit may be issued for a vehicle or combination of vehicles, that are both oversize and overweight. A special permit under this section may be for a single trip or for annual operation. The special permit shall designate the route or routes that may be used and any other terms, conditions or restrictions deemed

necessary. The secretary of transportation shall charge a fee for each permit or authorization number issued as provided for in subsection (f). No permit shall be required to authorize the moving or operating upon any highway, by an implement dealer, as defined in K.S.A. 2018 Supp. 8-1918, and amendments thereto, or employee thereof who possesses an annual permit and following all conditions set forth in K.S.A. 2018 Supp. 8-1918, and amendments thereto, of farm tractors, combines, fertilizer dispensing equipment or other farm machinery, or machinery being transported to be used for terracing or soil or water conservation work upon farms. No permit shall be required to authorize the moving or operating upon any highway of farm tractors, combines, fertilizer dispensing equipment or other farm machinery, or machinery being transported to be used for terracing or soil or water conservation work upon farms, or vehicles owned by counties, cities and other political subdivisions of the state, except that this sentence shall not: (1) Exempt trucks owned by counties, cities and other political subdivisions specifically designed and equipped and used exclusively for garbage, refuse or solid waste disposal operations from the maximum gross weight limitations contained in the table in K.S.A. 8-1909, and amendments thereto; or (2) authorize travel on interstate highways.

(c) A permit shall be valid only when the registration on the power unit is equal to or exceeds the total gross weight of the vehicle. When the gross weight of the vehicle exceeds the upper limit of the available registration, the maximum amount of registration must be purchased. The provisions of this subsection shall not apply to a wrecker or tow truck, as defined in K.S.A. 66-1329, and amendments thereto, and registered in accordance with the provisions of K.S.A. 8-143, and amendments thereto.

(d) The secretary or local authority may issue or withhold the permit at the secretary's or local authority's discretion or may limit the number of trips, or establish seasonal or other time limitations within which the vehicles described may be operated on the highways, or may otherwise limit or prescribe conditions of operations of such vehicle or combination of vehicles, when necessary to assure against undue damage to the road. The secretary or local authority may require such undertaking or other security as may be deemed necessary to compensate for any injury to any roadway or road structure.

(e) Every permit shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any police officer or authorized agent of any authority granting the permit. It shall be unlawful for any person to violate any of the terms or conditions of the special permit.

(f) The secretary of transportation shall charge and collect fees as follows:

(1) *Prior to January 1, 2020:*

(A) Twenty dollars for each single-trip permit;

~~(2)(B)~~ thirty dollars for each single-trip permit for a large structure, as defined by rules and regulations;

~~(3)(C)~~ fifty dollars for each single-trip permit for a superload, as defined by rules and regulations;

~~(4)(D)~~ twenty-five dollars for a five-year permit for vehicles authorized to move bales of hay under subsection (j) on noninterstate highways;

~~(5)(E)~~ one hundred and fifty dollars for each annual permit; or

~~(6)(F)~~ two thousand dollars per year for each qualified carrier company for special vehicle combination permits authorized under K.S.A. 8-1915, and amendments thereto, plus \$50 per year for each power unit operating under such annual permit.

(2) *On and after January 1, 2020:*

(A) *Forty dollars for each single-trip permit;*

(B) *two hundred dollars for each single-trip permit for a large structure, as defined by rules and regulations;*

(C) *two hundred dollars for each single-trip permit for a superload, as defined by rules and regulations;*

(D) *twenty-five dollars for a five-year permit for vehicles authorized to move bales of hay under subsection (j) on noninterstate highways;*

(E) *two hundred dollars for each annual permit; or*

(F) *two thousand dollars per year for each qualified carrier company for special vehicle combination permits authorized under K.S.A. 8-1915, and amendments thereto, plus \$50 per year for each power unit operating under such annual permit.*

No fees shall be charged for permits issued for vehicles owned by counties, cities and other political subdivisions of the state. All permit fees received under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state highway fund. The secretary may adopt rules and regulations for payment and collection of all fees. The secretary may adopt rules and regulations implementing the provisions of this section to prescribe standards for any permit program to enhance highway safety.

(g) If any local authority does not desire to exercise the powers conferred on it by this section to issue or deny permits then such a permit from the local authority shall not be required to operate any such vehicle or combination of vehicles on highways under the jurisdiction of such local authority, but in no event shall the jurisdiction of the local authority be construed as extending to any portion of any state highway, any city street designated by the secretary as a connecting link in the state highway system or any highway within the national system of interstate and defense highways, which highways and streets, for the purpose of this section, shall be under the jurisdiction of the secretary.

(h) A house trailer, manufactured home or mobile home ~~which~~ *that* exceeds the width as provided in ~~subsection (a) of K.S.A. 8-1902(a)~~, and amendments thereto, may be moved on the highways of this state by obtaining a permit as provided in this section, if:

(1) The width of such house trailer, manufactured home or mobile home does not exceed 16½ feet;

(2) the driver of the vehicle pulling the house trailer, manufactured home or mobile home has a valid driver's license; and

(3) the driver carries evidence that the house trailer, manufactured home or mobile home, and the vehicle pulling it, are covered by motor vehicle liability insurance with limits of not less than \$100,000 for injury to any one person, and \$300,000 for injury to persons in any one accident, and \$25,000 for injury to property.

For the purposes of this subsection, the terms "manufactured home" and "mobile home" shall have the meanings ascribed to them by K.S.A. 58-4202, and amendments thereto.

(i) Upon proper application stating the description and registration of each power unit, the secretary of transportation shall issue permits for a period, from May 1 to November 15, for custom combine operators to tow custom-combine equipment on a trailer within legal dimensions or a trailer especially designed for the transportation of combines or combine equipment at the rate of \$10 per power unit. Each application shall be accompanied by information as required by the secretary. The permit shall allow custom combine operators to haul two combine headers on designated interstate highways provided:

(1) The vehicle plus the load do not exceed 14 feet in width;

(2) the move is completed during the period beginning 30 minutes before sunrise and ending 30 minutes after sunset; and

(3) the vehicle plus the load are not overweight.

(j) Except as provided in ~~paragraph (2) of subsection (d) of K.S.A. 8-1902(d)(2)~~, and amendments thereto, a vehicle loaded with bales of hay ~~which~~ *that* exceeds the width as provided in ~~subsection (a) of K.S.A. 8-1902(a)~~, and amendments thereto, may be moved on any highway designated as a part of the national network of highways by obtaining a permit as provided by this section, if:

(1) The vehicle plus the bales of hay do not exceed 12 feet in width;

(2) the vehicle plus the bales of hay do not exceed the height authorized under K.S.A. 8-1904, and amendments thereto;

(3) the move is completed during the period beginning 30 minutes before sunrise and ending 30 minutes after sunset;

(4) the vehicle plus the load are not overweight; and

(5) the vehicle plus the load comply with the signing and marking requirements of ~~paragraph (3) of subsection (d) of K.S.A. 8-1902(d)(3)~~, and amendments thereto.

(k) If it is determined by the secretary of transportation that a person has been granted a permit and has not complied with the applicable provisions of this section and the rules and regulations of the secretary of transportation relating thereto, the secretary may cancel the permit and may refuse to grant future permits to the individual.

(l) (1) Vehicles operating under the provisions of a permit issued under subsection (a), ~~which that~~ exceed the width limitations prescribed by K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A. 8-1904, and amendments thereto, shall have a sign attached ~~which that~~ states "OVERSIZE LOAD" and the dimensions of the sign shall be a minimum of seven feet long and 18 inches high. Letters shall be a minimum of 10 inches high with a brush-stroke ~~stroke~~ of not less than 1 $\frac{1}{2}$  inches. The sign shall be readily visible from a distance of 500 feet and shall be removed when the vehicle or load no longer exceeds the legal width dimensions prescribed by K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A. 8-1904, and amendments thereto. Each such vehicle shall be equipped with red flags on all four corners of the oversize load.

(2) Vehicles operating under the provision of a permit issued under subsection (a), which exceed the weight limitations of K.S.A. 8-1908 or 8-1909, and amendments thereto, but do not exceed the width limitations prescribed by K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A. 8-1904, and amendments thereto, shall not have a sign attached which states "OVERSIZE LOAD."

(m) (1) Vehicles operating under the provisions of a permit issued under subsection (a), ~~which that~~ exceed the width limitations prescribed by K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A. 8-1904, and amendments thereto, shall not operate: ~~(i)~~ (A) During the time period between 30 minutes after sunset to 30 minutes before sunrise, unless specifically authorized under another statute or regulation; ~~(ii)~~ (B) under conditions where visibility is less than  $\frac{1}{2}$  mile; or ~~(iii)~~ (C) when highway surfaces have ice or snow pack or drifting snow.

(2) Vehicles operating under the provisions of a permit issued under subsection (a), ~~which that~~ exceed the weight limitations of K.S.A. 8-1908 or 8-1909, and amendments thereto, but do not exceed the width limitations prescribed by K.S.A. 8-1902, and amendments thereto, or the length provisions in K.S.A. 8-1904, and amendments thereto, may operate 24-hour days, except that such vehicles shall not operate when highway surfaces have ice or snow pack or drifting snow.

Sec. 3. K.S.A. 2018 Supp. 8-1911 is hereby repealed.

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

Approved April 18, 2019.

## CHAPTER 52

## HOUSE BILL No. 2119

AN ACT concerning health and healthcare; providing for licensed pharmacists to administer certain drugs; authorizing certain business entities to hire physicians and chiropractors; requiring electronic prescriptions for certain controlled substances; amending K.S.A. 65-1626, 65-2803, 65-2836 and 65-2877a and repealing the existing sections.

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

New Section 1. (a) Every prescription order issued for a controlled substance in schedules II-V that contains an opiate, as described in the uniform controlled substances act, shall be transmitted electronically unless:

(1) Electronic prescription orders are not possible due to technological or electronic system failures;

(2) electronic prescribing is not available to the prescriber due to economic hardship or technological limitations that are not reasonably within the control of the prescriber, or other exceptional circumstances exist, as demonstrated by the prescriber;

(3) the prescription order is for a compounded preparation containing two or more components or requires information that makes electronic submission impractical, such as complicated or lengthy instructions for use;

(4) the prescription order is issued by a licensed veterinarian;

(5) the prescriber reasonably determines that it would be impractical for the patient to obtain the substances prescribed by electronic prescription in a timely manner, and such delay would adversely impact the patient's medical condition;

(6) the prescription order is issued pursuant to drug research or drug therapy protocols;

(7) the prescription order is by a prescriber who issues 50 or fewer prescription orders per year for controlled substances that contain opiates; or

(8) the United States food and drug administration requires the prescription order to contain elements that are not compatible or possible with electronic prescriptions.

(b) (1) A prescriber may request a waiver from the provisions of subsection (a) for a period not to exceed six months if such prescriber cannot comply with subsection (a) due to economic hardship, technological limitations that reasonably are not within the prescriber's control or other circumstance demonstrated by the prescriber. If a waiver is granted by the board, the prescriber may request that such waiver be renewed for a period not to exceed six months. Requests for a waiver or renewal shall be submitted to the board in such form and manner as prescribed by the board and shall include the reason for the request and any other information required by the board.

(2) If a prescriber prescribes a controlled substance by non-electronic prescription, such prescriber shall indicate the prescription is made pursuant to a waiver granted pursuant to this section. A pharmacist shall not be required to verify the validity of any waiver, either with the prescriber or the board, but may do so in accordance with K.S.A. 65-1637, and amendments thereto.

(c) The provisions of this section shall be a part of and supplemental to the pharmacy act of the state of Kansas.

(d) The provisions of this section shall take effect on and after July 1, 2021.

New Sec. 2. (a) Notwithstanding any other provision of law, a business entity issued a certificate of authorization by the board may employ or contract with one or more licensees of the board for the purpose of providing professional services for which such licensees hold a valid license issued by the board. Nothing in the Kansas healing arts act shall be construed to prohibit a licensee from being employed by or under contract to provide professional services for a business entity granted a certificate of authorization pursuant to this section. Medical care facilities, as defined by K.S.A. 65-425, and amendments thereto, that are in compliance with department of health and environment licensure requirements are exempt from the provisions of this section. Nothing contained herein shall be construed to allow a corporation to practice optometry or dentistry, except as otherwise provided in K.S.A. 17-2706, and amendments thereto.

(b) (1) A business entity may apply to the state board of healing arts for a certificate of authorization, on a form and in a manner prescribed by the state board of healing arts, and shall include the following information:

- (A) The name of the business entity;
- (B) a list of the names of the owners and officers of the business entity;
- (C) a description of the apportionment of liability of all partners or owners, if the business entity is organized as a limited partnership or a limited liability company;
- (D) a list of each responsible official if the business entity is organized as a governmental unit; and
- (E) a list of all licensed physicians and chiropractors to be hired by the business entity.

(2) As a condition of certification, a business entity shall be required to provide the state board of healing arts evidence of the following:

- (A) The address of the business entity;
- (B) a city or county occupational license; and
- (C) licensure of all physicians and chiropractors to be employed by the business entity.

(3) A business entity applying for certification shall remit a fee set by the state board of healing arts through rules and regulations, not to exceed \$1,000.



(c) (1) If the state board of healing arts finds that such business entity is in compliance with all of the requirements of this section, the state board of healing arts shall issue a certificate of authorization to such business entity designating the business entity as authorized to employ individuals licensed to practice medicine and surgery or chiropractic, as applicable.

(2) A certificate of authorization shall be renewed annually and accompanied by a fee to be fixed by the state board of healing arts. The renewal fee shall be accompanied by a form prescribed by the state board of healing arts.

(d) Except as provided in K.S.A. 40-3403, and amendments thereto, no business entity issued a certificate of authorization under this section shall be relieved of responsibility for the conduct or acts of its agents or employees by reason of its compliance with the provisions of this section, nor shall any individual licensed to practice the healing arts be relieved of responsibility and liability for services performed by reason of employment or relationship with such business entity. Nothing in this section shall exempt any business entity from the provisions of any other law applicable to the business entity.

(e) A business entity issued a certificate of authorization under this section shall not:

(1) In any manner, directly or indirectly, interfere with, diminish, restrict, substitute its judgment for or otherwise exercise control over the independent professional judgment and decisions of its employed licensees as it relates to the care of patients; or

(2) prohibit or restrict any employed licensee from discussing with or disclosing to any patient or other individual any medically appropriate healthcare information that such licensee deems appropriate regarding the nature of treatment options, the risks or alternatives thereto, the process used or the decision made by the business entity to approve or deny healthcare services, the availability of alternate therapies, consultations or tests, or from advocating on behalf of the patient.

(f) As used in this section:

(1) (A) "Business entity" means an employer located in Kansas that utilizes electronic medical records and offers medicine and surgery or chiropractic services solely for its employees and the dependents of such employees at the employer's work site; an organization that is licensed to sell accident and sickness insurance in the state that is also a mutual or non-profit health carrier that utilizes electronic medical records, or a wholly owned subsidiary of such organization that provides medical services solely for the organization's enrollees and dependents of such enrollees; or an information technology company that designs, utilizes and provides electronic medical records for businesses and worksite medical clinics for employers located in Kansas and offers medicine and surgery or



chiropractic services solely to its employees and the dependents of such employees at the employer's work sites in Kansas.

(B) "Business entity" does not include medical care facilities under K.S.A. 65-425, and amendments thereto, corporations licensed under K.S.A. 40-3214, and amendments thereto, and professional corporations organized pursuant to the professional corporation law of Kansas.

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

(3) "Licensee" means a person licensed by the state board of healing arts to practice medicine and surgery or chiropractic and whose license is in a full active status and has not been revoked, suspended, limited or placed under probationary conditions.

(g) A business entity's certificate of authorization may be revoked, suspended or limited, may be publicly censured or placed under probationary conditions, or an application for a certificate or for reinstatement of a certificate may be denied upon a finding of the existence of any of the following grounds:

(1) The business entity has committed fraud or misrepresentation in applying for or securing an original, renewal or reinstated certificate.

(2) The business entity has willfully or repeatedly violated this act, the pharmacy act of the state of Kansas or the uniform controlled substances act or any rules and regulations adopted pursuant thereto, or any rules and regulations of the secretary of health and environment that are relevant to the practice of the healing arts.

(3) The business entity has had a certificate, or equivalent authorization, to employ licensees to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken or has had an application for a certificate or license denied, by the proper licensing authority of another state.

(4) The business entity has violated any lawful rule and regulation promulgated by the board.

(5) The business entity has failed to report or reveal the knowledge required to be reported or revealed under K.S.A. 65-28,122, and amendments thereto.

(6) The business entity has failed to report to the board any adverse action taken against the business entity by another state or licensing jurisdiction, a governmental agency, by a law enforcement agency or a court for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this section.

(7) The business entity has engaged in conduct likely to deceive, defraud or harm the public.

(8) The business entity has engaged in conduct that violates patient trust and exploits the licensee-patient relationship for corporate gain.

(9) The business entity has used any false, fraudulent or deceptive statement in any document connected with the practice of the healing arts, including the intentional falsifying or fraudulent altering of a patient healthcare record.

(10) The business entity has failed to furnish to the board, or its investigators or representatives, any information legally requested by the board.

(11) The business entity has had, or failed to report to the board, any adverse judgment, award or settlement against the business entity resulting from a medical liability claim related to acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action under this section.

(12) The business entity has been convicted of a felony or class A misdemeanor, or substantially similar offense in another jurisdiction, related to the practice of the healing arts.

(h) The state board of healing arts shall adopt all rules and regulations as necessary to implement and administer the provisions of this section.

(i) For the purposes of determining the impact on the healthcare stabilization fund of requiring business entities to comply with the provisions of the healthcare provider insurance availability act, the healthcare stabilization fund is hereby directed to conduct such actuarial and operational studies as are necessary to determine such impact, and to report the findings to the legislature on or before January 1, 2020.

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

(k) The provisions of this section shall take effect on and after March 1, 2020.

Sec. 3. On and after March 1, 2020, K.S.A. 65-2803 is hereby amended to read as follows: 65-2803. (a) Unless otherwise specified by the board *or as provided in section 2, and amendments thereto*, it shall be unlawful for any person who does not have a license, registration, permit or certificate to engage in the practice of any profession regulated by the board or whose license, registration, permit or certificate to practice has been revoked or suspended to engage in the practice of any profession regulated by the board.

(b) This section shall not apply to any healthcare provider who in good faith renders emergency care or assistance at the scene of an emergency or accident as authorized by K.S.A. 65-2891, and amendments thereto.

(c) The commission of any act or practice declared to be a violation of this section may render the violator liable to the state or county for the payment of a civil penalty of up to \$1,000 per day for each day a person engages in the unlawful practice of a profession regulated by the board. In addition to such civil penalty, such violator may be assessed reasonable costs of investigation and prosecution.

(d) Violation of this section is a severity level 10, nonperson felony.

Sec. 4. On and after March 1, 2020, K.S.A. 65-2836 is hereby amended to read as follows: 65-2836. A licensee's license may be revoked, suspended or limited, or the licensee may be publicly censured or placed under probationary conditions, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

(a) The licensee has committed fraud or misrepresentation in applying for or securing an original, renewal or reinstated license.

(b) The licensee has committed an act of unprofessional or dishonorable conduct or professional incompetency, except that the board may take appropriate disciplinary action or enter into a non-disciplinary resolution when a licensee has engaged in any conduct or professional practice on a single occasion that, if continued, would reasonably be expected to constitute an inability to practice the healing arts with reasonable skill and safety to patients or unprofessional conduct as defined in K.S.A. 65-2837, and amendments thereto.

(c) The licensee has been convicted of a felony or class A misdemeanor, or substantially similar offense in another jurisdiction, whether or not related to the practice of the healing arts, *or* the licensee has been convicted in a special or general court-martial, whether or not related to the practice of the healing arts. The board shall revoke a licensee's license following conviction of a felony or substantially similar offense in another jurisdiction, or following conviction in a general court-martial occurring after July 1, 2000, unless a  $\frac{2}{3}$  majority of the board members present and voting determine by clear and convincing evidence that such licensee will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficiently rehabilitated to warrant the public trust. In the case of a person who has been convicted of a felony or convicted in a general court-martial and who applies for an original license or to reinstate a canceled license, the application for a license shall be denied unless a  $\frac{2}{3}$  majority of the board members present and voting on such application determine by clear and convincing evidence that such person will not pose a threat to the public in such person's capacity as a licensee and that such person has been sufficiently rehabilitated to warrant the public trust.

(d) The licensee has used fraudulent or false advertisements.

(e) The licensee is addicted to or has distributed intoxicating liquors or drugs for any other than lawful purposes.

(f) The licensee has willfully or repeatedly violated this act, the pharmacy act of the state of Kansas or the uniform controlled substances act, or any rules and regulations adopted pursuant thereto, or any rules and regulations of the secretary of health and environment ~~which~~ *that* are relevant to the practice of the healing arts.

(g) The licensee has unlawfully invaded the field of practice of any branch of the healing arts in which the licensee is not licensed to practice.

(h) The licensee has engaged in the practice of the healing arts under a false or assumed name, or the impersonation of another practitioner. The provisions of this subsection relating to an assumed name shall not apply to licensees practicing under a professional corporation, *under a business entity that holds a certificate of authorization pursuant to section 2, and amendments thereto*, or *under any* other legal entity duly authorized to provide such professional services in the state of Kansas.

(i) The licensee's ability to practice the healing arts with reasonable skill and safety to patients is impaired by reason of physical or mental illness, or condition or use of alcohol, drugs or controlled substances. All information, reports, findings and other records relating to impairment shall be confidential and not subject to discovery by or release to any person or entity outside of a board proceeding.

(j) The licensee has had a license to practice the healing arts revoked, suspended or limited, has been censured or has had other disciplinary action taken, or an application for a license denied, by the proper licensing authority of another state, territory, District of Columbia, or other country.

(k) The licensee has violated any lawful rule and regulation promulgated by the board or violated any lawful order or directive of the board previously entered by the board.

(l) The licensee has failed to report or reveal the knowledge required to be reported or revealed under K.S.A. 65-28,122, and amendments thereto.

(m) The licensee, if licensed to practice medicine and surgery, has failed to inform in writing a patient suffering from any form of abnormality of the breast tissue for which surgery is a recommended form of treatment, of alternative methods of treatment recognized by licensees of the same profession in the same or similar communities as being acceptable under like conditions and circumstances.

(n) The licensee has cheated on or attempted to subvert the validity of the examination for a license.

(o) The licensee has been found to be mentally ill, disabled, not guilty by reason of insanity, not guilty because the licensee suffers from a mental disease or defect or incompetent to stand trial by a court of competent jurisdiction.

(p) The licensee has prescribed, sold, administered, distributed or given a controlled substance to any person for other than medically accepted or lawful purposes.

(q) The licensee has violated a federal law or regulation relating to controlled substances.

(r) The licensee has failed to furnish the board, or its investigators or representatives, any information legally requested by the board.

(s) Sanctions or disciplinary actions have been taken against the licensee by a peer review committee, healthcare facility, a governmental agency or department or a professional association or society for acts or conduct similar to acts or conduct ~~which~~ *that* would constitute grounds for disciplinary action under this section.

(t) The licensee has failed to report to the board any adverse action taken against the licensee by another state or licensing jurisdiction, a peer review body, a healthcare facility, a professional association or society, a governmental agency, by a law enforcement agency or a court for acts or conduct similar to acts or conduct ~~which~~ *that* would constitute grounds for disciplinary action under this section.

(u) The licensee has surrendered a license or authorization to practice the healing arts in another state or jurisdiction, has surrendered the authority to utilize controlled substances issued by any state or federal agency, has agreed to a limitation to or restriction of privileges at any medical care facility or has surrendered the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct ~~which~~ *that* would constitute grounds for disciplinary action under this section.

(v) The licensee has failed to report to the board surrender of the licensee's license or authorization to practice the healing arts in another state or jurisdiction or surrender of the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct ~~which~~ *that* would constitute grounds for disciplinary action under this section.

(w) The licensee has an adverse judgment, award or settlement against the licensee resulting from a medical liability claim related to acts or conduct similar to acts or conduct ~~which~~ *that* would constitute grounds for disciplinary action under this section.

(x) The licensee has failed to report to the board any adverse judgment, settlement or award against the licensee resulting from a medical malpractice liability claim related to acts or conduct similar to acts or conduct ~~which~~ *that* would constitute grounds for disciplinary action under this section.

(y) The licensee has failed to maintain a policy of professional liability insurance as required by K.S.A. 40-3402 or 40-3403a, and amendments thereto.

(z) The licensee has failed to pay the premium surcharges as required by K.S.A. 40-3404, and amendments thereto.

(aa) The licensee has knowingly submitted any misleading, deceptive, untrue or fraudulent representation on a claim form, bill or statement.

(bb) The licensee as the supervising physician for a physician assistant has failed to adequately direct and supervise the physician assistant in accordance with the physician assistant licensure act or rules and regulations adopted under such act.

(cc) The licensee has assisted suicide in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2018 Supp. 21-5407, and amendments thereto, as established by any of the following:

(1) A copy of the record of criminal conviction or plea of guilty for a felony in violation of K.S.A. 21-3406, prior to its repeal, or K.S.A. 2018 Supp. 21-5407, and amendments thereto.

(2) A copy of the record of a judgment of contempt of court for violating an injunction issued under K.S.A. 60-4404, and amendments thereto.

(3) A copy of the record of a judgment assessing damages under K.S.A. 60-4405, and amendments thereto.

(dd) The licensee has given a worthless check or stopped payment on a debit or credit card for fees or moneys legally due to the board.

(ee) The licensee has knowingly or negligently abandoned medical records.

Sec. 5. On and after March 1, 2020, K.S.A. 65-2877a is hereby amended to read as follows: 65-2877a. ~~The healing arts act and any other~~No provision of law prohibiting practice of the healing arts by a general corporation shall ~~not~~ apply to a healing arts school approved by the board if the healing arts school is a non-profit entity under section 501(c)(3) of the internal revenue code of 1986, is approved by the state board of regents, and as part of its academic requirements provides clinical training to its students under the supervision of persons who are licensed to practice a branch of the healing arts in this state.

New Sec. 6. (a) (1) A licensed pharmacist may administer a drug by injection that, in the judgment of the prescriber, may be safely self-administered by a patient, to a patient pursuant to a prescription order, unless the prescription order includes the words “not to be administered by a pharmacist,” or words of like effect.

(2) Nothing in this section shall replace, repeal or supersede the requirements prescribed in K.S.A. 65-4a10, and amendments thereto.

(b) This section shall be a part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 7. K.S.A. 65-1626 is hereby amended to read as follows: 65-1626. For the purposes of this act:

(a) “Administer” means the direct application of a drug, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by:

(1) A practitioner or pursuant to the lawful direction of a practitioner;

(2) the patient or research subject at the direction and in the presence of the practitioner; or

(3) a pharmacist as authorized in K.S.A. 65-1635a or *section 6*, and amendments thereto.

(b) “Agent” means an authorized person who acts on behalf of or at the direction of a manufacturer, repackager, wholesale distributor, third-party logistics provider or dispenser but does not include a common carrier, public warehouseman or employee of the carrier or warehouseman when acting in the usual and lawful course of the carrier’s or warehouseman’s business.

(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) “Automated dispensing system” means a robotic or mechanical system controlled by a computer that: (1) Performs operations or activities, other than compounding or administration, relative to the storage, packaging, labeling, dispensing or distribution of drugs; (2) collects, controls and maintains all transaction information; and (3) operates in accordance with the board’s rules and regulations.

(e) “Biological product” means the same as defined in 42 U.S.C. § 262(i), as in effect on January 1, 2017.

(f) “Board” means the state board of pharmacy created by K.S.A. 74-1603, and amendments thereto.

(g) “Brand exchange,” in the case of a drug prescribed, means the dispensing of a different drug product of the same dosage form and strength and of the same generic name as the brand name drug product prescribed, and in the case of a biological product prescribed, means the dispensing of an interchangeable biological product.

(h) “Brand name” means the registered trademark name given to a drug product by its manufacturer, labeler or distributor.

(i) “Co-licensed partner” means a person or pharmaceutical manufacturer that has entered into an agreement with another pharmaceutical manufacturer or an affiliate of the manufacturer to engage in a business activity or occupation related to the manufacture or distribution of a product.

(j) “Common carrier” means any person who undertakes, whether directly or by any other arrangement, to transport property, including drugs, for compensation.

(k) “Compounding” means the combining of components into a compounded preparation under either of the following conditions:

(1) As the result of a practitioner’s prescription drug order or initiative based on the practitioner-patient-pharmacist relationship in the course of

professional practice to meet the specialized medical need of an individual patient of the practitioner that cannot be filled by an FDA-approved drug; or

(2) for the purpose of, or incidental to, research, teaching or chemical analysis, and not for sale or dispensing.

Compounding includes the preparation of drugs or devices in anticipation of receiving prescription drug orders based on routine, regularly observed prescribing patterns.

Compounding does not include reconstituting any oral or topical drug according to the FDA-approved labeling for the drug or preparing any sterile or nonsterile preparation that is essentially a copy of a commercially available product.

(l) “DEA” means the U.S. department of justice, drug enforcement administration.

(m) “Deliver” or “delivery” means the actual, constructive or attempted transfer from one person to another of any drug whether or not an agency relationship exists.

(n) “Direct supervision” means the process by which the responsible pharmacist shall observe and direct the activities of a pharmacy student or pharmacy technician to a sufficient degree to assure that all such activities are performed accurately, safely and without risk or harm to patients, and complete the final check before dispensing.

(o) “Dispense” or “dispensing” means to deliver prescription medication to the ultimate user or research subject by or pursuant to the lawful order of a practitioner or pursuant to the prescription of a mid-level practitioner.

(p) “Dispenser” means:

(1) A practitioner or pharmacist who dispenses prescription medication, or a physician assistant who has authority to dispense prescription-only drugs in accordance with K.S.A. 65-28a08(b), and amendments thereto; or

(2) a retail pharmacy, hospital pharmacy or group of pharmacies under common ownership and control that do not act as a wholesale distributor, or affiliated warehouses or distribution centers of such entities under common ownership and control that do not act as a wholesale distributor.

(q) “Distribute” or “distribution” means to deliver, offer to deliver, sell, offer to sell, purchase, trade, transfer, broker, give away, handle, store or receive, other than by administering or dispensing, any product, but does not include dispensing a product pursuant to a prescription executed in accordance with 21 U.S.C. § 353 or the dispensing of a product approved under 21 U.S.C. § 360b.

(r) “Distributor” means a person or entity that distributes a drug.

(s) “Drop shipment” means the sale, by a manufacturer, repackager or exclusive distributor, of the manufacturer’s prescription drug to a whole-



sale distributor whereby the wholesale distributor takes title but not possession of such prescription drug and the wholesale distributor invoices the dispenser, and the dispenser receives delivery of the prescription drug directly from the manufacturer, repackager, third-party logistics provider or exclusive distributor, of such prescription drug.

(t) “Drug” means: (1) Articles recognized in the official United States pharmacopeia, or other such official compendiums of the United States, or official national formulary, or any supplement to any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in human or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of human or other animals; and (4) articles intended for use as a component of any articles specified in paragraph (1), (2) or (3); but does not include devices or their components, parts or accessories, except that the term “drug” shall not include amygdalin (laetrile) or any livestock remedy, if such livestock remedy had been registered in accordance with the provisions of article 5 of chapter 47 of the Kansas Statutes Annotated, prior to its repeal.

(u) “Durable medical equipment” means equipment that: (1) Provides therapeutic benefits or enables an individual to perform certain tasks that the individual is unable to otherwise undertake due to certain medical conditions or illnesses; (2) is primarily and customarily used to serve a medical purpose; (3) generally is not useful to a person in the absence of an illness or injury; (4) can withstand repeated use; (5) is appropriate for use in the home, long-term care facility or medical care facility, but may be transported to other locations to allow the individual to complete instrumental activities of daily living that are more complex tasks required for independent living; and (6) may include devices and medical supplies or other similar equipment determined by the board in rules and regulations adopted by the board.

(v) “Electronic prescription” means an electronically prepared prescription that is authorized and transmitted from the prescriber to the pharmacy by means of electronic transmission.

(w) “Electronic prescription application” means software that is used to create electronic prescriptions and that is intended to be installed on the prescriber’s computers and servers where access and records are controlled by the prescriber.

(x) “Electronic signature” means a confidential personalized digital key, code, number or other method for secure electronic data transmissions that identifies a particular person as the source of the message, authenticates the signatory of the message and indicates the person’s approval of the information contained in the transmission.

(y) “Electronic transmission” means the transmission of an electronic prescription, formatted as an electronic data file, from a prescriber’s elec-

tronic prescription application to a pharmacy's computer, where the data file is imported into the pharmacy prescription application.

(z) "Electronically prepared prescription" means a prescription that is generated using an electronic prescription application.

(aa) "Exclusive distributor" means the wholesale distributor that directly purchased the product from the manufacturer and is the sole distributor of that manufacturer's product to a subsequent repackager, wholesale distributor or dispenser.

(bb) "FDA" means the U.S. department of health and human services, food and drug administration.

(cc) "Facsimile transmission" or "fax transmission" means the transmission of a digital image of a prescription from the prescriber or the prescriber's agent to the pharmacy. "Facsimile transmission" includes, but is not limited to, transmission of a written prescription between the prescriber's fax machine and the pharmacy's fax machine; transmission of an electronically prepared prescription from the prescriber's electronic prescription application to the pharmacy's fax machine, computer or printer; or transmission of an electronically prepared prescription from the prescriber's fax machine to the pharmacy's fax machine, computer or printer.

(dd) "Generic name" means the established chemical name or official name of a drug or drug product.

(ee) "Health care entity" means any person that provides diagnostic, medical, surgical or dental treatment or rehabilitative care but does not include any retail pharmacy or wholesale distributor.

(ff) (1) "Institutional drug room" means any location where prescription-only drugs are stored and from which prescription-only drugs are administered or dispensed and that is maintained or operated for the purpose of providing the drug needs of:

- (A) Inmates of a jail or correctional institution or facility;
  - (B) residents of a juvenile detention facility, as defined by the revised Kansas code for care of children and the revised Kansas juvenile justice code;
  - (C) students of a public or private university or college, a community college or any other institution of higher learning that is located in Kansas;
  - (D) employees of a business or other employer; or
  - (E) persons receiving inpatient hospice services.
- (2) "Institutional drug room" does not include:
- (A) Any registered pharmacy;
  - (B) any office of a practitioner; or
  - (C) a location where no prescription-only drugs are dispensed and no prescription-only drugs other than individual prescriptions are stored or administered.

(gg) "Interchangeable biological product" means a biological product that the FDA has:

(1) Licensed and determined meets the standards for “interchangeability” as defined in 42 U.S.C. § 262(k), as in effect on January 1, 2017; or

(2) determined to be therapeutically equivalent as set forth in the latest edition or supplement to the FDA’s approved drug products with therapeutic equivalence evaluations.

(hh) “Intermediary” means any technology system that receives and transmits an electronic prescription between the prescriber and the pharmacy.

(ii) “Intracompany transaction” means any transaction or transfer between any division, subsidiary, parent or affiliated or related company under common ownership or control of a corporate entity, or any transaction or transfer between co-licensed partners.

(jj) “Label” means a display of written, printed or graphic matter upon the immediate container of any drug.

(kk) “Labeling” means the process of preparing and affixing a label to any drug container, exclusive of the labeling by a manufacturer, packer or distributor of a non-prescription drug or commercially packaged legend drug.

(ll) “Long-term care facility” means “nursing facility,” as defined in K.S.A. 39-923, and amendments thereto.

(mm) “Medical care facility” means the same as defined in K.S.A. 65-425, and amendments thereto, except that the term also includes facilities licensed under the provisions of K.S.A. 2018 Supp. 39-2001 et seq., and amendments thereto, except community mental health centers and facilities for people with intellectual disability.

(nn) “Manufacture” means the production, preparation, propagation, compounding, conversion or processing of a drug either directly or indirectly by extraction from substances of natural origin, independently by means of chemical or biological synthesis or by a combination of extraction and chemical or biological synthesis or the packaging or repackaging of the drug or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a drug by an individual for the individual’s own use or the preparation, compounding, packaging or labeling of a drug by:

(1) A practitioner or a practitioner’s authorized agent incident to such practitioner’s administering or dispensing of a drug in the course of the practitioner’s professional practice;

(2) a practitioner, by a practitioner’s authorized agent or under a practitioner’s supervision for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale; or

(3) a pharmacist or the pharmacist’s authorized agent acting under the direct supervision of the pharmacist for the purpose of, or incident to, the dispensing of a drug by the pharmacist.

(oo) “Manufacturer” means:

(1) A person that holds an application approved under section 505 of the federal food, drug and cosmetic act or a license issued under section 351 of the federal public health service act for such drug or, if such drug is not the subject of an approved application or license, the person who manufactured the drug;

(2) a co-licensed partner of the person described in paragraph (1) that obtains the drug directly from a person described in paragraph (1) or (3); or

(3) an affiliate of a person described in paragraph (1) or (2) that receives the product directly from a person described in paragraph (1) or (2).

(pp) “*Medication order*” means an order by a prescriber for a registered patient of a Kansas licensed medical care facility.

(qq) “Mid-level practitioner” means a certified nurse-midwife engaging in the independent practice of midwifery under the independent practice of midwifery act, an advanced practice registered nurse issued a license pursuant to K.S.A. 65-1131, and amendments thereto, who has authority to prescribe drugs pursuant to a written protocol with a responsible physician under K.S.A. 65-1130, and amendments thereto, or a physician assistant licensed pursuant to the physician assistant licensure act who has authority to prescribe drugs pursuant to a written agreement with a supervising physician under K.S.A. 65-28a08, and amendments thereto.

~~(qq)~~(rr) “Nonresident pharmacy” means a pharmacy located outside of Kansas.

~~(rr)~~(ss) “Outsourcing facility” or “virtual outsourcing facility” means a facility at one geographic location or address that is engaged in the compounding of sterile drugs and has registered with the FDA as an outsourcing facility pursuant to 21 U.S.C. § 353b.

~~(ss)~~(tt) “Person” means individual, corporation, government, governmental subdivision or agency, partnership, association or any other legal entity.

~~(tt)~~(uu) “Pharmacist” means any natural person licensed under this act to practice pharmacy.

~~(uu)~~(vv) “Pharmacist-in-charge” means the pharmacist who is responsible to the board for a registered establishment’s compliance with the laws and regulations of this state pertaining to the practice of pharmacy, manufacturing of drugs and the distribution of drugs. The pharmacist-in-charge shall supervise such establishment on a full-time or a part-time basis and perform such other duties relating to supervision of a registered establishment as may be prescribed by the board by rules and regulations. Nothing in this definition shall relieve other pharmacists or persons from their responsibility to comply with state and federal laws and regulations.

~~(vv)~~(ww) “Pharmacist intern” means: (1) A student currently enrolled in an accredited pharmacy program; (2) a graduate of an accredited pharmacy program serving an internship; or (3) a graduate of a pharmacy program located outside of the United States that is not accredited and who has successfully passed equivalency examinations approved by the board.

~~(ww)~~(xx) “Pharmacy,” “drugstore” or “apothecary” means premises, laboratory, area or other place: (1) Where drugs are offered for sale where the profession of pharmacy is practiced and where prescriptions are compounded and dispensed; (2) that has displayed upon it or within it the words “pharmacist,” “pharmaceutical chemist,” “pharmacy,” “apothecary,” “drugstore,” “druggist,” “drugs,” “drug sundries” or any of these words or combinations of these words or words of similar import either in English or any sign containing any of these words; or (3) where the characteristic symbols of pharmacy or the characteristic prescription sign “Rx” may be exhibited. As used in this subsection, premises refers only to the portion of any building or structure leased, used or controlled by the licensee in the conduct of the business registered by the board at the address for which the registration was issued.

~~(xx)~~(yy) “Pharmacy prescription application” means software that is used to process prescription information, is installed on a pharmacy’s computers or servers and is controlled by the pharmacy.

~~(yy)~~(zz) “Pharmacy technician” means an individual who, under the direct supervision and control of a pharmacist, may perform packaging, manipulative, repetitive or other nondiscretionary tasks related to the processing of a prescription or medication order and who assists the pharmacist in the performance of pharmacy-related duties, but who does not perform duties restricted to a pharmacist.

~~(zz)~~(aaa) “Practitioner” means a person licensed to practice medicine and surgery, dentist, podiatrist, veterinarian, optometrist or scientific investigator or other person authorized by law to use a prescription-only drug in teaching or chemical analysis or to conduct research with respect to a prescription-only drug.

~~(aaa)~~(bbb) “Preceptor” means a licensed pharmacist who possesses at least two years’ experience as a pharmacist and who supervises students obtaining the pharmaceutical experience required by law as a condition to taking the examination for licensure as a pharmacist.

~~(bbb)~~(ccc) “Prescriber” means a practitioner or a mid-level practitioner.

~~(ccc)~~(ddd) “Prescription” or “prescription order” means: (1) An order to be filled by a pharmacist for prescription medication issued and signed by a prescriber in the authorized course of such prescriber’s professional practice; or (2) an order transmitted to a pharmacist through word of mouth, note, telephone or other means of communication directed by

such prescriber, regardless of whether the communication is oral, electronic, facsimile or in printed form.

~~(ddd)~~(eee) “Prescription medication” means any drug, including label and container according to context, that is dispensed pursuant to a prescription order.

~~(eee)~~(fff) “Prescription-only drug” means any drug whether intended for use by human or animal, required by federal or state law, including 21 U.S.C. § 353, to be dispensed only pursuant to a written or oral prescription or order of a practitioner or is restricted to use by practitioners only.

~~(fff)~~(ggg) “Probation” means the practice or operation under a temporary license, registration or permit or a conditional license, registration or permit of a business or profession for which a license, registration or permit is granted by the board under the provisions of the pharmacy act of the state of Kansas requiring certain actions to be accomplished or certain actions not to occur before a regular license, registration or permit is issued.

~~(ggg)~~(hhh) “Product” means the same as defined by part H of the federal drug supply chain security act, 21 U.S.C. § 351 et seq. and 21 U.S.C. § 360eee.

~~(hhh)~~(iii) “Professional incompetency” means:

(1) One or more instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree that constitutes gross negligence, as determined by the board;

(2) repeated instances involving failure to adhere to the applicable standard of pharmaceutical care to a degree that constitutes ordinary negligence, as determined by the board; or

(3) a pattern of pharmacy practice or other behavior that demonstrates a manifest incapacity or incompetence to practice pharmacy.

~~(iii)~~(jjj) “Readily retrievable” means that records kept by automatic data processing applications or other electronic or mechanized record-keeping 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.

~~(jjj)~~(lll) “Repackage” means changing the container, wrapper, quantity or label of a drug to further the distribution of the drug.

~~(lll)~~(mmm) “Repackager” means a person who owns or operates a facility that repackages.

~~(mmm)~~(nnn) “Retail dealer” means a person selling at retail nonprescription drugs that are prepackaged, fully prepared by the manufacturer or distributor for use by the consumer and labeled in accordance with the requirements of the state and federal food, drug and cosmetic acts. Such

nonprescription drugs shall not include: (1) A controlled substance; (2) a prescription-only drug; or (3) a drug intended for human use by hypodermic injection.

~~(nnn)~~(ooo) “Return” means providing product to the authorized immediate trading partner from whom such product was purchased or received, or to a returns processor or reverse logistics provider for handling of such product.

~~(ooo)~~(ppp) “Returns processor” or “reverse logistics provider” means a person who owns or operates an establishment that disposes of or otherwise processes saleable or nonsaleable products received from an authorized trading partner such that the product may be processed for credit to the purchaser, manufacturer or seller or disposed of for no further distribution.

~~(ppp)~~(qqq) “Secretary” means the executive secretary of the board.

~~(qqq)~~(rrr) “Third-party logistics provider” means an entity that provides or coordinates warehousing or other logistic services of a product in interstate commerce on behalf of a manufacturer, wholesale distributor or dispenser, but does not take ownership of the product or have responsibility to direct the sale or disposition of the product.

~~(rrr)~~(sss) “Trading partner” means:

(1) A manufacturer, repackager, wholesale distributor or dispenser from whom a manufacturer, repackager, wholesale distributor or dispenser accepts direct ownership of a product or to whom a manufacturer, repackager, wholesale distributor or dispenser transfers direct ownership of a product; or

(2) a third-party logistics provider from whom a manufacturer, repackager, wholesale distributor or dispenser accepts direct possession of a product or to whom a manufacturer, repackager, wholesale distributor or dispenser transfers direct possession of a product.

~~(sss)~~(ttt) “Transaction” means the transfer of product between persons in which a change of ownership occurs.

~~(ttt)~~(uuu) “Unprofessional conduct” means:

- (1) Fraud in securing a registration or permit;
- (2) intentional adulteration or mislabeling of any drug, medicine, chemical or poison;
- (3) causing any drug, medicine, chemical or poison to be adulterated or mislabeled, knowing the same to be adulterated or mislabeled;
- (4) intentionally falsifying or altering records or prescriptions;
- (5) unlawful possession of drugs and unlawful diversion of drugs to others;
- (6) willful betrayal of confidential information under K.S.A. 65-1654, and amendments thereto;
- (7) conduct likely to deceive, defraud or harm the public;

(8) making a false or misleading statement regarding the licensee's professional practice or the efficacy or value of a drug;

(9) commission of any act of sexual abuse, misconduct or exploitation related to the licensee's professional practice; or

(10) performing unnecessary tests, examinations or services that have no legitimate pharmaceutical purpose.

~~(uuu)~~(vvv) "Vaccination protocol" means a written protocol, agreed to by a pharmacist and a person licensed to practice medicine and surgery by the state board of healing arts, that establishes procedures and record-keeping and reporting requirements for administering a vaccine by the pharmacist for a period of time specified therein, not to exceed two years.

~~(www)~~(www) "Valid prescription order" means a prescription that is issued for a legitimate medical purpose by an individual prescriber licensed by law to administer and prescribe drugs and acting in the usual course of such prescriber's professional practice. A prescription issued solely on the basis of an internet-based questionnaire or consultation without an appropriate prescriber-patient relationship is not a valid prescription order.

~~(www)~~(xxx) "Veterinary medical teaching hospital pharmacy" means any location where prescription-only drugs are stored as part of an accredited college of veterinary medicine and from which prescription-only drugs are distributed for use in treatment of or administration to a nonhuman.

~~(xxx)~~(yyy) "Wholesale distributor" means any person engaged in wholesale distribution of prescription drugs, other than a manufacturer, co-licensed partner, third-party logistics provider or repackager.

~~(yyy)~~(zzz) "Wholesale distribution" means the distribution or receipt of prescription drugs to or by persons other than consumers or patients, in which a change of ownership occurs. Wholesale distribution does not include:

(1) The dispensing of a prescription drug pursuant to a prescription;

(2) the distribution of a prescription drug or an offer to distribute a prescription drug for emergency medical reasons, including a public health emergency declaration pursuant to section 319 of the public health service act, except that, for purposes of this paragraph, a drug shortage not caused by a public health emergency shall not constitute an emergency medical reason;

(3) intracompany distribution of any drug between members of an affiliate or within a manufacturer;

(4) the distribution of a prescription drug or an offer to distribute a prescription drug among hospitals or other health care entities under common control;

(5) the distribution of a prescription drug or the offer to distribute a prescription drug by a charitable organization described in 503(c)(3) of



the internal revenue code of 1954 to a nonprofit affiliate of the organization to the extent otherwise permitted by law;

(6) the purchase or other acquisition by a dispenser, hospital or other health care entity for use by such dispenser, hospital or other health care entity;

(7) the distribution of a drug by the manufacturer of such drug;

(8) the receipt or transfer of a drug by an authorized third-party logistics provider, provided that such third-party logistics provider does not take ownership of the drug;

(9) the transport of a drug by a common carrier, provided that the common carrier does not take ownership of the drug;

(10) the distribution of a drug or an offer to distribute a drug by an authorized repackager that has taken ownership or possession of the drug and repacks it in accordance with section 582(e) of the federal food, drug and cosmetic act;

(11) saleable drug returns when conducted by a dispenser;

(12) the distribution of minimal quantities of drugs by licensed retail pharmacies to licensed practitioners for office use;

(13) the distribution of a collection of finished medical devices, including a product or biological product in accordance with 21 U.S.C. § 353(e)(4)(M);

(14) the distribution of an intravenous drug that, by its formulation, is intended for the replenishment of fluids and electrolytes, including sodium, chloride and potassium, or calories, including dextrose and amino acids;

(15) the distribution of an intravenous drug used to maintain the equilibrium of water and minerals in the body, such as dialysis solutions;

(16) the distribution of a drug that is intended for irrigation, or sterile water, whether intended for such purposes or for injection;

(17) the distribution of medical gas;

(18) facilitating the distribution of a product by providing solely administrative services, including processing of orders and payments;

(19) the transfer of a product by a hospital or other health care entity, or by a wholesale distributor or manufacturer operating under the direction of a hospital or other health care entity, to a repackager described in section 581(16)(B) and registered under section 510 of the food, drug and cosmetic act for the purpose of repackaging the drug for use by that hospital or other health care entity, or other health care entities under common control, if ownership of the drug remains with the hospital or other health care entity at all times; or

(20) the sale or transfer from a retail pharmacy of expired, damaged, returned or recalled prescription drugs to the original manufacturer, originating wholesale distributor or to a third-party returns processor in accordance with the board's rules and regulations.

Sec. 8. K.S.A. 65-1626 is hereby repealed.

Sec. 9. On and after March 1, 2020, K.S.A. 65-2803, 65-2836 and 65-2877a are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 18, 2019.

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## CHAPTER 53

Senate Substitute for HOUSE BILL No. 2214

AN ACT concerning motor vehicles; relating to registration fees; electric and hybrid vehicles; amending K.S.A. 2018 Supp. 8-143 and repealing the existing section.

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

Section 1. K.S.A. 2018 Supp. 8-143 is hereby amended to read as follows: 8-143. (a) All applications for the registration of motorcycles, motorized bicycles and passenger vehicles other than trucks and truck tractors, except as otherwise provided, shall be accompanied by an annual license fee as follows:

(1) *Prior to January 1, 2020:*

(A) For motorized bicycles, \$11;

~~(2)(B)~~ for motorcycles, \$16;

~~(3)(C)~~ for passenger vehicles, other than motorcycles, used solely for the carrying of persons for pleasure or business, and for hearses and ambulances a fee of:

~~(A)(i)~~ For those having a gross weight of 4,500 pounds or less, \$30; and

~~(B)(ii)~~ for those having a gross weight of more than 4,500 pounds, \$40.

~~(4)(D)~~ Except for motor vehicles, trailers or semitrailers registered under the provisions of K.S.A. 8-1,134, and amendments thereto, the annual registration fee for each motor vehicle, trailer or semitrailer owned by any political or taxing subdivision of this state or by any agency or instrumentality of any one or more political or taxing subdivisions of this state and used exclusively for governmental purposes and not for any private or utility purposes, ~~which~~ *that* is not otherwise exempt from registration, shall be \$2.

(2) *On and after January 1, 2020:*

(A) For motorized bicycles, \$11;

(B) for motorcycles, \$16;

(C) for passenger vehicles, other than motorcycles, used solely for the carrying of persons for pleasure or business, and for hearses and ambulances a fee of:

(i) For those having a gross weight of 4,500 pounds or less, \$30;

(ii) for those having a gross weight of more than 4,500 pounds, \$40;

(iii) for those motor vehicles that are electric hybrid or plug-in electric hybrid vehicles, \$50; and

(iv) for those motor vehicles that are all-electric vehicles, \$100.

(D) Except for motor vehicles, trailers or semitrailers registered under the provisions of K.S.A. 8-1,134, and amendments thereto, the annual registration fee for each motor vehicle, trailer or semitrailer owned

*by any political or taxing subdivision of this state or by any agency or instrumentality of any one or more political or taxing subdivisions of this state and used exclusively for governmental purposes and not for any private or utility purposes, that is not otherwise exempt from registration, shall be \$2.*

(b) (1) As used in this subsection, the term “gross weight” shall mean and include the empty weight of the truck, or combination of the truck or truck tractor and any type trailer or semitrailer, plus the maximum weight of cargo which will be transported on or with the same, except when the empty weight of a truck plus the maximum weight of cargo which will be transported thereon is 12,000 pounds or less. The term gross weight shall not include: The weight of any travel trailer propelled thereby which is being used for private recreational purposes; or the weight of any vehicle or combination of vehicles for which wrecker or towing service, as defined in K.S.A. 66-1329, and amendments thereto, is to be provided by a wrecker or tow truck, as defined in K.S.A. 66-1329, and amendments thereto. Such wrecker or tow truck shall be registered for the empty weight of such vehicle fully equipped for the recovery or towing of vehicles. The gross weight license fees hereinafter prescribed shall only apply to the truck or truck tractor used as the propelling unit for the cargo and vehicle propelled, either as a single vehicle or combination of vehicles. On application for the registration of a truck or truck tractor, the owner thereof shall declare as a part of such application the maximum gross weight the owner desires to be applicable to such vehicle, which declared gross weight in no event shall be in excess of the limitations described by K.S.A. 8-1908 and 8-1909, and amendments thereto, for such vehicle or combination of vehicles of which it will be a part. All applications for the registration of trucks or truck tractors, except as otherwise provided herein, shall be accompanied by an annual license fee as follows:

(A) ~~Prior to January 1, 2013:~~

For a gross weight of 12,000 lbs. or less .....	\$40
For a gross weight of more than 12,000 lbs. and not — more than 16,000 lbs. ....	102
For a gross weight of more than 16,000 lbs. and not — more than 20,000 lbs. ....	132
For a gross weight of more than 20,000 lbs. and not — more than 24,000 lbs. ....	197
For a gross weight of more than 24,000 lbs. and not — more than 26,000 lbs. ....	312
For a gross weight of more than 26,000 lbs. and not — more than 30,000 lbs. ....	312
For a gross weight of more than 30,000 lbs. and not — more than 36,000 lbs. ....	375

For a gross weight of more than 36,000 lbs. and not —more than 42,000 lbs. ....	475
For a gross weight of more than 42,000 lbs. and not —more than 48,000 lbs. ....	605
For a gross weight of more than 48,000 lbs. and not —more than 54,000 lbs. ....	805
For a gross weight of more than 54,000 lbs. and not —more than 60,000 lbs. ....	1,010
For a gross weight of more than 60,000 lbs. and not —more than 66,000 lbs. ....	1,210
For a gross weight of more than 66,000 lbs. and not —more than 74,000 lbs. ....	1,535
For a gross weight of more than 74,000 lbs. and not —more than 80,000 lbs. ....	1,735
For a gross weight of more than 80,000 lbs. and not —more than 85,500 lbs. ....	1,935
(B) — On January 1, 2013, through December 31, 2013:	
For a gross weight of 12,000 lbs. or less ....	\$40
For a gross weight of more than 12,000 lbs. and not —more than 16,000 lbs. ....	152
For a gross weight of more than 16,000 lbs. and not —more than 20,000 lbs. ....	182
For a gross weight of more than 20,000 lbs. and not —more than 24,000 lbs. ....	247
For a gross weight of more than 24,000 lbs. and not —more than 26,000 lbs. ....	362
For a gross weight of more than 26,000 lbs. and not —more than 30,000 lbs. ....	362
For a gross weight of more than 30,000 lbs. and not —more than 36,000 lbs. ....	425
For a gross weight of more than 36,000 lbs. and not —more than 42,000 lbs. ....	525
For a gross weight of more than 42,000 lbs. and not —more than 48,000 lbs. ....	655
For a gross weight of more than 48,000 lbs. and not —more than 54,000 lbs. ....	855
For a gross weight of more than 54,000 lbs. and not —more than 60,000 lbs. ....	1,095
For a gross weight of more than 60,000 lbs. and not —more than 66,000 lbs. ....	1,295
For a gross weight of more than 66,000 lbs. and not —more than 74,000 lbs. ....	1,620
For a gross weight of more than 74,000 lbs. and not	

—more than 80,000 lbs. ....	1,820
For a gross weight of more than 80,000 lbs. and not	
—more than 85,500 lbs. ....	2,020
(C) — On January 1, 2014:	
For a gross weight of 12,000 lbs. or less .....	\$40
For a gross weight of more than 12,000 lbs. and not	
more than 16,000 lbs. ....	202
For a gross weight of more than 16,000 lbs. and not	
more than 20,000 lbs. ....	232
For a gross weight of more than 20,000 lbs. and not	
more than 24,000 lbs. ....	297
For a gross weight of more than 24,000 lbs. and not	
more than 26,000 lbs. ....	412
For a gross weight of more than 26,000 lbs. and not	
more than 30,000 lbs. ....	412
For a gross weight of more than 30,000 lbs. and not	
more than 36,000 lbs. ....	475
For a gross weight of more than 36,000 lbs. and not	
more than 42,000 lbs. ....	575
For a gross weight of more than 42,000 lbs. and not	
more than 48,000 lbs. ....	705
For a gross weight of more than 48,000 lbs. and not	
more than 54,000 lbs. ....	905
For a gross weight of more than 54,000 lbs. and not	
more than 60,000 lbs. ....	1,145
For a gross weight of more than 60,000 lbs. and not	
more than 66,000 lbs. ....	1,345
For a gross weight of more than 66,000 lbs. and not	
more than 74,000 lbs. ....	1,670
For a gross weight of more than 74,000 lbs. and not	
more than 80,000 lbs. ....	1,870
For a gross weight of more than 80,000 lbs. and not	
more than 85,500 lbs. ....	2,070

(2) If the applicant for registration of any truck or truck tractor for a gross weight of more than 12,000 pounds ~~is in~~ the state of Kansas or any political or taxing subdivision or agency of the state, except a city or county, whose truck or truck tractor is not otherwise entitled to the \$2 license fee or otherwise exempt from all fees, such vehicle may be licensed for a fee in accordance with the schedule hereinafter prescribed for local trucks or truck tractors.

(3) If the applicant for registration of any truck or truck tractor for a gross weight of more than 12,000 pounds shall under oath state in writing on a form prescribed and furnished by the director of vehicles that

the applicant does not expect to operate it more than 6,000 miles in the calendar year for which the applicant seeks registration, and that if the applicant shall operate it more than 6,000 miles during such registration year such applicant will pay an additional fee equal to the fee required by the schedule under paragraph (1), less the amount of the fee paid at time of registration, such vehicle may be licensed for a fee in accordance with the schedule prescribed for local trucks or truck tractors. Whenever a truck or truck tractor is registered on a local truck or truck tractor fee basis a tab or marker shall be issued in connection with the regular license plate, which tab or marker shall be attached or affixed to and displayed with the regular license plate and the failure to have the same attached, affixed or displayed shall be subject to the same penalties as provided by law for the failure to display the regular license plate; and the secretary of revenue may adopt rules and regulations requiring the owners of trucks and truck tractors so registered on a local truck or truck tractor fee basis to keep such records and make such reports of mileage of such vehicles as the secretary of revenue shall deem proper.

(4) A transporter delivering vehicles not the transporter's own by the driveaway method where such vehicles are being driven, towed, or transported singly, or by the saddlemount, towbar, or fullmount methods, or by any lawful combination thereof, may apply for license plates which may be transferred from one such vehicle or combination to another for each delivery without further registration, and the annual license fee for such license plate shall be as follows:

<del>(A) Prior to January 1, 2013:</del>	
<del>For the first such set of license plates .....</del>	<del>\$44</del>
<del>For each additional such set of license plates .....</del>	<del>18</del>
<del>(B) On January 1, 2013, through December 31, 2013:</del>	
<del>For the first such set of license plates .....</del>	<del>\$54</del>
<del>For each additional such set of license plates .....</del>	<del>28</del>
<del>(C) On January 1, 2014:</del>	
<del>For the first such set of license plates .....</del>	<del>\$64</del>
<del>For each additional such set of license plates .....</del>	<del>38</del>

(5) A truck or truck tractor registered for a gross weight of more than 12,000 pounds, ~~which~~ *that* is operated wholly within the corporate limits of a city or village or within a radius of 25 miles beyond the corporate limits, shall be classified as a local truck except that in no event shall such vehicles operated as contract or common carriers outside a radius of three miles beyond the corporate limits of the city or village in which such vehicles were based when registered and licensed be considered local trucks or truck tractors. The secretary of revenue is hereby authorized and directed to adopt rules and regulations prescribing a procedure for the issuance of permits by the division of vehicles whereby owners of local trucks

or truck tractors may operate any such vehicle, empty, beyond the radius hereinbefore prescribed, when such operation is solely for the purpose of having such vehicle repaired, painted or serviced or for adding additional equipment thereto. The annual license fee for a local truck or truck tractor, except as otherwise provided herein, shall be as follows:

(A) ~~Prior to January 1, 2013:~~

For a gross weight of more than 12,000 lbs. and not —more than 16,000 lbs. ....	\$62
For a gross weight of more than 16,000 lbs. and not —more than 20,000 lbs. ....	102
For a gross weight of more than 20,000 lbs. and not —more than 24,000 lbs. ....	132
For a gross weight of more than 24,000 lbs. and not —more than 26,000 lbs. ....	177
For a gross weight of more than 26,000 lbs. and not —more than 30,000 lbs. ....	177
For a gross weight of more than 30,000 lbs. and not —more than 36,000 lbs. ....	215
For a gross weight of more than 36,000 lbs. and not —more than 42,000 lbs. ....	245
For a gross weight of more than 42,000 lbs. and not —more than 48,000 lbs. ....	315
For a gross weight of more than 48,000 lbs. and not —more than 54,000 lbs. ....	415
For a gross weight of more than 54,000 lbs. and not —more than 60,000 lbs. ....	480
For a gross weight of more than 60,000 lbs. and not —more than 66,000 lbs. ....	580
For a gross weight of more than 66,000 lbs. and not —more than 74,000 lbs. ....	760
For a gross weight of more than 74,000 lbs. and not —more than 80,000 lbs. ....	890
For a gross weight of more than 80,000 lbs. and not —more than 85,500 lbs. ....	1,010

(B) ~~On January 1, 2013, through December 31, 2013:~~

For a gross weight of more than 12,000 lbs. and not —more than 16,000 lbs. ....	\$112
For a gross weight of more than 16,000 lbs. and not —more than 20,000 lbs. ....	152
For a gross weight of more than 20,000 lbs. and not —more than 24,000 lbs. ....	182
For a gross weight of more than 24,000 lbs. and not —more than 26,000 lbs. ....	227



For a gross weight of more than 26,000 lbs. and not — more than 30,000 lbs. ....	227
For a gross weight of more than 30,000 lbs. and not — more than 36,000 lbs. ....	265
For a gross weight of more than 36,000 lbs. and not — more than 42,000 lbs. ....	295
For a gross weight of more than 42,000 lbs. and not — more than 48,000 lbs. ....	365
For a gross weight of more than 48,000 lbs. and not — more than 54,000 lbs. ....	465
For a gross weight of more than 54,000 lbs. and not — more than 60,000 lbs. ....	565
For a gross weight of more than 60,000 lbs. and not — more than 66,000 lbs. ....	665
For a gross weight of more than 66,000 lbs. and not — more than 74,000 lbs. ....	845
For a gross weight of more than 74,000 lbs. and not — more than 80,000 lbs. ....	975
For a gross weight of more than 80,000 lbs. and not — more than 85,500 lbs. ....	1,095
(C) — On January 1, 2014:	
For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs. ....	\$162
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs. ....	202
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs. ....	232
For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs. ....	277
For a gross weight of more than 26,000 lbs. and not more than 30,000 lbs. ....	277
For a gross weight of more than 30,000 lbs. and not more than 36,000 lbs. ....	315
For a gross weight of more than 36,000 lbs. and not more than 42,000 lbs. ....	345
For a gross weight of more than 42,000 lbs. and not more than 48,000 lbs. ....	415
For a gross weight of more than 48,000 lbs. and not more than 54,000 lbs. ....	515
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs. ....	615
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs. ....	715

For a gross weight of more than 66,000 lbs. and not more than 74,000 lbs. ....	895
For a gross weight of more than 74,000 lbs. and not more than 80,000 lbs. ....	1,025
For a gross weight of more than 80,000 lbs. and not more than 85,500 lbs. ....	1,145

(6) A truck or truck tractor registered for a gross weight of more than 12,000 pounds, which is owned by a person engaged in farming and which truck or truck tractor is used by such owner to transport agricultural products produced by such owner or commodities purchased by such owner for use on the farm owned or rented by the owner of such farm truck or truck tractor, shall be classified as a farm truck or truck tractor and the annual license fee for such farm truck shall be as follows:

(A) ~~Prior to January 1, 2013:~~

<del>For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs. ....</del>	<del>\$37</del>
<del>For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs. ....</del>	<del>42</del>
<del>For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs. ....</del>	<del>52</del>
<del>For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs. ....</del>	<del>72</del>
<del>For a gross weight of more than 26,000 lbs. and not more than 36,000 lbs. ....</del>	<del>72</del>
<del>For a gross weight of more than 36,000 lbs. and not more than 54,000 lbs. ....</del>	<del>75</del>
<del>For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs. ....</del>	<del>190</del>
<del>For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs. ....</del>	<del>370</del>
<del>For a gross weight of more than 66,000 lbs. ....</del>	<del>610</del>

(B) ~~On January 1, 2013, through December 31, 2013:~~

<del>For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs. ....</del>	<del>\$47</del>
<del>For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs. ....</del>	<del>92</del>
<del>For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs. ....</del>	<del>102</del>
<del>For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs. ....</del>	<del>122</del>
<del>For a gross weight of more than 26,000 lbs. and not more than 36,000 lbs. ....</del>	<del>122</del>

For a gross weight of more than 36,000 lbs. and not —more than 54,000 lbs. ....	125
For a gross weight of more than 54,000 lbs. and not —more than 60,000 lbs. ....	275
For a gross weight of more than 60,000 lbs. and not —more than 66,000 lbs. ....	455
For a gross weight of more than 66,000 lbs. ....	695
(C)—On January 1, 2014:	
For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs. ....	\$57
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs. ....	142
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs. ....	152
For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs. ....	172
For a gross weight of more than 26,000 lbs. and not more than 36,000 lbs. ....	172
For a gross weight of more than 36,000 lbs. and not more than 54,000 lbs. ....	175
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs. ....	325
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs. ....	505
For a gross weight of more than 66,000 lbs. ....	745

A vehicle licensed as a farm truck or truck tractor may be used by the owner thereof to transport, for charity and without compensation of any kind, commodities for religious or educational institutions. A truck ~~which~~ *that* is licensed as a farm truck may also be used for the transportation of sand, gravel, slag stone, limestone, crushed stone, cinders, black top, dirt or fill material to a township road maintenance or construction site of the township in which the owner of such truck resides. Any applicant for registration of any farm truck or farm truck tractor used in combination with a trailer or semitrailer shall register the farm truck or farm truck tractor for a gross weight which shall include the empty weight of the truck or truck tractor or of the combination of any truck or truck tractor and any type of trailer or semitrailer, plus the maximum weight of cargo ~~which~~ *that* will be transported on or with the same. The applicant for registration of any farm truck or farm truck tractor used to transport a gross weight of more than 54,000 pounds shall durably letter on the side of the motor vehicle the words “farm vehicle—not for hire.” If an applicant for registration of any farm truck or farm truck tractor operates such vehicle for any use or purpose not authorized for a farm truck or farm truck trac-

tor, such applicant shall pay an additional fee equal to the fee required for the registration of all trucks or truck tractors not registered as local, 6,000-mile or farm truck or farm truck tractor motor vehicles, less the amount of the fee paid at time of registration. Nothing in this or the preceding paragraph shall authorize a gross weight of a vehicle or combination of vehicles on the national system of interstate and defense highways greater than permitted by laws of the United States congress.

(7) Except as ~~hereinafter~~ provided *herein*, the annual license fee for each local urban transit bus used in local urban transit operations exempted under the provisions of ~~subsection (a) of K.S.A. 66-1,109(a)~~, and amendments thereto, shall be based on the passenger seating capacity of the bus and shall be as follows:

<del>(A) Prior to January 1, 2013:</del>	
8 or more, but less than 31 passengers .....	\$15
31 or more, but less than 40 passengers .....	30
More than 39 passengers .....	60
<del>(B) On January 1, 2013, through December 31, 2013:</del>	
8 or more, but less than 31 passengers .....	\$25
31 or more, but less than 40 passengers .....	40
More than 39 passengers .....	70
<del>(C) On January 1, 2014:</del>	
8 or more, but less than 31 passengers .....	\$35
31 or more, but less than 40 passengers .....	50
More than 39 passengers .....	80

The annual license fee for each local urban transit bus ~~which~~ *that* is owned by a metropolitan transit authority established pursuant to articles 25 and 28 of chapter 12 or pursuant to article 31 of chapter 13 of the Kansas Statutes Annotated, and amendments thereto, shall be \$2.

(8) For licensing purposes, station wagons with a carrying capacity of less than 10 passengers shall be subject to registration fees based on the weight of the vehicles, as provided in subsection (a). Station wagons with a carrying capacity of 10 or more passengers shall be subject to the truck classifications and license fees as provided.

(9) For any trailer, semitrailer, travel trailer or pole trailer the annual license fee shall be as follows:

- ~~(A)(i) Until January 1, 2013, for any such vehicle with a gross weight of more than 12,000 pounds the annual fee shall be \$35;~~
- ~~(ii) on January 1, 2013, For any such vehicle with a gross weight of more than 12,000 pounds but less than 54,000 pounds the annual fee shall be \$45, on January 1, 2014, \$55;~~
- (B) any such vehicle grossing more than 8,000 pounds but not over 12,000 pounds, the annual fee shall be ~~\$25, on January 1, 2013, \$35, on January 1, 2014,~~ \$45;

(C) for any such vehicle grossing more than 2,000 pounds but not over 8,000 pounds, the annual fee shall be ~~\$15, on January 1, 2013, \$25, on January 1, 2014,~~ \$35.

Any such vehicle having a gross weight of 2,000 pounds or less may, at the owner's option, be registered and the fee for such registration shall be as provided in paragraph (C).

Any trailer, semitrailer or travel trailer owned by a nonresident of this state and based in another state, ~~which~~ *that* is properly registered and licensed in the state of residence of the owner or in the state where based, may be operated in this state without being registered or licensed in this state if the truck or truck tractor propelling the same is properly registered and licensed in this state, or is registered and licensed in some other state and is entitled to reciprocal privileges of operation in this state, but this provision shall not apply to any trailer or semitrailer owned by a nonresident of this state when such trailer or semitrailer is owned by a person who has proportionately registered and licensed a fleet of vehicles under the provisions of K.S.A. 8-1,101 ~~to through 8-1,123, inclusive,~~ and amendments thereto, or under the terms of any reciprocal or proration agreement made pursuant thereto.

At the option of the owner, any trailer, semitrailer or pole trailer, with a gross weight of more than 12,000 pounds, may be issued a multi-year registration for a five-year period upon payment of the appropriate registration fee. The fee for a five-year registration of such trailer shall be five times the annual fee for such trailer. If the annual registration fee is increased during the multi-year registration period, the owner of the trailer with such multi-year registration shall be subject to the amount of the increase of the annual registration fee for the remaining calendar years of such multi-year registration. When the owner of any trailer, semitrailer or pole trailer registered under this multi-year provision transfers or assigns the title, or interest thereto, the registration of such trailer shall expire. The owner shall remove the license plate from such trailer and forward the license plate to the division of vehicles or may have such license plate assigned to another trailer, semitrailer or pole trailer upon the payment of fees required by law. Any owner of a trailer, semitrailer or pole trailer where the multi-year registration fee has been paid and the trailer is sold, junked, repossessed, foreclosed by a mechanic's lien or title transferred by operation of law, and the registration thereon is not going to be transferred to another trailer, may secure a refund for the registration fee for the remaining calendar years by making application to the division of vehicles on a form and in the manner prescribed by the director of vehicles. The secretary of revenue may adopt such rules and regulations necessary to implement the multi-year registration of such trailers, semitrailers and pole trailers.

(c) Any truck or truck tractor having a gross weight of 4,000 pounds or over, using solid tires, shall pay a license fee of double the amount herein charged. The annual fees herein provided for trucks, truck tractors and trailers not subject to K.S.A. 8-134a, and amendments thereto, shall be due January 1 of each year and payable on or before the last day of February in each year. If the fee is not paid by such date a penalty of \$1 shall be added to the fee charged herein for each month or fraction thereof and until December 31 of each registration year. The annual registration fee for all passenger vehicles and vehicles subject to K.S.A. 8-134a, and amendments thereto, shall be due on or before the last day of the month in which the registration plate expires and shall be due for other vehicles as provided by K.S.A. 8-134, and amendments thereto. If the registration fee is not paid by such date a penalty of \$1 shall be added to the fee charged herein for each month or fraction thereof until such registration fee is paid. Members of the armed forces of the United States shall be permitted to apply for registration at any time and be subject to registration fee, less penalties, applicable at the time the application is made. If any motorcycle, motorized bicycle, trailer, semitrailer, travel trailer, or pole trailer is either purchased or acquired after the anniversary or renewal date in any registration year there shall immediately become due and payable a registration fee as follows: If purchased or acquired between the anniversary or renewal date of any registration year and the first six months of such registration year, the annual fee ~~hereinbefore~~ provided *herein*; if purchased or acquired during the last six months of any registration year, 50% of such annual fee. If any truck or truck tractor, except trucks subject to K.S.A. 8-134a, and amendments thereto, is purchased or acquired prior to April 1 of any year the fee shall be the annual fee ~~hereinbefore~~ provided *herein*, but if such truck or truck tractor is purchased or acquired after the end of March of any year, the license fee for such year shall be reduced  $\frac{1}{12}$  for each calendar month which has elapsed since the beginning of the year. If any truck registered for a gross weight of 12,000 pounds or less or passenger vehicle is purchased or acquired and less than 12 months remain in the registration period, the fee shall be  $\frac{1}{12}$  of the annual fee for each calendar month remaining in the registration period.

(d) The owner of any motorcycle, motorized bicycle, passenger vehicle, truck, truck tractor, trailer, semitrailer, or electrically propelled vehicle who fails to pay the registration fee or fees herein provided on the date when the same become due and payable shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a penalty in the sum of \$1 for each month or fraction thereof during which such fee has remained unpaid after it became due and payable; and in addition thereto shall be subject to such other punishment as is provided in this act. Upon the

transfer of motorcycles, motorized bicycles, passenger vehicles, trailers, semitrailers, trucks or truck tractors, on which registration fees have been paid for the year in which the transfer is made, either: (1) To a corporation by one or more persons, solely in exchange for stock or securities in such corporation; or (2) by one corporation to another corporation when all of the assets of such corporation are transferred to the other corporation, then in either case, *paragraph* (1) or ~~case~~ (2) the corporation shall be exempt from the payment of registration fees on such vehicles for the year in which such transfer is made. Applications for transfer or registration shall be accompanied by a fee of \$1.50. When the registration of a vehicle has expired at midnight on the last day of any registration year, and such vehicle is not thereafter operated upon the highways, any application for renewal of registration made subsequent to the anniversary or renewal date of any registration year following the expiration of such registration and for succeeding registration years in which such vehicle has not been registered shall be accompanied by an affidavit of nonoperation and non-use, and such application for renewal or registration shall be received by the division of vehicles upon payment of the proper fees for the current registration year and without penalty.

(e) Any nonresident of Kansas purchasing a vehicle from a Kansas resident and desiring to secure registration on the vehicle in the state of such person's residence may make application in the office of any county treasurer for a sixty-day temporary registration. The county treasurer upon presentation of evidence of ownership in the applicant and evidence the sales tax has been paid, if due, shall charge and collect a fee of \$3 for each sixty-day temporary license and issue a sticker or paper registration as may be determined by the director of vehicles, and the registration so issued shall be valid for a period of 60 days from the date of issuance.

(f) Any owner of any motor vehicle ~~which~~ *that* is subject to taxation under the provisions of article 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or any other truck or truck tractor where the annual registration fee has been paid and the vehicle is sold, junked, repossessed, foreclosed by a mechanic's lien or title transferred by operation of law, and the registration thereon is not going to be transferred to another vehicle may secure a refund for the registration fee for the remaining portion of the year by making application to the division of vehicles on a form and in the manner prescribed by the director of vehicles, accompanied by all license plates and attachments issued in connection therewith. If the owner of the registration becomes deceased and the vehicle is not going to be used on the highway, and title is not being currently transferred, the proper representative of the estate shall be entitled to the refund. The refund shall be made only for the period of time remaining in the registration year from the date of completion and filing

of the application with and delivery of the license plate and attachments to the division of vehicles. Where the registration is secured under a quarterly payment annual registration fee, as provided for in K.S.A. 8-143a, and amendments thereto, such refund shall be made on the quarterly fee paid and unused and all remaining quarterly payments shall be canceled. Any truck or truck tractor having the registration fee paid on quarterly payment basis, all quarterly payments due or a fraction of quarterly payment due shall be paid before title may be transferred, except that in case of death, the filing of the application and returning of the license plate and attachment shall cancel the remaining annual payments due. Whenever a truck or truck tractor, where the registration is secured on a quarterly payment of the annual registration, the one repossessing the truck or truck tractor, or foreclosing by a mechanic's lien, or securing title by court order, the mortgagor or the assigns of the mortgagor, or the one securing title may pay the balance due on date of application for title, but the payments for the remaining portion of the year shall not be canceled unless application is made and the license plate and attachments are surrendered. Nothing in this subsection shall apply when registration is secured under the provisions of K.S.A. 8-1,101 to ~~through 8-1,123, inclusive,~~ and amendments thereto. Notwithstanding any of the foregoing provisions of this section, no refund shall be made under the provisions of this section where the amount thereof does not exceed \$5. The division of vehicles shall furnish such blank forms as may be required under the provisions of this subsection as it deems necessary to be completed by the applicant. Whenever a registration which has been secured on a quarterly basis shall be canceled as provided in this subsection, the division of vehicles shall notify the county treasurer issuing the original registration of such cancellation so that the county treasurer may, and the county treasurer shall cancel the registration of such vehicle in the county treasurer's office and release any lien issued in connection with such registration.

(g) Every owner of a travel trailer designed for or intended to be moved upon any highway in this state shall, before the same is so moved, apply for and obtain the proper registration thereof as provided in this act, except when such unit is permitted to be moved under the special provisions relating to secured parties, manufacturers, dealers and nonresidents contained in this act. At the time of registering any travel trailer for the purpose of moving any such vehicle upon any highway in this state, the owner thereof shall indicate on the registration form whether or not such vehicle is being moved permanently to a location outside of the county in which such vehicle is being registered. No such vehicle which the owner thereof intends to move to a permanent location outside the boundaries of such county shall be registered for movement on the highways of this state until all taxes levied against such vehicle have been paid. A copy of



such registration form shall be sent to the county clerk or assessor of the county to which such vehicle is being moved. When such travel trailer is used for living quarters and not operated on the highways, the owner shall be exempt from the license fees as provided in subsection (b)(9) so long as such travel trailer is not operated on the highway.

Sec. 2. K.S.A. 2018 Supp. 8-143 is hereby repealed.

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

Approved April 18, 2019.

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## CHAPTER 54

## HOUSE BILL No. 2209

AN ACT concerning insurance; relating to life insurance unfair or deceptive acts or practices; third party administrator license and renewal application fees; purchase of cybersecurity insurance; association health plans; healthcare benefit coverage; establishing the unclaimed life insurance benefits act; amending K.S.A. 40-2209b and 40-2209e and K.S.A. 2018 Supp. 40-2209, 40-2209d, 40-2222, 40-2222, as amended by section 12 of this act, 40-2222a, 40-2222a, as amended by section 14 of this act, 40-2222b, 40-2222b, as amended by section 16 of this act, 40-2404, 40-3812, 40-3813, 40-3814 and 75-4101 and repealing the existing sections.

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

New Section 1. On and after July 1, 2019, the provisions of sections 1 through 3, and amendments thereto, shall be known and may be cited as the unclaimed life insurance benefits act.

New Sec. 2. As used in the unclaimed life insurance benefits act:

(a) “Contract” means an annuity contract. The term “contract” shall not include an annuity used to fund an employment-based retirement plan or program where: (1) The insurer does not perform the record-keeping services; or (2) the insurer is not committed by terms of the annuity contract to pay death benefits to the beneficiaries of specific plan participants.

(b) “Death master file” means the United States social security administration’s death master file or any other database or service that is at least as comprehensive as the United States social security administration’s death master file for determining that a person has reportedly died.

(c) “Death master file match” means a search of the death master file that results in a match of the social security number or the name and date of birth of an insured, annuity owner or retained asset account holder.

(d) “Knowledge of death” means: (1) Receipt of an original or valid copy of a certified death certificate; or (2) a death master file match validated by the insurer in accordance with section 3(a), and amendments thereto.

(e) “Policy” means any policy or certificate of life insurance that provides a death benefit. The term “policy” shall not include: (1) Any policy or certificate of life insurance that provides a death benefit under an employee benefit plan: (A) Subject to the employee retirement income security act of 1974 (29 U.S.C. § 1002); or (B) under any federal employee benefit program; (2) any policy or certificate of life insurance that is used to fund a preneed funeral contract or prearrangement; (3) any policy or certificate of credit life or accidental death insurance; or (4) any policy issued to a group master policyholder for which the insurer does not provide record keeping services.

(f) “Record keeping services” means those circumstances under which the insurer has agreed with a group policy or contract customer to

be responsible for obtaining, maintaining and administering in its own or its agents' systems information about each individual insured under an insured's group insurance contract, or a line of coverage thereunder, at least the following information: (1) Social security number or name and date of birth; (2) beneficiary designation information; (3) coverage eligibility; (4) benefit amount; and (5) premium payment status.

(g) "Retained asset account" means any mechanism whereby the settlement of proceeds payable under a policy or contract is accomplished by the insurer or an entity acting on behalf of the insurer depositing the proceeds into an account with check or draft writing privileges, where those proceeds are retained by the insurer or its agent, pursuant to a supplementary contract not involving annuity benefits other than death benefits.

(h) The provisions of this section shall take effect on and after July 1, 2019.

New Sec. 3. (a) An insurer shall perform a comparison of its insureds' in-force policies, contracts, and retained asset accounts against a death master file, on at least a semi-annual basis, by using the full death master file once and thereafter using the death master file update files for future comparisons to identify potential matches of its insureds. For those potential matches identified as a result of a death master file match, the insurer shall:

(1) Within 90 days of a death master file match:

(A) Complete a good faith effort that shall be documented by the insurer to confirm the death of the insured or retained asset account holder against other available records and information;

(B) determine whether benefits are due in accordance with the applicable policy or contract. If benefits are due in accordance with the applicable policy or contract:

(i) Use good faith efforts that shall all be documented by the insurer to locate the beneficiary or beneficiaries; and

(ii) provide the appropriate claim forms or instructions to the beneficiary or beneficiaries to make a claim including the need to provide an official death certificate, if applicable under the policy contract.

(2) With respect to group life insurance, insurers shall confirm the possible death of an insured when the insurers maintain at least the following information of those covered under a policy or certificate: (A) Social security number or name and date of birth; (B) beneficiary designation information; (C) coverage eligibility; (D) benefit amount; and (E) premium payment status.

(3) Every insurer shall implement procedures to account for:

(A) Common nicknames, initials used in lieu of a first or middle name, use of a middle name, compound first and middle names and interchanged first and middle names;

(B) compound last names, maiden or married names, and hyphens, blank spaces or apostrophes in last names;

(C) transposition of the month and date portions of the date of birth; and

(D) incomplete social security numbers.

(4) To the extent permitted by law, the insurer may disclose minimum, necessary personal information about the insured or beneficiary to a person who the insurer reasonably believes may be able to assist the insurer locate the beneficiary or a person otherwise entitled to payment of the claims proceeds.

(b) An insurer or its service provider shall not charge any beneficiary or other authorized representative for any fees or costs associated with a death master file search or verification of a death master file match conducted pursuant to this section.

(c) The benefits from a policy, contract or a retained asset account, plus any applicable accrued contractual interest shall first be payable to the designated beneficiaries or owners, and in the event the beneficiaries or owners can not be found, shall escheat to the state as unclaimed property pursuant to K.S.A. 58-3936, and amendments thereto. Interest payable under K.S.A. 40-447, and amendments thereto, shall not be payable as unclaimed property.

(d) An insurer shall notify the state treasurer upon the expiration of the statutory time period for escheat that:

(1) A policy or contract beneficiary or retained asset account holder has not submitted a claim with the insurer; and

(2) the insurer has complied with subsection (a) and has been unable, after good faith efforts, documented by the insurer, to contact the retained asset account holder, beneficiary or beneficiaries.

(e) Upon such notice, an insurer shall immediately submit the unclaimed policy or contract benefits or unclaimed retained asset accounts, plus any applicable accrued interest, to the state treasurer in accordance with the unclaimed property act.

(f) Failure to meet any requirement of this section with such frequency as to constitute a general business practice shall be considered an unfair or deceptive act or practice under K.S.A. 40-2404, and amendments thereto, and subject to the penalties contained under K.S.A. 40-2401 et seq., and amendments thereto. Nothing herein shall be construed to create or imply a private cause of action for a violation of this section.

(g) The provisions of this section shall take effect on and after July 1, 2019.

Sec. 4. On and after July 1, 2019, K.S.A. 2018 Supp. 40-2404 is hereby amended to read as follows: 40-2404. The following are hereby defined as unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

(1) *Misrepresentations and false advertising of insurance policies.* Making, issuing, circulating or causing to be made, issued or circulated, any estimate, illustration, circular, statement, sales presentation, omission or comparison ~~which that~~:

(a) Misrepresents the benefits, advantages, conditions or terms of any insurance policy;

(b) misrepresents the dividends or share of the surplus to be received on any insurance policy;

(c) makes any false or misleading statements as to the dividends or share of surplus previously paid on any insurance policy;

(d) is misleading or is a misrepresentation as to the financial condition of any person, or as to the legal reserve system upon which any life insurer operates;

(e) uses any name or title of any insurance policy or class of insurance policies misrepresenting the true nature thereof;

(f) is a misrepresentation for the purpose of inducing or tending to induce the lapse, forfeiture, exchange, conversion or surrender of any insurance policy;

(g) is a misrepresentation for the purpose of effecting a pledge or assignment of or effecting a loan against any insurance policy; or

(h) misrepresents any insurance policy as being shares of stock.

(2) *False information and advertising generally.* Making, publishing, disseminating, circulating or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station, or in any other way, an advertisement, announcement or statement containing any assertion, misrepresentation or statement with respect to the business of insurance or with respect to any person in the conduct of such person's insurance business, ~~which that~~ is untrue, deceptive or misleading.

(3) *Defamation.* Making, publishing, disseminating or circulating, directly or indirectly, or aiding, abetting or encouraging the making, publishing, disseminating or circulating of any oral or written statement or any pamphlet, circular, article or literature ~~which that~~ is false, or maliciously critical of or derogatory to the financial condition of any person, and ~~which that~~ is calculated to injure such person.

(4) *Boycott, coercion and intimidation.* Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of the business of insurance, or by any act of boycott, coercion or intimidation monopolizing or attempting to monopolize any part of the business of insurance.

(5) *False statements and entries.* (a) Knowingly filing with any supervisory or other public official, or knowingly making, publishing, disseminating, circulating or delivering to any person, or placing before the public, or knowingly causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false material statement of fact as to the financial condition of a person.

(b) Knowingly making any false entry of a material fact in any book, report or statement of any person or knowingly omitting to make a true entry of any material fact pertaining to the business of such person in any book, report or statement of such person.

(6) *Stock operations and advisory board contracts.* Issuing or delivering or permitting agents, officers or employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special or advisory board contracts or other contracts of any kind promising returns and profits as an inducement to insurance. Nothing herein shall prohibit the acts permitted by K.S.A. 40-232, and amendments thereto.

(7) *Unfair discrimination.* (a) Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

(b) Making or permitting any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees or rates charged for any policy or contract of accident or health insurance or in the benefits payable thereunder, or in any of the terms or conditions of such contract, or in any other manner whatever.

(c) Refusing to insure, or refusing to continue to insure, or limiting the amount, extent or kind of coverage available to an individual, or charging an individual a different rate for the same coverage solely because of blindness or partial blindness. With respect to all other conditions, including the underlying cause of the blindness or partial blindness, persons who are blind or partially blind shall be subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are sighted persons. Refusal to insure includes denial by an insurer of disability insurance coverage on the grounds that the policy defines "disability" as being presumed in the event that the insured loses such person's eyesight. However, an insurer may exclude from coverage disabilities consisting solely of blindness or partial blindness when such condition existed at the time the policy was issued.

(d) Refusing to insure, or refusing to continue to insure, or limiting the amount, extent or kind of coverage available for accident and health

and life insurance to an applicant who is the proposed insured or charge a different rate for the same coverage or excluding or limiting coverage for losses or denying a claim incurred by an insured as a result of abuse based on the fact that the applicant who is the proposed insured is, has been, or may be the subject of domestic abuse, except as provided in ~~subpart (v) subsection (7)(d)(v)~~. “Abuse” as used in this ~~subsection (7)(d) paragraph~~ means one or more acts defined in ~~subsection (a) or (b) of K.S.A. 60-3102,~~ and amendments thereto, between family members, current or former household members, or current or former intimate partners.

(i) An insurer may not ask an applicant for life or accident and health insurance who is the proposed insured if the individual is, has been or may be the subject of domestic abuse or seeks, has sought or had reason to seek medical or psychological treatment or counseling specifically for abuse, protection from abuse or shelter from abuse.

(ii) Nothing in this section shall be construed to prohibit a person from declining to issue an insurance policy insuring the life of an individual who is, has been or has the potential to be the subject of abuse if the perpetrator of the abuse is the applicant or would be the owner of the insurance policy.

(iii) No insurer that issues a life or accident and health policy to an individual who is, has been or may be the subject of domestic abuse shall be subject to civil or criminal liability for the death or any injuries suffered by that individual as a result of domestic abuse.

(iv) No person shall refuse to insure, refuse to continue to insure, limit the amount, extent or kind of coverage available to an individual or charge a different rate for the same coverage solely because of physical or mental condition, except where the refusal, limitation or rate differential is based on sound actuarial principles.

(v) Nothing in this section shall be construed to prohibit a person from underwriting or rating a risk on the basis of a preexisting physical or mental condition, even if such condition has been caused by abuse, provided that:

(A) The person routinely underwrites or rates such condition in the same manner with respect to an insured or an applicant who is not a victim of abuse;

(B) the fact that an individual is, has been or may be the subject of abuse may not be considered a physical or mental condition; and

(C) such underwriting or rating is not used to evade the intent of this section or any other provision of the Kansas insurance code.

(vi) Any person who underwrites or rates a risk on the basis of pre-existing physical or mental condition as set forth in subsection (7)(d)(v), shall treat such underwriting or rating as an adverse underwriting decision pursuant to K.S.A. 40-2,112, and amendments thereto.

(vii) The provisions of ~~subsection (d)~~ *this paragraph* shall apply to all policies of life and accident and health insurance issued in this state after the effective date of this act and all existing contracts ~~which~~ *that* are renewed on or after the effective date of this act.

(e) *Refusing to insure, or refusing to continue to insure, or limiting the amount, extent or kind of coverage available for life insurance to an individual, or charging an individual a different rate for the same coverage, solely because of such individual's status as a living organ donor. With respect to all other conditions, persons who are living organ donors shall be subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are persons who are not organ donors.*

(8) *Rebates.* (a) Except as otherwise expressly provided by law, knowingly permitting, offering to make or making any contract of life insurance, life annuity or accident and health insurance, or agreement as to such contract other than as plainly expressed in the insurance contract issued thereon; paying, allowing, giving or offering to pay, allow or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract; or giving, selling, purchasing or offering to give, sell or purchase as inducement to such insurance contract or annuity or in connection therewith, any stocks, bonds or other securities of any insurance company or other corporation, association or partnership, or any dividends or profits accrued thereon, or anything of value whatsoever not specified in the contract.

(b) Nothing in subsection (7) or (8)(a) shall be construed as including within the definition of discrimination or rebates any of the following practices:

(i) In the case of any contract of life insurance or life annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance. Any such bonuses or abatement of premiums shall be fair and equitable to policyholders and for the best interests of the company and its policyholders;

(ii) in the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount ~~which~~ *that* fairly represents the saving in collection expenses; or

(iii) readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year.



(9) *Unfair claim settlement practices.* It is an unfair claim settlement practice if any of the following or any rules and regulations pertaining thereto are: ~~(A) either~~ committed flagrantly and in conscious disregard of such provisions, or ~~(B)~~ committed with such frequency as to indicate a general business practice:-

(a) Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue;

(b) failing to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies;

(c) failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies;

(d) refusing to pay claims without conducting a reasonable investigation based upon all available information;

(e) failing to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed;

(f) not attempting in good faith to effectuate prompt, fair and equitable settlements of claims in which liability has become reasonably clear;

(g) compelling insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in actions brought by such insureds;

(h) attempting to settle a claim for less than the amount to which a reasonable person would have believed that such person was entitled by reference to written or printed advertising material accompanying or made part of an application;

(i) attempting to settle claims on the basis of an application ~~which~~ *that* was altered without notice to, or knowledge or consent of the insured;

(j) making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which payments are being made;

(k) making known to insureds or claimants a policy of appealing from arbitration awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration;

(l) delaying the investigation or payment of claims by requiring an insured, claimant or the physician of either to submit a preliminary claim report and then requiring the subsequent submission of formal proof of loss forms, both of which submissions contain substantially the same information;

(m) failing to promptly settle claims, where liability has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage; or

(n) failing to promptly provide a reasonable explanation of the basis in the insurance policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement.

(10) *Failure to maintain complaint handling procedures.* Failure of any person, who is an insurer on an insurance policy, to maintain a complete record of all the complaints ~~which~~ that it has received since the date of its last examination under K.S.A. 40-222, and amendments thereto; but no such records shall be required for complaints received prior to the effective date of this act. The record shall indicate the total number of complaints, their classification by line of insurance, the nature of each complaint, the disposition of the complaints, the date each complaint was originally received by the insurer and the date of final disposition of each complaint. For purposes of this subsection, “complaint” means any written communication primarily expressing a grievance related to the acts and practices set out in this section.

(11) *Misrepresentation in insurance applications.* Making false or fraudulent statements or representations on or relative to an application for an insurance policy, for the purpose of obtaining a fee, commission, money or other benefit from any insurer, agent, broker or individual.

(12) *Statutory violations.* Any violation of any of the provisions of K.S.A. 40-216, 40-276a, 40-2,155 or 40-1515, and amendments thereto.

(13) *Disclosure of information relating to adverse underwriting decisions and refund of premiums.* Failing to comply with the provisions of K.S.A. 40-2,112, and amendments thereto, within the time prescribed in such section.

(14) *Rebates and other inducements in title insurance.* (a) No title insurance company or title insurance agent, or any officer, employee, attorney, agent or solicitor thereof, may pay, allow or give, or offer to pay, allow or give, directly or indirectly, as an inducement to obtaining any title insurance business, any rebate, reduction or abatement of any rate or charge made incident to the issuance of such insurance, any special favor or advantage not generally available to others of the same classification, or any money, thing of value or other consideration or material inducement. The words “charge made incident to the issuance of such insurance” includes, without limitations, escrow, settlement and closing charges.

(b) No insured named in a title insurance policy or contract nor any other person directly or indirectly connected with the transaction involving the issuance of the policy or contract, including, but not limited to, mortgage lender, real estate broker, builder, attorney or any officer, employee, agent representative or solicitor thereof, or any other person may knowingly receive or accept, directly or indirectly, any rebate, reduction or abatement of any charge, or any special favor or advantage or any monetary consideration or inducement referred to in *subsection (14)(a)*.

- (c) Nothing in this section shall be construed as prohibiting:
  - (i) The payment of reasonable fees for services actually rendered to a title insurance agent in connection with a title insurance transaction;
  - (ii) the payment of an earned commission to a duly appointed title insurance agent for services actually performed in the issuance of the policy of title insurance; or
  - (iii) the payment of reasonable entertainment and advertising expenses.
- (d) Nothing in this section prohibits the division of rates and charges between or among a title insurance company and its agent, or one or more title insurance companies and one or more title insurance agents, if such division of rates and charges does not constitute an unlawful rebate under the provisions of this section and is not in payment of a forwarding fee or a finder's fee.
- (e) As used in ~~paragraphs (e) through (i)(7) of this subpart~~ *subsections (14)(e) through (14)(i)*, unless the context otherwise requires:
  - (i) "Associate" means any firm, association, organization, partnership, business trust, corporation or other legal entity organized for profit in which a producer of title business is a director, officer or partner thereof, or owner of a financial interest; the spouse or any relative within the second degree by blood or marriage of a producer of title business who is a natural person; any director, officer or employee of a producer of title business or associate; any legal entity that controls, is controlled by, or is under common control with a producer of title business or associate; and any natural person or legal entity with whom a producer of title business or associate has any agreement, arrangement or understanding or pursues any course of conduct, the purpose or effect of which is to evade the provisions of this section.
  - (ii) "Financial interest" means any direct or indirect interest, legal or beneficial, where the holder thereof is or will be entitled to 1% or more of the net profits or net worth of the entity in which such interest is held. Notwithstanding the foregoing, an interest of less than 1% or any other type of interest shall constitute a "financial interest" if the primary purpose of the acquisition or retention of that interest is the financial benefit to be obtained as a consequence of that interest from the referral of title business.
  - (iii) "Person" means any natural person, partnership, association, co-operative, corporation, trust or other legal entity.
  - (iv) "Producer of title business" or "producer" means any person, including any officer, director or owner of 5% or more of the equity or capital or both of any person, engaged in this state in the trade, business, occupation or profession of:
    - (A) Buying or selling interests in real property;
    - (B) making loans secured by interests in real property; or

(C) acting as broker, agent, representative or attorney for a person who buys or sells any interest in real property or who lends or borrows money with such interest as security.

(v) “Refer” means to direct or cause to be directed or to exercise any power or influence over the direction of title insurance business, whether or not the consent or approval of any other person is sought or obtained with respect to the referral.

(f) No title insurer or title agent may accept any order for, issue a title insurance policy to, or provide services to, an applicant if it knows or has reason to believe that the applicant was referred to it by any producer of title business or by any associate of such producer, where the producer, the associate, or both, have a financial interest in the title insurer or title agent to which business is referred unless the producer has disclosed to the buyer, seller and lender the financial interest of the producer of title business or associate referring the title insurance business.

(g) No title insurer or title agent may accept an order for title insurance business, issue a title insurance policy, or receive or retain any premium, or charge in connection with any transaction if: (i) The title insurer or title agent knows or has reason to believe that the transaction will constitute controlled business for that title insurer or title agent; and (ii) 70% or more of the closed title orders of that title insurer or title agent during the 12 full calendar months immediately preceding the month in which the transaction takes place is derived from controlled business. The prohibitions contained in this ~~subparagraph~~ *paragraph* shall not apply to transactions involving real estate located in a county that has a population, as shown by the last preceding decennial census, of 10,000 or less.

(h) Within 90 days following the end of each business year, as established by the title insurer or title agent, each title insurer or title agent shall file with the department of insurance and any title insurer with which the title agent maintains an underwriting agreement, a report executed by the title insurer's or title agent's chief executive officer or designee, under penalty of perjury, stating the percent of closed title orders originating from controlled business. The failure of a title insurer or title agent to comply with the requirements of this section, at the discretion of the commissioner, shall be grounds for the suspension or revocation of a license or other disciplinary action, with the commissioner able to mitigate any such disciplinary action if the title insurer or title agent is found to be in substantial compliance with competitive behavior as defined by federal housing and urban development statement of policy 1996-2.

(i) (1) No title insurer or title agent may accept any title insurance order or issue a title insurance policy to any person if it knows or has reason to believe that such person was referred to it by any producer of title business or by any associate of such producer, where the producer, the

associate, or both, have a financial interest in the title insurer or title agent to which business is referred unless the producer has disclosed in writing to the person so referred the fact that such producer or associate has a financial interest in the title insurer or title agent, the nature of the financial interest and a written estimate of the charge or range of charges generally made by the title insurer or agent for the title services. Such disclosure shall include language stating that the consumer is not obligated to use the title insurer or agent in which the referring producer or associate has a financial interest and shall include the names and telephone numbers of not less than three other title insurers or agents ~~which~~ *that* operate in the county in which the property is located. If fewer than three insurers or agents operate in that county, the disclosure shall include all title insurers or agents operating in that county. Such written disclosure shall be signed by the person so referred and must have occurred prior to any commitment having been made to such title insurer or agent.

(2) No producer of title business or associate of such producer shall require, directly or indirectly, as a condition to selling or furnishing any other person any loan or extension thereof, credit, sale, property, contract, lease or service, that such other person shall purchase title insurance of any kind through any title agent or title insurer if such producer has a financial interest in such title agent or title insurer.

(3) No title insurer or title agent may accept any title insurance order or issue a title insurance policy to any person it knows or has reason to believe that the name of the title company was pre-printed in the sales contract, prior to the buyer or seller selecting that title company.

(4) Nothing in this ~~subpart (i)~~ *paragraph* shall prohibit any producer of title business or associate of such producer from referring title business to any title insurer or title agent of such producer's or associate's choice, and, if such producer or associate of such producer has any financial interest in the title insurer, from receiving income, profits or dividends produced or realized from such financial interest, so long as:

(a) Such financial interest is disclosed to the purchaser of the title insurance in accordance with ~~part paragraphs (i)(1) through (i)(4) of this subpart;~~

(b) the payment of income, profits or dividends is not in exchange for the referral of business; and

(c) the receipt of income, profits or dividends constitutes only a return on the investment of the producer or associate.

(5) Any producer of title business or associate of such producer who violates the provisions of paragraphs (i)(2) through (i)(4), or any title insurer or title agent who accepts an order for title insurance knowing that it is in violation of paragraphs (i)(2) through (i)(4), in addition to any other action ~~which~~ *that* may be taken by the commissioner of insurance, shall

be subject to a fine by the commissioner in an amount equal to five times the premium for the title insurance and, if licensed pursuant to K.S.A. 58-3034 et seq., and amendments thereto, shall be deemed to have committed a prohibited act pursuant to K.S.A. 58-3602, and amendments thereto, and shall be liable to the purchaser of such title insurance in an amount equal to the premium for the title insurance.

(6) Any title insurer or title agent that is a competitor of any title insurer or title agent that, subsequent to the effective date of this act, has violated or is violating the provisions of ~~subpart (i)~~ *this paragraph*, shall have a cause of action against such title insurer or title agent and, upon establishing the existence of a violation of any such provision, shall be entitled, in addition to any other damages or remedies provided by law, to such equitable or injunctive relief as the court deems proper. In any such action under this subsection, the court may award to the successful party the court costs of the action together with reasonable attorney fees.

(7) The commissioner shall also require each title agent to provide core title services as required by the real estate settlement procedures act.

(j) The commissioner shall adopt any regulations necessary to carry out the provisions of this act.

(15) *Disclosure of nonpublic personal information.* (a) No person shall disclose any nonpublic personal information contrary to the provisions of title V of the Gramm-Leach-Bliley act of 1999 (public law 106-102). The commissioner may adopt rules and regulations necessary to carry out this ~~section~~ *subsection*. Such rules and regulations shall be consistent with and not more restrictive than the model regulation adopted on September 26, 2000, by the national association of insurance commissioners entitled "Privacy of consumer financial and health information regulation".

~~(b) Any rules and regulations adopted by the commissioner which implement article V of the model regulation adopted on September 26, 2000, by the national association of insurance commissioners entitled "Privacy of consumer financial and health information regulation" shall become effective on and after February 1, 2002.~~

~~(c) Nothing in this paragraph (15) subsection shall be deemed or construed to authorize the promulgation or adoption of any regulation which that preempts, supersedes or is inconsistent with any provision of Kansas law concerning requirements for notification of, or obtaining consent from, a parent, guardian or other legal custodian of a minor relating to any matter pertaining to the health and medical treatment for such minor.~~

Sec. 5. On and after July 1, 2019, K.S.A. 2018 Supp. 40-3812 is hereby amended to read as follows: 40-3812. (a) A person shall apply to be an administrator in its home state and shall receive a license from the regulatory authority of its home state prior to performing any function of an administrator in this state.

(b) A person applying to Kansas as its home state shall apply for licensure by submitting to the commissioner an application in the form prescribed by the commissioner that shall include or be accompanied by the following information and documents:

(1) All basic organizational documents of the applicant, including any articles of incorporation, articles of association, partnership agreement, trade name certificate, trust agreement, shareholder agreement, certificate of existence from the Kansas secretary of state and other applicable documents and all amendments to such documents;

(2) the bylaws, rules, regulations or similar documents regulating the internal affairs of the applicant;

(3) NAIC biographical affidavits for the individuals who are directly or indirectly responsible for the conduct of affairs of the applicant, including all members of the board of directors, board of trustees, executive committee or other governing board or committee, the principal officers in the case of a corporation or the partners or members in the case of a partnership, association or limited liability company, any shareholders or members holding directly or indirectly 10% or more of the voting stock, voting securities or voting interest of the applicant and any other person who directly or indirectly exercises control or influence over the affairs of the applicant;

(4) audited annual financial statements or reports for the two most recent fiscal years that demonstrate that the applicant has a positive net worth. If the applicant has been in existence for less than two fiscal years, the uniform application shall include financial statements or reports, certified by at least two officers, owners or directors of the applicant and prepared in accordance with GAAP, for any completed fiscal years and for any month during the current fiscal year for which such financial statements or reports have been completed. An audited annual financial report prepared on a consolidated basis shall include a columnar consolidating or combining worksheet that shall be filed with the report and include the following:

(A) Amounts shown on the consolidated audited financial report shown on the worksheet;

(B) amounts for each entity stated separately; and

(C) explanations of consolidating and eliminating entries included.

The applicant shall also include such other information as the commissioner may require in order to review the current financial condition of the applicant;

(5) in lieu of submitting audited financial statements, and upon written application by an applicant and good cause shown, the commissioner may grant a hardship exemption from filing audited financial statements and allow the submission of unaudited financial statements. Acceptable formats for unaudited financial statements, that shall include notes, are:



- (A) Reports compiled or reviewed by a certified public accountant; or
- (B) internal financial reports prepared in accordance with GAAP, certified by at least two officers, owners or directors of the administrator.

If unaudited financial statements are submitted, the applicant must also secure and maintain a surety bond in a form prescribed by the commissioner for the use and benefit of the commissioner to be held in trust for the benefit and protection of covered persons and any payor or self-funded plan against loss by reason of acts of fraud or dishonesty, for the greater of 10% of funds handled for the benefit of Kansas residents or \$20,000. Administrators of self-funded plans in Kansas are subject to the mandatory surety bond requirement found in subsection (h), regardless of whether they file audited or unaudited financial reports;

(6) a statement describing the business plan, including information on staffing levels and activities, proposed in this state and nationwide. The plan shall provide details setting forth the applicant's capability for providing a sufficient number of experienced and qualified personnel in the areas of claims processing, record keeping and underwriting;

~~(7) the a license application fee as provided for by rules and regulations in the amount of \$400; and~~

(8) such other pertinent information as may be required by the commissioner.

(c) An administrator licensed or applying for licensure under the provisions of this section shall make available for inspection by the commissioner, copies of all contracts with payors or other persons utilizing the services of the administrator.

(d) An administrator licensed or applying for licensure under the provisions of this section shall produce its accounts, records and files for examination, and makes its officers available to give information with respect to its affairs, as often as reasonably required by the commissioner.

(e) The commissioner may refuse to issue a license if the commissioner determines that the applicant or any individual responsible for the conduct of affairs of the applicant is not competent, trustworthy, financially responsible or of good personal and business reputation, or has had an insurance or an administrator certificate of authority or license denied or revoked for cause by any jurisdiction, or if the commissioner determines that any of the grounds set forth in K.S.A. 40-3810, and amendments thereto, exist with respect to the applicant.

(f) A license issued under this section shall remain valid, unless surrendered, suspended or revoked by the commissioner, for so long as the administrator continues in business in this state and remains in compliance with the provisions of this act and any applicable rules and regulations.

(g) An administrator licensed or applying for licensure under the provisions of this section shall immediately notify the commissioner of any



material change in its ownership, control or other fact or circumstance affecting its qualification for a license in this state.

(h) An administrator licensed or applying for a home state license that administers or will administer governmental or church self-insured plans in this state or any other state shall maintain a surety bond for the use and benefit of the commissioner to be held in trust for the benefit and protection of covered persons and any payor or self-funded plan against loss by reason of acts of fraud or dishonesty. The bond shall be in the greater of the following amounts:

- (1) \$100,000; or
- (2) an amount equal to 10% of the aggregate total amount of self-funded coverage under church plans or governmental plans handled in this state and all additional states in which the administrator is authorized to do business.

Sec. 6. On and after July 1, 2019, K.S.A. 2018 Supp. 40-3813 is hereby amended to read as follows: 40-3813. (a) Unless an administrator has obtained a home state license in this state, any administrator who performs duties as an administrator in this state shall obtain a nonresident administrator license in accordance with the provisions of this section by filing with the commissioner the uniform application, accompanied by a letter of certification. In lieu of requiring an administrator to file a letter of certification with the uniform application, the commissioner may verify the nonresident administrator's home state certificate of authority or license status through an electronic database maintained by the NAIC, its affiliates or subsidiaries.

(b) An administrator shall not be eligible for a nonresident administrator license under the provisions of this section if it does not hold a license in a home state that has adopted a substantially similar law governing administrators.

(c) Except as provided in subsections (b) and (h) the commissioner shall issue to the administrator a nonresident administrator license promptly upon receipt of a complete application.

(d) Each nonresident administrator shall file biennially, as a part of its application for renewal of its license, a statement that its home state administrator license remains in force and has not been revoked or suspended by its home state during the preceding years. *Each nonresident administrator renewal application shall be accompanied by a renewal application fee in the amount of \$200.*

(e) At the time of filing the application for licensing required under the provisions of this section, the nonresident administrator shall pay a license application fee ~~as provided for by rules and regulations~~ *in the amount of \$400.*

(f) An administrator licensed or applying for licensure under the provisions of this section shall produce its accounts, records and files for ex-

amination, and make its officers available to give information with respect to its affairs, as often as reasonably required by the commissioner.

(g) A nonresident administrator is not required to hold a nonresident administrator license in this state if the administrator is licensed in its home state and the administrator's duties in this state are limited to:

(1) The administration of a group policy or plan and no more than a total of 20% of covered persons, for all plans the administrator services, reside in this state; and

(2) the total number of covered persons residing in this state is less than 100.

(h) The commissioner may refuse to issue a nonresident administrator license, or delay the issuance of a nonresident administrator license, if the commissioner determines that, due to events or information obtained subsequent to the home state's licensure of the administrator, the nonresident administrator cannot satisfy the requirements of this act or that grounds exist for the home state's revocation or suspension of the administrator's home state certificate of authority or license.

Sec. 7. On and after July 1, 2019, K.S.A. 2018 Supp. 40-3814 is hereby amended to read as follows: 40-3814. (a) Each administrator licensed under the provisions of this act shall file an annual report for the preceding calendar year with the commissioner on or before July 1 of each year, or within such extension of time as the commissioner may grant for good cause, *accompanied by an annual report fee in the amount of \$100*. The annual report shall include:

(1) An audited financial statement attested to by an independent certified public accountant. An audited annual financial report prepared on a consolidated basis shall include a columnar consolidating or combining worksheet that shall be filed with the report and include the following:

(A) Amounts shown on the consolidated audited financial report shown on the worksheet;

(B) amounts for each entity stated separately; and

(C) explanations of consolidating and eliminating entries included.

(2) In lieu of submitting an audited financial statement, and upon written application by an administrator and good cause shown, the commissioner may grant a hardship exemption from filing audited financial statements and allow the submission of unaudited financial statements. Acceptable formats for unaudited financial statements, that shall include notes, are:

(A) Reports compiled or reviewed by a certified public accountant; or

(B) internal financial reports prepared in accordance with GAAP, certified by at least two officers, owners or directors of the administrator.

If unaudited financial statements are submitted, the administrator must secure and maintain a surety bond in a form prescribed by the commis-

sioner for the use and benefit of the commissioner to be held in trust for the benefit and protection of covered persons and any payor or self-funded plan against loss by reason of acts of fraud or dishonesty, for the greater of 10% of funds handled for the benefit of Kansas residents or \$20,000.

(b) The annual report shall be in the form and contain such matters as the commissioner prescribes and shall be verified by at least two officers, owners or directors of the administrator.

(c) The annual report shall include the complete names and addresses of all payors and for self-funded plans, all employers and trusts, with which the administrator had agreements during the preceding fiscal year. The report shall also include the number of Kansas residents covered by each of the plans.

Sec. 8. K.S.A. 2018 Supp. 40-2209 is hereby amended to read as follows: 40-2209. (a) (1) Group sickness and accident insurance is declared to be that form of sickness and accident insurance covering groups of persons, with or without one or more members of their families or one or more dependents. Except at the option of the employee or member and except employees or members enrolling in a group policy after the close of an open enrollment opportunity, no individual employee or member of an insured group and no individual dependent or family member may be excluded from eligibility or coverage under a policy providing hospital, medical or surgical expense benefits both with respect to policies issued or renewed within this state and with respect to policies issued or renewed outside this state covering persons residing in this state. For purposes of this section, an open enrollment opportunity shall be deemed to be a period no less favorable than a period beginning on the employee's or member's date of initial eligibility and ending 31 days thereafter.

(2) An eligible employee, member or dependent who requests enrollment following the open enrollment opportunity or any special enrollment period for dependents as specified in ~~subsection~~ *paragraph* (3) shall be considered a late enrollee. An accident and sickness insurer may exclude a late enrollee, except during an open enrollment period. However, an eligible employee, member or dependent shall not be considered a late enrollee if:

(A) The individual:

(i) Was covered under another group policy which provided hospital, medical or surgical expense benefits or was covered under section 607(1) of the employee retirement income security act of 1974 (ERISA) at the time the individual was eligible to enroll;

(ii) states in writing, at the time of the open enrollment period, that coverage under another group policy ~~which~~ *that* provided hospital, medical or surgical expense benefits was the reason for declining enrollment, but only if the group policyholder or the accident and sickness insurer

required such a written statement and provided the individual with notice of the requirement for a written statement and the consequences of such written statement;

(iii) has lost coverage under another group policy providing hospital, medical or surgical expense benefits or under section 607(1) of the employee retirement income security act of 1974 (ERISA) as a result of the termination of employment, reduction in the number of hours of employment, termination of employer contributions toward such coverage, the termination of the other policy's coverage, death of a spouse or divorce or legal separation or was under a COBRA continuation provision and the coverage under such provision was exhausted; and

(iv) requests enrollment within 30 days after the termination of coverage under the other policy; or

(B) a court has ordered coverage to be provided for a spouse or minor child under a covered employee's or member's policy.

(3) (A) If an accident and sickness insurer issues a group policy providing hospital, medical or surgical expenses and makes coverage available to a dependent of an eligible employee or member and such dependent becomes a dependent of the employee or member through marriage, birth, adoption or placement for adoption, then such group policy shall provide for a dependent special enrollment period as described in subsection (3) (B) of this section during which the dependent may be enrolled under the policy and in the case of the birth or adoption of a child, the spouse of an eligible employee or member may be enrolled if otherwise eligible for coverage.

(B) A dependent special enrollment period under this subsection shall be a period of not less than 30 days and shall begin on the later of: (i) The date such dependent coverage is made available; or (ii) the date of the marriage, birth or adoption or placement for adoption.

(C) If an eligible employee or member seeks to enroll a dependent during the first 30 days of such a dependent special enrollment period, the coverage of the dependent shall become effective: (i) In the case of marriage, not later than the first day of the first month beginning after the date the completed request for enrollment is received; (ii) in the case of the birth of a dependent, as of the date of such birth; or (iii) in the case of a dependent's adoption or placement for adoption, the date of such adoption or placement for adoption.

(4) (A) No group policy providing hospital, medical or surgical expense benefits issued or renewed within this state or issued or renewed outside this state covering residents within this state shall limit or exclude benefits for specific conditions existing at or prior to the effective date of coverage thereunder. Such policy may impose a preexisting conditions exclusion, not to exceed 90 days following the date of enrollment for ben-

efits for conditions whether mental or physical, regardless of the cause of the condition for which medical advice, diagnosis, care or treatment was recommended or received in the 90 days prior to the effective date of enrollment. Any preexisting conditions exclusion shall run concurrently with any waiting period.

(B) Such policy may impose a waiting period after full-time employment starts before an employee is first eligible to enroll in any applicable group policy.

(C) A health maintenance organization ~~which~~ *that* offers such policy ~~which~~ *that* does not impose any preexisting conditions exclusion may impose an affiliation period for such coverage, provided that: (i) Such application period is applied uniformly without regard to any health status related factors; and (ii) such affiliation period does not exceed two months. The affiliation period shall run concurrently with any waiting period under the plan.

(D) A health maintenance organization may use alternative methods from those described in this subsection to address adverse selection if approved by the commissioner.

(E) For the purposes of this section, the term “preexisting conditions exclusion” shall mean, with respect to coverage, a limitation or exclusion of benefits relating to a condition based on the fact that the condition was present before the date of enrollment for such coverage whether or not any medical advice, diagnosis, care or treatment was recommended or received before such date.

(F) For the purposes of this section, the term “date of enrollment” means the date the individual is enrolled under the group policy or, if earlier, the first day of the waiting period for such enrollment.

(G) For the purposes of this section, the term “waiting period” means with respect to a group policy the period ~~which~~ *that* must pass before the individual is eligible to be covered for benefits under the terms of the policy.

(5) Genetic information shall not be treated as a preexisting condition in the absence of a diagnosis of the condition related to such information.

(6) A group policy providing hospital, medical or surgical expense benefits may not impose any preexisting condition exclusion relating to pregnancy as a preexisting condition.

(7) A group policy providing hospital, medical or surgical expense benefits may not impose any preexisting condition waiting period in the case of a child who is adopted or placed for adoption before attaining 18 years of age and who, as of the last day of a 30-day period beginning on the date of the adoption or placement for adoption, is covered by a policy specified in subsection (a). This subsection shall not apply to coverage before the date of such adoption or placement for adoption.

(8) Such policy shall waive such a preexisting conditions exclusion to the extent the employee or member or individual dependent or family member was covered by: (A) A group or individual sickness and accident policy; (B) coverage under section 607(1) of the employees retirement income security act of 1974 (ERISA); (C) a group specified in K.S.A. 40-2222, and amendments thereto; (D) part A or part B of title XVIII of the social security act; (E) title XIX of the social security act, other than coverage consisting solely of benefits under section 1928; (F) a state children's health insurance program established pursuant to title XXI of the social security act; (G) chapter 55 of title 10 United States code; (H) a medical care program of the Indian health service or of a tribal organization; (I) the Kansas uninsurable health plan act pursuant to K.S.A. 40-2217 et seq., and amendments thereto, or a similar health benefits risk pool of another state; (J) a health plan offered under chapter 89 of title 5, United States code; (K) a health benefit plan under section 5(e) of the peace corps act (22 U.S.C. § 2504(e)); or (L) a group subject to K.S.A. 12-2616 et seq., and amendments thereto, ~~which~~ *that* provided hospital, medical and surgical expense benefits within 63 days prior to the effective date of coverage with no gap in coverage. A group policy shall credit the periods of prior coverage specified in subsection (a)(7) without regard to the specific benefits covered during the period of prior coverage. Any period that the employee or member is in a waiting period for any coverage under a group health plan or is in an affiliation period shall not be taken into account in determining the continuous period under this subsection.

(b) (1) An accident and sickness insurer which offers group policies providing hospital, medical or surgical expense benefits shall provide a certification as described in subsection (b)(2): (A) At the time an eligible employee, member or dependent ceases to be covered under such policy or otherwise becomes covered under a COBRA continuation provision; (B) in the case of an eligible employee, member or dependent being covered under a COBRA continuation provision, at the time such eligible employee, member or dependent ceases to be covered under a COBRA continuation provision; and (C) on the request on behalf of such eligible employee, member or dependent made not later than 24 months after the date of the cessation of the coverage described in ~~subsection (b)~~ *paragraph (1)(A) or (b)(1)(B), whichever is later.*

(2) The certification described in this subsection is a written certification of: (A) The period of coverage under a policy specified in subsection (a) and any coverage under such COBRA continuation provision; and (B) any waiting period imposed with respect to the eligible employee, member or dependent for any coverage under such policy.

(c) Any group policy may impose participation requirements, define full-time employees or members and otherwise be designed for the group

as a whole through negotiations between the group sponsor and the insurer to the extent such design is not contrary to or inconsistent with this act.

(d) (1) An accident and sickness insurer offering a group policy providing hospital, medical or surgical expense benefits must renew or continue in force such coverage at the option of the policyholder or certificateholder except as provided in paragraph (2) ~~below~~.

(2) An accident and sickness insurer may nonrenew or discontinue coverage under a group policy providing hospital, medical or surgical expense benefits based only on one or more of the following circumstances:

(A) If the policyholder or certificateholder has failed to pay any premium or contributions in accordance with the terms of the group policy providing hospital, medical or surgical expense benefits or the accident and sickness insurer has not received timely premium payments;

(B) if the policyholder or certificateholder has performed an act or practice that constitutes fraud or made an intentional misrepresentation of material fact under the terms of such coverage;

(C) if the policyholder or certificateholder has failed to comply with a material plan provision relating to employer contribution or group participation rules;

(D) if the accident and sickness insurer is ceasing to offer coverage in such group market in accordance with ~~subsections~~ subsection (d)(3) or ~~(d)(4)~~;

(E) in the case of accident and sickness insurer that offers coverage under a policy providing hospital, medical or surgical expense benefits through an enrollment area, there is no longer any eligible employee, member or dependent in connection with such policy who lives, resides or works in the medical service enrollment area of the accident and sickness insurer or in the area for which the accident and sickness insurer is authorized to do business; or

(F) in the case of a group policy providing hospital, medical or surgical expense benefits ~~which that~~ is offered through an association or trust pursuant to ~~subsections~~ subsection (f)(3) or ~~(f)(5)~~, the membership of the employer in such association or trust ceases but only if such coverage is terminated uniformly without regard to any health status related factor relating to any eligible employee, member or dependent.

(3) In any case in which an accident and sickness insurer ~~which that~~ offers a group policy providing hospital, medical or surgical expense benefits decides to discontinue offering such type of group policy, such coverage may be discontinued only if:

(A) The accident and sickness insurer notifies all policyholders and certificateholders and all eligible employees or members of such discontinuation at least 90 days prior to the date of the discontinuation of such coverage;



(B) the accident and sickness insurer offers to each policyholder who is provided such group policy providing hospital, medical or surgical expense benefits ~~which~~ *that* is being discontinued the option to purchase any other group policy providing hospital, medical or surgical expense benefits currently being offered by such accident and sickness insurer; and

(C) in exercising the option to discontinue coverage and in offering the option of coverage under subparagraph (B), the accident and sickness insurer acts uniformly without regard to the claims experience of those policyholders or certificateholders or any health status related factors relating to any eligible employee, member or dependent covered by such group policy or new employees or members who may become eligible for such coverage.

(4) If the accident and sickness insurer elects to discontinue offering group policies providing hospital, medical or surgical expense benefits or group coverage to a small employer pursuant to K.S.A. 40-2209f, and amendments thereto, such coverage may be discontinued only if:

(A) The accident and sickness insurer provides notice to the insurance commissioner, to all policyholders or certificateholders and to all eligible employees and members covered by such group policy providing hospital, medical or surgical expense benefits at least 180 days prior to the date of the discontinuation of such coverage;

(B) all group policies providing hospital, medical or surgical expense benefits offered by such accident and sickness insurer are discontinued and coverage under such policies are not renewed; and

(C) the accident and sickness insurer may not provide for the issuance of any group policies providing hospital, medical or surgical expense benefits in the discontinued market during a five year period beginning on the date of the discontinuation of the last such group policy which is nonrenewed.

(e) An accident and sickness insurer offering a group policy providing hospital, medical or surgical expense benefits may not establish rules for eligibility (including continued eligibility) of any employee, member or dependent to enroll under the terms of the group policy based on any of the following factors in relation to the eligible employee, member or dependent: (A) Health status;; (B) medical condition, including both physical and mental illness;; (C) claims experience;; (D) receipt of health care;; (E) medical history;; (F) genetic information;; (G) evidence of insurability, including conditions arising out of acts of domestic violence;; or (H) disability. This subsection shall not be construed to require a policy providing hospital, medical or surgical expense benefits to provide particular benefits other than those provided under the terms of such group policy or to prevent a group policy providing hospital, medical or surgical expense benefits from establishing limitations or restrictions on the



amount, level, extent or nature of the benefits or coverage for similarly situated individuals enrolled under the group policy.

(f) Group accident and health insurance may be offered to a group under the following basis:

(1) Under a policy issued to an employer or trustees of a fund established by an employer, who is the policyholder, insuring at least two employees of such employer, for the benefit of persons other than the employer. The term “employees” shall include the officers, managers, employees and retired employees of the employer, the partners, if the employer is a partnership, the proprietor, if the employer is an individual proprietorship, the officers, managers and employees and retired employees of subsidiary or affiliated corporations of a corporation employer, and the individual proprietors, partners, employees and retired employees of individuals and firms, the business of which and of the insured employer is under common control through stock ownership contract, or otherwise. The policy may provide that the term “employees” may include the trustees or their employees, or both, if their duties are principally connected with such trusteeship. A policy issued to insure the employees of a public body may provide that the term “employees” shall include elected or appointed officials.

(2) Under a policy issued to a labor union ~~which~~ *that* shall have a constitution and bylaws insuring at least 25 members of such union.

(3) Under a policy issued to the trustees of a fund established by two or more employers or business associations or by one or more labor unions or by one or more employers and one or more labor unions, which trustees shall be the policyholder, to insure employees of the employers or members of the union or members of the association for the benefit of persons other than the employers or the unions or the associations. The term “employees” shall include the officers, managers, employees and retired employees of the employer and the individual proprietor or partners if the employer is an individual proprietor or partnership. The policy may provide that the term “employees” shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

(4) A policy issued to a creditor, who shall be deemed the policyholder, to insure debtors of the creditor, subject to the following requirements: ~~(a)~~ (A) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor whose indebtedness is repayable in installments, or all of any class or classes determined by conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness. ~~(b)~~; and (B) the premium for the policy shall be paid by the policyholder, either from the creditor’s funds or from charges collected from the insured debtors, or from both.

(5) A policy issued to an association ~~which~~ *that* has been organized and is maintained for the purposes other than that of obtaining insurance, insuring ~~at least 25~~ members, employees, or employees of members of the association for the benefit of persons other than the association or its officers. The term “employees” shall include retired employees. The premiums for the policies shall be paid by the policyholder, either wholly from association funds, or funds contributed by the members of such association, or by employees of such members or any combination thereof.

(6) Under a policy issued to any other type of group which the commissioner of insurance may find is properly subject to the issuance of a group sickness and accident policy or contract.

(g) Each such policy shall contain in substance: (1) A provision that a copy of the application, if any, of the policyholder shall be attached to the policy when issued, that all statements made by the policyholder or by the persons insured shall be deemed representations and not warranties, and that no statement made by any person insured shall be used in any contest unless a copy of the instrument containing the statement is or has been furnished to such person or the insured’s beneficiary.

(2) A provision setting forth the conditions under which an individual’s coverage terminates under the policy, including the age, if any, to which an individual’s coverage under the policy shall be limited, or, the age, if any, at which any additional limitations or restrictions are placed upon an individual’s coverage under the policy.

(3) Provisions setting forth the notice of claim, proofs of loss and claim forms, physical examination and autopsy, time of payment of claims, to whom benefits are payable, payment of claims, change of beneficiary, and legal action requirements. Such provisions shall not be less favorable to the individual insured or the insured’s beneficiary than those corresponding policy provisions required to be contained in individual accident and sickness policies.

(4) A provision that the insurer will furnish to the policyholder, for the delivery to each employee or member of the insured group, an individual certificate approved by the commissioner of insurance setting forth in summary form a statement of the essential features of the insurance coverage of such employee or member, the procedure to be followed in making claim under the policy and to whom benefits are payable. Such certificate shall also contain a summary of those provisions required under paragraphs (2) and (3) ~~of this subsection (g)~~ in addition to the other essential features of the insurance coverage. If dependents are included in the coverage, only one certificate need be issued for each family unit.

(h) No group disability income policy ~~which~~ *that* integrates benefits with social security benefits, shall provide that the amount of any disability benefit actually being paid to the disabled person shall be reduced

by changes in the level of social security benefits resulting either from changes in the social security law or due to cost of living adjustments which become effective after the first day for which disability benefits become payable.

(i) A group policy of insurance delivered or issued for delivery or renewed ~~which~~ *that* provides hospital, surgical or major medical expense insurance, or any combination of these coverages, on an expense incurred basis, shall provide that an employee or member or such employee's or member's covered dependents whose insurance under the group policy has been terminated for any reason, including discontinuance of the group policy in its entirety or with respect to an insured class, and who has been continuously insured under the group policy or under any group policy providing similar benefits ~~which~~ *that* it replaces for at least three months immediately prior to termination, shall be entitled to have such coverage nonetheless continued under the group policy for a period of 18 months and have issued to the employee or member or such employee's or member's covered dependents by the insurer, at the end of such eighteen-month period of continuation, a policy of health insurance ~~which~~ *that* conforms to the applicable requirements specified in this subsection. This requirement shall not apply to a group policy which provides benefits for specific diseases or for accidental injuries only or a group policy issued to an employer subject to the continuation and conversion obligations set forth at title I, subtitle B, part 6 of the employee retirement income security act of 1974 or at title XXII of the public health service act, as each act was in effect on January 1, 1987, to the extent federal law provides the employee or member or such employee's or member's covered dependents with equal or greater continuation or conversion rights; or an employee or member or such employee's or member's covered dependents shall not be entitled to have such coverage continued or a converted policy issued to the employee or member or such employee's or member's covered dependents if termination of the insurance under the group policy occurred because:

(1) The employee or member or such employee's or member's covered dependents failed to pay any required contribution after receiving reasonable notice of such required contribution from the insurer in accordance with rules and regulations adopted by the commissioner of insurance; (2) any discontinued group coverage was replaced by similar group coverage within 31 days; (3) the employee or member is or could be covered by medicare (title XVIII of the United States social security act as added by the social security amendments of 1965 or as later amended or superseded); (4) the employee or member is or could be covered to the same extent by any other insured or lawful self-insured arrangement which provides expense incurred hospital, surgical or medical coverage

and benefits for individuals in a group under which the person was not covered prior to such termination; or (5) coverage for the employee or member, or any covered dependent thereof, was terminated for cause as permitted by the group policy or certificate of coverage approved by the commissioner. In the event the group policy is terminated and not replaced the insurer may issue an individual policy or certificate in lieu of a conversion policy or the continuation of group coverage required herein if the individual policy or certificate provides substantially similar coverage for the same or less premium as the group policy. In any event, the employee or member shall have the option to be issued a conversion policy ~~which~~ *that* meets the requirements set forth in this subsection in lieu of the right to continue group coverage.

(j) The continued coverage and the issuance of a converted policy shall be subject to the following conditions:

(1) Written application for the converted policy shall be made and the first premium paid to the insurer not later than 31 days after termination of coverage under the group policy or not later than 31 days after notice is received pursuant to paragraph (20) of this subsection.

(2) The converted policy shall be issued without evidence of insurability.

(3) The employer shall give the employee and such employee's covered dependents reasonable notice of the right to continuation of coverage. The terminated employee or member shall pay to the insurance carrier the premium for the eighteen-month continuation of coverage and such premium shall be the same as that applicable to members or employees remaining in the group. Failure to pay such premium shall terminate coverage under the group policy at the end of the period for which the premium has been paid. The premium rate charged for converted policies issued subsequent to the period of continued coverage shall be such that can be expected to produce an anticipated loss ratio of not less than 80% based upon conversion, morbidity and reasonable assumptions for expected trends in medical care costs. In the event the group policy is terminated and is not replaced, converted policies may be issued at self-sustaining rates that are not unreasonable in relation to the coverage provided based on conversion, morbidity and reasonable assumptions for expected trends in medical care costs. The frequency of premium payment shall be the frequency customarily required by the insurer for the policy form and plan selected, provided that the insurer shall not require premium payments less frequently than quarterly.

(4) The effective date of the converted policy shall be the day following the termination of insurance under the group policy.

(5) The converted policy shall cover the employee or member and the employee's or member's dependents who were covered by the group pol-

icy on the date of termination of insurance. At the option of the insurer, a separate converted policy may be issued to cover any dependent.

(6) The insurer shall not be required to issue a converted policy covering any person if such person is or could be covered by medicare (title XVIII of the United States social security act as added by the social security amendments of 1965 or as later amended or superseded). Furthermore, the insurer shall not be required to issue a converted policy covering any person if:

(A) (i) Such person is covered for similar benefits by another hospital, surgical, medical or major medical expense insurance policy or hospital or medical service subscriber contract or medical practice or other prepayment plan or by any other plan or program, or

(ii) such person is eligible for similar benefits (whether or not covered therefor) under any arrangement of coverage for individuals in a group, whether on an insured or uninsured basis, or

(iii) similar benefits are provided for or available to such person, pursuant to or in accordance with the requirements of any state or federal law, and

(B) the benefits provided under the sources referred to in ~~clause subparagraph (A)(i) above~~ for such person or benefits provided or available under the sources referred to in ~~clauses subparagraphs (A)(ii) and (A)(iii) above~~ for such person, together with the benefits provided by the converted policy, would result in over-insurance according to the insurer's standards. The insurer's standards must bear some reasonable relationship to actual health care costs in the area in which the insured lives at the time of conversion and must be filed with the commissioner of insurance prior to their use in denying coverage.

(7) A converted policy may include a provision whereby the insurer may request information in advance of any premium due date of such policy of any person covered as to whether:

(A) Such person is covered for similar benefits by another hospital, surgical, medical or major medical expense insurance policy or hospital or medical service subscriber contract or medical practice or other prepayment plan or by any other plan or program;

(B) such person is covered for similar benefits under any arrangement of coverage for individuals in a group, whether on an insured or uninsured basis; or

(C) similar benefits are provided for or available to such person, pursuant to or in accordance with the requirements of any state or federal law.

(8) The converted policy may provide that the insurer may refuse to renew the policy and the coverage of any person insured for the following reasons only:

(A) Either the benefits provided under the sources referred to in ~~clauses paragraph (6) (A)(i) and (A)(ii) of paragraph (6)~~ for such person or benefits provided or available under the sources referred to in ~~clause (A)(iii) of paragraph (6)(A)(iii)~~ for such person, together with the benefits provided by the converted policy, would result in over-insurance according to the insurer's standards on file with the commissioner of insurance, or the converted policyholder fails to provide the requested information;

(B) fraud or material misrepresentation in applying for any benefits under the converted policy; or

(C) other reasons approved by the commissioner of insurance.

(9) An insurer shall not be required to issue a converted policy ~~which~~ *that* provides coverage and benefits in excess of those provided under the group policy from which conversion is made.

(10) If the converted policy provides that any hospital, surgical or medical benefits payable may be reduced by the amount of any such benefits payable under the group policy after the termination of the individual's insurance or the converted policy includes provisions so that during the first policy year the benefits payable under the converted policy, together with the benefits payable under the group policy, shall not exceed those that would have been payable had the individual's insurance under the group policy remained in force and effect, the converted policy shall provide credit for deductibles, copayments and other conditions satisfied under the group policy.

(11) Subject to the provisions and conditions of this act, if the group insurance policy from which conversion is made insures the employee or member for major medical expense insurance, the employee or member shall be entitled to obtain a converted policy providing catastrophic or major medical coverage under a plan meeting the following requirements:

(A) A maximum benefit at least equal to either, at the option of the insurer, ~~paragraphs the amount described in clause (i) or (ii) below:~~

(i) The smaller of the following amounts:

The maximum benefit provided under the group policy or a maximum payment of \$250,000 per covered person for all covered medical expenses incurred during the covered person's lifetime.

(ii) The smaller of the following amounts:

The maximum benefit provided under the group policy or a maximum payment of \$250,000 for each unrelated injury or sickness.

(B) Payment of benefits at the rate of 80% of covered medical expenses ~~which~~ *that* are in excess of the deductible, until 20% of such expenses in a benefit period reaches \$1,000, after which benefits will be paid at the rate of 100% during the remainder of such benefit period. Payment of benefits for outpatient treatment of mental illness, if provided in the converted policy, may be at a lesser rate but not less than 50%.

(C) A deductible for each benefit period which, at the option of the insurer, shall be: (i) The sum of the benefits deductible and \$100; or (ii) the corresponding deductible in the group policy. The term “benefits deductible,” as used herein, means the value of any benefits provided on an expense incurred basis ~~which~~ *that* are provided with respect to covered medical expenses by any other hospital, surgical, or medical insurance policy or hospital or medical service subscriber contract or medical practice or other prepayment plan, or any other plan or program whether on an insured or uninsured basis, or in accordance with the requirements of any state or federal law and, if pursuant to the conditions of paragraph (13), the converted policy provides both basic hospital or surgical coverage and major medical coverage, the value of such basic benefits.

If the maximum benefit is determined by ~~clause subparagraph (A)(ii) of this paragraph~~, the insurer may require that the deductible be satisfied during a period of not less than three months if the deductible is \$100 or less, and not less than six months if the deductible exceeds \$100.

(D) The benefit period shall be each calendar year when the maximum benefit is determined by ~~clause subparagraph (A)(i) of this paragraph~~ or 24 months when the maximum benefit is determined by ~~clause subparagraph (A)(ii) of this paragraph~~.

(E) The term “covered medical expenses,” as used above, shall include at least, in the case of hospital room and board charges 80% of the average semiprivate room and board rate for the hospital in which the individual is confined and twice such amount for charges in an intensive care unit. Any surgical schedule shall be consistent with those customarily offered by the insurer under group or individual health insurance policies and must provide at least a \$1,200 maximum benefit.

(12) The conversion privilege required by this act shall, if the group insurance policy insures the employee or member for basic hospital or surgical expense insurance as well as major medical expense insurance, make available the plans of benefits set forth in paragraph (11). At the option of the insurer, such plans of benefits may be provided under one policy.

The insurer may also, in lieu of the plans of benefits set forth in paragraph (11), provide a policy of comprehensive medical expense benefits without first dollar coverage. The policy shall conform to the requirements of paragraph (11). An insurer electing to provide such a policy shall make available a low deductible option, not to exceed \$100, a high deductible option between \$500 and \$1,000, and a third deductible option midway between the high and low deductible options.

(13) The insurer, at its option, may also offer alternative plans for group health conversion in addition to those required by this act.

(14) In the event coverage would be continued under the group policy on an employee following the employee’s retirement prior to the time



the employee is or could be covered by medicare, the employee may elect, in lieu of such continuation of group insurance, to have the same conversion rights as would apply had such person's insurance terminated at retirement by reason of termination of employment or membership.

(15) The converted policy may provide for reduction of coverage on any person upon such person's eligibility for coverage under medicare (title XVIII of the United States social security act as added by the social security amendments of 1965 or as later amended or superseded) or under any other state or federal law providing for benefits similar to those provided by the converted policy.

(16) Subject to the conditions set forth above, the continuation and conversion privileges shall also be available:

(A) To the surviving spouse, if any, at the death of the employee or member, with respect to the spouse and such children whose coverage under the group policy terminates by reason of such death, otherwise to each surviving child whose coverage under the group policy terminates by reason of such death, or, if the group policy provides for continuation of dependents' coverage following the employee's or member's death, at the end of such continuation;

(B) to the spouse of the employee or member upon termination of coverage of the spouse, while the employee or member remains insured under the group policy, by reason of ceasing to be a qualified family member under the group policy, with respect to the spouse and such children whose coverage under the group policy terminates at the same time; or

(C) to a child solely with respect to such child upon termination of such coverage by reason of ceasing to be a qualified family member under the group policy, if a conversion privilege is not otherwise provided above with respect to such termination.

(17) The insurer may elect to provide group insurance coverage ~~which~~ *that* complies with this act in lieu of the issuance of a converted individual policy.

(18) A notification of the conversion privilege shall be included in each certificate of coverage.

(19) A converted policy ~~which~~ *that* is delivered outside this state must be on a form ~~which~~ *that* could be delivered in such other jurisdiction as a converted policy had the group policy been issued in that jurisdiction.

(20) The insurer shall give the employee or member and such employee's or member's covered dependents: (A) Reasonable notice of the right to convert at least once during the eighteen-month continuation period; or (B) for persons covered under 29 U.S.C. §§ 1161 et seq., notice of the right to a conversion policy required by this subsection (d) shall be given at least 30 days prior to the end of the continuation period provided by 29 U.S.C. §§ 1161 et seq. or from the date the employer ceases



to provide any similar group health plan to any employee. Such notices shall be provided in accordance with rules and regulations adopted by the commissioner of insurance.

(k) (1) No policy issued by an insurer to which this section applies shall contain a provision ~~which~~ *that* excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.

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

(l) The commissioner is hereby authorized to adopt such rules and regulations as may be necessary to carry out the provisions of this section.

Sec. 9. K.S.A. 40-2209b is hereby amended to read as follows: 40-2209b. *(a) The provisions of K.S.A. 40-2209b through 40-2209j and 40-2209m through 40-2209o, and amendments thereto, shall be known and may be cited as the small employer health insurance availability act.*

*(b) The purpose and intent of this the small employer health insurance availability act are to promote the availability of health insurance coverage to small employers regardless of their health status or claims experience, to prevent abusive rating practices, to require disclosure of rating practices to purchasers, to establish rules regarding renewability of coverage, to establish limitations on the use of pre-existing condition exclusions, to provide for development of "basic" and "standard" health benefit plans to be offered to all small employers, to provide for establishment of a reinsurance program, and to improve the overall fairness and efficiency of the small group health insurance market.*

Sec. 10. K.S.A. 2018 Supp. 40-2209d is hereby amended to read as follows: 40-2209d. As used in ~~this~~ *the small employer health insurance availability act*:

(a) "Actuarial certification" means a written statement by a member of the American academy of actuaries or other individual acceptable to the commissioner that a small employer carrier is in compliance with the provisions of K.S.A. 40-2209h, and amendments thereto, based upon the person's examination, including a review of the appropriate records and of the actuarial assumptions and methods used by the small employer carrier in establishing premium rates for applicable health benefit plans.

(b) "Approved service area" means a geographical area, as approved by the commissioner to transact insurance in this state, within which the carrier is authorized to provide coverage.

(c) "Base premium rate" means, for each class of business as to a rating period, the lowest premium rate charged or that could have been charged under the rating system for that class of business, by the small employer carrier to small employers with similar case characteristics for health benefit plans with the same or similar coverage.

(d) “Carrier” or “small employer carrier” means any insurance company, nonprofit medical and hospital service corporation, nonprofit optometric, dental, and pharmacy service corporations, municipal group-funded pool, fraternal benefit society or health maintenance organization, as these terms are defined ~~by~~ *in chapter 40 of the Kansas Statutes Annotated, and amendments thereto*, that offers health benefit plans covering eligible employees of one or more small employers in this state.

(e) “Case characteristics” means, with respect to a small employer, the geographic area in which the employees reside; the age and sex of the individual employees and their dependents; the appropriate industry classification as determined by the carrier, and the number of employees and dependents and such other objective criteria as may be approved family composition by the commissioner. “Case characteristics” shall not include claim experience, health status and duration of coverage since issue.

(f) “Class of business” means all or a separate grouping of small employers established pursuant to K.S.A. 40-2209g, and amendments thereto.

(g) “Commissioner” means the commissioner of insurance.

(h) “Department” means the insurance department.

(i) “Dependent” means the spouse or child of an eligible employee, subject to applicable terms of the health benefits plan covering such employee and the dependent eligibility standards established by the board.

(j) “Eligible employee” means an employee who works on a full-time basis, with a normal work week of 30 or more hours, and includes a sole proprietor, a partner of a partnership or an independent contractor, provided such sole proprietor, partner or independent contractor is included as an employee under a health benefit plan of a small employer but does not include an employee who works on a part-time, temporary or substitute basis.

(k) “Financially impaired” means a member which, after the effective date of this act, is not insolvent but is:

(1) Deemed by the commissioner to be in a hazardous financial condition pursuant to K.S.A. 40-222d, and amendments thereto; or

(2) placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

(l) “Health benefit plan” means any hospital or medical expense policy, health, hospital or medical service corporation contract, ~~and a plan provided by a municipal group-funded pool, or a health maintenance organization contract offered by an employer or any certificate issued under any such policies, contracts or plans.~~ “Health benefit plan” also includes a cafeteria plan authorized by 26 U.S.C. ~~section § 125~~ *which that* offers the option of receiving health insurance coverage through a high deductible health plan and the establishment of a health savings account. In order for an eligible individual to obtain a high deductible health plan through

the cafeteria plan, such individual shall present evidence to the employer that such individual has established a health savings account in compliance with 26 U.S.C. ~~section~~ § 223, and any ~~amendments and~~ regulations *promulgated thereunder*. “Health benefit plan” does not include policies or certificates covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, specified disease, vision care, coverage issued as a supplement to liability insurance, insurance arising out of a workers compensation or similar law, automobile medical-payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(m) “Health savings account” ~~shall have the same meaning ascribed to it means the same as in subsection (d) of 26 U.S.C. section § 223(d).~~

(n) “High deductible health plan” ~~shall mean~~ means a policy or contract of health insurance or health care plan that meets the criteria established in ~~subsection (e) of 26 U.S.C. section § 223(c)~~ and any regulations promulgated thereunder.

(o) “Index rate” means, for each class of business as to a rating period for small employers with similar case characteristics, the arithmetic average of the applicable base premium rate and the corresponding highest premium rate.

(p) “Initial enrollment period” means the period of time specified in the health benefit plan during which an individual is first eligible to enroll in a small employer health benefit plan. Such period shall be no less favorable than a period beginning on the employee’s or member’s date of initial eligibility and ending 31 days thereafter.

(q) “Late enrollee” means an eligible employee or dependent who requests enrollment in a small employer’s health benefit plan following the initial enrollment period provided under the terms of the first plan for which such employee or dependent was eligible through such small employer, however an eligible employee or dependent shall not be considered a late enrollee if:

(1) The individual:

(A) Was covered under another employer-provided health benefit plan or was covered under section 607(1) of the employee retirement income security act of 1974 (ERISA) at the time the individual was eligible to enroll;

(B) states in writing, at the time of the initial eligibility, that coverage under another employer health benefit plan was the reason for declining enrollment but only if the group policyholder or the accident and sickness issuer required such a written statement and provided the individual with notice of the requirement for a written statement and the consequences of such written statement;

(C) has lost coverage under another employer health benefit plan or under section 607(1) of the employee retirement income security act of 1974 (ERISA) as a result of the termination of employment, reduction in the number of hours of employment, termination of employer contributions toward such coverage, the termination of the other plan's coverage, death of a spouse, or divorce or legal separation; and

(D) requests enrollment within 63 days after the termination of coverage under another employer health benefit plan; or

(2) the individual is employed by an employer who offers multiple health benefit plans and the individual elects a different health benefit plan during an open enrollment period; or

(3) a court has ordered coverage to be provided for a spouse or minor child under a covered employee's plan.

(r) "New business premium rate" means, for each class of business as to a rating period, the lowest premium rate charged or offered, or which could have been charged or offered, by the small employer carrier to small employers with similar case characteristics for newly issued health benefit plans with the same or similar coverage.

(s) "Preexisting conditions exclusion" means a policy provision which excludes or limits coverage for charges or expenses incurred during a specified period not to exceed 90 days following the insured's effective date of enrollment as to a condition, whether physical or mental, regardless of the cause of the condition for which medical advice, diagnosis, care or treatment was recommended or received in the six months immediately preceding the effective date of enrollment.

(t) "Premium" means moneys paid by a small employer or eligible employees or both as a condition of receiving coverage from a small employer carrier, including any fees or other contributions associated with the health benefit plan.

(u) "Rating period" means the calendar period for which premium rates established by a small employer carrier are assumed to be in effect but any period of less than one year shall be considered as a full year.

(v) "Waiting period" means a period of time after full-time employment begins before an employee is first eligible to enroll in any applicable health benefit plan offered by the small employer.

(w) "Small employer" means any person, firm, corporation, or partnership or association eligible for group sickness and accident insurance pursuant to subsection (a) of K.S.A. 40-2209, and amendments thereto, actively engaged in business whose total employed work force consisted of, on at least 50% of its working days during the preceding year, of at least two and no more than 50 eligible employees, the majority of whom were employed within the state. In determining the number of eligible employees, *employees participating in an association health plan shall*

*be counted in the aggregate at the association level. Also in determining the number of eligible employees companies—~~which~~ that are affiliated companies or ~~which~~ that are eligible to file a combined tax return for purposes of state taxation, shall be considered one employer. Except as otherwise specifically provided, the provisions of this act ~~which~~ the small employer health insurance availability act apply to a small employer ~~which~~ that has a health benefit plan shall continue to apply until the plan anniversary following the date the employer no longer meets the requirements of this definition.*

(x) “Affiliate” or “affiliated” means an entity or person who directly or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, a specified entity or person.

(y) “Association health plan” or “AHP” means a coverage for the payment of expenses described in K.S.A. 40-2222, and amendments thereto, offered by a qualified trade, merchant, retail or professional association or business league that complies with the provisions of K.S.A. 40-2222a and 40-2222b, and amendments thereto.

(z) “Qualified trade, merchant, retail or professional association or business league” means any bona fide trade merchant, retail or professional association or business league that: (1) Has been in existence for at least five calendar years; (2) is comprised of five or more employers; and (3) is incorporated in this state, has a principal office located in this state, or has a principal office within a metropolitan area that has boundaries within this state.

Sec. 11. K.S.A. 40-2209e is hereby amended to read as follows: 40-2209e. (a) Any individual or group health benefit plan issued to a group authorized by ~~subsection (a) of~~ K.S.A. 40-2209(a), and amendments thereto, shall be subject to the provisions of this act if it provides health care benefits covering employees of a small employer and if it meets any one of the following conditions:

(1) Any portion of the premium is paid by a small employer, or any covered individual, whether through wage adjustments, reimbursement, withholding or otherwise;

(2) the health benefit plan is treated by the employer or any of the covered individuals as part of a plan or program for the purposes of section 106 or section 162 of the United States internal revenue code; or

(3) with the permission of the board, the carrier elects to renew or continue a health benefit plan covering employees of an employer who no longer meets the definition of a “small employer.”

(b) ~~For purposes of this act an aggregation of two or more small employers covered under a trust arrangement or a policy issued to an association of small employers pursuant to K.S.A. 40-2209, and amendments thereto, shall permit employee or member units of more than two but less~~

than 51 employees or members and their dependents to participate in any health benefit plan to which this act applies. Any group which includes employee or member units of 50 or fewer employees shall be subject to the provisions of this act notwithstanding its inclusion of employee or member units with more than 50 employees or members.

(e)—Except as expressly provided in this act, no health benefit plan offered to a small employer shall be subject to:

(1) Any law that would inhibit any carrier from contracting with providers or groups of providers with respect to health care services or benefits;

(2) any law that would impose any restriction on the ability to negotiate with providers regarding the level or method of reimbursing care or services provided under the health benefit plan.

~~(d)~~(c) Individual policies of accident and sickness insurance issued to individuals and their dependents totally independent of any group, association or trust arrangement permitted under K.S.A. 40-2209, and amendments thereto, shall not be subject to the provisions of this act.

Sec. 12. K.S.A. 2018 Supp. 40-2222 is hereby amended to read as follows: 40-2222. (a) Any person or other entity ~~which~~ *that* provides coverage in this state for medical, surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital, or optometric expenses, whether such coverage is by direct payment, reimbursement, or otherwise, shall be presumed to be subject to the jurisdiction of the commissioner of insurance unless the person or other entity:

(1) Is a professional association of architects incorporated in Kansas on October 4, 1954, ~~which~~ *that* provides coverage for the payment of expenses described herein to or for the members of the association or dependents through a trust established November 1, 1986, and complies with K.S.A. 40-2222a, and amendments thereto;

(2) is a professional association of dentists incorporated in Kansas on July 3, 1972, ~~which~~ *that* provides coverage for the payment of expenses described herein to or for the members of the association or dependents through ~~a an established trust established November 1, 1985,~~ and complies with K.S.A. 40-2222a, and amendments thereto;

(3) (A) is a trade association of banks incorporated in Kansas on August 9, 1978, ~~which~~ *that* provides coverage for the payment of expenses described herein to or for the members of the association or dependents through a trust established July 1, 1989, and complies with K.S.A. 40-2222a, and amendments thereto; or

(B) is a trade organization of banks incorporated in Kansas on June 1, 1982, ~~which~~ *that* provides coverage for expenses described herein to or for members of the association or dependents, and complies with K.S.A. 40-2222a, and amendments thereto;

(4) is a trade association of truckers incorporated in Kansas on July 1, 1985, ~~which~~ *that* provides coverage for the payment of expenses described herein to or for the members of the association or dependents through a trust established January 1, 1990, and complies with K.S.A. 40-2222a, and amendments thereto;

(5) is an association of physicians practicing in the Kansas City metropolitan area, incorporated in Missouri on March 5, 1891, and qualified as a foreign corporation in Kansas on May 19, 1987, ~~which~~ *that* provides coverage for the payment of expenses described herein to or for the members of the association, their employees and dependents through a trust established November 1, 1984, and complies with K.S.A. 40-2222a, and amendments thereto;

(6) is organized as a farmers' cooperative under the Kansas cooperative marketing act, K.S.A. 17-1601 et seq., and amendments thereto, on January 13, 1983, and is an association of farmers' cooperatives and other like associations operated on a cooperative basis and their affiliated companies, ~~which~~ *that* provides benefits for employees, and family members of such employees, of such associations, and complies with K.S.A. 40-2222a, and amendments thereto;

(7) is any other qualified trade, merchant, retail, or professional association or business league ~~incorporated in Kansas which~~ *that provides coverage for the payment of expenses described herein to or for the members of the association, their employees and dependents and that* complies with K.S.A. 40-2222a, and amendments thereto;

(8) conclusively shows by submission of an appropriate certificate, license, letter or other document issued by the United States department of labor that such person or entity is not subject to Kansas law; or

(9) conclusively shows that it is subject to the jurisdiction of an agency of this state or the federal government. For purposes of this act, tax exempt status under section 501(c) of the federal internal revenue code of 1986 shall not be deemed to be jurisdiction of the federal government.

(b) For the purposes of this section, a qualified trade, merchant, retail or professional association or business league ~~shall mean any bona fide trade, merchant, retail or professional association or business league that:~~

~~(1) Has been in existence for at least five calendar years; and~~

~~(2) is comprised of five or more employers means the same as in K.S.A. 40-2209d, and amendments thereto.~~

Sec. 13. On and after July 1, 2019, K.S.A. 2018 Supp. 40-2222, as amended by section 12 of this act, is hereby amended to read as follows: 40-2222. (a) Any person or other entity that provides coverage in this state for medical, surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital, or optometric expenses, whether such coverage is by direct payment, reimbursement,



or otherwise, shall be presumed to be subject to the jurisdiction of the commissioner of insurance unless the person or other entity:

(1) Is a professional association of architects incorporated in Kansas on October 4, 1954, that provides coverage for the payment of expenses described herein to or for the members of the association or dependents through a trust established November 1, 1986, and complies with K.S.A. 40-2222a, and amendments thereto;

(2) is a professional association of dentists incorporated in Kansas on July 3, 1972, that provides coverage for the payment of expenses described herein to or for the members of the association or dependents through an established trust and complies with K.S.A. 40-2222a, and amendments thereto;

(3) (A) is a trade association of banks incorporated in Kansas on August 9, 1978, that provides coverage for the payment of expenses described herein to or for the members of the association or dependents through a trust established July 1, 1989, and complies with K.S.A. 40-2222a, and amendments thereto; or

(B) is a trade organization of banks incorporated in Kansas on June 1, 1982, that provides coverage for expenses described herein to or for members of the association or dependents, and complies with K.S.A. 40-2222a, and amendments thereto;

(4) is a trade association of truckers incorporated in Kansas on July 1, 1985, that provides coverage for the payment of expenses described herein to or for the members of the association or dependents through a trust established January 1, 1990, and complies with K.S.A. 40-2222a, and amendments thereto;

(5) is an association of physicians practicing in the Kansas City metropolitan area, incorporated in Missouri on March 5, 1891, and qualified as a foreign corporation in Kansas on May 19, 1987, that provides coverage for the payment of expenses described herein to or for the members of the association, their employees and dependents through a trust established November 1, 1984, and complies with K.S.A. 40-2222a, and amendments thereto;

(6) is organized as a farmers' cooperative under the Kansas cooperative marketing act, K.S.A. 17-1601 et seq., and amendments thereto, on January 13, 1983, and is an association of farmers' cooperatives and other like associations operated on a cooperative basis and their affiliated companies, that provides benefits for employees, and family members of such employees, of such associations, and complies with K.S.A. 40-2222a, and amendments thereto;

(7) is any other qualified trade, merchant, retail, or professional association or business league that provides coverage for the payment of expenses described herein to or for the members of the association, their



employees and dependents and that complies with K.S.A. 40-2222a, and amendments thereto;

(8) conclusively shows by submission of an appropriate certificate, license, letter or other document issued by the United States department of labor that such person or entity is not subject to Kansas law; or

(9) conclusively shows that it is subject to the jurisdiction of an agency of this state or the federal government. For purposes of this act, tax exempt status under section 501(c) of the federal internal revenue code of 1986 shall not be deemed to be jurisdiction of the federal government.

*(10) is a nonprofit agricultural membership organization incorporated in Kansas on June 23, 1931, or an affiliate thereof, that provides healthcare benefit coverage for the payment of expenses described herein to or for the members of the organization and their dependents. Notwithstanding any provision of law to the contrary, the healthcare benefit coverage described in this paragraph shall not be considered insurance. The risk under such coverage may be reinsured by a company authorized to conduct reinsurance in Kansas. Providers of healthcare benefit coverage shall file a signed, certified actuarial statement of plan reserves annually with the commissioner of insurance.*

(b) For the purposes of this section, a qualified trade, merchant, retail or professional association or business league means the same as in K.S.A. 40-2209d, and amendments thereto.

Sec. 14. K.S.A. 2018 Supp. 40-2222a is hereby amended to read as follows: 40-2222a. At the time the initial application for coverage is taken with respect to new applicants and upon the first renewal, reinstatement or extension of coverage following the effective date of this act with respect to persons previously covered, each association described in ~~subsection (a) of~~ K.S.A. 40-2222, and amendments thereto, shall provide a written notice stating that:

(a) The coverage is not provided by an insurance company;

(b) the plan is not subject to the laws and regulations relating to insurance companies;

(c) the plan is not under the jurisdiction of the commissioner of insurance; and

(d) if the plan does not pay medical expenses that are eligible for payment under the plan for any reason, the individuals covered by the plan may be liable for such expenses.

Sec. 15. On and after July 1, 2019, K.S.A. 2018 Supp. 40-2222a, as amended by section 14 of this act, is hereby amended to read as follows: 40-2222a. At the time the initial application for coverage is taken with respect to new applicants and upon the first renewal, reinstatement or extension of coverage following the effective date of this act with respect to persons previously covered, each ~~association~~ *person or entity* described in

K.S.A. 40-2222, and amendments thereto, shall provide a written notice stating that:

- (a) The coverage is not provided by an insurance company;
- (b) the plan is not subject to the laws and regulations relating to insurance companies;
- (c) the plan is not under the jurisdiction of the commissioner of insurance; and
- (d) if the plan does not pay medical expenses that are eligible for payment under the plan for any reason, the individuals covered by the plan may be liable for such expenses.

Sec. 16. K.S.A. 2018 Supp. 40-2222b is hereby amended to read as follows: 40-2222b. (a) As a condition precedent to continuation of the exemption provided by K.S.A. 40-2222, and amendments thereto, each association described in ~~subsection (a) of~~ K.S.A. 40-2222, and amendments thereto, shall, no later than May 1 of each year, pay a tax at the rate of 1% per annum upon the annual Kansas gross premium collected during the preceding calendar year. *For associations that have a principal office within a metropolitan area that has boundaries in Kansas and associations that have their principal office located within the borders of this state and offer policies to non-residents of Kansas, the tax owed under this section shall be based upon the gross premium collected during the preceding year relating to health benefit plans issued to members that have a principal place of business in Kansas.* In the computation of the tax, such associations shall be entitled to deduct any annual Kansas gross premiums returned on account of cancellation or dividends returned to members or expenditures used for the purchase of reinsurance or stop-loss coverage.

(b) Every association subject to taxation under the provisions of this section shall pay the tax imposed and make a return under oath to the commissioner of insurance under such rules and regulations and in such form and manner as the commissioner may prescribe.

Sec. 17. On and after July 1, 2019, K.S.A. 2018 Supp. 40-2222b, as amended by section 16 of this act, is hereby amended to read as follows: 40-2222b. (a) As a condition precedent to continuation of the exemption provided by K.S.A. 40-2222, and amendments thereto, each ~~association~~ *person or entity* described in K.S.A. 40-2222, and amendments thereto, shall, no later than May 1 of each year, pay a tax at the rate of 1% per annum upon the annual Kansas gross premium collected during the preceding calendar year. ~~For associations~~ *persons or entities* that have a principal office within a metropolitan area that has boundaries in Kansas and associations that have their principal office located within the borders of this state and offer policies to non-residents of Kansas, the tax owed under this section shall be based upon the gross premium collected during the preceding year relating to health benefit plans issued to members that

have a principal place of business in Kansas. In the computation of the tax, such ~~associations~~ *persons or entities* shall be entitled to deduct any annual Kansas gross premiums returned on account of cancellation or dividends returned to members or expenditures used for the purchase of reinsurance or stop-loss coverage.

(b) Every ~~association~~ *person or entity* subject to taxation under the provisions of this section shall pay the tax imposed and make a return under oath to the commissioner of insurance under such rules and regulations and in such form and manner as the commissioner may prescribe.

Sec. 18. K.S.A. 2018 Supp. 75-4101 is hereby amended to read as follows: 75-4101. (a) There is hereby created a committee on surety bonds and insurance, which shall consist of the state treasurer, the attorney general and the commissioner of insurance or their respective designees. The commissioner of insurance shall be the chairperson of the committee and the director of purchases or the director's designee shall be *the* ex officio secretary. The committee shall meet ~~on~~ *upon the* call of the chairperson and at such other times as the committee shall determine but at least once each month on the second Monday in each month. Meetings shall be held in the office of the commissioner of insurance. The members of the committee shall serve without compensation. The secretary shall be the custodian of all property, records and proceedings of the committee. Except as provided in this section and K.S.A. 74-4925, 74-4927, 75-6501 through 75-6511 and 76-749, and amendments thereto, no state agency shall purchase any insurance of any kind or nature or any surety bonds upon state officers or employees, except as provided in this act. Except as otherwise provided in this section, health care coverage and health care services of a health maintenance organization for state officers and employees designated under K.S.A. 75-6501(c), and amendments thereto, shall be provided in accordance with the provisions of K.S.A. 75-6501 through 75-6511, and amendments thereto.

(b) The Kansas turnpike authority may purchase group life, health and accident insurance or health care services of a health maintenance organization for its employees or members of the highway patrol assigned, by contract or agreement entered pursuant to K.S.A. 68-2025, and amendments thereto, to police toll or turnpike facilities, independent of the committee on surety bonds and insurance and of the provisions of K.S.A. 75-6501 through 75-6511, and amendments thereto. Such authority may purchase liability insurance covering all or any part of its operations and may purchase liability and related insurance upon all vehicles owned or operated by the authority independent of the committee on surety bonds and insurance and such insurance may be purchased without complying with K.S.A. 75-3738 through 75-3744, and amendments thereto. Any board of county commissioners may purchase such insurance or health

care services, independent of such committee, for district court officers and employees any part of whose total salary is payable by the county. Nothing in any other provision of the laws of this state shall be construed as prohibiting members of the highway patrol so assigned to police toll or turnpike facilities from receiving compensation in the form of insurance or health maintenance organization coverage as herein authorized.

(c) The agencies of the state sponsoring a foster grandparent or senior companion program, or both, shall procure a policy of accident, personal liability and excess automobile liability insurance insuring volunteers participating in such programs against loss in accordance with specifications of federal grant guidelines. Such agencies may purchase such policy of insurance independent of the committee on surety bonds and insurance and without complying with K.S.A. 75-3738 through 75-3744, and amendments thereto.

(d) Any state educational institution as defined by K.S.A. 76-711, and amendments thereto, may purchase insurance of any kind or nature except employee health insurance. Such insurance shall be purchased on a competitively bid or competitively negotiated basis in accordance with procedures prescribed by the state board of regents. Such insurance may be purchased independent of the committee on surety bonds and insurance and without complying with K.S.A. 75-3738 through 75-3744, and amendments thereto.

(e) (1) The state board of regents may enter into one or more group insurance contracts to provide health and accident insurance coverage or health care services of a health maintenance organization for all students attending a state educational institution as defined in K.S.A. 76-711, and amendments thereto, and such students' dependents, except that such insurance shall not provide coverage for elective procedures that are not medically necessary as determined by a treating physician. The participation by a student in such coverage shall be voluntary. In the case of students who are employed by a state educational institution in a student position, the level of employer contributions toward such coverage shall be determined by the board of regents.

(2) The state board of regents is hereby authorized to independently provide, through self-insurance or the purchase of insurance contracts, health care benefits for employees of a state educational institution, as such term is defined in K.S.A. 76-711, and amendments thereto, when the state health care benefits program is insufficient to satisfy the requirements of 22 C.F.R. § 62.14, as in effect upon the effective date of this section. Such healthcare benefits shall be limited to only those for whom the state health care benefits program does not meet federal requirements.

(3) *The state board of regents may purchase cybersecurity insurance as it deems necessary to protect student records, labor information and*

*other statutorily protected data that the board maintains, independent of the committee on surety bonds and insurance and without complying with the provisions of K.S.A.75-3738 through 75-3744, and amendments thereto. As used in this paragraph, “cybersecurity insurance” includes, but is not limited to, first-party coverage against losses such as data destruction, denial of service attacks, theft, hacking and liability coverage guaranteeing compensation for damages from errors such as the failure to safeguard data.*

~~(3)~~(4) The state board of regents may adopt rules and regulations necessary to administer and implement the provisions of this section.

Sec. 19. K.S.A. 40-2209b and 40-2209e and K.S.A. 2018 Supp. 40-2209, 40-2209d, 40-2222, 40-2222a, 40-2222b and 75-4101 are hereby repealed.

Sec. 20. On and after July 1, 2019, K.S.A. 2018 Supp. 40-2222, as amended by section 12 of this act, 40-2222a, as amended by section 14 of this act, 40-2222b, as amended by section 16 of this act, 40-2404, 40-3812, 40-3813 and 40-3814 are hereby repealed.

Sec. 21. This act shall take effect and be in force from and after its publication in the Kansas register.

Published in the *Kansas Register* May 9, 2019.

(See Messages from the Governor)

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## CHAPTER 55

## SENATE BILL No. 15

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

Sec. 9. K.S.A. 65-5807 is hereby amended to read as follows: 65-5807. (a) The board may issue a license to an individual who is currently registered, certified or licensed to practice professional counseling in another jurisdiction if the board determines that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) ~~Licensure to practice social work at the clinical level for at least 60 of the last 66 months immediately preceding the application with at least the minimum professional experience as established by rules and regulations of the board;~~

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

(C) ~~a master's or doctoral degree in social work from a regionally accredited university or college and from an accredited graduate social work~~

program recognized and approved by the board pursuant to rules and regulations adopted by the board.

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

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

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

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

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

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

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

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

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

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

Sec. 11. K.S.A. 65-6321 is hereby amended to read as follows: 65-6321. K.S.A. 65-6301 through ~~65-6320, and K.S.A. 65-6321, and amend-~~

ments thereto, *and sections 1 and 5, and amendments thereto*, shall be known and may be cited as the social workers licensure act.

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

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

(1) Paying an application fee as established by the board under K.S.A. 65-6411, and amendments thereto; and

(2) meeting the application requirements as stated in K.S.A. 65-6404(a)(1), (a)(2) and (a)(4), and amendments thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) A person practicing addiction counseling with a temporary license may not use the title "licensed addiction counselor" or "licensed master's addiction counselor" or use the initials "LAC" or "LMAC" independently.



The word “licensed” may be used only when followed by the words “by temporary license.” ~~such as licensed addiction counselor by temporary license, or addiction counselor, temporarily licensed.~~

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 22. K.S.A. 74-5344 is hereby amended to read as follows: 74-5344. Nothing contained in the licensure of psychologists act of the state of Kansas shall be construed: (a) To prevent qualified members of other professional groups such as, but not limited to, ministers, Christian Science practitioners, social workers and sociologists from doing work of a psychological nature consistent with their training and consistent with any code of ethics of their respective professions so long as they do not hold themselves out to the public by any title or description of services incorporating the words “psychologic,” “psychological,” “psychologist” or “psychology”;

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

(c) to limit the practice of psychology of a licensed masters level psychologist or a person who holds a temporary license to practice as a licensed masters level psychologist ~~insofar as such practice is a part of the duties of any such person’s salaried position, and insofar as such practice is performed solely on behalf of such person’s employer, so long as such practice is under the direction of a licensed psychologist, licensed clinical psychotherapist, a person licensed by the state board of healing arts to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of mental disorders~~ or insofar as such person is engaged in public speaking with or without remuneration;

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

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

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

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

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

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

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

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

Sec. 23. K.S.A. 74-5375 is hereby amended to read as follows: 74-5375.

(a) The behavioral sciences regulatory board may issue a license to an individual who is currently registered, certified or licensed to practice psychology at the master’s level in another jurisdiction if the board determines that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) has satisfied the board that the applicant is a person who merits the public trust.



(b) The board shall issue a license as a master social worker to an applicant who:

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

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

(3) has satisfied the board that the applicant is a person who merits the public trust.

(c) The board shall issue a license in one of the social work specialties to an applicant who:

(1) Has a master's or doctor's degree from an accredited graduate school of social work, including completion of a social work program recognized and approved by the board, pursuant to rules and regulations adopted by the board;

(2) has had two years of full-time post-master's or post-doctor's degree experience under the supervision of a licensed social worker in the area of the specialty in which such applicant seeks to be licensed;

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

(4) has satisfied the board that the applicant is a person who merits the public trust.

(d) (1) The board shall issue a license as a specialist clinical social worker to an applicant who:

(A) Has met the requirements of subsection (c);

(B) has completed 15 credit hours as part of or in addition to the requirements under subsection (c) supporting diagnosis or treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, through identifiable study of the following content areas: Psychopathology, diagnostic assessment, interdisciplinary referral and collaboration, treatment approaches and professional ethics;

(C) has completed a graduate level supervised clinical practicum of supervised professional experience including psychotherapy and assessment, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual, with not less than 350 hours of direct client contact or additional post-graduate supervised experience as determined by the board;

(D) has completed as part of or in addition to the requirements of subsection (c) not less than two years of postgraduate supervised professional experience in accordance with a clinical supervision plan approved by the board of not less than ~~4,000~~ 3,000 hours of supervised professional experience including at least 1,500 hours of direct client contact conducting psychotherapy and assessments with individuals, couples, families or



groups and not less than ~~150~~ 100 hours of clinical supervision, including not less than 75 hours of person-to-person individual supervision, integrating diagnosis and treatment of mental disorders with use of the American psychiatric association's diagnostic and statistical manual;

(E) for persons earning a degree under subsection (c) prior to July 1, 2003, in lieu of the education and training requirements under parts (B) and (C) of this subsection, has completed the education requirements for licensure as a specialist clinical social worker in effect on the day immediately preceding the effective date of this act;

(F) for persons who apply for and are eligible for a temporary license to practice as a specialist clinical social worker on the day immediately preceding the effective date of this act, in lieu of the education and training requirements under parts (B), (C) and (D) of this subsection, has completed the education and training requirements for licensure as a specialist clinical social worker in effect on the day immediately preceding the effective date of this act;

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

(H) has paid the application fee.

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

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

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

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

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

(1) “Adult care home” means any nursing facility, nursing facility for mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential healthcare facility, home plus, boarding care home and adult day care facility; all of which are classifications of adult care homes and are required to be licensed by the secretary for aging and disability services.

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

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

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

(5) “Assisted living facility” means any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice

or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week, for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

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

(7) “Home plus” means any residence or facility caring for not more than 12 individuals not related within the third degree of relationship to the operator or owner by blood or marriage unless the resident in need of care is approved for placement by the secretary for children and families, and who, due to functional impairment, needs personal care and may need supervised nursing care to compensate for activities of daily living limitations. The level of care provided to residents shall be determined by preparation of the staff and rules and regulations developed by the Kansas department for aging and disability services. An adult care home may convert a portion of one wing of the facility to a not less than five-bed and not more than 12-bed home plus facility provided that the home plus facility remains separate from the adult care home, and each facility must remain contiguous. Any home plus that provides care for more than eight individuals after the effective date of this act shall adjust staffing personnel and resources as necessary to meet residents’ needs in order to maintain the current level of nursing care standards. Personnel of any home plus who provide services for residents with dementia shall be required to take annual dementia care training.

(8) “Boarding care home” means any place or facility operating 24 hours a day, seven days a week, caring for not more than 10 individuals not

related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of activities of daily living but who are ambulatory and essentially capable of managing their own care and affairs.

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

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

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

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

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

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

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

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

(17) “Skilled nursing home” means a nursing facility.

(18) “Intermediate nursing care home” means a nursing facility.

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

(20) “Individual living unit” means a private unit ~~which~~ *that* includes, but is not limited to, a toilet room with bathing facilities, sleeping, living and storage area and a lockable door.

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

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

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

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

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

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

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

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

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

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

(b) The term “adult care home” ~~shall~~ *does not* include institutions operated by federal or state governments, except institutions operated by

the director of the Kansas commission on veterans affairs office, hospitals or institutions for the treatment and care of psychiatric patients, child care facilities, maternity centers, hotels, offices of physicians or hospices ~~which that~~ are certified to participate in the medicare program under 42 code of federal regulations, chapter IV, C.F.R. § 418.1 et seq., and ~~amendments thereto~~, and ~~which that~~ provide services only to hospice patients, or centers approved by the centers for medicare and medicaid services as a program for all-inclusive care for the elderly (PACE) under 42 code of federal regulations, chapter IV, part C.F.R. § 460 et seq., and ~~amendments thereto~~, ~~which that~~ provides services only to PACE participants.

(c) Nursing facilities in existence on the effective date of this act changing licensure categories to become residential healthcare facilities shall be required to provide private bathing facilities in a minimum of 20% of the individual living units.

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

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

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

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

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

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

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

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

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

Sec. 28. K.S.A. 2018 Supp. 39-931 is hereby amended to read as follows: 39-931. (a) Whenever the licensing agency finds a substantial failure to comply with the requirements, standards or rules and regulations established under this act ~~or that a receiver has been appointed under K.S.A. 39-958, and amendments thereto, it~~, the licensing agency shall make an order denying, suspending or revoking the license after notice and a hearing in accordance with the provisions of the Kansas administrative procedure act, K.S.A. 77-501 et seq., and amendments thereto. Any applicant or licensee who is aggrieved by the order may appeal such order in accordance with the provisions of the Kansas judicial review act, K.S.A. 77-601 et seq., and amendments thereto.

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

(c) (1) Any applicant or licensee issued an emergency order by the licensing agency denying, suspending or revoking a license under this section may apply for a new license or reinstatement of a license at any time upon submission of a written waiver of any right conferred upon



such applicant or licensee under the Kansas administrative procedure act, ~~K.S.A. 77-501 et seq., and amendments thereto,~~ and the Kansas judicial review act, ~~K.S.A. 77-601 et seq., and amendments thereto,~~ to the licensing agency in a settlement agreement or other manner as approved by the licensing agency.

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

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

(A) Is issued a license by the licensing agency on or before January 1, 2012; or

(B) participated in the medicaid program as an intermediate care facility for people with intellectual disability of five beds or less, on or before January 1, 2012.

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

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

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

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



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

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

(5) has been convicted of a felony;

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

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

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

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

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

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

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

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

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

~~(a)~~(1) Conduct the day to day business operations of the adult care home;

(2) *operate the adult care home to provide safe and adequate health-care for the residents of the adult care home;*

(3) *correct or eliminate any deficiency in the adult care home that concerns the health, safety, nutrition or sanitation of the residents of the adult care home and that is life threatening or endangering;*

(4) *provide for the orderly transfer of all residents of the adult care home to other adult care homes or make other provisions for such residents' continued safety and healthcare, as necessary;*

(5) *be entitled to the immediate use of all proceeds of any accounts receivable to discharge the powers and duties of the receiver;*

(6) *collect incoming payments from all sources and apply such payments to costs incurred in the performance of the receiver's powers and duties, including compensation of the receiver, if any;*

(7) *enter into or terminate contracts as necessary to carry out the receiver's powers and duties and incur expenses for individual items for repairs, improvements or supplies, without being subject to any requirements to procure competitive bids established by law;*

(8) *repay expenditures of the receiver from moneys appropriated to the Kansas department for aging and disability services for purposes set forth in K.S.A. 39-954 et seq., and amendments thereto, if incoming payments from the operation of the adult care home exceed the costs incurred by the receiver in the performance of the receiver's powers and duties; and*

(9) *other powers and duties as authorized or imposed by the district court.*

(b) *If incoming payments from the operation of the adult care home exceed the costs incurred by the receiver in the performance of the receiver's powers and duties, the receiver may:*

(1) *Pay post-receivership quality care assessments as established under Kansas law;*

(2) reimburse the owner or licensee, as appropriate, a fair monthly rental for the adult care home, taking into account all relevant factors, including the condition of such adult care home and set-offs arising from improvements made by the receiver; *and*

~~(e)~~(3) give fair compensation to the owner or licensee, as appropriate, for all property taken or used during the course of the receivership if such person has not previously received compensation for the property being taken or used;

~~(d)~~ correct or eliminate any deficiency in the adult care home that concerns the health, safety, nutrition, or sanitation of the residents of the adult care home and is life threatening or endangering;

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

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

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

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

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

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

Sec. 35. K.S.A. 2018 Supp. 39-960 is hereby amended to read as follows: 39-960. (a) The secretary for aging and disability services, upon request of a receiver, may authorize expenditures from moneys appropriated for purposes set forth in this act if incoming payments from the operation of the adult care home are less than the cost incurred by the receiver in the performance of the receiver's functions as receiver or for purposes of initial operating expenses of the receivership.

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

and until repaid shall constitute a lien against all non-exempt personal and real property of the owner, *operator* or licensee.

Sec. 36. K.S.A. 2018 Supp. 39-961 is hereby amended to read as follows: 39-961. (a) The personnel and facilities of the Kansas department for aging and disability services shall be available to the receiver for the purposes of carrying out the receiver's duties as receiver as authorized by the secretary for aging and disability services.

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

Sec. 37. K.S.A. 2018 Supp. 39-963 is hereby amended to read as follows: 39-963. (a) The court shall terminate the receivership only under any of the following circumstances:

(1) Twenty-four months after the date on which the receivership was ordered;

(2) a new license, other than the license granted to the receiver under K.S.A. 39-958, and amendments thereto, has been granted to operate the adult care home; or

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

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

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

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

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

(b) (1) "Naturopathic medicine," or "naturopathy" means a system of health care practiced by naturopathic doctors for the prevention, di-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) “Radiation therapy” means the use of any radiation procedure or article intended for the cure, mitigation or prevention of disease in humans.

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

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

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

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

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

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

Sec. 41. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 22, 2019.

Published in the *Kansas Register* May 9, 2019.

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## CHAPTER 56

## SENATE BILL No. 78\*

AN ACT concerning contracts; relating to assignment of rights or benefits to a residential contractor under a property and casualty insurance policy insuring residential real estate; rental and lease agreements; protections for tenants and lessees related to domestic violence, sexual assault, human trafficking or stalking.

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

Section 1. (a) As used in this section:

(1) “Assignment” means a post-loss assignment of rights or benefits to a residential contractor under a property and casualty insurance policy insuring residential real estate;

(2) “residential contractor” means a person in the business of contracting or offering to contract with an owner or possessor of residential real estate to:

(A) Repair or replace a roof system or perform any other exterior repair, replacement, construction or reconstruction work on residential real estate;

(B) perform interior or exterior repair and cleanup services on residential real estate;

(C) arrange for, manage or process the work referred to in subparagraph (A) or (B); or

(D) serve as a representative, agent or assignee of the owner or possessor of residential real estate;

(3) “residential real estate” means a new or existing building constructed for habitation by at least one but no more than four families and any related detached structures; and

(4) “roof system” means and includes roof coverings, roof deck, roof ventilation, roof weatherproofing and insulation.

(b) (1) An assignment may authorize a residential contractor to be named as a copayee for the payment of benefits under a property and casualty insurance policy insuring residential real estate.

(2) An assignment shall include the following notice in capitalized 14-point type:

“AN ASSIGNMENT OF RIGHTS OR BENEFITS IS VOLUNTARY. YOU ARE AGREEING TO ASSIGN CERTAIN RIGHTS THAT YOU HAVE UNDER YOUR INSURANCE POLICY. WITH AN ASSIGNMENT, THE RESIDENTIAL CONTRACTOR SHALL BE ENTITLED TO PURSUE ANY RIGHTS OR REMEDIES THAT YOU, THE INSURED POLICY HOLDER, HAVE UNDER YOUR INSURANCE POLICY. PLEASE READ AND UNDERSTAND THIS DOCUMENT BEFORE SIGNING.

THE INSURER MAY ONLY PAY FOR THE COST TO REPAIR OR REPLACE DAMAGED PROPERTY CAUSED BY A COVERED PERIL, SUBJECT TO THE TERMS OF THE POLICY.”



(3) The residential contractor shall provide a copy of the assignment to the insurer of the residential real estate within three business days after the assignment is signed.

(4) An assignment shall provide that, in addition to any other right to revoke, the named insured has the right to cancel the assignment within five business days after execution.

(5) An assignment shall not:

(A) Impair the interest of a mortgagee listed on the declarations page of the property and casualty insurance policy that is the subject of the assignment; or

(B) prevent or inhibit an insurer from communicating with the named insured or mortgagee listed on the declarations page of the property and casualty insurance policy that is the subject of the assignment.

(c) The commissioner of insurance shall strictly enforce the provisions of K.S.A. 40-2404(9)(n), and amendments thereto, which requires insurers to promptly provide a named insured a reasonable explanation of the basis in the insurance policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement.

(d) An assignment is void if the residential contractor:

(1) Violates any provision of this section; or

(2) is not in compliance with any of the requirements of the Kansas roofing registration act.

(e) Any violation of this section is a deceptive act or practice under the Kansas consumer protection act.

(f) This section shall be a part of and supplemental to the Kansas consumer protection act.

Sec. 2. (a) (1) An applicant shall not be denied tenancy on the basis of, or as a direct result of, the fact that the applicant is a protected person if the applicant otherwise qualifies for tenancy in or occupancy of the premises.

(2) A tenant or lessee shall not be evicted from the premises or found to be in violation of a rental or lease agreement on the basis of, or as a direct result of, the fact that the tenant or lessee is a protected person if the tenant or lessee otherwise qualifies for tenancy in or occupancy of the premises.

(b) (1) A tenant or lessee shall not be liable for rent for the period after the tenant or lessee vacates the premises that is the subject of the rental or lease agreement if the tenant or lessee:

(A) Is a protected person; and

(B) notifies the landlord or property owner as required in subsection (c).

(2) In any action brought against a tenant or lessee under Kansas law that seeks recovery of rent, the tenant or lessee shall have an affirmative defense and not be liable for rent for the period after the tenant

or lessee vacated the premises that is the subject of the rental or lease agreement if, by a preponderance of the evidence, the court finds that the tenant or lessee:

(A) Was a protected person on the date the tenant or lessee vacated the premises that is the subject of the rental or lease agreement; and

(B) notified the landlord or property owner as required in subsection (c).

(3) This section shall not affect a tenant or lessee's liability for late or unpaid rent or other amounts owed to the landlord for the period before the tenant or lessee vacates the premises that is the subject of the rental or lease agreement.

(c) An applicant, tenant or lessee qualifies for the protections under this section if the applicant, tenant or lessee is a protected person and provides a statement regarding domestic violence, sexual assault, human trafficking or stalking to the landlord or property owner. If the landlord or property owner requests, the applicant, tenant or lessee shall provide documentation of the domestic violence, sexual assault, human trafficking or stalking, which may be in any of the following forms:

(1) A document signed by the victim and any of the following individuals from whom the victim has sought assistance relating to domestic violence, sexual assault, human trafficking or stalking, or the effects of such abuse: A person licensed by the state board of healing arts to practice medicine and surgery; a person licensed as a physician assistant by the state board of healing arts; a person licensed by the board of nursing; or a person licensed by the behavioral sciences regulatory board. The document must declare under penalty of perjury that the licensed person holds the opinion, in their professional judgment within their scope of practice, that the incident of domestic violence, sexual assault, human trafficking or stalking that is the basis for protection under this section occurred; or

(2) a court order granting relief to the protected person relating to the alleged domestic violence, sexual assault, human trafficking or stalking that is the basis for protection under this section.

(d) The submission of false information by an applicant, tenant or lessee under this section may be a basis for a denial of tenancy, eviction or a violation of a rental or lease agreement.

(e) A landlord or property owner may impose a reasonable termination fee not to exceed one month's rent on a tenant or lessee who requests termination of a rental or lease agreement under the provisions of this section before the expiration date of such agreement. Such termination fee may only be imposed if it is contained in the terms of the rental or lease agreement.

(f) As used in this section:

(1) “Protected person” means a person who, during the preceding 12 months, has been, is or is in imminent danger of becoming a victim of domestic violence, sexual assault, human trafficking or stalking; and

(2) “domestic violence,” “human trafficking,” “sexual assault” and “stalking” mean the same as in K.S.A. 2018 Supp. 75-452, and amendments thereto.

(g) A tenant or lessee shall not waive, and a landlord or property owner shall not require a tenant or lessee to waive, any rights under this section in a rental or lease agreement.

(h) Notwithstanding a termination of a protected person’s rental or lease agreement under this section, the rental or lease agreement shall continue for any remaining tenants or lessees.

(i) In an action against a landlord or property owner for a violation of this section, the court may award statutory damages of \$1,000. The court may also award reasonable attorney fees and costs.

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

Approved April 22, 2019.

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## CHAPTER 57

SENATE BILL No. 70  
(Amended by Chapter 65)

AN ACT concerning alcoholic beverages; relating to licensure; issuance of temporary permits and producer licenses; designation of official wine grapes of the state; delivery of alcoholic liquor, reporting requirements; serving of samples of alcoholic liquor; sales within a common consumption area; amending K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, K.S.A. 41-2644 and 41-2648 and K.S.A. 2018 Supp. 41-304, 41-308a, 41-310, 41-316, 41-317, 41-319, 41-355, 41-719, 41-2601, 41-2608, 41-2614, 41-2622, 41-2629, 41-2637, 41-2641, 41-2642 and 41-2659 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 41-347, 41-2645 and 41-2657.

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

New Section 1. (a) A temporary permit shall allow the permit holder to offer for sale, sell and serve alcoholic liquor for consumption on licensed or unlicensed premises, or on premises that are otherwise subject to a separate temporary permit, that may be open to the public, subject to the terms of such permit. A temporary permit shall also authorize the permit holder to sell, in accordance with rules and regulations adopted by the secretary, alcoholic liquor at a charitable auction, or one or more limited issue porcelain containers containing alcoholic liquor.

(b) A temporary permit holder may charge a fee for entrance into the premises described in the permit, or any portion thereof.

(c) The director may issue a temporary permit to any one or more persons or organizations applying for such a permit, in accordance with rules and regulations of the secretary. The permit shall be issued in the names of the persons or organizations to which it is issued.

(d) Applications for temporary permits shall be required to be filed with the director not less than 14 days before the event for which the permit is sought, unless the director waives such requirement for good cause. The application shall be upon a form prescribed by the director. Each application shall be electronically submitted and accompanied by a non-refundable permit fee of \$25 for each day for which the permit is issued, and such fee shall be paid by a check or credit card in the full amount thereof. All permit fees collected by the director pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(d) Each application for a temporary permit shall specify the premises for which they are issued, including a diagram of the premises covered by the temporary permit. The diagram shall clearly show the boundaries of the premises, entrances to and exits from the premises and the area in

which the service of alcoholic liquor would take place. A temporary permit shall be issued only for premises where the city, county or township zoning code allows the use for which the permit is issued. No temporary permit shall be issued for premises that are not located in a county where the qualified electors of the county:

(1) (A) Approved, by a majority vote of those voting thereon, to adopt the proposition amending section 10 of article 15 of the constitution of the state of Kansas at the general election in November, 1986; or

(B) have approved a proposition to allow the sale of liquor by the individual drink in public places within the county at an election pursuant to K.S.A. 41-2646, and amendments thereto; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(e) (1) A temporary permit may be issued for the consumption of alcoholic liquor on a city, county or township street, alley, road, sidewalk or highway for an event if: (A) Such street, alley, road, sidewalk or highway is closed to motor vehicle traffic by the governing body of such city, county or township for such event; (B) a written request for such consumption and possession of such alcoholic liquor has been made to the local governing body; and (C) the event has been approved by the governing body of such city, county or township by ordinance or resolution.

The boundaries of any such event shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed at such event.

(2) Drinking establishments that are immediately adjacent to, or located within the licensed premises of an event, for which a temporary permit has been issued and the consumption of alcoholic liquor on public property has been approved, may request that the drinking establishment's licensed premises be extended into and made a part of the licensed premises of the event, for the duration of the temporary permit issued for such event.

(3) Each licensee selling alcoholic liquor for consumption on the premises of an event for which a temporary permit has been issued shall be liable for violations of all laws governing the sale and consumption of alcoholic liquor.

(4) Each temporary permit holder selling alcoholic liquor for consumption on the permit premises shall be liable for all violations of laws governing the sale and consumption of alcoholic liquor that occur in areas covered by multiple temporary permits.

(f) (1) Except as otherwise provided in this subsection, a temporary permit shall be issued for a period of time not to exceed three consecutive days, the dates and hours of which shall be specified in the permit. An applicant may not be issued more than four temporary permits in a calendar year.

(2) The director may issue a sufficient number of temporary permits as required by the state fair board, valid for the entire period of time of the Kansas state fair, which authorizes the sale of wine in its original, unopened container and the serving by the drink of wine or beer, or both, on the state fairgrounds on premises specified in the temporary permit, by a person who has entered into an agreement with the state fair board for that purpose subject to the conditions imposed by the state fair board. Nothing in this paragraph shall be construed to limit the number of temporary permits the director may issue for the sale of wine or beer, or both, on the state fairgrounds consistent with the requirements of the state fair board.

(3) For an event approved by the governing body of a city, county or township pursuant to subsection (e)(1), the director may issue a temporary permit, which may, at the director's discretion, be valid for the entire period of such event, but in no event shall such permit be issued for a period of time that exceeds 30 consecutive days.

(g) An application for a temporary permit may be rejected by the director if:

(1) The applicant has been granted four permits in the current calendar year;

(2) the application was not filed with the director at least 14 days prior to the event;

(3) the applicant, or any officer, director, partner, registered agent, trustee, manager or owner of the applicant has previously owned or operated any entity holding a temporary permit, club, drinking establishment or caterer's license, had such permit or license surrendered, and at the time such permit or license was surrendered had been ordered to appear and show cause why the permit or license should not be revoked or suspended;

(4) the applicant has designated an area for an event that was the subject of the order to appear and show cause as set forth in paragraph (3), and it appears that the new application for a temporary permit covering the premises is an attempt to avoid any possible remedial action taken by the director against the former permit or license holder; or

(5) the applicant has had a license or permit revoked under the club and drinking establishment act, or has been convicted of a violation of the Kansas liquor control act, the club and drinking establishment act, the Kansas cereal malt beverage act or the provisions of K.S.A. 79-41a01 et seq., and amendments thereto.

(h) (1) A temporary permit holder may purchase and possess alcoholic liquor for resale for a period of three days prior to the first day of sale of such alcoholic liquor. A distributor may, without any further permission from the director, deliver such alcoholic liquor to the permit premises.

(2) If a licensee has sold alcoholic liquor to a temporary permit holder, and a distributor directly delivers such alcoholic liquor to such temporary permit holder, but such licensee's normal hours of operation make immediate payment to the distributor impossible, the licensee may pay the retailer and the retailer may pay the distributor for such alcoholic liquor within 48 hours of the sale.

(3) Within three business days after the end of an event conducted pursuant to a temporary permit, the temporary permit holder may sell back to the retailer or farm winery from whom alcoholic liquor was purchased any alcoholic liquor sold to the temporary permit holder for such event.

(4) Upon written permission from the director and after four business days after the end of an event conducted pursuant to a temporary permit, the temporary permit holder may sell back to the licensee from whom alcoholic liquor was purchased any alcoholic liquor sold to the temporary permit holder for such event.

(i) A temporary permit shall not be transferable or assignable.

(j) Each temporary permit holder shall not employ or use the services of any person:

(1) Who is under the age of 18 years to serve alcoholic liquor;

(2) who is under the age of 21 years to mix or dispense drinks containing alcoholic liquor;

(3) who is under the age of 21 and not supervised by the temporary permit holder or an employee who is at least 21 years of age;

(4) who has been convicted of a felony or of any crime involving a morals charge to dispense, mix or serve alcoholic liquor; or

(5) who has been convicted within the previous two years of a violation of any intoxicating liquor law of this state, any other state or the United States, to dispense, mix or serve alcoholic liquor.

New Sec. 2. (a) A temporary permit holder shall only purchase alcoholic liquor from a retailer or a farm winery and may receive delivery of such alcoholic liquor from a distributor.

(b) Temporary permit holders shall only purchase alcoholic liquor from a retailer who possesses a federal wholesaler's basic permit and who has a sign on display at the licensed premises that states that the licensee is a "Wholesale Liquor Dealer Under Federal Law." All alcoholic liquor purchased on any one day shall be removed from the licensed premises of the retailer or farm winery within 48 hours. Temporary permit holders shall not warehouse any alcoholic liquor on the licensed premises of any retailer or farm winery for more than 48 hours.

(c) Each temporary permit holder, when purchasing alcoholic liquor from a retailer or farm winery, shall obtain and keep for at least one year from the date of purchase a sales receipt that contains the following information:

- (1) The date of purchase;
- (2) the name and address of the retailer or farm winery;
- (3) the name and address of the temporary permit holder as it appears on the temporary permit;
- (4) the brand, size, proof and amount of all alcoholic liquor purchased; and

(5) the subtotal of the cost of all alcoholic liquor purchased, and the total cost of such purchase, including enforcement tax.

(d) Each temporary permit holder shall be responsible for all violations of the club and drinking establishment act by the following people while on the permit premises:

(1) An employee of the temporary permit holder, or of any person contracting with the temporary permit holder to provide services or food in connection with an event; or

(2) any individual dispensing, mixing or serving alcoholic liquor at an event.

(e) Except for a temporary permit holder who has obtained such permit for the sale of alcoholic liquor at a charitable auction or for the sale of one or more limited issue porcelain containers containing alcoholic liquor, no temporary permit holder shall sell alcoholic liquor for removal from or consumption off the licensed premises, except that alcoholic liquor may be removed to a drinking establishment that has extended its premises into the event area in accordance with K.S.A. 41-2608, and amendments thereto.

(f) The boundary of any premises covered by a temporary permit shall be marked by a line of demarcation.

New Sec. 3. (a) All alcoholic liquor sold at an event covered by a temporary permit shall be dispensed only from original containers.

(b) An individual may carry an original container of alcoholic liquor onto the event premises with the approval of the temporary permit holder and under the following conditions:

(1) The temporary permit holder shall not store any such containers of alcoholic liquor on the event premises; and

(2) each individual carrying any such container onto the event premises shall remove such container when the individual exits the event premises.

New Sec. 4. Notwithstanding any other provisions of the Kansas liquor control act or the club and drinking establishment act to the contrary, any person or entity who is issued a temporary permit may provide samples of wine, beer and distilled spirits on the permit premises as follows:

(a) All wine, beer and spirits sampled shall come from the inventory of the temporary permit holder. Except as provided by paragraph (2), a person other than the temporary permit holder, or such permit holder's agent or employee, may not dispense or participate in the dispensing of alcoholic beverages under this section.



(b) A supplier's permit holder, or such permit holder's agent or employee, may provide samples of wine, beer and distilled spirits on the permit premises, and may open, touch or pour such alcoholic liquor, make a presentation, or answer questions at such sampling events. Any alcoholic liquor sampled under this subsection must be purchased from a retailer or the temporary permit holder on whose premises the sampling event is held.

(c) No charge of any sort may be made for a sample serving.

(d) A person may be served more than one sample. Samples may not be served to a minor. No samples may be removed from the permit premises.

(e) The act of providing samples to consumers shall be exempt from the requirement of holding a Kansas food service dealer license from the department of agriculture under the provisions of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 5. The provisions of beer and cereal malt beverage keg registration act, K.S.A. 41-2901 through 41-2906, and amendments thereto, shall not apply to retail sales of alcoholic liquor to temporary permit holders.

New Sec. 6. (a) The provisions of sections 1 through 5, and amendments thereto, shall be subject to the enforcement provisions of the Kansas liquor control act and the club and drinking establishment act and the rules and regulations adopted under such acts.

(b) The secretary of revenue may adopt rules and regulations for the administration and enforcement of sections 1 through 5, and amendments thereto.

(c) Those terms used in sections 1 through 5, and amendments thereto, that are defined in K.S.A. 41-102 or 41-2601, and amendments thereto, shall have the same meaning as such terms are defined in K.S.A. 41-102 or 41-2601, and amendments thereto, as the case may be.

New Sec. 7. Chambourcin, a complex red wine grape variety, is hereby designated as the official red wine grape of the state of Kansas.

New Sec. 8. Vignoles, a complex white wine grape variety, is hereby designated as the official white wine grape of the state of Kansas.

New Sec. 9. (a) Every express company or other common carrier that delivers any alcoholic liquors from outside the state for delivery in the state to consumers shall prepare and file monthly with the director of alcoholic beverage control a report of known alcoholic liquors shipped by such carrier. The report shall contain: (1) The name of the express company or other common carrier that delivers the alcoholic liquors; (2) the period of time covered by the report; (3) the name and business address of the consignor of such alcoholic liquors; (4) the weight of the package delivered to each consignee; (5) a unique tracking number; and (6)

the date of delivery. Except as provided for in subsection (d), all reports submitted pursuant to this subsection shall be open records available for public inspection in accordance with the open records act.

(b) Upon request by the director, any additional records supporting the report shall be made available to the director by any express company or other common carrier. Any records containing information relating to such reports shall be kept and preserved for a period of two years unless the destruction of such records is authorized in writing by the director.

(c) Any express company or other common carrier that willfully fails, neglects or refuses to file any report pursuant to subsection (a) shall be subject to a civil penalty of not more than \$500.

(d) If any of the reports required by subsection (a) include any information relating to the name or address of a consignee of any alcoholic liquors, such information shall be redacted from the reports that are made available for public inspection. The provisions of this subsection providing for the confidentiality of certain public records shall expire on July 1, 2024, unless the legislature reviews and reenacts such provisions in accordance with K.S.A. 45-229, and amendments thereto, prior to July 1, 2024.

(e) The provisions of this section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 10. K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

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

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

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

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

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

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

(g) “Director” means the director of alcoholic beverage control of the department of revenue.

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

(i) “Domestic beer” means beer which contains not more than 10% alcohol by weight and which is manufactured in this state.

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

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

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

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

(n) “Hard cider” means any alcoholic beverage that:

(1) Contains less than 8.5% alcohol by volume;

(2) has a carbonation level that does not exceed 6.4 grams per liter; and

(3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of correcting natural deficiencies.

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

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

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

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

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

(s) “Minor” means any person under 21 years of age.

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

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

(v) “Person” means any natural person, corporation, partnership, trust or association.

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

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

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

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

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

(aa) “Salesperson” means any natural person who:

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

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

(bb) “Sample” means a serving of alcoholic liquor that contains not more than: (1) One-half ounce of distilled spirits; (2) one ounce of wine; or (3) two ounces of beer or cereal malt beverage. A sample of a mixed alcoholic beverage shall contain not more than ½ ounce of distilled spirits.

(cc) “Secretary” means the secretary of revenue.

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

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

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

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

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

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

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

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

Sec. 11. K.S.A. 2018 Supp. 41-304 is hereby amended to read as follows: 41-304. Licenses issued by the director shall be of the following classes: (a) Manufacturer’s license; (b) spirits distributor’s license; (c) wine distributor’s license; (d) beer distributor’s license; (e) retailer’s license; (f) microbrewery license; (g) microdistillery license; (h) farm winery license; (i) *producer’s license*; and ~~(i)~~ (j) nonbeverage user’s license.

Sec. 12. K.S.A. 2018 Supp. 41-308a is hereby amended to read as follows: 41-308a. (a) A farm winery license shall allow:

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

(2) the sale of wine, manufactured by the licensee, to licensed wine distributors, retailers, public venues, clubs, drinking establishments, holders of temporary permits as authorized by ~~K.S.A. 41-2645~~ *section 1*, and amendments thereto, and caterers;

(3) *the manufacture for and sale of wine to holders of producer licenses as authorized by K.S.A. 2018 Supp. 41-355, and amendments thereto. Wine manufactured for a producer licensee shall be included in the farm winery licensee’s annual production for purposes of subsection (c). The label for any such wine manufactured by the farm winery licensee, as filed*

*with the alcohol and tobacco tax and trade bureau of the United States department of the treasury, may be owned by either the farm winery or the producer licensee for whom the wine was manufactured;*

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

~~(4)~~(5) the serving free of charge on the licensed premises and at special events, monitored and regulated by the division of alcoholic beverage control, of samples of wine manufactured by the licensee or imported under subsection (e), if the licensed premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments;

~~(5)~~(6) the sale of wine manufactured by the licensee for consumption on the licensed premises, provided, the licensed premises are located in a county where the sale of alcoholic liquor is permitted by law in licensed drinking establishments. Wine sold pursuant to this paragraph shall not be subject to the provisions of the club and drinking establishment act, K.S.A. 41-2601 et seq., and amendments thereto, and no drinking establishment license shall be required to make such sales;

~~(6)~~(7) if the licensee is also licensed as a club or drinking establishment, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establishment act;

~~(7)~~(8) if the licensee is also licensed as a caterer, the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the unlicensed premises as authorized by the club and drinking establishment act;

~~(8)~~(9) the sale and shipping, in the original unopened container, to consumers outside this state of wine manufactured by the licensee, provided that the licensee complies with applicable laws and rules and regulations of the jurisdiction to which the wine is shipped; and

~~(9)~~(10) the sale and shipping of wine within this state pursuant to a permit issued pursuant to K.S.A. 2018 Supp. 41-350, and amendments thereto.

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

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

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

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

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

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

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

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

(g) No farm winery or winery outlet shall:

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

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

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

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

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

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

Sec. 13. K.S.A. 2018 Supp. 41-310 is hereby amended to read as follows: 41-310. (a) At the time application is made to the director for a license of any class, the applicant shall pay the fee provided by this section.

(b) The fee for a manufacturer's license to manufacture alcohol and spirits shall be \$5,000.

(c) The fee for a manufacturer's license to manufacture beer and cereal malt beverage shall be:

(1) For 1 to 100 barrel daily capacity or any part thereof, \$400.

(2) For 100 to 150 barrel daily capacity, \$800.

(3) For 150 to 200 barrel daily capacity, \$1,400.

(4) For 200 to 300 barrel daily capacity, \$2,000.

(5) For 300 to 400 barrel daily capacity, \$2,600.

(6) For 400 to 500 barrel daily capacity, \$2,800.

(7) For 500 or more barrel daily capacity, \$3,200.

As used in this subsection, "daily capacity" means the average daily barrel production for the previous 12 months of manufacturing operation. If no basis for comparison exists, the licensee shall pay in advance for operation during the first term of the license a fee of \$2,000.

(d) The fee for a manufacturer's license to manufacture wine shall be \$1,000.

(e) (1) The fee for a microbrewery license, a microdistillery license or a farm winery license shall be \$500.

(2) The fee for a winery outlet license shall be \$100.

(3) The fee for a microbrewery packaging and warehousing facility license shall be \$200.

(4) The fee for a microdistillery packaging and warehousing facility license shall be \$200.



(f) The fee for a spirits distributor's license for the first and each additional distributing place of business operated in this state by the licensee and wholesaling and jobbing spirits shall be \$2,000.

(g) The fee for a wine distributor's license for the first and each additional distributing place of business operated in this state by the licensee and wholesaling and jobbing wine shall be \$2,000.

(h) The fee for a beer distributor's license, for the first and each additional wholesale distributing place of business operated in this state by the licensee and wholesaling or jobbing beer and cereal malt beverage shall be \$2,000.

(i) The fee for a nonbeverage user's license shall be:

- (1) For class 1, \$20.
- (2) For class 2, \$100.
- (3) For class 3, \$200.
- (4) For class 4, \$400.
- (5) For class 5, \$1,000.

(j) In addition to the license fees prescribed by subsections (b), (c), (d), (f), (g), (h) and (i):

(1) Any city in which the licensed premises are located may levy and collect a biennial occupation or license tax on the licensee in an amount not exceeding the amount of the license fee required to be paid under this act to obtain the license, but no city shall impose an occupation or privilege tax on the licensee in excess of that amount; and

(2) any township in which the licensed premises are located may levy and collect a biennial occupation or license tax on the licensee in an amount not exceeding the amount of the license fee required to be paid under this act to obtain the license, but no township shall impose an occupation or privilege tax on the licensee in excess of that amount; the township board of the township is authorized to fix and impose the tax and the tax shall be paid by the licensee to the township treasurer, who shall issue a receipt therefor to the licensee and shall cause the tax paid to be placed in the general fund of the township.

(k) The fee for a retailer's license shall be \$500.

(l) In addition to the license fee prescribed by subsection (k):

(1) Any city in which the licensed premises are located may levy and collect a biennial occupation or license tax on the licensee in an amount not less than \$200 nor more than \$600, but no other occupation or excise tax or license fee shall be levied by any city against or collected from the licensee; and

(2) any township in which the licensed premises are located may levy and collect a biennial occupation or license tax on the licensee in an amount not less than \$200 nor more than \$600; the township board of the township is authorized to fix and impose the tax and the tax shall be paid by the licensee to the township treasurer, who shall issue a receipt

therefor to the licensee and shall cause the tax paid to be placed in the general fund of the township.

(m) *The fee for a producer's license shall be \$200.*

(n) ~~The license term for a license shall commence on the date the license is issued by the director~~ *effective date as specified on the license* and shall end two years after that date. The director may, at the director's sole discretion and after examination of the circumstances, extend the license term of any license for not more than 30 days beyond the date such license would expire pursuant to this section. Any extension of the license term by the director pursuant to this section shall automatically extend the due date for payment by the licensee of any occupation or license tax levied by a city or township pursuant to this section by the same number of days the director has extended the license term.

Sec. 14. K.S.A. 2018 Supp. 41-316 is hereby amended to read as follows: 41-316. Licenses to manufacturers, distributors, microbreweries, microdistilleries, farm wineries, *producers* and nonbeverage users of alcoholic liquors shall be issued and renewed by the director to qualified applicants upon written application, receipt of bond properly executed and payment in advance of the state registration fee and the license fee.

Sec. 15. K.S.A. 2018 Supp. 41-317 is hereby amended to read as follows: 41-317. (a) Applications for all licenses under this act shall be completed and submitted to the director in a manner prescribed by the director. Each applicant shall submit an application fee of \$30 for each initial application and \$10 for each renewal application to defray the cost of processing the application.

(b) Each applicant shall submit to the division of alcoholic beverage control the full amount of the application fee and:

(1) The full amount of the license fee required to be paid for the kind of license specified in the application; or

(2) one-half of the full amount of the license fee required to be paid for the kind of license specified in the application.

(c) If the applicant elects to pay only one-half of the license fee pursuant to subsection (b)(2), the remaining one-half of the license fee plus 10% of such remaining balance shall be due and payable one year from the date of issuance of the license. Notwithstanding any other provision of law, failure to pay the full amount due under this subsection on the date it is due shall result in the automatic cancellation of such license for the remainder of the license term. The director may, at the director's sole discretion and after examination of the circumstances, extend the date payment is due pursuant to this subsection for not more than 30 days beyond the date such payment is originally due.

(d) Any license fee paid by an applicant shall be returned to the applicant if the application is denied.

(e) Payment of all fees required to be paid pursuant to this section may be made by personal, certified or cashier's check, United States post office money order, debit or credit card or cash, or by electronic payment authorized by the applicant in a manner prescribed by the director.

(f) All fees received by the director pursuant to this section shall be remitted by the director to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(g) Every applicant for a manufacturer's, distributor's, nonbeverage user's, microbrewery, microdistillery, farm winery, retailer's, *producer's* or special order shipping license shall file with the application a joint and several bond on a form prescribed by the director and executed by good and sufficient corporate sureties licensed to do business within the state of Kansas to the director, in the following amounts:

- (1) For a manufacturer, \$25,000;
- (2) for a spirits distributor, \$15,000 or an amount equal to the highest monthly liability of the distributor for taxes imposed by the Kansas liquor control act for any of the 12 months immediately prior to renewal of the distributor's license, whichever amount is greater;
- (3) for a beer or wine distributor, \$5,000 or an amount equal to the highest monthly liability of the distributor for taxes imposed by the Kansas liquor control act for any of the 12 months immediately prior to renewal of the distributor's license, whichever amount is greater;
- (4) for a retailer, \$2,000;
- (5) for nonbeverage users, \$200 for class 1, \$500 for class 2, \$1,000 for class 3, \$5,000 for class 4 and \$10,000 for class 5;
- (6) for a microbrewery, microdistillery or a farm winery, \$2,000; ~~and~~
- (7) ~~for a producer, \$500; and~~
- (8) for a winery holding a special order shipping license, \$750, unless the winery has already complied with subsection (g)(6).

If a distributor holds or applies for more than one distributor's license, only one bond for all such licenses shall be required, which bond shall be in an amount equal to the highest applicable bond.

(h) All bonds required by this section shall be conditioned on the licensee's compliance with the provisions of this act and payment of all taxes, fees, fines and forfeitures that may be assessed against the licensee.

Sec. 16. K.S.A. 2018 Supp. 41-319 is hereby amended to read as follows: 41-319. (a) Except as provided by subsection (b), within 30 days after an application is filed for a retailer's, microbrewery, microdistillery ~~or~~, farm winery license *or producer license* and within 20 days after an application is filed for a manufacturer's, distributor's or nonbeverage user's license, the director shall enter an order either denying or granting the license. If the

director does not enter an order within the time prescribed, the license applied for shall be deemed to have been denied. The director, with the written consent of the applicant for a license, may delay entering an order on an application for an additional period of not to exceed 30 days.

(b) In order to complete any national criminal history record check of an applicant who submitted any application after January 31, 2001, and if the applicant is not a resident of the state of Kansas on the date of submission of such application or has not been a resident for at least one year immediately preceding the date of submission of such application the director shall enter an order either denying or granting the license within 90 days after such application is filed. If the director does not enter an order within the time prescribed, the license applied for shall be deemed to have been denied. The director, with the written consent of the applicant for a license, may delay entering an order on an application for an additional period of not to exceed 30 days.

Sec. 17. K.S.A. 2018 Supp. 41-355 is hereby amended to read as follows: 41-355. (a) Any person engaged in business as a vineyard with not less than 100 vines of sound, ripe grapes or other type of agricultural producer with an annual harvest of 1,000 pounds of other sound, ripe fruits or berries or 100 pounds of honey may apply to the director for an annual vineyard permit and be issued up to two producer licenses.

(b) A producer license shall apply only to the premises described in the application and in the issued license.

(c) A vineyard permit producer license shall authorize the sale in the original, unopened container and the serving by the drink of wine on the premises specified in the permit license. A vineyard permit producer license also shall authorize the permit license holder to conduct wine tastings in accordance with K.S.A. 2018 Supp. 41-308d, and amendments thereto, on the premises specified in the permit license. All wine sold or served by the permit license holder shall be produced, in whole or in part, using sound, ripe grapes, fruits, berries or honey grown or produced by the permit license holder and, shall be manufactured by a farm winery and shall be purchased by the license holder from such farm winery.

(e)(d) Any wine not consumed on the premises shall be disposed of by the permit license holder or, prior to its removal from the property, securely re-sealed and placed in a tamper-proof, transparent bag which that is sealed in a manner that makes it visibly apparent if the bag is subsequently opened.

(d)(e) Permits issued under this section shall be valid for one year from the date of issuance. If the producer licensee is also licensed as a club or drinking establishment, the producer's license shall allow the sale of domestic wine, domestic fortified wine and other alcoholic liquor for consumption on the licensed premises as authorized by the club and drinking establish-

ment act. If the producer licensee is also licensed as a cereal malt beverage licensee, the producer's license shall allow the sale of cereal malt beverage and beer not exceeding 6% alcohol by volume for consumption on the licensed premises as authorized by the Kansas cereal malt beverage act.

~~(e) The annual fee for a vineyard permit shall be \$100.~~

(f) The officers, directors, shareholders or managers of a producer licensee shall meet the qualifications of K.S.A. 41-311(a), and amendments thereto.

~~(f)~~(g) (1) Each producer licensee shall maintain records of all sales made under the license, including sales of agricultural products to a farm winery and sales to consumers, and maintain records of all purchases of wine manufactured by such farm winery, for at least three years after the date of the sale or purchase.

(2) The records required by this subsection shall be available for inspection by the director, any agent or employee of the director, the secretary or any law enforcement officer.

(3) Each record of a sale or purchase required by this subsection shall be maintained on the premises specified in the license for at least 90 days after such sale or purchase.

(4) Any record of a sale or purchase required by this subsection may be stored electronically and maintained off the premises specified in the license after 90 days have passed since such sale or purchase.

(h) The secretary may adopt rules and regulations as necessary to implement the provisions of this section.

(i) (1) Nothing in this section shall be construed to prohibit a person from possessing alcoholic liquor or cereal malt beverage not purchased from the licensee on the premises licensed pursuant to this section.

(2) Nothing in this section shall prevent a licensee from adopting a policy prohibiting the possession of alcoholic liquor or cereal malt beverage not purchased from the licensee on the licensee's premises licensed pursuant to this section.

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

Sec. 18. K.S.A. 2018 Supp. 41-719 is hereby amended to read as follows: 41-719. (a) (1) Except as otherwise provided herein and in K.S.A. 8-1599, and amendments thereto, no person shall drink or consume alcoholic liquor on the public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways.

(2) Alcoholic liquor may be consumed ~~at a special event or catered event held~~ on public streets, alleys, roads, sidewalks or highways when:

(A) A temporary permit has been issued pursuant to ~~K.S.A. 41-2645~~ K.S.A. 41-2703, and amendments thereto, or section 1, and amendments thereto, for such ~~special an event or when the~~;

(B) *a caterer's licensee has provided the required notification for a catered event pursuant to K.S.A. 41-2643, and amendments thereto.* ~~Any special event; or~~

(C) *a public venue, hotel, hotel caterer, drinking establishment caterer or drinking establishment licensee has been authorized to extend its licensed premises pursuant to K.S.A. 41-2608, and amendments thereto.*

(3) *Consumption of alcoholic liquor on public streets, alleys, roads, sidewalks or highways must be approved, by ordinance or resolution, by the local governing body of any city, county or township where such special event is being held consumption will occur.* No alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways at any ~~special event or catered event time.~~

~~(3)(4)~~ No person shall remove any alcoholic liquor from inside the boundaries of ~~a special an event as designated by the governing body of any city, county or township, or from the boundaries of the~~ *a catered event or from the extended licensed premises of a public venue, hotel, hotel caterer, drinking establishment caterer or drinking establishment.* ~~The boundaries of a special event.~~ Such boundaries shall be clearly marked by signs, a posted map or other means which reasonably identify the area in which alcoholic liquor may be possessed or consumed ~~at such special event.~~

~~(4) No person shall possess or consume alcoholic liquor inside the premises licensed as a special event that was not sold or provided by the licensee holding the temporary permit for such special event.~~

(b) Alcoholic liquor may be consumed within common consumption areas designated by a city or county on public streets, alleys, roads, sidewalks or highways pursuant to K.S.A. 2018 Supp. 41-2659, and amendments thereto, except that no alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways within a common consumption area. Further, no person shall remove any alcoholic liquor from inside the boundaries of the common consumption area which shall be clearly designated by a physical barrier.

(c) No person shall drink or consume alcoholic liquor on private property except:

(1) On premises where the sale of liquor by the individual drink is authorized by the club and drinking establishment act;

(2) upon private property by a person occupying such property as an owner or lessee of an owner and by the guests of such person, if no charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(3) in a lodging room of any hotel, motel or boarding house by the person occupying such room and by the guests of such person, if no

charge is made for the serving or mixing of any drink or drinks of alcoholic liquor or for any substance mixed with any alcoholic liquor and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(4) in a private dining room of a hotel, motel or restaurant, if the dining room is rented or made available on a special occasion to an individual or organization for a private party and if no sale of alcoholic liquor in violation of K.S.A. 41-803, and amendments thereto, takes place;

(5) on the premises of a manufacturer, microbrewery, microdistillery or farm winery, if authorized by K.S.A. 41-305, 41-308a, 41-308b or K.S.A. 2018 Supp. 41-354, and amendments thereto;

(6) on the premises of an unlicensed business as authorized pursuant to subsection (j); or

(7) within a common consumption area established pursuant to K.S.A. 2018 Supp. 41-2659, and amendments thereto.

(d) No person shall drink or consume alcoholic liquor on public property except:

(1) On real property leased by a city to others under the provisions of K.S.A. 12-1740 through 12-1749, and amendments thereto, if such real property is actually being used for hotel or motel purposes or purposes incidental thereto.

(2) In any state-owned or operated building or structure, and on the surrounding premises, which is furnished to and occupied by any state officer or employee as a residence.

(3) On premises licensed as a club or drinking establishment and located on property owned or operated by an airport authority created pursuant to chapter 27 of the Kansas Statutes Annotated, and amendments thereto, or established by a city.

(4) On the state fair grounds on the day of any race held thereon pursuant to the Kansas parimutuel racing act.

(5) On the state fairgrounds, if: (A) The alcoholic liquor is domestic beer or wine or wine imported under K.S.A. 41-308a(e), and amendments thereto, and is consumed only for purposes of judging competitions; (B) the alcoholic liquor is wine or beer and is sold and consumed during the days of the Kansas state fair on premises leased by the state fair board to a person who holds a temporary permit issued pursuant to ~~K.S.A. 41-2645~~ K.S.A. 41-2703, and amendments thereto, or section 1, and amendments thereto, authorizing the sale and serving of such wine or beer, or both; or (C) the alcoholic liquor is consumed on nonfair days in conjunction with bona fide scheduled events involving not less than 75 invited guests and the state fair board, in its discretion, authorizes the consumption of the alcoholic liquor, subject to any conditions or restrictions the board may require.



(6) In the state historical museum provided for by K.S.A. 76-2036, and amendments thereto, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(7) On the premises of any state-owned historic site under the jurisdiction and supervision of the state historical society, on the surrounding premises and in any other building on such premises, as authorized by rules and regulations of the state historical society.

(8) In a lake resort within the meaning of K.S.A. 32-867, and amendments thereto, on state-owned or leased property.

(9) On the premises of any Kansas national guard regional training center or armory, and any building on such premises, as authorized by rules and regulations of the adjutant general and upon approval of the Kansas military board.

(10) On the premises of any land or waters owned or managed by the department of wildlife, parks and tourism, except as otherwise prohibited by rules and regulations of the department adopted by the secretary pursuant to K.S.A. 32-805, and amendments thereto.

(11) On property exempted from this subsection pursuant to subsection (e), (f), (g), (h) or (i).

(12) On the premises of the state capitol building or on its surrounding premises during an official state function of a nonpartisan nature that has been approved by the legislative coordinating council.

(13) On premises of a common consumption area established by K.S.A. 2018 Supp. 41-2659, and amendments thereto.

(e) Any city may exempt, by ordinance, from the provisions of subsection (d) specified property the title of which is vested in such city.

(f) The board of county commissioners of any county may exempt, by resolution, from the provisions of subsection (d) specified property the title of which is vested in such county.

(g) The state board of regents may exempt from the provisions of subsection (d) the Sternberg museum on the campus of Fort Hays state university, or other specified property which is under the control of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(h) The board of regents of Washburn university may exempt from the provisions of subsection (d) the Mulvane art center and the Bradbury Thompson alumni center on the campus of Washburn university, and other specified property the title of which is vested in such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(i) The board of trustees of a community college may exempt from the provisions of subsection (d) specified property which is under the con-



trol of such board and which is not used for classroom instruction, where alcoholic liquor may be consumed in accordance with policies adopted by such board.

(j) (1) An unlicensed business may authorize patrons or guests of such business to consume alcoholic liquor on the premises of such business provided:

(A) Such alcoholic liquor is in the personal possession of the patron and is not sold, offered for sale or given away by the owner of such business or any employees thereof;

(B) possession and consumption of alcoholic liquor shall not be authorized between the hours of 12 a.m. and 9 a.m.;

(C) the business, or any owner thereof, shall not have had a license issued under either the Kansas liquor control act or the club and drinking establishment act revoked for any reason; and

(D) no charge of any sort may be made by the business for the privilege of possessing or consuming alcoholic liquor on the premises, or for mere entry onto the premises.

(2) It shall be a violation of this section for any unlicensed business to authorize the possession or consumption of alcoholic liquor by a patron of such business when such authorization is not in accordance with the provisions of this subsection.

(3) For the purposes of this subsection, “patron” means a natural person who is a customer or guest of an unlicensed business.

(k) Violation of any provision of this section is a misdemeanor punishable by a fine of not less than \$50 or more than \$200 or by imprisonment for not more than six months, or both.

(l) For the purposes of this section: ~~(1) “Special event” means a picnic, bazaar, festival or other similar community gathering, which has been approved by the local governing body of any city, county or township; and~~

~~(2) —~~, “common consumption area” has the *same* meaning as *that term* is defined in K.S.A. 2018 Supp. 41-2659, and amendments thereto.

Sec. 19. K.S.A. 2018 Supp. 41-2601 is hereby amended to read as follows: 41-2601. As used in the club and drinking establishment act:

(a) The following terms shall have the meanings provided by K.S.A. 41-102, and amendments thereto: (1) “Alcoholic liquor”; (2) “director”; (3) “original package”; (4) “person”; (5) “sale”; and (6) “to sell.”

(b) “Beneficial interest” shall not include any interest a person may have as owner, operator, lessee or franchise holder of a licensed hotel or motel on the premises of which a club or drinking establishment is located.

(c) “Caterer” means an individual, partnership or corporation which sells alcoholic liquor by the individual drink, and provides services related to the serving thereof, on unlicensed premises which may be open to the

public, but does not include a holder of a temporary permit, selling alcoholic liquor in accordance with the terms of such permit.

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

(e) “Class A club” means a premises which is owned or leased by a corporation, partnership, business trust or association and which is operated thereby as a bona fide nonprofit social, fraternal or war veterans’ club, as determined by the director, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates (hereinafter referred to as members) and their families and guests accompanying them.

(f) “Class B club” means a premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

(g) “Club” means a class A or class B club.

(h) “Drinking establishment” means premises which may be open to the general public, where alcoholic liquor by the individual drink is sold. Drinking establishment includes a railway car.

(i) “Food” means any raw, cooked or processed edible substance or ingredient, other than alcoholic liquor or cereal malt beverage, used or intended for use or for sale, in whole or in part, for human consumption.

(j) “Food service establishment” has the meaning provided by K.S.A. 36-501, and amendments thereto.

(k) “Hotel” has the meaning provided by K.S.A. 36-501, and amendments thereto.

(l) “Individual drink” means a beverage containing alcoholic liquor or cereal malt beverage served to an individual for consumption by such individual or another individual, but which is not intended to be consumed by two or more individuals. The term “individual drink” includes beverages containing not more than: (1) Eight ounces of wine; (2) thirty-two ounces of beer or cereal malt beverage; or (3) four ounces of a single spirit or a combination of spirits.

(m) “Minibar” means a closed cabinet, whether nonrefrigerated or wholly or partially refrigerated, access to the interior of which is restricted by means of a locking device which requires the use of a key, magnetic card or similar device.

(n) “Minor” means a person under 21 years of age.

(o) “Morals charge” means a charge involving the sale of sexual relations; procuring any person; soliciting of a child under 18 years of age for any immoral act involving sex; possession or sale of narcotics, marijuana, amphetamines or barbiturates; rape; incest; gambling; illegal cohabitation; adultery; bigamy; or a crime against nature.

(p) “Municipal corporation” means the governing body of any county or city.

(q) “Public venue” means an arena, stadium, hall or theater, used primarily for athletic or sporting events, live concerts, live theatrical productions or similar seasonal entertainment events, not operated on a daily basis, and containing:

- (1) Not less than 4,000 permanent seats; and
- (2) not less than two private suites, which are enclosed or semi-enclosed seating areas, having controlled access and separated from the general admission areas by a permanent barrier.

(r) “Railway car” means a locomotive drawn conveyance used for the transportation and accommodation of human passengers that is confined to a fixed rail route and which derives from sales of food for consumption on the railway car not less than 30% of its gross receipts from all sales of food and beverages in a 12-month period.

(s) “Restaurant” means:

- (1) In the case of a club, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption on the licensed club premises not less than 50% of its gross receipts from all sales of food and beverages on such premises in a 12-month period;

- (2) in the case of a drinking establishment subject to a food sales requirement under K.S.A. 41-2642, and amendments thereto, a licensed food service establishment which, as determined by the director, derives from sales of food for consumption on the licensed drinking establishment premises not less than 30% of its gross receipts from all sales of food and beverages on such premises in a 12-month period; and

- (3) in the case of a drinking establishment subject to no food sales requirement under K.S.A. 41-2642, and amendments thereto, a licensed food service establishment.

(t) “RV resort” means premises where a place to park recreational vehicles, as defined in K.S.A. 75-1212, and amendments thereto, is offered for pay, primarily to transient guests, for overnight or longer use while such recreational vehicles are used as sleeping or living accommodations.

(u) “Sample” means a serving of alcoholic liquor ~~which~~ *that* contains not more than: (1) One-half ounce of distilled spirits; (2) one ounce of wine; or (3) two ounces of beer or cereal malt beverage. A sample of a mixed alcoholic beverage shall contain not more than ~~one-half~~ ½ ounce of distilled spirits.

(v) “Secretary” means the secretary of revenue.

(w) “Temporary permit” means a temporary permit issued pursuant to ~~K.S.A. 41-2645~~ *section 1*, and amendments thereto.

Sec. 20. K.S.A. 2018 Supp. 41-2608 is hereby amended to read as follows: 41-2608. (a) Any public venue, club or drinking establishment license issued pursuant to this act shall be for one particular premises which shall be stated in the application and in the license. Not more than

one premises licensed under the club and drinking establishment act shall exist at a single legal address.

(b) No license shall be issued for a public venue, club or drinking establishment unless the city, township or county zoning code allows a club or drinking establishment at that location.

(c) *The licensed premises of a license may be extend into a city, county or township street, alley, road, sidewalk or highway if: (1) Such street, alley, road, sidewalk or highway is closed to motor vehicle traffic by the governing body of such city, county or township at any time during which alcoholic liquor is to be sold or consumed; and (2) such extension has been approved by the city, county or township by ordinance or resolution that specifies the exact times during which alcoholic liquor may be sold or consumed on the street, alley, road, sidewalk or highway.*

Sec. 21. K.S.A. 2018 Supp. 41-2614 is hereby amended to read as follows: 41-2614. (a) Except as provided by subsection (c), no public venue, club or drinking establishment shall allow the serving, mixing or consumption of alcoholic liquor on its premises between the hours of 2:00 a.m. and 6:00 a.m. on any day.

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

(c) A hotel of which the entire premises are licensed as a drinking establishment or as a ~~drinking establishment/caterer establishment~~ *caterer establishment* may allow at any time the serving, mixing and consumption of alcoholic liquor and cereal malt beverage from a minibar in a guest room by guests registered to stay in such room, and guests of guests registered to stay in such room.

Sec. 22. K.S.A. 2018 Supp. 41-2622 is hereby amended to read as follows: 41-2622. (a) At the time application is made to the director for a license pursuant to the club and drinking establishment act, the applicant shall pay the following license fee in the manner provided by K.S.A. 41-2606, and amendments thereto:

(1) For a class A club which is a bona fide nonprofit fraternal or war veterans' club, as defined by rules and regulations of the secretary, \$500;

(2) for a class A club which is a bona fide nonprofit social club, as defined by rules and regulations of the secretary, and which has not more than 500 members, \$1,000;

(3) for a class A club which is a bona fide nonprofit social club, as defined by rules and regulations of the secretary, and which has more than 500 members, \$2,000;

(4) for a class B club, \$2,000;

(5) for a caterer, \$1,000;

(6) for a drinking establishment, \$2,000;

(7) for a hotel of which the entire premises are licensed as a drinking establishment, \$6,000;

(8) for a ~~drinking establishment/caterer~~ *establishment caterer*, \$3,000;

(9) for a ~~drinking establishment/caterer~~ *establishment caterer*, if the drinking establishment is a hotel of which the entire premises are licensed as a drinking establishment, \$7,000;

(10) for a public venue with a maximum capacity of not more than 10,000 persons, \$5,000;

(11) for a public venue with a maximum capacity of not more than 25,000 persons, \$7,500; and

(12) for a public venue with a maximum capacity exceeding 25,000 persons, \$10,000.

(b) In addition to the fee provided by subsection (a), any city where the licensed premises of a club or drinking establishment are located or, if such licensed premises are not located in a city, the board of county commissioners of the county where the licensed premises are located may levy and collect a biennial occupation or license tax from the licensee in an amount equal to not less than \$200 nor more than \$500.

(c) In addition to the fee provided by subsection (a), any city where the licensed premises of a public venue is located or, if such licensed premises is not located in a city, the board of county commissioners of the county where the licensed premises is located may levy and collect a biennial occupation or license tax from the licensee in an amount not more than \$1,000.

(d) No occupational or excise tax or license fee other than that authorized by subsection (b) or (c) shall be levied by any city or county against or collected from a licensed public venue, club or drinking establishment.

(e) The director shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Of each such deposit, 50% shall be credited to the state general fund, and the remaining 50% shall be credited to the other state fees fund of the Kansas department for aging and disability services. In addition to other purposes for which expenditures may be made from the other state fees fund of the Kansas department for aging and disability services, expenditures may be made by the secretary for aging and disability services for the purpose of implementing the powers and duties of the secretary under the provisions of K.S.A. 65-4006 and 65-4007, and amendments thereto.

Sec. 23. K.S.A. 2018 Supp. 41-2629 is hereby amended to read as follows: 41-2629. (a) A class B club, drinking establishment, public venue or caterer's license shall be issued for a term not to exceed two years ~~after issuance~~ *commencing on the effective date as specified on the license*,

except as otherwise provided by law, unless sooner suspended or revoked as provided in this act.

(b) The director may, at the director's sole discretion and after examination of the circumstances, extend the license term of any license for not more than 30 days beyond such date the license would expire pursuant to this section. Any extension of the license term by the director pursuant to this section shall automatically extend the due date for payment by the licensee of any occupation or license tax levied by a city or township pursuant to K.S.A. 41-2622, and amendments thereto, by the same number of days the director has extended the license term.

(c) A class B club, drinking establishment, public venue or caterer's license shall be purely a personal privilege and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. A class B club, drinking establishment, public venue or caterer's license shall not descend by the laws of testate or intestate devolution but shall cease or expire upon the death of the licensee subject to subsection (d).

(d) An executor, administrator or representative of the estate of any deceased holder of a class B club, drinking establishment, public venue or caterer's license, or the trustee of any insolvent or bankrupt class B club, drinking establishment, public venue or caterer's license may continue the licensee's business under order of the appropriate court and may exercise the privilege of the deceased, insolvent or bankrupt licensee after the death of such licensee or after such insolvency or bankruptcy until the expiration of such license, but in no case longer than one year after the death, insolvency or bankruptcy of such licensee.

(e) When the licensee pays the full amount of the license fee upon application and is prevented from operating under such license in accordance with the provisions of this act for the entire second year of the license term, a refund shall be made of one-half of the license fee paid by such licensee. The secretary shall adopt, in accordance with K.S.A. 41-210, and amendments thereto, rules and regulations providing for the authorization of refunds of one-half of the license fee paid when the licensee does not use such license for the entire second year of the license term as a result of the cancellation of the license upon the request of the licensee for voluntary reasons.

Sec. 24. K.S.A. 2018 Supp. 41-2637 is hereby amended to read as follows: 41-2637. (a) A license for a class A club shall allow the licensee to: (1) Offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by members and their families, and guests accompanying them; and (2) serve samples of alcoholic liquor free of charge for consumption by members and their families and guests accompanying them.

No charge of any sort may be made for a sample serving. ~~A person may be served no more than five samples per visit.~~ Samples may not be served to a minor. No samples may be removed from the licensed premises. No consideration shall be requested or required for entry onto the premises, participation in any event taking place on the premises or to remain on the premises.

(b) (1) Subject to the provisions of subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs which are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club which is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club which is a party to such agreement, alcoholic liquor for consumption on the licensed premises by such person and such person's family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

(c) A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 25. K.S.A. 2018 Supp. 41-2641 is hereby amended to read as follows: 41-2641. (a) A license for a class B club shall allow the licensee to: (1) Offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises by members of such club and guests accompanying them; and (2) serve samples of alcoholic liquor free of charge on the licensed premises for consumption by such members and their families and guests accompanying them.

No charge of any sort may be made for a sample serving. ~~A person may be served no more than five samples per visit.~~ Samples may not be served to a minor. No samples may be removed from the licensed premises. Providing samples is prohibited for any licensee who charges a cover charge or entry fee at any time during the business day. No consideration shall be requested or required for entry onto the premises, participation in any event taking place on the premises or to remain on the premises.

(b) (1) Subject to the provisions of subsection (b)(2), any two or more class A or class B clubs may permit, by an agreement filed with and approved by the director, the members of each such club to have access to all other clubs which are parties to such agreement. The privileges extended to the visiting members of other clubs under such an agreement shall be determined by the agreement and, if the agreement so provides, any club



which is a party to such agreement may sell, offer for sale and serve, to any person who is a member of another club which is a party to such agreement, alcoholic liquor for consumption on the licensed premises by such person and such person's family, and guests accompanying them.

(2) A class B club may enter into a reciprocal agreement authorized by subsection (b)(1) only if the class B club is a restaurant.

(c) Except as provided by subsection (d), an applicant for membership in a class B club shall, before becoming a member of such club:

(1) Be screened by the club for good moral character; and

(2) pay an annual membership fee of not less than \$10.

(d) Notwithstanding the membership fee requirement of subsection (c):

(1) Any class B club located on the premises of a hotel or RV resort may establish rules whereby a guest, who registered at the hotel or RV resort and who is not a resident of the county in which the club is located, may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and such temporary membership shall not be subject to the fee requirement of this section.

(2) Any class B club located on property which is owned or operated by a municipal airport authority and upon which consumption of alcoholic liquor is authorized by law may establish rules whereby an air traveler who is a holder of a current airline ticket may file application for temporary membership in such club for the day such air traveler's ticket is valid, and such temporary membership shall not be subject to the fee requirement of this section.

(3) Any class B club may establish rules whereby military personnel of the armed forces of the United States on temporary duty and housed at or near any military installation located within the exterior boundaries of the state of Kansas may file application for temporary membership in such club. The membership, if granted, shall be valid only for the period of the training, not to exceed 20 weeks. Any person wishing to make application for temporary membership in a class B club under this subsection (d)(3) shall present the temporary duty orders to the club. Temporary membership issued under this subsection (d)(3) shall not be subject to the fee requirements of this section.

(4) Any class B club may enter into a written agreement with a hotel or RV resort whereby a guest who is registered at the hotel or RV resort and who is not a resident of the county in which the club is located may file application for temporary membership in such club. The temporary membership, if granted, shall be valid only for the period of time that the guest is a bona fide registered guest at the hotel or RV resort and shall not be subject to the fee requirement of this section. A club may enter into a written agreement with a hotel or RV resort pursuant to this provision



only if: (A) The hotel or RV resort is located in the same county as the club; (B) there is no class B club located on the premises of the hotel or RV resort; and (C) no other club has entered into a written agreement with the hotel or RV resort pursuant to this section.

(5) Any class B club located in a racetrack facility where races with parimutuel wagering are conducted under the Kansas parimutuel racing act may establish rules whereby persons attending such races may file an application for temporary membership in such club for the day such person is attending such races, and such temporary membership shall not be subject to the fee requirement of this section.

(e) A licensee may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 26. K.S.A. 2018 Supp. 41-2642 is hereby amended to read as follows: 41-2642. (a) A license for a drinking establishment shall allow the licensee to offer for sale, sell and serve alcoholic liquor for consumption on the licensed premises which may be open to the public, and to serve samples of alcoholic liquor free of charge on licensed premises subject to the requirements of subsection (c), but only if such premises are located in a county where the qualified electors of the county:

(1) (A) Approved, by a majority vote of those voting thereon, the proposition to amend section 10 of article 15 of the constitution of the state of Kansas at the general election in November 1986; or (B) have approved a proposition to allow sales of alcoholic liquor by the individual drink in public places within the county at an election pursuant to K.S.A. 41-2646, and amendments thereto; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(b) A drinking establishment shall be required to derive from sales of food for consumption on the licensed premises not less than 30% of all the establishment's gross receipts from sales of food and beverages on such premises unless the licensed premises are located in a county where the qualified electors of the county:

(1) Have approved, at an election pursuant to K.S.A. 41-2646, and amendments thereto, a proposition to allow sales of alcoholic liquor by the individual drink in public places within the county without a requirement that any portion of their gross receipts be derived from the sale of food; and

(2) have not approved a proposition to prohibit such sales of alcoholic liquor in such places at a subsequent election pursuant to K.S.A. 41-2646, and amendments thereto.

(c) No charge of any sort may be made for a sample serving. ~~A person may be served no more than five samples per visit.~~ Samples may not be served to a minor. No samples may be removed from the licensed premises. Providing samples is prohibited for any licensee who charges a cover charge or entry fee at any time during the business day. No consideration shall be requested or required for entry onto the premises, participation in any event taking place on the premises or to remain on the premises.

(d) A drinking establishment shall specify in the application for a license or renewal of a license the premises to be licensed, which may include all premises which are in close proximity and are under the control of the applicant or licensee.

(e) Notwithstanding any other provision of law to the contrary, any hotel of which the entire premises are licensed as a drinking establishment or as a drinking establishment/caterer *establishment caterer* may sell alcoholic liquor or cereal malt beverage by means of minibars located in guest rooms of such hotel, subject to the following:

(1) The key, magnetic card or other device required to attain access to a minibar in a guest room shall be provided only to guests who are registered to stay in such room and who are 21 or more years of age;

(2) containers or packages of spirits or wine sold by means of a minibar shall hold not less than 50 nor more than 200 milliliters; and

(3) a minibar shall be restocked with alcoholic liquor or cereal malt beverage only during hours when the hotel is permitted to sell alcoholic liquor and cereal malt beverage as a drinking establishment.

(f) A drinking establishment may store on its premises wine sold to a customer for consumption at a later date on its premises in the unopened container. Such wine must be kept separate from all other alcohol stock and in a secure locked area separated by customer. Such wine shall not be removed from the licensed premises in its unopened condition.

Sec. 27. K.S.A. 41-2644 is hereby amended to read as follows: 41-2644. A license for a drinking establishment/caterer *establishment caterer* shall allow the licensee all the rights and privileges of a holder of a drinking establishment license and of a licensed caterer, subject to all provisions of law relating to such an establishment or caterer.

Sec. 28. K.S.A. 41-2648 is hereby amended to read as follows: 41-2648. (a) No drinking establishment license, caterer's license or temporary permit shall be effective before July 1, 1987.

(b) On and after July 1, 1987, the director may provide procedures whereby a license for a class B club issued before July 1, 1987, may be converted to a drinking establishment license or a drinking establishment/caterer *establishment caterer* license if all requirements of this act are met and the licensee pays that portion of the additional license fee, if any, attributable to the remaining unexpired license term.

Sec. 29. K.S.A. 2018 Supp. 41-2659 is hereby amended to read as follows: 41-2659. (a) (1) A city or a county may establish one or more common consumption areas within the limits of the city or within the unincorporated portion of the county, as applicable, by ordinance or resolution, respectively, and authorize the possession and consumption of alcoholic liquor within the common consumption area. The ordinance or resolution shall designate the boundaries of any common consumption area and prescribe the times during which alcoholic liquor may be consumed therein. The ordinance or resolution shall require that any public street or roadway that lies within a common consumption area shall be blocked from motorized traffic during the hours in which alcohol is consumed.

(2) The city or county shall immediately notify the director of the division of alcoholic beverage control of the establishment of a common consumption area and submit a copy of the ordinance or resolution along with such notice.

(b) A common consumption area permit shall allow the consumption of alcoholic liquor in any area designated by such permit. The director may issue common consumption area permits to the city or county or any one person who shall be a resident of Kansas or an organization that has its principal place of business in Kansas and that has been approved by the respective city or county, in accordance with rules and regulations adopted by the secretary of revenue.

(c) Applications for common consumption area permits shall be submitted to the director, subject to the following:

(1) A copy of any ordinance or resolution promulgated in accordance with subsection (a) shall accompany any application for a common consumption area permit.

(2) Each application shall be accompanied by a non-refundable permit fee of \$100. All permit fees collected by the director pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(3) A common consumption area permit shall be issued for a period of not to exceed one year. A common consumption area permit shall not be transferable or assignable.

(d) Any licensee immediately adjacent to, or located within a common consumption area may request that the licensee's licensed premises participate in the common consumption area for the duration of the common consumption area permit. Such a request shall be made upon forms prescribed by the director.

(e) (1) Any licensee who has requested and received permission to participate in the common consumption area may allow its legal patrons to remove alcoholic liquor purchased from the licensee into the premises

described by the common consumption area permit. All alcoholic beverages removed from a licensed premises in such fashion shall be served in a container that displays the licensee's trade name or logo or other identifying mark that is unique to the licensee.

(2) *In addition to their licensed premises, one or more licensees that have requested and received permission to participate in a common consumption area may offer for sale, sell and serve alcoholic liquor for consumption from one non-contiguous service area within the common consumption area, as designated and approved by the common consumption area permit holder. The licensee shall prominently display a copy of its drinking establishment license and the approval of the common consumption area permit holder at its non-contiguous service area.*

(f) (1) Each licensee within a common consumption area shall be liable for violations of all liquor laws governing the sale and consumption of alcoholic liquor that occur on the licensee's premises.

(2) Each common consumption area permit holder shall be liable for violations that occur off the licensee's premises, but within the common consumption area identified in the permit. No permit holder shall permit any person to remove any open container of alcoholic liquor from the boundaries of the common consumption area.

(g) For the purposes of this section, "common consumption area" shall mean a defined indoor or outdoor area not otherwise subject to a license issued pursuant to the Kansas liquor control act or the club and drinking establishment act where the possession and consumption of alcoholic liquor is allowed pursuant to a common consumption area permit. The boundaries of any common consumption area must be clearly marked using a physical barrier or any apparent line of demarcation.

(h) The secretary shall adopt rules and regulations to implement this section.

(i) This section shall be a part of and supplemental to the club and drinking establishment act.

Sec. 30. K.S.A. 2016 Supp. 41-102, as amended by section 4 of chapter 56 of the 2017 Session Laws of Kansas, K.S.A. 41-2644 and 41-2648 and K.S.A. 2018 Supp. 41-304, 41-308a, 41-310, 41-316, 41-317, 41-319, 41-347, 41-355, 41-719, 41-2601, 41-2608, 41-2614, 41-2622, 41-2629, 41-2637, 41-2641, 41-2642, 41-2645, 41-2657 and 41-2659 are hereby repealed.

Sec. 31. This act shall take effect and be in force from and after and its publication in the Kansas register.

Approved April 22, 2019.

Published in the *Kansas Register* May 2, 2019.

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## CHAPTER 58

## SENATE BILL No. 20

AN ACT concerning courts; relating to recognition of tribal court judgments; court fees and costs; judicial branch surcharge fund; procedures relating to criminal violations of cruelty to animals; amending K.S.A. 65-409 and K.S.A. 2018 Supp. 8-2107, 8-2110, 20-3021, 21-6412, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections.

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

New Section 1. (a) Pursuant to rules adopted by the supreme court, the district courts of this state shall extend full faith and credit to the orders, judgments and other judicial acts of the tribal courts of any federally recognized Indian tribe.

(b) In adopting rules under subsection (a), the supreme court shall only extend recognition to the judgments of tribal courts that grant full faith and credit to judgments of the courts of the state of Kansas.

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

(d) Nothing in this section shall be construed to be a waiver of the sovereign immunity of the state of Kansas or a waiver of the sovereign immunity of a federally recognized Indian tribe.

Sec. 2. K.S.A. 2018 Supp. 8-2107 is hereby amended to read as follows: 8-2107. (a) (1) Notwithstanding any other provisions of the uniform act regulating traffic on highways, when a person is stopped by a police officer for any of the offenses described in subsection (d) and such person is not immediately taken before a judge of the district court, the police officer may require the person stopped, subject to the provisions of subsection (c), to deposit with the officer a valid Kansas driver's license in exchange for a receipt therefor issued by such police officer, the form of which shall be approved by the division of vehicles. Such receipt shall be recognized as a valid temporary Kansas driver's license authorizing the operation of a motor vehicle by the person stopped until the date of the hearing stated on the receipt. The driver's license and a written copy of the notice to appear shall be delivered by the police officer to the court having jurisdiction of the offense charged as soon as reasonably possible. If the hearing on such charge is continued for any reason, the judge may note on the receipt the date to which such hearing has been continued and such receipt shall be recognized as a valid

temporary Kansas driver's license until such date, but in no event shall such receipt be recognized as a valid Kansas driver's license for a period longer than 30 days from the date set for the original hearing. Any person who has deposited a driver's license with a police officer under this subsection ~~(a)~~ shall have such license returned upon final determination of the charge against such person.

(2) In the event the person stopped deposits a valid Kansas driver's license with the police officer and fails to appear in the district court on the date set for appearance, or any continuance thereof, and in any event within 30 days from the date set for the original hearing, the court shall forward such person's driver's license to the division of vehicles with an appropriate explanation attached thereto. Upon receipt of such person's driver's license, the division shall suspend such person's privilege to operate a motor vehicle in this state until such person appears before the court having jurisdiction of the offense charged, the court makes a final disposition thereof and notice of such disposition is given by the court to the division. No new or replacement license shall be issued to any such person until such notice of disposition has been received by the division. The provisions of K.S.A. 8-256, and amendments thereto, limiting the suspension of a license to one year, shall not apply to suspensions for failure to appear as provided in this subsection ~~(a)~~.

(b) No person shall apply for a replacement or new driver's license prior to the return of such person's original license which has been deposited in lieu of bond under this section. Violation of this subsection ~~(b)~~ is a class C misdemeanor. The division may suspend such person's driver's license for a period of not to exceed one year from the date the division receives notice of the disposition of the person's charge as provided in subsection (a).

(c) (1) In lieu of depositing a valid Kansas driver's license with the stopping police officer as provided in subsection (a), the person stopped may elect to give bond in the amount specified in subsection (d) for the offense for which the person was stopped. When such person does not have a valid Kansas driver's license, such person shall give such bond. Such bond shall be subject to forfeiture if the person stopped does not appear at the court and at the time specified in the written notice provided for in K.S.A. 8-2106, and amendments thereto.

(2) Such bond may be a cash bond, a bank card draft from any valid and unexpired credit card approved by the division of vehicles or superintendent of the Kansas highway patrol or a guaranteed arrest bond certificate issued by either a surety company authorized to transact such business in this state or an automobile club authorized to transact business in this state by the commissioner of insurance. If any of the approved bank card issuers redeem the bank card draft at a discounted rate, such

discount shall be charged against the amount designated as the fine for the offense. If such bond is not forfeited, the amount of the bond less the discount rate shall be reimbursed to the person providing the bond by the use of a bank card draft. Any such guaranteed arrest bond certificate shall be signed by the person to whom it is issued and shall contain a printed statement that such surety company or automobile club guarantees the appearance of such person and will, in the event of failure of such person to appear in court at the time of trial, pay any fine or forfeiture imposed on such person not to exceed an amount to be stated on such certificate.

(3) Such cash bond shall be taken in the following manner: The police officer shall furnish the person stopped a stamped envelope addressed to the judge or clerk of the court named in the written notice to appear and the person shall place in such envelope the amount of the bond, and in the presence of the police officer shall deposit the same in the United States mail. After such cash payment, the person stopped need not sign the written notice to appear, but the police officer shall note the amount of the bond mailed on the notice to appear form and shall give a copy of such form to the person. If the person stopped furnishes the police officer with a guaranteed arrest bond certificate or bank card draft, the police officer shall give such person a receipt therefor and shall note the amount of the bond on the notice to appear form and give a copy of such form to the person stopped. Such person need not sign the written notice to appear, and the police officer shall present the notice to appear and the guaranteed arrest bond certificate or bank card draft to the court having jurisdiction of the offense charged as soon as reasonably possible.

(d) The offenses for which appearance bonds may be required as provided in subsection (c) and the amounts thereof shall be as follows:

On and after July 1, 1996:	
Reckless driving.....	\$82
Driving when privilege is canceled, suspended or revoked .....	82
Failure to comply with lawful order of officer .....	57
Registration violation (registered for 12,000 pounds	
or less) .....	52
Registration violation (registered for more than 12,000	
pounds).....	92
No driver's license for the class of vehicle operated or	
violation of restrictions .....	52
Spilling load on highway .....	52
Transporting open container of alcoholic liquor or cereal malt	
beverage accessible while vehicle in motion .....	223

(e) In the event of forfeiture of any bond under this section, \$75 of the amount forfeited shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.



(f) None of the provisions of this section shall be construed to conflict with the provisions of the nonresident violator compact.

(g) When a person is stopped by a police officer for any traffic infraction and the person is a resident of a state which is not a member of the nonresident violator compact, K.S.A. 8-1219 et seq., and amendments thereto, or the person is licensed to drive under the laws of a foreign country, the police officer may require a bond as provided for under subsection (c). The bond shall be in the amount specified in the uniform fine schedule in K.S.A. 8-2118(c), and amendments thereto, plus \$75 which shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.

(h) When a person is stopped by a police officer for failure to provide proof of financial security pursuant to K.S.A. 40-3104, and amendments thereto, and the person is a resident of another state or the person is licensed to drive under the laws of a foreign country, the police officer may require a bond as provided for under subsection (c). The bond shall be in the amount of \$75, plus \$75 which shall be regarded as a docket fee in any court having jurisdiction over the violation of state law.

(i) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2017, through June 30, 2019, On and after July 1, 2019, through June 30, 2025,~~ the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

Sec. 3. K.S.A. 2018 Supp. 8-2110 is hereby amended to read as follows: 8-2110. (a) Failure to comply with a traffic citation means failure either to: (1) Appear before any district or municipal court in response to a traffic citation and pay in full any fine and court costs imposed; or (2) otherwise comply with a traffic citation as provided in K.S.A. 8-2118, and amendments thereto. Failure to comply with a traffic citation is a misdemeanor, regardless of the disposition of the charge for which such citation was originally issued.

(b) (1) In addition to penalties of law applicable under subsection (a), when a person fails to comply with a traffic citation, except for illegal parking, standing or stopping, the district or municipal court in which the person should have complied with the citation shall mail notice to the person that if the person does not appear in district or municipal court or pay all fines, court costs and any penalties within 30 days from the date of mailing notice, the division of vehicles will be notified to suspend the person's driving privileges. The district or municipal court may charge an additional fee of \$5 for mailing such notice. Upon the person's failure to comply



within such 30 days of mailing notice, the district or municipal court shall electronically notify the division of vehicles. Upon receipt of a report of a failure to comply with a traffic citation under this subsection, pursuant to K.S.A. 8-255, and amendments thereto, the division of vehicles shall notify the violator and suspend the license of the violator until satisfactory evidence of compliance with the terms of the traffic citation has been furnished to the informing court. When the court determines the person has complied with the terms of the traffic citation, the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension or suspension action.

(2) (A) In lieu of suspension under paragraph (1), the driver may submit to the division of vehicles a written request for restricted driving privileges, with a non-refundable \$25 application fee, to be applied by the division of vehicles for additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees 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 division of vehicles operating fund.

(B) A person whose driver's license has expired during the period when such person's driver's license has been suspended for failure to pay fines for traffic citations, the driver may submit to the division of vehicles a written request for restricted driving privileges, with a non-refundable \$25 application fee, to be applied by the division of vehicles for additional administrative costs to implement restricted driving privileges. The division shall remit all restricted driving privilege application fees 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 division of vehicles operating fund. An individual shall not qualify for restricted driving privileges pursuant to this section unless the following conditions are met: (i) The suspended license that expired was issued by the division of vehicles; (ii) the suspended license resulted from the individual's failure to comply with a traffic citation pursuant to subsection (b)(1); (iii) the traffic citation that resulted in the failure to comply pursuant to subsection (b)(1) was issued in this state; and (iv) the individual has not previously received a stayed suspension as a result of a driving while suspended conviction.

(C) Upon review and approval of the driver's eligibility, the driving privileges will be restricted by the division of vehicles for a period up to one year or until the terms of the traffic citation have been complied with and the court shall immediately electronically notify the division of

vehicles of such compliance. If the driver fails to comply with the traffic citation within the one year restricted period, the driving privileges will be suspended by the division of vehicles until the court determines the person has complied with the terms of the traffic citation and the court shall immediately electronically notify the division of vehicles of such compliance. Upon receipt of notification of such compliance from the informing court, the division of vehicles shall terminate the suspension action. When restricted driving privileges are approved pursuant to this section, the person's driving privileges shall be restricted to driving only under the following circumstances: (i) In going to or returning from the person's place of employment or schooling; (ii) in the course of the person's employment; (iii) in going to or returning from an appointment with a health care provider or during a medical emergency; and (iv) in going to and returning from probation or parole meetings, drug or alcohol counseling or any place the person is required to go by a court.

~~(c)-(1) Prior to July 1, 2018, except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$50 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving privileges. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall remit all reinstatement fees 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 shall credit 42.37% of such moneys to the division of vehicles operating fund, 31.78% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, 10.59% to the juvenile alternatives to detention fund created by K.S.A. 79-4803, and amendments thereto, and 15.26% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2018 Supp. 20-1a15, and amendments thereto.~~

(2) On and after July 1, 2018, except as provided in subsection (d), when the district or municipal court notifies the division of vehicles of a failure to comply with a traffic citation pursuant to subsection (b), the court shall assess a reinstatement fee of \$100 for each charge on which the person failed to make satisfaction regardless of the disposition of the charge for which such citation was originally issued and regardless of any application for restricted driving privileges. Such reinstatement fee shall be in addition to any fine, restricted driving privilege application fee, district or municipal court costs and other penalties. The court shall

remit all reinstatement fees 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 shall credit the first \$15 of such reinstatement fee to the judicial branch nonjudicial salary adjustment fund and of the remaining amount, 29.41% of such moneys to the division of vehicles operating fund, 22.06% to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, 7.36% to the juvenile alternatives to detention fund created by K.S.A. 79-4803, and amendments thereto, and 41.17% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2018 Supp. 20-1a15, and amendments thereto.

(d) The district court or municipal court shall waive the reinstatement fee provided for in subsection (c), if the failure to comply with a traffic citation was the result of such person enlisting in or being drafted into the armed services of the United States, being called into service as a member of a reserve component of the military service of the United States, or volunteering for such active duty, or being called into service as a member of the state of Kansas national guard, or volunteering for such active duty, and being absent from Kansas because of such military service.

(e) Except as provided further, the reinstatement fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2017, through June 30, 2019,~~ *On and after July 1, 2019, through June 30, 2025*, the supreme court may impose an additional charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

Sec. 4. K.S.A. 2018 Supp. 20-3021 is hereby amended to read as follows: 20-3021. (a) (1) On and after July 1, 2014, any party filing an appeal with the court of appeals shall pay a fee in the amount of \$145 to the clerk of the supreme court.

(2) On and after July 1, 2014, any party filing an appeal with the supreme court shall pay a fee in the amount of \$145 to the clerk of the supreme court.

(b) A poverty affidavit may be filed in lieu of a fee as established in K.S.A. 60-2001, and amendments thereto.

(c) The fee shall be the only costs assessed in each case to services of the clerk of the supreme court. The clerk of the supreme court shall remit all revenues received from this section to the state treasurer, in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, for deposit in the state treasury. The fee shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

(d) Except as provided further, the fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2017, through June 30, 2019,~~ *On and after July 1, 2019, through June 30, 2025*, the supreme court may impose an additional charge, not to exceed \$10 per fee, to fund the costs of non-judicial personnel.

(e) The state of Kansas and all municipalities in this state, as defined in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying such fee.

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

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

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

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

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

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

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

(b) Cruelty to animals as defined in:

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

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

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

(B) nonperson felony upon the second or subsequent conviction of cruelty to animals as defined in subsection (a)(2), (a)(3), (a)(4) or (a)(5). Upon such conviction, a person shall be sentenced to not less than five days or

more than one year's imprisonment and be fined not less than \$500 nor more than \$2,500. The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the minimum mandatory sentence as provided herein.

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

(1) Normal or accepted veterinary practices;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) As used in this section:

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

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

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

Sec. 6. K.S.A. 2018 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. 2018 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, post-release 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. 2018 Supp. 21-5406, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(2) driving while the privilege to operate a motor vehicle on the public highways of this state has been canceled, suspended or revoked, as prohibited by K.S.A. 8-262, and amendments thereto, or as prohibited by any law of another state which is in substantial conformity with that statute;

(3) perjury resulting from a violation of K.S.A. 8-261a, and amendments thereto, or resulting from the violation of a law of another state which is in substantial conformity with that statute;

(4) violating the provisions of K.S.A. 8-142 *Fifth*, and amendments thereto, relating to fraudulent applications or violating the provisions of a law of another state which 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. ~~8-1602~~, 8-1603, prior to its repeal, or K.S.A. ~~8-1602~~ or 8-1604, and amendments thereto, or required by a law of another state which 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. 2018 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. 2018 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. 2018 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. 2018 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. 2018 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. 2018 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. 2018 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. 2018 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. 2018 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. 2018 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. 2018 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. 2018 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. 2018 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. 2018 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. 2018 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. 2018 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. 2018 Supp. 21-5505, and amendments thereto;

(18) a violation of K.S.A. 8-2,144, and amendments thereto, including any diversion for such violation; or

(19) any conviction for any offense in effect at any time prior to July 1, 2011, that is comparable to any offense as provided in this subsection.

(f) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.

(g) (1) When a petition for expungement is filed, the court shall set a date for a hearing of such petition and shall cause notice of such hearing to be given to the prosecutor and the arresting law enforcement agency. The petition shall state the:

(A) Defendant's full name;

(B) full name of the defendant at the time of arrest, conviction or diversion, if different than the defendant's current name;

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

(D) crime for which the defendant was arrested, convicted or diverted;

(E) date of the defendant's arrest, conviction or diversion; and

(F) identity of the convicting court, arresting law enforcement authority or diverting authority.

(2) Except as otherwise provided by law, a petition for expungement shall be accompanied by a docket fee in the amount of \$176. ~~On and after July 1, 2017, through June 30, 2019, On and after July 1, 2019, through June 30, 2025,~~ the supreme court may impose a charge, not to exceed \$19 per case, to fund the costs of non-judicial personnel. The charge established in this section shall be the only fee collected or moneys in the nature of a fee collected for the case. Such charge shall only be established

by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

(3) All petitions for expungement shall be docketed in the original criminal action. Any person who may have relevant information about the petitioner may testify at the hearing. The court may inquire into the background of the petitioner and shall have access to any reports or records relating to the petitioner that are on file with the secretary of corrections or the prisoner review board.

(h) At the hearing on the petition, the court shall order the petitioner's arrest record, conviction or diversion expunged if the court finds that:

(1) The petitioner has not been convicted of a felony in the past two years and no proceeding involving any such crime is presently pending or being instituted against the petitioner;

(2) the circumstances and behavior of the petitioner warrant the expungement; and

(3) the expungement is consistent with the public welfare.

(i) When the court has ordered an arrest record, conviction or diversion expunged, the order of expungement shall state the information required to be contained in the petition. The clerk of the court shall send a certified copy of the order of expungement to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which 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. 2018 Supp. 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;

(K) ~~for applications received on and after July 1, 2006,~~ to aid in determining the petitioner's qualifications for a license to carry a concealed weapon pursuant to the personal and family protection act, K.S.A. 2018 Supp. 75-7c01 et seq., and amendments thereto; or

(L) ~~for applications received on and after July 1, 2017,~~ to aid in determining the petitioner's qualifications for a license to act as a bail enforcement agent pursuant to K.S.A. 2018 Supp. 75-7e01 through 75-7e09 and K.S.A. 2018 Supp. 50-6,141, and amendments thereto;

(3) the court, in the order of expungement, may specify other circumstances under which the conviction is to be disclosed;

(4) the conviction may be disclosed in a subsequent prosecution for an offense which requires as an element of such offense a prior conviction of the type expunged; and

(5) upon commitment to the custody of the secretary of corrections, any previously expunged record in the possession of the secretary of corrections may be reinstated and the expungement disregarded, and the record continued for the purpose of the new commitment.

(j) Whenever a person is convicted of a crime, pleads guilty and pays a fine for a crime, is placed on parole, postrelease supervision or probation, is assigned to a community correctional services program, is granted a suspended sentence or is released on conditional release, the person shall be informed of the ability to expunge the arrest records or conviction. Whenever a person enters into a diversion agreement, the person shall be informed of the ability to expunge the diversion.

(k) (1) Subject to the disclosures required pursuant to subsection (i), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records, conviction or diversion of a crime has been expunged under this statute may state that such person has never been arrested, convicted or diverted of such crime.

(2) Notwithstanding the provisions of subsection (k)(1), and except as provided in K.S.A. 2018 Supp. 21-6304(a)(3)(A), and amendments thereto, the expungement of a prior felony conviction does not relieve the individual of complying with any state or federal law relating to the use, shipment, transportation, receipt or possession of firearms by persons previously convicted of a felony.

(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) the attorney general and the request is accompanied by a statement that the request is being made to aid in determining qualifications for a license to:

(A) Carry a concealed weapon pursuant to the personal and family protection act; or

(B) act as a bail enforcement agent pursuant to K.S.A. 2018 Supp. 75-7e01 through 75-7e09 and K.S.A. 2018 Supp. 50-6,141, and amendments thereto; or

(17) the Kansas bureau of investigation for the purposes of:

(A) Completing a person's criminal history record information within the central repository, in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(B) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(m) The provisions of subsection (l)(17) shall apply to records created prior to, on and after July 1, 2011.

Sec. 7. K.S.A. 2018 Supp. 22-2410 is hereby amended to read as follows: 22-2410. (a) (1) Any person who has been arrested in this state may petition the district court for the expungement of such arrest record.

(2) (A) If a person has been arrested in this state as a result of mistaken identity or as a result of another person using the identifying information of the named person, and the charge against the named person is dismissed or not prosecuted, the prosecuting attorney or other judicial officer who ordered the dismissal or declined to prosecute shall provide notice to the court of such action and petition the district court for the expungement of such arrest record, and the court shall order the arrest record and subsequent court proceedings, if any, expunged and purged from all applicable state and federal systems pursuant to subsection (d).

(B) For purposes of this section, the term "mistaken identity" means the erroneous arrest of a person for a crime as a result of misidentification by a witness or law enforcement, confusion on the part of a witness or law enforcement as to the identity of the person who committed the crime, misinformation provided to law enforcement as to the identity of the person who committed the crime or some other mistake on the part of a witness or law enforcement as to the identity of the person who committed the crime. "Mistaken identity" shall not include any situation in which an arrestee intentionally provides false information to law enforcement officials in an attempt to conceal such person's identity.

(b) (1) When a petition for expungement is filed pursuant to subsection (a)(1), the court shall set a date for hearing on such petition and shall cause notice of such hearing to be given to the prosecuting attorney and the arresting law enforcement agency. 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.

(2) When a petition for expungement is filed pursuant to subsection (a)(1) or (a)(2), the official court file shall be separated from the other records of the court, and shall be disclosed only to a judge of the court and members of the staff of the court designated by a judge of the district court, the prosecuting attorney, the arresting law enforcement agency, or any other person when authorized by a court order, subject to any conditions imposed by the order.

(3) (A) Except as otherwise provided by law, a petition for expungement pursuant to subsection (a)(1) shall be accompanied by a docket fee in the amount of \$176. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2017, through June 30, 2019, On and after July 1, 2019, through June 30, 2025,~~ the supreme court may impose an additional charge, not to exceed \$19 per docket fee, to fund the costs of non-judicial personnel.

(B) No surcharge or fee shall be imposed to any person filing a petition pursuant to subsection (a)(1), who was arrested as a result of being a victim of identity theft under K.S.A. 21-4018, prior to its repeal, or K.S.A. 2018 Supp. 21-6107(a), and amendments thereto, or who has had criminal charges dismissed because a court has found that there was no probable cause for the arrest, the petitioner was found not guilty in court proceedings or the charges have been dismissed.

(4) The petition filed pursuant to subsection (a)(1) or (a)(2) shall state:

- (A) The petitioner's full name;
- (B) the full name of the petitioner at the time of arrest, if different than the petitioner's current name;
- (C) the petitioner's sex, race and date of birth;
- (D) the crime for which the petitioner was arrested;
- (E) the date of the petitioner's arrest; and
- (F) the identity of the arresting law enforcement agency.

(c) At the hearing on a petition for expungement pursuant to subsection (a)(1), the court shall order the arrest record and subsequent court proceedings, if any, expunged upon finding: (1) The arrest occurred because of mistaken identity;

(2) a court has found that there was no probable cause for the arrest;

(3) the petitioner was found not guilty in court proceedings; or

(4) the expungement would be in the best interests of justice and: (A) Charges have been dismissed; or (B) no charges have been or are likely to be filed.



(d)(1) When the court has ordered expungement of an arrest record and subsequent court proceedings, if any, on a petition for expungement pursuant to subsection (a)(1), the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (c). The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation which shall notify the federal bureau of investigation, the secretary of corrections and any other criminal justice agency which may have a record of the arrest. 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. If an order of expungement is entered, the petitioner pursuant to subsection (a)(1) shall be treated as not having been arrested.

(2) When the court has ordered expungement of arrest records on a petition for expungement pursuant to subsection (a)(2), the order shall state the information required to be stated in the petition and shall state the grounds for expungement under subsection (a)(2). The order shall also direct the Kansas bureau of investigation to purge the arrest information from the criminal justice information system central repository and all applicable state and federal databases. The clerk of the court shall send a certified copy of the order to the Kansas bureau of investigation, which shall carry out the order and 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. If an order of expungement is entered, the person eligible for mandatory expungement pursuant to subsection (a)(2) shall be treated as not having been arrested.

(e) If the ground for expungement is as provided in subsection (c)(4), the court shall determine whether, in the interests of public welfare, the records should be available for any of the following purposes:

(1) In any application for employment as a detective with a private detective agency, as defined in 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;

(2) in any application for admission, or for an order of reinstatement, to the practice of law in this state;

(3) 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;

(4) to aid in determining the petitioner's qualifications for executive director of the Kansas racing commission, for employment with the com-

mission 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;

(5) in any application for a commercial driver's license under K.S.A. 8-2,125 through 8-2,142, and amendments thereto;

(6) to aid in determining the petitioner's qualifications to be an employee of the state gaming agency;

(7) 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; or

(8) in any other circumstances which the court deems appropriate.

(f) The court shall make all expunged records and related information in such court's possession, created prior to, on and after July 1, 2011, available to the Kansas bureau of investigation for the purposes of:

(1) Completing a person's criminal history record information within the central repository in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(2) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(g) Subject to any disclosures required under subsection (e), in any application for employment, license or other civil right or privilege, or any appearance as a witness, a person whose arrest records have been expunged as provided in this section may state that such person has never been arrested.

(h) Whenever a person's arrest records have been expunged as provided in this section, the custodian of the records of arrest, incarceration due to arrest or court proceedings related to the arrest, shall not disclose the arrest or any information related to the arrest, except as directed by the order of expungement or when requested by the person whose arrest record was expunged.

(i) The docket fee collected at the time the petition for expungement is filed pursuant to subsection (a)(1) shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

Sec. 8. K.S.A. 2018 Supp. 23-2510 is hereby amended to read as follows: 23-2510. (a) The judge or clerk of the district court shall collect from the applicant for a marriage license a fee of \$59.

(b) The clerk of the court shall remit all fees prescribed by this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury. Of each remittance, the state treasurer shall credit 38.98% to the protection from abuse fund, 15.19% to the family and children trust account of the fami-

ly and children investment fund created by K.S.A. 38-1808, and amendments thereto, 16.95% to the crime victims assistance fund created by K.S.A. 74-7334, and amendments thereto, 15.25% to the judicial branch nonjudicial salary adjustment fund created by K.S.A. 2018 Supp. 20-1a15, and amendments thereto, and the remainder to the state general fund.

(c) Except as provided further, the marriage license fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for a marriage license. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2017, through June 30, 2019,~~ *On and after July 1, 2019, through June 30, 2025*, the supreme court may impose an additional charge, not to exceed \$26.50 per marriage license fee, to fund the costs of non-judicial personnel.

Sec. 9. K.S.A. 2018 Supp. 28-170 is hereby amended to read as follows: 28-170. (a) The docket fee prescribed by K.S.A. 60-2001, and amendments thereto, and the fees for service of process, shall be the only costs assessed for services of the clerk of the district court and the sheriff in any case filed under chapter 60 or chapter 61 of the Kansas Statutes Annotated, and amendments thereto, except that no fee shall be charged for an action filed under K.S.A. 60-3101 et seq., and under K.S.A. 60-31a01 et seq., and amendments thereto. For services in other matters in which no other fee is prescribed by statute, the following fees shall be charged and collected by the clerk. Only one fee shall be charged for each bond, lien or judgment:

1. For filing, entering and releasing a bond, mechanic's lien, notice of intent to perform, personal property tax judgment or any judgment on which execution process cannot be issued .....\$14
2. For filing, entering and releasing a judgment of a court of this state on which execution or other process can be issued ..... \$24
3. For a certificate, or for copying or certifying any paper or writ, such fee as shall be prescribed by the district court.

(b) The fees for entries, certificates and other papers required in naturalization cases shall be those prescribed by the federal government and, when collected, shall be disbursed as prescribed by the federal government. The clerk of the court shall remit to the state treasurer at least monthly all moneys received from fees prescribed by subsection (a) or (b) or received for any services performed which may be required by law. The state treasurer shall deposit the remittance in the state treasury and credit the entire amount to the state general fund.

(c) In actions pursuant to the revised Kansas code for care of children, K.S.A. 2018 Supp. 38-2201 et seq., and amendments thereto, the revised Kansas juvenile justice code, K.S.A. 2018 Supp. 38-2301 et seq., and amendments thereto, the act for treatment of alcoholism, K.S.A. 65-4001 et seq.,

and amendments thereto, the act for treatment of drug abuse, K.S.A. 65-5201 et seq., and amendments thereto, or the care and treatment act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments thereto, the clerk shall charge an additional fee of \$1 which shall be deducted from the docket fee and credited to the prosecuting attorneys' training fund as provided in K.S.A. 28-170a, and amendments thereto.

(d) Except as provided further, the bond, lien or judgment fee established in subsection (a) shall be the only fee collected or moneys in the nature of a fee collected for such bond, lien or judgment. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2017, through June 30, 2019,~~ *On and after July 1, 2019, through June 30, 2025,* the supreme court may impose an additional charge, not to exceed \$22 per bond, lien or judgment fee, to fund the costs of non-judicial personnel.

Sec. 10. K.S.A. 2018 Supp. 28-172a is hereby amended to read as follows: 28-172a. (a) Except as otherwise provided in this section, whenever the prosecuting witness or defendant is adjudged to pay the costs in a criminal proceeding in any county, a docket fee shall be taxed as follows; ~~on and after July 1, 2013:~~

Murder or manslaughter.....	\$180.50
Other felony.....	171.00
Misdemeanor.....	136.00
Forfeited recognizance .....	72.50
Appeals from other courts .....	72.50

(b) (1) Except as provided in paragraph (2), in actions involving the violation of any of the laws of this state regulating traffic on highways, including those listed in K.S.A. 8-2118(c), and amendments thereto, a cigarette or tobacco infraction, any act declared a crime pursuant to the statutes contained in chapter 32 of the Kansas Statutes Annotated, and amendments thereto, or any act declared a crime pursuant to the statutes contained in article 8 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, ~~on and after July 1, 2014,~~ a docket fee of \$86 shall be charged. When an action is disposed of under K.S.A. 8-2118(a) and (b), or K.S.A. 79-3393(f), and amendments thereto, ~~on and after July 1, 2014,~~ the docket fee to be paid as court costs shall be \$86.

(2) In actions involving the violation of a moving traffic violation under K.S.A. 8-2118, and amendments thereto, as defined by rules and regulations adopted under K.S.A. 8-249, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, ~~on and after July 1, 2014,~~ a docket fee of \$86 shall be charged. When an action is disposed of under K.S.A. 8-2118(a) and (b), and amend-

ments thereto, ~~on and after July 1, 2014,~~ the docket fee to be paid as court costs shall be \$86.

(c) If a conviction is on more than one count, the docket fee shall be the highest one applicable to any one of the counts. The prosecuting witness or defendant, if assessed the costs, shall pay only one fee. Multiple defendants shall each pay one fee.

(d) Statutory charges made pursuant to the provisions of K.S.A. 20-362, and amendments thereto, shall be paid from the docket fee; the family violence and child abuse and neglect assistance and prevention fund fee shall be paid from criminal proceedings docket fees. All other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Additional fees shall include, but are not limited to, fees for Kansas bureau of investigation forensic or laboratory analyses, fees for detention facility processing pursuant to K.S.A. 12-16,119, and amendments thereto, fees for the sexual assault evidence collection kit, fees for conducting an examination of a sexual assault victim, fees for service of process outside the state, witness fees, fees for transcripts and depositions, costs from other courts, doctors' fees and examination and evaluation fees. No sheriff in this state shall charge any district court of this state a fee or mileage for serving any paper or process.

(e) In each case charging a violation of the laws relating to parking of motor vehicles on the statehouse grounds or other state-owned or operated property in Shawnee county, Kansas, as specified in K.S.A. 75-4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and amendments thereto, the clerk shall tax a fee of \$2 which shall constitute the entire costs in the case, except that witness fees, mileage and expenses incurred in serving a warrant shall be in addition to the fee. Appearance bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amendments thereto, shall be \$3, unless a warrant is issued. The judge may order the bond forfeited upon the defendant's failure to appear, and \$2 of any bond so forfeited shall be regarded as court costs.

(f) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2017, through June 30, 2019,~~ *On and after July 1, 2019, through June 30, 2025,* the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

Sec. 11. K.S.A. 2018 Supp. 28-177 is hereby amended to read as follows: 28-177. (a) Except as provided in this section and K.S.A. 2018 Supp. 28-178, and amendments thereto, the fees established by legislative enactment shall be the only fee collected or moneys in the nature of a fee

collected for court procedures. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. Court procedures shall include docket fees, filing fees or other fees related to access to court procedures. ~~On and after July 1, 2017, through June 30, 2019,~~ *On and after July 1, 2019, through June 30, 2025,* the supreme court may impose an additional charge, not to exceed \$26.50 per fee or the amount established by the applicable statute, whichever amount is less, to fund the costs of non-judicial personnel.

(b) Such additional charge imposed by the court pursuant to K.S.A. 8-2107, 8-2110, 22-2410, 28-170, 28-172a, 59-104, 60-2001, 60-2203a, 61-2704, 61-4001 and 65-409 and K.S.A. 2018 Supp. 21-6614, 23-2510, 28-178, 28-179, 32-1049a, 38-2215, 38-2312 and 38-2314, and amendments thereto, 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 judicial branch docket fee fund, which is hereby created in the state treasury.

(c) Moneys credited to the judicial branch docket fee fund shall not be expended for compensation of judges or justices of the judicial branch.

(d) All expenditures from the judicial branch docket fee fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief justice of the Kansas supreme court or by a person or persons designated by the chief justice.

(e) Expenditures may be made from the judicial branch docket fee fund to provide services and programs for the purpose of educating and training judicial branch officers and employees, administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto, and for educating and training municipal judges and municipal court and support staff, including official hospitality. The judicial administrator is hereby authorized to fix, charge and collect fees for such services and programs. Such fees may be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality. All fees received for such purposes and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the judicial branch docket fee fund.

(f) On the effective date of this act:

(1) The director of accounts and reports shall transfer all moneys in the judicial branch surcharge fund to the judicial branch docket fee fund;

(2) all liabilities of the judicial branch surcharge fund existing prior to that date are hereby imposed on the judicial branch docket fee fund; and

(3) the judicial branch surcharge fund is hereby abolished.

Sec. 12. K.S.A. 2018 Supp. 28-178 is hereby amended to read as follows: 28-178. (a) In addition to any other fees specifically prescribed by law, ~~on and after July 1, 2017, through June 30, 2019, on and after July 1, 2019, through June 30, 2025,~~ the supreme court may impose a charge, not to exceed \$12.50 per fee, to fund the costs of non-judicial personnel, on the following:

(1) A person who requests an order or writ of execution pursuant to K.S.A. 60-2401 or 61-3602, and amendments thereto.

(2) Persons who request a hearing in aid of execution pursuant to K.S.A. 60-2419, and amendments thereto.

(3) A person requesting an order for garnishment pursuant to article 7 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, or article 35 of chapter 61 of the Kansas Statutes Annotated, and amendments thereto.

(4) Persons who request a writ or order of sale pursuant to K.S.A. 60-2401 or 61-3602, and amendments thereto.

(5) A person who requests a hearing in aid of execution pursuant to K.S.A. 61-3604, and amendments thereto.

(6) A person who requests an attachment against the property of a defendant or any one or more of several defendants pursuant to K.S.A. 60-701 or 61-3501, and amendments thereto.

(b) The clerk of the district court shall remit all revenues received from the fees imposed pursuant to subsection (a) 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 judicial branch docket fee fund.

(c) The fees established in this section shall be the only fee collected or moneys in the nature of a fee collected for such court procedures. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

Sec. 13. K.S.A. 2018 Supp. 28-179 is hereby amended to read as follows: 28-179. (a) No post-decree motion petitioning for a modification or termination of separate maintenance, for a change in legal custody, residency, visitation rights or parenting time or for a modification of child support shall be filed or docketed in the district court without payment of a docket fee in the amount of \$40 ~~on and after July 1, 2013,~~ to the clerk of the district court.

(b) A poverty affidavit may be filed in lieu of a docket fee as established in K.S.A. 60-2001, and amendments thereto.

(c) The docket fee shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. The docket fee shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.



(d) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2017, through June 30, 2019, On and after July 1, 2019, through June 30, 2025,~~ the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

Sec. 14. K.S.A. 2018 Supp. 32-1049a is hereby amended to read as follows: 32-1049a. (a) Failure to comply with a wildlife, parks and tourism citation means failure to:

(1) Appear before any district court in response to a wildlife, parks and tourism citation and pay in full any fine, court costs, assessments or fees imposed;

(2) fully pay or satisfy all fines, court costs, assessments or fees imposed as a part of the sentence of any district court for violation of the wildlife, parks and tourism laws of this state; or

(3) otherwise comply with a wildlife, parks and tourism citation as provided in K.S.A. 32-1049, and amendments thereto.

Failure to comply with a wildlife, parks and tourism citation is a class C misdemeanor, regardless of the disposition of the charge for which such citation, complaint or charge was originally issued.

(b) The term “citation” means any complaint, summons, notice to appear, ticket, warrant, penalty assessment or other official document issued for the prosecution of the wildlife, parks and tourism laws or rules and regulations of this state.

(c) In addition to penalties of law applicable under subsection (a) when a person fails to comply with a wildlife, parks and tourism citation or sentence for a violation of wildlife, parks and tourism laws or rules and regulations, the district court in which the person should have complied shall mail a notice to the person that if the person does not appear in the district court or pay all fines, court costs, assessments or fees, and any penalties imposed within 30 days from the date of mailing, the Kansas department of wildlife, parks and tourism shall be notified to forfeit or suspend any license, permit, stamp or other issue of the department. Upon receipt of a report of a failure to comply with a wildlife, parks and tourism citation under this section, and amendments thereto, the department shall notify the violator and suspend or forfeit the license, permit, stamp or other issue of the department held by the violator until satisfactory evidence of compliance with the wildlife, parks and tourism citation or sentence of the district court for violation of the wildlife, parks and tourism laws or rules and regulations of this state are furnished to the informing court. Upon receipt of notification of such compliance from the informing court, the



department shall terminate the suspension action, unless the violator is otherwise suspended.

(d) Except as provided in subsection (e), when the district court notifies the department of a failure to comply with a wildlife, parks and tourism citation or failure to comply with a sentence of the district court imposed on violation of a wildlife, parks and tourism law or rule and regulation, the court shall assess a reinstatement fee of \$50 for each charge or sentence on which the person failed to make satisfaction, regardless of the disposition of the charge for which such citation was originally issued. Such reinstatement fee shall be in addition to any fine, court costs and other assessments, fees or penalties. The court shall remit all reinstatement fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit such moneys to the state general fund.

(e) The district court shall waive the reinstatement fee provided for in subsection (d), if the failure to comply with a wildlife, parks and tourism citation was the result of such person enlisting in or being drafted into the armed services of the United States of America, being called into service as a member of a reserve component of the military service of the United States of America, or volunteering for such active duty or being called into service as a member of the Kansas national guard or volunteering for such active duty and being absent from Kansas because of such military service. The state treasurer and the director of accounts and reports shall prescribe procedures for all such reimbursement payments and shall create appropriate accounts, make appropriate accounting entries and issue such appropriate vouchers and warrants as may be required to make such reimbursement payments.

(f) Except as provided further, the reinstatement fee established in subsection (d) shall be the only fee collected or moneys in the nature of a fee collected for such reinstatement. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2017, through June 30, 2019,~~ *On and after July 1, 2019, through June 30, 2025,* the supreme court may impose an additional charge, not to exceed \$22 per reinstatement fee, to fund the costs of non-judicial personnel.

Sec. 15. K.S.A. 2018 Supp. 38-2215 is hereby amended to read as follows: 38-2215. (a) *Docket fee.* The docket fee for proceedings under this code, if one is assessed as provided in this section, shall be \$34. Only one docket fee shall be assessed in each case. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is

established by law or otherwise to collect a fee. ~~On and after July 1, 2017, through June 30, 2019, On and after July 1, 2019, through June 30, 2025,~~ the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

(b) *Expenses.* The expenses for proceedings under this code, including fees and mileage allowed witnesses and fees and expenses approved by the court for appointed attorneys, shall be paid by the board of county commissioners from the general fund of the county.

(c) *Assessment of docket fee and expenses.* (1) *Docket fee.* The docket fee may be assessed or waived by the court conducting the initial dispositional hearing and the docket fee may be assessed against the complaining witness or person initiating the proceedings or a party or interested party other than the state, a political subdivision of the state, an agency of the state or of a political subdivision of the state, or a person acting in the capacity of an employee of the state or of a political subdivision of the state. Any docket fee received shall be remitted to the state treasurer pursuant to K.S.A. 20-362, and amendments thereto.

(2) *Expenses.* Expenses may be assessed against the complaining witness, a person initiating the proceedings, a party or an interested party, other than the state, a political subdivision of the state, an agency of the state or of a political subdivision of the state or a person acting in the capacity of an employee of the state or of a political subdivision of the state. When expenses are recovered from a person against whom they have been assessed the general fund of the county shall be reimbursed in the amount of the recovery. If it appears to the court in any proceedings under this code that expenses were unreasonably incurred at the request of any party the court may assess that portion of the expenses against the party.

(d) *Cases in which venue is transferred.* If venue is transferred from one county to another, the court from which the case is transferred shall send to the receiving court a statement of expenses paid from the general fund of the sending county. If the receiving court collects any of the expenses owed in the case, the receiving court shall pay to the sending court an amount proportional to the sending court's share of the total expenses owed to both counties. The expenses of the sending county shall not be an obligation of the receiving county except to the extent that the sending county's proportion of the expenses is collected by the receiving court. All amounts collected shall first be applied toward payment of the docket fee.

Sec. 16. K.S.A. 2018 Supp. 38-2312 is hereby amended to read as follows: 38-2312. (a) Except as provided in subsections (b) and (c), any records or files specified in this code concerning a juvenile may be expunged upon application to a judge of the court of the county in which the records or files are maintained. The application for expungement may

be made by the juvenile, if 18 years of age or older or, if the juvenile is less than 18 years of age, by the juvenile's parent or next friend.

(b) There shall be no expungement of records or files concerning acts committed by a juvenile which, if committed by an adult, would constitute a violation of K.S.A. 21-3401, prior to its repeal, or K.S.A. 2018 Supp. 21-5402, and amendments thereto, murder in the first degree; K.S.A. 21-3402, prior to its repeal, or K.S.A. 2018 Supp. 21-5403, and amendments thereto, murder in the second degree; K.S.A. 21-3403, prior to its repeal, or K.S.A. 2018 Supp. 21-5404, and amendments thereto, voluntary manslaughter; K.S.A. 21-3404, prior to its repeal, or K.S.A. 2018 Supp. 21-5405, and amendments thereto, involuntary manslaughter; K.S.A. 21-3439, prior to its repeal, or K.S.A. 2018 Supp. 21-5401, and amendments thereto, capital murder; K.S.A. 21-3442, prior to its repeal, or K.S.A. 2018 Supp. 21-5405(a)(3) or (a)(5), and amendments thereto, involuntary manslaughter while driving under the influence of alcohol or drugs; K.S.A. 21-3502, prior to its repeal, or K.S.A. 2018 Supp. 21-5503, and amendments thereto, rape; K.S.A. 21-3503, prior to its repeal, or K.S.A. 2018 Supp. 21-5506(a), and amendments thereto, indecent liberties with a child; K.S.A. 21-3504, prior to its repeal, or K.S.A. 2018 Supp. 21-5506(b), and amendments thereto, aggravated indecent liberties with a child; K.S.A. 21-3506, prior to its repeal, or K.S.A. 2018 Supp. 21-5504(b), and amendments thereto, aggravated criminal sodomy; K.S.A. 21-3510, prior to its repeal, or K.S.A. 2018 Supp. 21-5508(a), and amendments thereto, indecent solicitation of a child; K.S.A. 21-3511, prior to its repeal, or K.S.A. 2018 Supp. 21-5508(b), and amendments thereto, aggravated indecent solicitation of a child; K.S.A. 21-3516, prior to its repeal, or K.S.A. 2018 Supp. 21-5510, and amendments thereto, sexual exploitation of a child; K.S.A. 2018 Supp. 21-5514(a), and amendments thereto, internet trading in child pornography; K.S.A. 2018 Supp. 21-5514(b), and amendments thereto, aggravated internet trading in child pornography; K.S.A. 21-3603, prior to its repeal, or K.S.A. 2018 Supp. 21-5604(b), and amendments thereto, aggravated incest; K.S.A. 21-3608, prior to its repeal, or K.S.A. 2018 Supp. 21-5601(a), and amendments thereto, endangering a child; K.S.A. 21-3609, prior to its repeal, or K.S.A. 2018 Supp. 21-5602, and amendments thereto, abuse of a child; or which would constitute an attempt to commit a violation of any of the offenses specified in this subsection.

(c) Notwithstanding any other law to the contrary, for any offender who is required to register as provided in the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, there shall be no expungement of any conviction or any part of the offender's criminal record while the offender is required to register as provided in the Kansas offender registration act.

(d) When a petition for expungement is filed, the court shall set a date for a hearing on the petition and shall give notice thereof to the county or district attorney. The petition shall state: (1) The juvenile's full name; (2) the full name of the juvenile as reflected in the court record, if different than (1); (3) the juvenile's sex and date of birth; (4) the offense for which the juvenile was adjudicated; (5) the date of the trial; and (6) the identity of the trial court. 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, 2017, through June 30, 2019, 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. All petitions for expungement shall be docketed in the original 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.

(e) (1) After hearing, the court shall order the expungement of the records and files if the court finds that:

(A) (i) The juvenile has reached 23 years of age or that two years have elapsed since the final discharge;

(ii) one year has elapsed since the final discharge for an adjudication concerning acts committed by a juvenile which, if committed by an adult, would constitute a violation of K.S.A. 2018 Supp. 21-6419, and amendments thereto; or

(iii) the juvenile is a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child, the adjudication concerned acts committed by the juvenile as a result of such victimization, including, but not limited to, acts which, if committed by an adult, would constitute a violation of K.S.A. 2018 Supp. 21-6203 or 21-6419, and amendments thereto, and the hearing on expungement occurred on or after the date of final discharge. The provisions of this clause shall not allow an expungement of records or files concerning acts described in subsection (b);

(B) since the final discharge of the juvenile, the juvenile has not been convicted of a felony or of a misdemeanor other than a traffic offense or adjudicated as a juvenile offender under the revised Kansas juvenile justice code and no proceedings are pending seeking such a conviction or adjudication; and

(C) the circumstances and behavior of the petitioner warrant expungement.

(2) The court may require that all court costs, fees and restitution shall be paid.

(f) Upon entry of an order expunging records or files, the offense which the records or files concern shall be treated as if it never occurred, except that upon conviction of a crime or adjudication in a subsequent action under this code the offense may be considered in determining the

sentence to be imposed. The petitioner, the court and all law enforcement officers and other public offices and agencies shall properly reply on inquiry that no record or file exists with respect to the juvenile. Inspection of the expunged files or records thereafter may be permitted by order of the court upon petition by the person who is the subject thereof. The inspection shall be limited to inspection by the person who is the subject of the files or records and the person's designees.

(g) A certified copy of any order made pursuant to subsection (a) or (d) shall be sent to the Kansas bureau of investigation, which shall notify every juvenile or criminal justice agency which may possess records or files ordered to be expunged. If the agency fails to comply with the order within a reasonable time after its receipt, such agency may be adjudged in contempt of court and punished accordingly.

(h) The court shall inform any juvenile who has been adjudicated a juvenile offender of the provisions of this section.

(i) Nothing in this section shall be construed to prohibit the maintenance of information relating to an offense after records or files concerning the offense have been expunged if the information is kept in a manner that does not enable identification of the juvenile.

(j) Nothing in this section shall be construed to permit or require expungement of files or records related to a child support order registered pursuant to the revised Kansas juvenile justice code.

(k) Whenever the records or files of any adjudication have been expunged under the provisions of this section, the custodian of the records or files of adjudication relating to that offense shall not disclose the existence of such records or files, 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) 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;

(7) the governor or the Kansas racing 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;

(8) the Kansas sentencing commission; or

(9) the Kansas bureau of investigation, for the purposes of:

(A) Completing a person's criminal history record information within the central repository in accordance with K.S.A. 22-4701 et seq., and amendments thereto; or

(B) providing information or documentation to the federal bureau of investigation, in connection with the national instant criminal background check system, to determine a person's qualification to possess a firearm.

(l) The provisions of subsection (k)(9) shall apply to all records created prior to, on and after July 1, 2011.

Sec. 17. K.S.A. 2018 Supp. 38-2314 is hereby amended to read as follows: 38-2314. (a) *Docket fee*. The docket fee for proceedings under this code, if one is assessed as provided by this section, shall be \$34. Only one docket fee shall be assessed in each case. Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2017, through June 30, 2019, On and after July 1, 2019, through June 30, 2025,~~ the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

(b) *Expenses*. The expenses for proceedings under this code, including fees and mileage allowed witnesses and fees and expenses approved by the court for appointed attorneys, shall be paid by the board of county commissioners from the general fund of the county.

(c) *Assessment of docket fee and expenses*. (1) *Docket fee*. The docket fee may be assessed or waived by the court conducting the initial sentencing hearing and may be assessed against the juvenile or the parent of the juvenile. Any docket fee received shall be remitted to the state treasurer pursuant to K.S.A. 20-362, and amendments thereto.

(2) *Expenses*. Expenses may be waived or assessed against the juvenile or a parent of the juvenile. When expenses are recovered from a party against whom they have been assessed the general fund of the county shall be reimbursed in the amount of the recovery.

(3) *Prohibited assessment.* Docket fees or expenses shall not be assessed against the state, a political subdivision of the state, an agency of the state or of a political subdivision of the state or a person acting in the capacity of an employee of the state or of a political subdivision of the state.

(d) *Cases in which venue is transferred.* If venue is transferred from one county to another, the court from which the case is transferred shall send to the receiving court a statement of expenses paid from the general fund of the sending county. If the receiving court collects any of the expenses owed in the case, the receiving court shall pay to the sending court an amount proportional to the sending court's share of the total expenses owed to both counties. The expenses of the sending county shall not be an obligation of the receiving county except to the extent that the sending county's proportionate share of the expenses is collected by the receiving court. Unless otherwise ordered by the court, all amounts collected shall first be applied toward payment of restitution, then toward the payment of the docket fee.

Sec. 18. K.S.A. 2018 Supp. 59-104 is hereby amended to read as follows: 59-104. (a) *Docket fee.* (1) Except as otherwise provided by law, no case shall be filed or docketed in the district court under the provisions of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, without payment of an appropriate docket fee as follows, ~~on and after July 1, 2014:~~

Treatment of mentally ill.....	\$34.50
Treatment of alcoholism or drug abuse.....	34.50
Determination of descent of property.....	49.50
Termination of life estate .....	48.50
Termination of joint tenancy.....	48.50
Refusal to grant letters of administration.....	48.50
Adoption .....	48.50
Filing a will and affidavit under K.S.A. 59-618a, <i>and</i> <i>amendments thereto</i> .....	48.50
Guardianship .....	69.50
Conservatorship.....	69.50
Trusteeship .....	69.50
Combined guardianship and conservatorship.....	69.50
Certified probate proceedings under K.S.A. 59-213, and <i>amendments thereto</i> .....	23.50
Decrees in probate from another state .....	173.00
Probate of an estate or of a will .....	109.50
Civil commitment under K.S.A. 59-29a01 et seq., <i>and</i> <i>amendments thereto</i> .....	33.50



(2) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2017, through June 30, 2019, On and after July 1, 2019, through June 30, 2025,~~ the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

(b) *Poverty affidavit in lieu of docket fee and exemptions.* The provisions of K.S.A. 60-2001(b) and K.S.A. 60-2005, and amendments thereto, shall apply to probate docket fees prescribed by this section.

(c) *Disposition of docket fee.* Statutory charges for the law library and for the prosecuting attorneys' training fund shall be paid from the docket fee. The remainder of the docket fee shall be paid to the state treasurer in accordance with K.S.A. 20-362, and amendments thereto.

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process outside the state, fees for depositions, transcripts and publication of legal notice, executor or administrator fees, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties or estate as directed by the court. No sheriff in this state shall charge any district court in this state a fee or mileage for serving any paper or process.

Sec. 19. K.S.A. 2018 Supp. 60-729 is hereby amended to read as follows: 60-729. (a) Garnishment is a procedure whereby the wages, money or intangible property of a person can be seized or attached pursuant to an order of garnishment issued by the court under the conditions set forth in the order.

(b) ~~On and after July 1, 2014,~~ Any party requesting an order of garnishment shall pay a fee in the amount of \$7.50 to the clerk of the district court.

(c) A poverty affidavit may be filed in lieu of a fee as established in K.S.A. 60-2001, and amendments thereto.

(d) The fee shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. The fee shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

(e) Except as provided further, the fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2017, through June 30, 2019, On~~



and after July 1, 2019, through June 30, 2025, the supreme court may impose an additional charge, not to exceed \$12.50 per fee, to fund the costs of non-judicial personnel.

(f) The state of Kansas and all municipalities in this state, as defined in K.S.A. 12-105a, and amendments thereto, shall be exempt from paying such fee.

Sec. 20. K.S.A. 2018 Supp. 60-2001 is hereby amended to read as follows: 60-2001. (a) *Docket fee*. Except as otherwise provided by law, no case shall be filed or docketed in the district court, whether original or appealed, without payment of a docket fee in the amount of \$173 ~~on and after July 1, 2014,~~ to the clerk of the district court. Except as provided further, the docket fee established in this subsection shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2017, through June 30, 2019,~~ On and after July 1, 2019, through June 30, 2025, the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

(b) *Poverty affidavit in lieu of docket fee*. (1) *Effect*. In any case where a plaintiff by reason of poverty is unable to pay a docket fee, and an affidavit so stating is filed, no fee will be required. An inmate in the custody of the secretary of corrections may file a poverty affidavit only if the inmate attaches a statement disclosing the average account balance, or the total deposits, whichever is less, in the inmate's trust fund for each month in: (A) The six-month period preceding the filing of the action; or (B) the current period of incarceration, whichever is shorter. Such statement shall be certified by the secretary. On receipt of the affidavit and attached statement, the court shall determine the initial fee to be assessed for filing the action and in no event shall the court require an inmate to pay less than \$3. The secretary of corrections is hereby authorized to disburse money from the inmate's account to pay the costs as determined by the court. If the inmate has a zero balance in such inmate's account, the secretary shall debit such account in the amount of \$3 per filing fee as established by the court until money is credited to the account to pay such docket fee. Any initial filing fees assessed pursuant to this subsection shall not prevent the court, pursuant to subsection (d), from taxing that individual for the remainder of the amount required under subsection (a) or this subsection.

(2) *Form of affidavit*. The affidavit provided for in this subsection shall set forth a factual basis upon which the plaintiff alleges by reason of poverty an inability to pay a docket fee, including, but not limited to, the source and amount of the plaintiff's weekly income. Such affidavit shall be signed and sworn to by the plaintiff under oath, before one who has authority to administer the oath, under penalty of perjury, K.S.A. 2018

Supp. 21-5903, and amendments thereto. The form of the affidavit shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council.

(3) *Court review; grounds for dismissal; service of process.* The court shall review any petition authorized for filing under this subsection. Upon such review, if the court finds that the plaintiff's allegation of poverty is untrue, the court shall direct the plaintiff to pay the docket fee or dismiss the petition without prejudice. Notwithstanding K.S.A. 60-301, and amendments thereto, service of process shall not issue unless the court grants leave following its review.

(c) *Disposition of fees.* The docket fees and the fees for service of process shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. For every person to be served by the sheriff, the persons requesting service of process shall provide proper payment to the clerk and the clerk of the district court shall forward the service of process fee to the sheriff in accordance with K.S.A. 28-110, and amendments thereto. The service of process fee, if paid by check or money order, shall be made payable to the sheriff. Such service of process fee shall be submitted by the sheriff at least monthly to the county treasurer for deposit in the county treasury and credited to the county general fund. The docket fee shall be disbursed in accordance with K.S.A. 20-362, and amendments thereto.

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process, fees for depositions, alternative dispute resolution fees, transcripts and publication, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties as directed by the court. No sheriff in this state shall charge any mileage for serving any papers or process.

Sec. 21. K.S.A. 2018 Supp. 60-2203a is hereby amended to read as follows: 60-2203a. (a) After the commencement of any action in any district court of this state, or the courts of the United States in the state of Kansas or in any action now pending heretofore commenced in such courts, which does not involve title to real estate, any party to such action may give notice in any other county of the state of the pendency of the action by filing for record with the clerk of the district court of such other county a verified statement setting forth the parties to the action, the nature of the action, the court in which it is pending, and the relief sought, which shall impart notice of the pendency of the action and shall result in the same lien rights as if the action were pending in that county. The lien shall be effective from the time the statement is filed, but not to

exceed four months prior to the entry of judgment except as provided in subsection (c). The party filing such notice shall within 30 days after any satisfaction of the judgment entered in such action, or any other final disposition thereof, cause to be filed with such clerk of the district court a notice that all claims in such action are released. If the party filing fails or neglects to do so after reasonable demand by any party in interest, such party shall be liable in damages in the same amounts and manner as is provided by law for failure of a mortgagee to enter satisfaction of a mortgage. Upon the filing of such a notice of the pendency of an action the clerk shall charge a fee of \$14 and shall enter and index the action in the same manner as for the filing of an original action. Upon the filing of a notice of release, the notice shall likewise be entered on the docket. Except as provided further, the fee established in this subsection shall be the only fee collected or moneys in the nature of a fee collected for the court procedure. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2017, through June 30, 2019; On and after July 1, 2019, through June 30, 2025,~~ the supreme court may impose an additional charge, not to exceed \$22 per fee, to fund the costs of non-judicial personnel.

~~(b)—Any notice of the type provided for in subsection (a) which was filed on or after January 10, 1977, and prior to the effective date of this act shall be deemed to impart notice of the pendency of the action in the same manner as if the provisions of subsection (a) were in force and effect on and after January 10, 1977.~~

(e) Notwithstanding the foregoing provisions of this section, the filing of a notice of the pendency of an action pursuant to subsection (a) shall create no lien rights against the property of an employee of the state or a municipality prior to the date judgment is rendered if the pleadings in the pending action allege a negligent or wrongful act or omission of the employee while acting within the scope of such employee's employment, regardless of whether or not it is alleged in the alternative that the employee was acting outside of such employee's employment. A judgment against an employee shall become a lien upon such employee's property in the county where notice is filed pursuant to subsection (a) when the judgment is rendered only if it is found that: (1) The employee's negligent or wrongful act or omission occurred when the employee was acting outside the scope of such employee's employment; or (2) the employee's conduct which gave rise to the judgment was because of actual fraud or actual malice of the employee. In such cases the lien shall not be effective prior to the date judgment was rendered. As used in this subsection (c), "employee" shall have the meaning ascribed to such term in K.S.A. 75-6102, and amendments thereto.

Sec. 22. K.S.A. 2018 Supp. 61-2704 is hereby amended to read as follows: 61-2704. (a) An action seeking the recovery of a small claim shall be considered to have been commenced at the time a person files a written statement of the person's small claim with the clerk of the court if, within 90 days after the small claim is filed, service of process is obtained or the first publication is made for service by publication. Otherwise, the action is deemed commenced at the time of service of process or first publication. An entry of appearance shall have the same effect as service.

(b) Upon the filing of a plaintiff's small claim, the clerk of the court shall require from the plaintiff a docket fee of ~~\$35 on and after July 1, 2014~~, if the claim does not exceed \$500; or ~~\$55 on and after July 1, 2014~~, if the claim exceeds \$500; unless for good cause shown the judge waives the fee. The docket fee shall be the only costs required in an action seeking recovery of a small claim. No person may file more than 20 small claims under this act in the same court during any calendar year.

(c) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2017, through June 30, 2019, On and after July 1, 2019, through June 30, 2025~~, the supreme court may impose an additional charge, not to exceed \$12.50 per docket fee, to fund the costs of non-judicial personnel.

Sec. 23. K.S.A. 2018 Supp. 61-4001 is hereby amended to read as follows: 61-4001. (a) *Docket fee.* (1) No case shall be filed or docketed pursuant to the code of civil procedure for limited actions without the payment of a docket fee in the amount of ~~\$35 on and after July 1, 2013~~, if the amount in controversy or claimed does not exceed \$500; ~~\$55 on and after July 1, 2013~~, if the amount in controversy or claimed exceeds \$500 but does not exceed \$5,000; or ~~\$101 on and after July 1, 2013~~, if the amount in controversy or claimed exceeds \$5,000. If judgment is rendered for the plaintiff, the court also may enter judgment for the plaintiff for the amount of the docket fee paid by the plaintiff.

(2) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2017, through June 30, 2019, On and after July 1, 2019, through June 30, 2025~~, the supreme court may impose an additional charge, not to exceed \$19 per docket fee, to fund the costs of non-judicial personnel.

(b) *Poverty affidavit; additional court costs; exemptions for the state and municipalities.* The provisions of K.S.A. 60-2001(b), (c) and (d) and

60-2005, and amendments thereto, shall be applicable to lawsuits brought under the code of civil procedure for limited actions.

Sec. 24. K.S.A. 65-409 is hereby amended to read as follows: 65-409. (a) The clerk of the district court shall charge a fee of \$14 for entering and filing a lien statement under this act.

(b) Except as provided further, the lien fee established in subsection (a) shall be the only fee collected or moneys in the nature of a fee collected for such lien. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. ~~On and after July 1, 2017, through June 30, 2019;~~ *On and after July 1, 2019, through June 30, 2025*, the supreme court may impose an additional charge, not to exceed \$22 per lien fee, to fund the costs of non-judicial personnel.

Sec. 25. K.S.A. 65-409 and K.S.A. 2018 Supp. 8-2107, 8-2110, 20-3021, 21-6412, 21-6614, 22-2410, 23-2510, 28-170, 28-172a, 28-177, 28-178, 28-179, 32-1049a, 38-2215, 38-2312, 38-2314, 59-104, 60-729, 60-2001, 60-2203a, 61-2704 and 61-4001 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 13, 2019.

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## CHAPTER 59

## SENATE BILL No. 18

AN ACT concerning crimes, punishment and criminal procedure; relating to involuntary manslaughter; abuse of a child; counterfeiting currency; sentencing; conditions of probation; sanctions for violation; determination of offender's criminal history classification; comparable offense; appeal of sentence; correction of sentence; departure sentence; mitigating factors; certified drug abuse treatment program; requiring law enforcement to provide information to victims when an arrest is made for a domestic violence offense; presentence investigation report; diversion agreements; attorney general; amending K.S.A. 22-2906 and K.S.A. 2018 Supp. 21-5405, 21-5602, 21-5840, 21-6604, 21-6811, 21-6813, 21-6815, 21-6820, 21-6824, 22-2307, 22-2909, 22-3504, 22-3716 and 22-3717 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 21-6811c.

WHEREAS, the provisions of K.S.A. 2018 Supp. 21-5405 and 21-5602, as amended by this act, shall be known as Mireya's law.

Now, therefore:

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

Section 1. On and after July 1, 2019, K.S.A. 2018 Supp. 21-5840 is hereby amended to read as follows: 21-5840. (a) Counterfeiting currency is, ~~with the intent to defraud:~~

(1) Making, forging or altering any note, *currency*, obligation or security of the United States *with the intent to defraud*;

(2) distributing, or possessing with the intent to distribute, any *note, currency*, obligation or security of the United States knowing such *note, currency*, obligation or security has been ~~so~~ made, forged or altered *with the intent to defraud*; or

(3) possessing any paper, ink, printer, press, currency plate, *computer* or other item with the intent to ~~produce any counterfeit~~ *make, forge or alter any* note, currency, obligation or security of the United States.

(b) Counterfeiting currency as defined in:

(1) Subsection (a)(1) or (a)(2) is a:

(A) Severity level 7, nonperson felony, if the total face value of the *notes, currency*, obligations or securities ~~seized~~ is \$25,000 or more; and

(B) severity level 8, nonperson felony, if the total face value of the *notes, currency*, obligations or securities ~~seized~~ is less than \$25,000; and

(2) subsection (a)(3) is a severity level 9, nonperson felony.

(c) This section shall be part of and supplemental to the Kansas criminal code.

Sec. 2. On and after July 1, 2019, K.S.A. 2018 Supp. 21-6813 is hereby amended to read as follows: 21-6813. (a) The court shall order the preparation of the presentence investigation report by the court services officer as soon as possible after conviction of the defendant.

(b) Each presentence *investigation* report prepared for an offender to be sentenced for one or more felonies committed on or after July 1, 1993, shall be limited to the following information:

(1) A summary of the factual circumstances of the crime or crimes of conviction.

(2) If the defendant desires to do so, a summary of the defendant's version of the crime.

(3) When there is an identifiable victim, a victim report. The person preparing the victim report shall submit the report to the victim and request that the information be returned to be submitted as a part of the presentence investigation. To the extent possible, the report shall include a complete listing of restitution for damages suffered by the victim.

(4) An appropriate classification of each crime of conviction on the crime severity scale.

(5) A listing of prior adult convictions or juvenile adjudications for felony or misdemeanor crimes or violations of county resolutions or city ordinances comparable to any misdemeanor defined by state law. Such listing shall include an assessment of the appropriate classification of the criminal history on the criminal history scale and the source of information regarding each listed prior conviction and any available source of journal entries or other documents through which the listed convictions may be verified. If any such journal entries or other documents are obtained by the court services officer, they shall be attached to the presentence investigation report. Any prior criminal history worksheets of the defendant shall also be attached.

(6) A proposed grid block classification for each crime, or crimes of conviction and the presumptive sentence for each crime, or crimes of conviction.

(7) If the proposed grid block classification is a grid block ~~which~~ *that* presumes imprisonment, the presumptive prison term range and the presumptive duration of postprison supervision as it relates to the crime severity scale.

(8) If the proposed grid block classification does not presume prison, the presumptive prison term range and the presumptive duration of the nonprison sanction as it relates to the crime severity scale and the court services officer's professional assessment as to recommendations for conditions to be mandated as part of the nonprison sanction.

(9) For defendants who are being sentenced for a conviction of a felony violation of K.S.A. 65-4160 or 65-4162, prior to their repeal, or K.S.A. 2018 Supp. 21-5706, and amendments thereto, and meet the requirements of K.S.A. 2018 Supp. 21-6824, and amendments thereto, the drug abuse assessment as provided in K.S.A. 2018 Supp. 21-6824, and amendments thereto.

(10) For defendants who are being sentenced for a third or subsequent felony conviction of a violation of K.S.A. 65-4160 or 65-4162, prior to their repeal, or K.S.A. 2018 Supp. 21-5706, and amendments thereto, the drug abuse assessment as provided in K.S.A. 2018 Supp. 21-6824, and amendments thereto.

(c) The presentence *investigation* report will become part of the court record and shall be accessible to the public, except that the official version, defendant's version and the victim's statement, any psychological reports, risk and needs assessments and drug and alcohol reports and assessments shall be accessible only to: The parties; the sentencing judge; the department of corrections; *community correctional services*; *any entity required to receive the information under the interstate compact for adult offender supervision*; and, if requested, the Kansas sentencing commission. If the offender is committed to the custody of the secretary of corrections, the report shall be sent to the secretary and, in accordance with K.S.A. 75-5220, and amendments thereto, to the warden of the state correctional institution to which the defendant is conveyed.

(d) The criminal history worksheet will not substitute as a presentence *investigation* report.

(e) The presentence *investigation* report will not include optional report components, which would be subject to the discretion of the sentencing court in each district except for psychological reports and drug and alcohol reports.

(f) Except as provided in K.S.A. 2018 Supp. 21-6814, and amendments thereto, the court may take judicial notice in a subsequent felony proceeding of an earlier presentence *investigation* report criminal history worksheet prepared for a prior sentencing of the defendant for a felony committed on or after July 1, 1993.

(g) All presentence *investigation* reports in any case in which the defendant has been convicted of a felony shall be on a form approved by the Kansas sentencing commission.

Sec. 3. On and after July 1, 2019, K.S.A. 22-2906 is hereby amended to read as follows: 22-2906. As used in K.S.A. 22-2907 ~~to~~ through 22-2911, ~~inclusive and amendments thereto~~:

(1)(a) "District attorney" means district attorney ~~or~~, county attorney or attorney general.

(2)(b) "Complaint" means complaint, indictment or information.

(3)(c) "Diversion" means referral of a defendant in a criminal case to a supervised performance program prior to adjudication.

(4)(d) "Diversion agreement" means the specification of formal terms and conditions which a defendant must fulfill in order to have the charges against him or her dismissed.



Sec. 4. On and after July 1, 2019, K.S.A. 2018 Supp. 22-2909 is hereby amended to read as follows: 22-2909. (a) (1) A diversion agreement shall provide that if the defendant fulfills the obligations of the program described therein, as determined by the attorney general or county or district attorney, such attorney shall act to have the criminal charges against the defendant dismissed with prejudice. The diversion agreement shall include specifically the waiver of all rights under the law or the constitution of Kansas or of the United States to a speedy arraignment, preliminary examinations and hearings, and a speedy trial, and in the case of diversion under subsection (c) waiver of the rights to counsel and trial by jury. The diversion agreement may include, but is not limited to, provisions concerning payment of restitution, including court costs and diversion costs, residence in a specified facility, maintenance of gainful employment, and participation in programs offering medical, educational, vocational, social and psychological services, corrective and preventive guidance and other rehabilitative services.

(2) If a county creates a local fund under the property crime restitution and compensation act, a county or district attorney may require in all diversion agreements as a condition of diversion the payment of a diversion fee in an amount not to exceed \$100. Such fees shall be deposited into the local fund and disbursed pursuant to recommendations of the local board under the property crime restitution and victims compensation act.

(3) *If the attorney general enters into a diversion agreement: (A) Any diversion costs or fees collected pursuant to such agreement shall be deposited in the fraud and abuse criminal prosecution fund established by K.S.A. 75-765, and amendments thereto; and (B) the attorney general may enter into agreements with the appropriate county or district attorney or other appropriate parties regarding the supervision of conditions of such diversion agreement.*

(b) The diversion agreement shall state: (1) The defendant's full name; (2) the defendant's full name at the time the complaint was filed, if different from the defendant's current name; (3) the defendant's sex, race and date of birth; (4) the crime with which the defendant is charged; (5) the date the complaint was filed; and (6) the district court with which the agreement is filed.

(c) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto, the diversion agreement shall include a stipulation, agreed to by the defendant, the defendant's attorney if the defendant is represented by an attorney and the attorney general or county or district attorney, of the facts upon which the charge is based and a provision that if the defendant fails to fulfill the terms of the specific diversion agree-

ment and the criminal proceedings on the complaint are resumed, the proceedings, including any proceedings on appeal, shall be conducted on the record of the stipulation of facts relating to the complaint. In addition, the agreement shall include a requirement that the defendant:

(1) Pay a fine specified by the agreement in an amount equal to an amount authorized by K.S.A. 8-1567, and amendments thereto, for a first offense or, in lieu of payment of the fine, perform community service specified by the agreement, in accordance with K.S.A. 8-1567, and amendments thereto; and

(2) participate in an alcohol and drug evaluation conducted by a licensed provider pursuant to K.S.A. 8-1008, and amendments thereto, and follow any recommendation made by the provider after such evaluation.

(d) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a domestic violence offense, as defined in K.S.A. 2018 Supp. 21-5111, and amendments thereto, the diversion agreement shall include a requirement that the defendant undergo a domestic violence offender assessment and follow all recommendations unless otherwise agreed to with the prosecutor in the diversion agreement. The defendant shall be required to pay for such assessment and, unless otherwise agreed to with the prosecutor in the diversion agreement, for completion of all recommendations.

(e) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a violation other than K.S.A. 8-1567, and amendments thereto, the diversion agreement may include a stipulation, agreed to by the defendant, the defendant's attorney if the defendant is represented by an attorney and the attorney general or county or district attorney, of the facts upon which the charge is based and a provision that if the defendant fails to fulfill the terms of the specific diversion agreement and the criminal proceedings on the complaint are resumed, the proceedings, including any proceedings on appeal, shall be conducted on the record of the stipulation of facts relating to the complaint.

(f) If the person entering into a diversion agreement is a nonresident, the attorney general or county or district attorney shall transmit a copy of the diversion agreement to the division. The division shall forward a copy of the diversion agreement to the motor vehicle administrator of the person's state of residence.

(g) If the attorney general or county or district attorney elects to offer diversion in lieu of further criminal proceedings on the complaint and the defendant agrees to all of the terms of the proposed agreement, the diversion agreement shall be filed with the district court and the district court shall stay further proceedings on the complaint. If the defendant declines to accept diversion, the district court shall resume the criminal proceedings on the complaint.

(h) Except as provided in subsection (i), if a diversion agreement is entered into in lieu of further criminal proceedings alleging commission of a misdemeanor by the defendant, while under 21 years of age, under K.S.A. 2018 Supp. 21-5701 through 21-5717, and amendments thereto, or K.S.A. 41-719, 41-727, 41-804, 41-2719 or 41-2720, and amendments thereto, the agreement shall require the defendant to participate in an alcohol and drug evaluation conducted by a licensed provider pursuant to K.S.A. 8-1008, and amendments thereto, and follow any recommendation made by the provider after such evaluation.

(i) If the defendant is 18 or more years of age but less than 21 years of age and allegedly committed a violation of K.S.A. 41-727, and amendments thereto, involving cereal malt beverage, the provisions of subsection (h) are permissive and not mandatory.

(j) If a diversion agreement is entered into in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 2018 Supp. 21-6421, and amendments thereto, the agreement:

(1) Shall include a requirement that the defendant pay a fine specified by the agreement in an amount equal to an amount authorized by K.S.A. 2018 Supp. 21-6421, and amendments thereto; and

(2) may include a requirement that the defendant enter into and complete a suitable educational or treatment program regarding commercial sexual exploitation.

(k) Except diversion agreements reported under subsection (l), the attorney general or county or district attorney shall forward to the Kansas bureau of investigation a copy of the diversion agreement at the time such agreement is filed with the district court. The copy of the agreement shall be made available upon request to the attorney general or any county, district or city attorney or court.

(l) At the time of filing the diversion agreement with the district court, the attorney general or county or district attorney shall forward to the division of vehicles of the state department of revenue a copy of any diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of K.S.A. 8-1567, and amendments thereto. The copy of the agreement shall be made available upon request to the attorney general or any county, district or city attorney or court.

Sec. 5. On and after July 1, 2019, K.S.A. 2018 Supp. 21-5405 is hereby amended to read as follows: 21-5405. (a) Involuntary manslaughter is the killing of a human being committed:

(1) Recklessly;

(2) in the commission of, or attempt to commit, or flight from any felony, other than an inherently dangerous felony as defined in K.S.A. 2018 Supp. 21-5402, and amendments thereto, that is enacted for the protection of human life or safety or a misdemeanor that is enacted for

the protection of human life or safety, including acts described in K.S.A. 8-1566 and 8-1568(a), and amendments thereto, but excluding the acts described in K.S.A. 8-1567, and amendments thereto;

(3) in the commission of, or attempt to commit, or flight from an act described in K.S.A. 8-1567, and amendments thereto;

(4) during the commission of a lawful act in an unlawful manner; or

(5) in the commission of, or attempt to commit, or flight from an act described in K.S.A. 8-1567, and amendments thereto, while:

(A) In violation of any restriction imposed on such person's driving privileges pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto;

(B) such person's driving privileges are suspended or revoked pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto; or

(C) such person has been deemed a habitual violator as defined in K.S.A. 8-285, and amendments thereto, including at least one violation of K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any city in this state, any resolution of any county in this state or any law of another state, which ordinance, resolution or law declares to be unlawful the acts prohibited by that statute.

(b) Involuntary manslaughter as defined in:

(1) Subsection (a)(1), (a)(2) or (a)(4) is a:

(A) Severity level 5, person felony, *except as provided in subsection (b)(1)(B); and*

(B) *severity level 3, person felony, if the victim is under the age of six years;*

(2) subsection (a)(3) is a severity level 4, person felony; and

(3) subsection (a)(5) is a severity level 3, person felony.

Sec. 6. On and after July 1, 2019, K.S.A. 2018 Supp. 21-5602 is hereby amended to read as follows: 21-5602. (a) Abuse of a child is knowingly:

(1) Torturing or cruelly beating any child under the age of 18 years;

(2) shaking any child under the age of 18 years which results in great bodily harm to the child; or

(3) inflicting cruel and inhuman corporal punishment upon any child under the age of 18 years.

(b) Abuse of a child is a:

(1) Severity level 5, person felony, *except as provided in subsection (b)(2); and*

(2) *severity level 4, person felony, if the victim is under the age of six years.*

(c) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any form of battery or homicide.

Sec. 7. On and after July 1, 2019, K.S.A. 2018 Supp. 21-6815 is hereby amended to read as follows: 21-6815. (a) Except as provided in subsection (b), the sentencing judge shall impose the presumptive sentence provided by the sentencing guidelines unless the judge finds substantial and compelling reasons to impose a departure sentence. If the sentencing judge departs from the presumptive sentence, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure.

(b) Subject to the provisions of K.S.A. 2018 Supp. 21-6817(b), and amendments thereto, any fact that would increase the penalty for a crime beyond the statutory maximum, other than a prior conviction, shall be submitted to a jury and proved beyond a reasonable doubt.

(c) (1) Subject to the provisions of subsections (c)(3) and (e), the following nonexclusive list of mitigating factors may be considered in determining whether substantial and compelling reasons for a departure exist:

(A) The victim was an aggressor or participant in the criminal conduct associated with the crime of conviction, *except that this factor shall not apply to a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto, or electronic solicitation as defined in K.S.A. 2018 Supp. 21-5509, and amendments thereto, when: (i) The victim is less than 14 years of age and the offender is 18 or more years of age; or (ii) the offender hires any person by giving, or offering to or agreeing to give, anything of value to the person to engage in an unlawful sex act.*

(B) The offender played a minor or passive role in the crime or participated under circumstances of duress or compulsion. This factor may be considered when it is not sufficient as a complete defense.

(C) The offender, because of physical or mental impairment, lacked substantial capacity for judgment when the offense was committed. The voluntary use of intoxicants, drugs or alcohol does not fall within the purview of this factor.

(D) The defendant, or the defendant's children, suffered a continuing pattern of physical or sexual abuse by the victim of the offense and the offense is a response to that abuse.

(E) The degree of harm or loss attributed to the current crime of conviction was significantly less than typical for such an offense.

(F) The offender committed such crime as a result of an injury, including major depressive disorder, polytrauma, post-traumatic stress disorder or traumatic brain injury, connected to service in a combat zone, as defined in section 112 of the federal internal revenue code of 1986, in the armed forces of the United States of America. As used in this subsection, "major depressive disorder," "polytrauma," "post-traumatic stress disorder" and "traumatic brain injury" shall mean the same as such terms are defined in K.S.A. 2018 Supp. 21-6630, and amendments thereto.

(2) Subject to the provisions of subsection (c)(3), the following non-exclusive list of aggravating factors may be considered in determining whether substantial and compelling reasons for departure exist:

(A) The victim was particularly vulnerable due to age, infirmity, or reduced physical or mental capacity which was known or should have been known to the offender.

(B) The defendant's conduct during the commission of the current offense manifested excessive brutality to the victim in a manner not normally present in that offense.

(C) The offense was motivated entirely or in part by the race, color, religion, ethnicity, national origin or sexual orientation of the victim or the offense was motivated by the defendant's belief or perception, entirely or in part, of the race, color, religion, ethnicity, national origin or sexual orientation of the victim whether or not the defendant's belief or perception was correct.

(D) The offense involved a fiduciary relationship which existed between the defendant and the victim.

(E) The defendant, 18 or more years of age, employed, hired, used, persuaded, induced, enticed or coerced any individual under 16 years of age to:

- (i) Commit any person felony;
- (ii) assist in avoiding detection or apprehension for commission of any person felony; or
- (iii) attempt, conspire or solicit, as defined in K.S.A. 2018 Supp. 21-5301, 21-5302 and 21-5303, and amendments thereto, to commit any person felony.

That the defendant did not know the age of the individual under 16 years of age shall not be a consideration.

(F) The defendant's current crime of conviction is a crime of extreme sexual violence and the defendant is a predatory sex offender. As used in this subsection:

(i) "Crime of extreme sexual violence" is a felony limited to the following:

(a) A crime involving a nonconsensual act of sexual intercourse or sodomy with any person;

(b) a crime involving an act of sexual intercourse, sodomy or lewd fondling and touching with any child who is 14 or more years of age but less than 16 years of age and with whom a relationship has been established or promoted for the primary purpose of victimization;

(c) a crime involving an act of sexual intercourse, sodomy or lewd fondling and touching with any child who is less than 14 years of age;

(d) aggravated human trafficking, as defined in K.S.A. 2018 Supp. 21-5426(b), and amendments thereto, if the victim is less than 14 years of age; or

(e) commercial sexual exploitation of a child, as defined in K.S.A. 2018 Supp. 21-6422, and amendments thereto, if the victim is less than 14 years of age.

(ii) “Predatory sex offender” is an offender who has been convicted of a crime of extreme sexual violence as the current crime of conviction and who:

(a) Has one or more prior convictions of any crimes of extreme sexual violence. Any prior conviction used to establish the defendant as a predatory sex offender pursuant to this subsection shall also be counted in determining the criminal history category; or

(b) suffers from a mental condition or personality disorder which makes the offender likely to engage in additional acts constituting crimes of extreme sexual violence.

(iii) “Mental condition or personality disorder” means an emotional, mental or physical illness, disease, abnormality, disorder, pathology or condition which motivates the person, affects the predisposition or desires of the person, or interferes with the capacity of the person to control impulses to commit crimes of extreme sexual violence.

(G) The defendant was incarcerated during the commission of the offense.

(H) The crime involved two or more participants in the criminal conduct, and the defendant played a major role in the crime as the organizer, leader, recruiter, manager or supervisor.

In determining whether aggravating factors exist as provided in this section, the court shall review the victim impact statement.

(3) If a factual aspect of a crime is a statutory element of the crime or is used to subclassify the crime on the crime severity scale, that aspect of the current crime of conviction may be used as an aggravating or mitigating factor only if the criminal conduct constituting that aspect of the current crime of conviction is significantly different from the usual criminal conduct captured by the aspect of the crime.

(d) In determining aggravating or mitigating circumstances, the court shall consider:

- (1) Any evidence received during the proceeding;
- (2) the presentence report;
- (3) written briefs and oral arguments of either the state or counsel for the defendant; and
- (4) any other evidence relevant to such aggravating or mitigating circumstances that the court finds trustworthy and reliable.

(e) Upon motion of the prosecutor stating that the defendant has provided substantial assistance in the investigation or prosecution of another person who is alleged to have committed an offense, the court may consider such mitigation in determining whether substantial and compelling

reasons for a departure exist. In considering this mitigating factor, the court may consider the following:

- (1) The court's evaluation of the significance and usefulness of the defendant's assistance, taking into consideration the prosecutor's evaluation of the assistance rendered;
- (2) the truthfulness, completeness and reliability of any information or testimony provided by the defendant;
- (3) the nature and extent of the defendant's assistance;
- (4) any injury suffered, or any danger or risk of injury to the defendant or the defendant's family resulting from such assistance; and
- (5) the timeliness of the defendant's assistance.

Sec. 8. On and after July 1, 2019, K.S.A. 2018 Supp. 21-6604 is hereby amended to read as follows: 21-6604. (a) Whenever any person has been found guilty of a crime, the court may adjudge any of the following:

(1) Commit the defendant to the custody of the secretary of corrections if the current crime of conviction is a felony and the sentence presumes imprisonment, or the sentence imposed is a dispositional departure to imprisonment; or, if confinement is for a misdemeanor, to jail for the term provided by law;

(2) impose the fine applicable to the offense and may impose the provisions of subsection (q);

(3) release the defendant on probation if the current crime of conviction and criminal history fall within a presumptive nonprison category or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate. In felony cases except for violations of K.S.A. 8-1567 or 8-2,144, and amendments thereto, the court may include confinement in a county jail not to exceed 60 days, which need not be served consecutively, as a condition of an original probation sentence;

(4) assign the defendant to a community correctional services program as provided in K.S.A. 75-5291, and amendments thereto, or through a departure for substantial and compelling reasons subject to such conditions as the court may deem appropriate, including orders requiring full or partial restitution;

(5) assign the defendant to a conservation camp for a period not to exceed six months as a condition of probation followed by a six-month period of follow-up through adult intensive supervision by a community correctional services program, if the offender successfully completes the conservation camp program;

(6) assign the defendant to a house arrest program pursuant to K.S.A. 2018 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. 2018 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 ~~which~~ *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. 2018 Supp. 21-5911, and amendments thereto; repay expenses incurred by a fire district, fire department or fire company responding to a fire ~~which~~ *that* has been determined to be arson or aggravated arson as defined in K.S.A. 2018 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 ~~which~~ *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. 2018 Supp. 21-6804(i), and amendments thereto, assign the defendant to work release program, other than a program at a correctional institution under the control of the secretary of corrections as defined in K.S.A. 75-5202, and amendments thereto, provided such work release program requires such defendant to return to confinement at the end of each day in the work release program. On a second or subsequent conviction of K.S.A. 8-1567, and amendments thereto, an offender placed into a work release program shall serve the total number of hours of confinement mandated by that section;

(12) order the defendant to pay the full amount of unpaid costs associated with the conditions of release of the appearance bond under K.S.A. 22-2802, and amendments thereto;

(13) impose any appropriate combination of (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12); or

(14) suspend imposition of sentence in misdemeanor cases.

(b) (1) In addition to or in lieu of any of the above, the court shall order the defendant to pay restitution, which shall include, but not be

limited to, damage or loss caused by the defendant's crime, unless the court finds compelling circumstances ~~which~~ *that* would render a plan of restitution unworkable. In regard to a violation of K.S.A. 2018 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. 2018 Supp. 21-5801, 21-5807 or 21-5813, and amendments thereto, such damage or loss shall include the cost of repair or replacement of the property that was damaged, the reasonable cost of any loss of production, crops and livestock, reasonable labor costs of any kind, reasonable material costs of any kind and any reasonable costs that are attributed to equipment that is used to abate or repair the damage to the property. If the court finds a plan of restitution unworkable, 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, which may be collected by the court by garnishment or other execution as on judgments in civil cases. If, after 60 days from the date restitution is ordered by the court, a defendant is found to be in noncompliance with the plan established by the court for payment of restitution, 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 attorney general pursuant to K.S.A. 75-719, 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.

(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. 2018 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 ~~which~~ *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. 2018 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 ~~during which~~ when the defendant would have been on probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision for a felony had the defendant not been granted release by the court pursuant to K.S.A. 2018 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. 2018 Supp. 38-2373, and amendments thereto, for an offense, which if committed by an adult would constitute the commission of a felony, upon conviction, the court shall sentence the offender to imprisonment for the new conviction, even when the new crime of conviction otherwise presumes a nonprison sentence. In this event, imposition of a prison sentence for the new crime does not constitute a departure. The conviction shall operate as a full and complete discharge from any obligations, except for an order of restitution, imposed on the offender arising from the offense for which the offender was committed to a juvenile correctional facility.

(4) When a new felony is committed while the offender is on release for a felony pursuant to the provisions of article 28 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto, or similar provisions of the laws of another jurisdiction, a new sentence may be imposed consecutively pursuant to the provisions of K.S.A. 2018 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. 2018 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. 2018 Supp. 21-6824, and amendments thereto, or prior to revocation of a nonprison sanction of a defendant whose offense is classified in the presumptive nonprison grid block of either sentencing guideline grid or grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes, in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes committed prior to July 1, 2012, or in grid blocks 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes committed on or after July 1, 2012, the court shall consider placement of the defendant in the Labette correctional conservation camp, conservation camps established by the secretary of corrections pursuant to K.S.A. 75-52,127, and amendments thereto, or a community intermediate sanction center. Pursuant to this subsection the defendant shall not be sentenced to imprisonment if space is available in a conservation camp or community intermediate sanction center and the defendant meets all of the conservation camp's or community intermediate sanction center's placement

criteria unless the court states on the record the reasons for not placing the defendant in a conservation camp or community intermediate sanction center.

(h) In committing a defendant to the custody of the secretary of corrections, the court shall fix a term of confinement within the limits provided by law. In those cases where the law does not fix a term of confinement for the crime for which the defendant was convicted, the court shall fix the term of such confinement.

(i) In addition to any of the above, the court shall order the defendant to reimburse the state general fund for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the defendant. In determining the amount and method of payment of such sum, the court shall take account of the financial resources of the defendant and the nature of the burden that payment of such sum will impose. A defendant who has been required to pay such sum and who is not willfully in default in the payment thereof may at any time petition the court ~~which~~ *that* sentenced the defendant to waive payment of such sum or any unpaid portion thereof. If it appears to the satisfaction of the court that payment of the amount due will impose manifest hardship on the defendant or the defendant's immediate family, the court may waive payment of all or part of the amount due or modify the method of payment. The amount of attorney fees to be included in the court order for reimbursement shall be the amount claimed by appointed counsel on the payment voucher for indigents' defense services or the amount prescribed by the board of indigents' defense services reimbursement tables as provided in K.S.A. 22-4522, and amendments thereto, whichever is less.

(j) This section shall not deprive the court of any authority conferred by any other Kansas statute to decree a forfeiture of property, suspend or cancel a license, remove a person from office or impose any other civil penalty as a result of conviction of crime.

(k) An application for or acceptance of probation or assignment to a community correctional services program shall not constitute an acquiescence in the judgment for purpose of appeal, and any convicted person may appeal from such conviction, as provided by law, without regard to whether such person has applied for probation, suspended sentence or assignment to a community correctional services program.

(l) The secretary of corrections is authorized to make direct placement to the Labette correctional conservation camp or a conservation camp established by the secretary pursuant to K.S.A. 75-52,127, and amendments thereto, of an inmate sentenced to the secretary's custody if the inmate:

(1) Has been sentenced to the secretary for a probation revocation, as a departure from the presumptive nonimprisonment grid block of either sentencing grid, for an offense ~~which~~ *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 ~~which~~ *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. 2018 Supp. 21-6824, and amendments thereto; and

(2) otherwise meets admission criteria of the camp.

If the inmate successfully completes a conservation camp program, the secretary of corrections shall report such completion to the sentencing court and the county or district attorney. The inmate shall then be assigned by the court to six months of follow-up supervision conducted by the appropriate community corrections services program. The court may also order that supervision continue thereafter for the length of time authorized by K.S.A. 2018 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. 2018 Supp. 21-6630 and 21-6805(f), and amendments thereto, in addition to any of the above, for felony violations of K.S.A. 2018 Supp. 21-5706, and amendments thereto, the court shall require the defendant who meets the requirements established in K.S.A. 2018 Supp. 21-6824, and amendments thereto, to participate in a certified drug abuse treatment program, as provided in K.S.A. 2018 Supp. 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. 2018 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)(C) ~~or (c)(1)(D)~~, and amendments thereto, shall serve a period of postrelease supervision upon the completion of the underlying prison term.

(o) (1) Except as provided in paragraph (3), in addition to any other penalty or disposition imposed by law, upon a conviction for unlawful possession of a controlled substance or controlled substance analog in violation of K.S.A. 2018 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 ~~which~~ *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. 2018 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. 2018 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: ~~(1) The court has specifically withheld this authority in its sentencing order; or~~

~~(2) 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:

~~(1) The court has specifically withheld this authority in its sentencing order; or~~

~~(2) 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.*

Sec. 9. On and after July 1, 2019, K.S.A. 2018 Supp. 21-6824 is hereby amended to read as follows: 21-6824. (a) There is hereby established a nonprison sanction of certified drug abuse treatment programs for certain offenders who are sentenced on or after November 1, 2003. Placement of offenders in certified drug abuse treatment programs by the court shall be limited to placement of adult offenders, convicted of a felony violation of K.S.A. 2018 Supp. 21-5705 or 21-5706, and amendments thereto, whose offense is classified in grid blocks:

(1) 5-C, 5-D, 5-E, 5-F, 5-G, 5-H or 5-I of the sentencing guidelines grid for drug crimes and such offender has no felony conviction of K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 2018 Supp. 21-5703, 21-5705 or 21-5716, and amendments thereto, or any substantially similar offense from another jurisdiction; or

(2) 5-A, 5-B, 4-E, 4-F, 4-G, 4-H or 4-I of the sentencing guidelines grid for drug crimes, such offender has no felony conviction of K.S.A. 65-4142, 65-4159, 65-4161, 65-4163 or 65-4164, prior to their repeal, K.S.A. 2010 Supp. 21-36a03, 21-36a05 or 21-36a16, prior to their transfer, or K.S.A. 2018 Supp. 21-5703, 21-5705 or 21-5716, and amendments thereto, or any substantially similar offense from another jurisdiction, if the person felonies in the offender's criminal history were severity level 8, 9 or 10 or nongrid offenses of the sentencing guidelines grid for nondrug crimes, and the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will not be jeopardized by such placement in a drug abuse treatment program.

(b) As a part of the presentence investigation pursuant to K.S.A. 2018 Supp. 21-6813, and amendments thereto, offenders who meet the requirements of subsection (a), unless otherwise specifically ordered by the court, shall be subject to:

(1) A drug abuse assessment which shall include a clinical interview with a mental health professional and a recommendation concerning drug abuse treatment for the offender; and

(2) a criminal risk-need assessment. The criminal risk-need assessment shall assign a high or low risk status to the offender.

(c) If the offender is assigned a high risk status as determined by the drug abuse assessment performed pursuant to subsection (b)(1) and a moderate or high risk status as determined by the criminal risk-need assessment performed pursuant to subsection (b)(2), the sentencing court shall commit the offender to treatment in a drug abuse treatment pro-

gram until the court determines the offender is suitable for discharge by the court. The term of treatment shall not exceed 18 months. The court may extend the term of probation, pursuant to K.S.A. 2018 Supp. 21-6608(c)(3), and amendments thereto. The term of treatment may not exceed the term of probation.

(d) (1) Offenders who are committed to a drug abuse treatment program pursuant to subsection (c) shall be supervised by community correctional services.

(2) Offenders who are not committed to a drug abuse treatment program pursuant to subsection (c) shall be supervised by community correctional services or court services based on the result of the criminal risk assessment.

(e) Placement of offenders under subsection (a)(2) shall be subject to the departure sentencing statutes of the revised Kansas sentencing guidelines act.

(f) (1) Offenders in drug abuse treatment programs shall be discharged from such program if the offender:

(A) Is convicted of a new felony; or

(B) has a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the treatment program, as established by judicial finding.

(2) Offenders who are discharged from such program shall be subject to the revocation provisions of K.S.A. 2018 Supp. 21-6604(n), and amendments thereto.

(g) As used in this section, "mental health professional" includes licensed social workers, persons licensed to practice medicine and surgery, licensed psychologists, licensed professional counselors or registered alcohol and other drug abuse counselors licensed or certified as addiction counselors who have been certified by the secretary of corrections to treat offenders pursuant to K.S.A. 2018 Supp. 75-52,144, and amendments thereto.

(h) (1) Offenders who meet the requirements of subsection (a) shall not be subject to the provisions of this section and shall be sentenced as otherwise provided by law, if such offenders:

(A) Are residents of another state and are returning to such state pursuant to the interstate corrections compact or the interstate compact for adult offender supervision; or

(B) are not lawfully present in the United States and being detained for deportation; or

(C) do not meet the risk assessment levels provided in subsection (c).

(2) Such sentence shall not be considered a departure and shall not be subject to appeal.

(i) The court may order an offender who otherwise does not meet the requirements of subsection (c) to undergo one additional drug abuse

assessment while such offender is on probation. Such offender may be ordered to undergo drug abuse treatment pursuant to subsection (a) if such offender is determined to meet the requirements of subsection (c). The cost of such assessment shall be paid by such offender.

Sec. 10. On and after July 1, 2019, K.S.A. 2018 Supp. 22-3716 is hereby amended to read as follows: 22-3716. (a) At any time during probation, assignment to a community correctional services program, suspension of sentence or pursuant to subsection (e) for defendants who committed a crime prior to July 1, 1993, and at any time ~~during which~~ *when* a defendant is serving a nonprison sanction for a crime committed on or after July 1, 1993, or pursuant to subsection (e), the court may issue a warrant for the arrest of a defendant for violation of any of the conditions of release or assignment, a notice to appear to answer to a charge of violation or a violation of the defendant's nonprison sanction. The notice shall be personally served upon the defendant. The warrant shall authorize all officers named in the warrant to return the defendant to the custody of the court or to any certified detention facility designated by the court. Any court services officer or community correctional services officer may arrest the defendant without a warrant or may deputize any other officer with power of arrest to do so by giving the officer a written or verbal statement setting forth that the defendant has, in the judgment of the court services officer or community correctional services officer, violated the conditions of the defendant's release or a nonprison sanction. A written statement delivered to the official in charge of a county jail or other place of detention shall be sufficient warrant for the detention of the defendant. After making an arrest, the court services officer or community correctional services officer shall present to the detaining authorities a similar statement of the circumstances of violation. Provisions regarding release on bail of persons charged with a crime shall be applicable to defendants arrested under these provisions.

(b) (1) Upon arrest and detention pursuant to subsection (a), the court services officer or community correctional services officer shall immediately notify the court and shall submit in writing a report showing in what manner the defendant has violated the conditions of release or assignment or a nonprison sanction.

(2) Unless the defendant, after being apprised of the right to a hearing by the supervising court services or community correctional services officer, waives such hearing, the court shall cause the defendant to be brought before it without unnecessary delay for a hearing on the violation charged. The hearing shall be in open court and the state shall have the burden of establishing the violation. The defendant shall have the right to be represented by counsel and shall be informed by the judge that, if the defendant is financially unable to obtain counsel, an attorney will be appointed to rep-

resent the defendant. The defendant shall have the right to present the testimony of witnesses and other evidence on the defendant's behalf. Relevant written statements made under oath may be admitted and considered by the court along with other evidence presented at the hearing.

(3) (A) Except as otherwise provided, if the original crime of conviction was a felony, other than a felony specified in K.S.A. 2018 Supp. 21-6804(i), and amendments thereto, and a violation is established, the court may impose the violation sanctions as provided in subsection (c)(1).

(B) Except as otherwise provided, if the original crime of conviction was a misdemeanor or a felony specified in K.S.A. 2018 Supp. 21-6804(i), and amendments thereto, and a violation is established, the court may:

(i) Continue or modify the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and impose confinement in a county jail not to exceed 60 days. If an offender is serving multiple probation terms concurrently, any confinement periods imposed shall be imposed concurrently;

(ii) impose an intermediate sanction of confinement in a county jail, to be imposed as a two-day or three-day consecutive period. The total of all such sanctions imposed pursuant to this subparagraph and ~~subsections subsection (b)(4)(A) and (b)(4)(B)~~ shall not exceed 18 total days during the term of supervision, *except as provided in subsection (h)*; or

(iii) revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and require the defendant to serve the sentence imposed, or any lesser sentence, and, if imposition of sentence was suspended, may impose any sentence ~~which~~ *that* might originally have been imposed.

(4) Except as otherwise provided, if the defendant waives the right to a hearing and ~~the sentencing court has not specifically withheld the authority from court services or community correctional services to impose sanctions~~, the following sanctions may be imposed without further order of the court:

(A) If the defendant was on probation at the time of the violation, the defendant's supervising court services officer, with the concurrence of the chief court services officer, may impose an intermediate sanction of confinement in a county jail, to be imposed as a two-day or three-day consecutive period. The total of all such sanctions imposed pursuant to this subparagraph and subsections (b)(4)(B) and (c)(1)(B) shall not exceed 18 total days during the term of supervision, *except as provided in subsection (h)*; and

(B) if the defendant was assigned to a community correctional services program at the time of the violation, the defendant's community corrections officer, with the concurrence of the community corrections director, may impose an intermediate sanction of confinement in a county

jail, to be imposed as a two-day or three-day consecutive period. The total of all such sanctions imposed pursuant to this subparagraph and subsections (b)(4)(A) and (c)(1)(B) shall not exceed 18 total days during the term of supervision, *except as provided in subsection (h)*.

(c) (1) Except as otherwise provided, if the original crime of conviction was a felony, other than a felony specified in K.S.A. 2018 Supp. 21-6804(i), and amendments thereto, and a violation is established, the court may impose the following sanctions:

(A) Continuation or modification of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction;

(B) continuation or modification of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and an intermediate sanction of confinement in a county jail to be imposed as a two-day or three-day consecutive period. The total of all such sanctions imposed pursuant to this subparagraph and ~~subsections subsection (b)(4)(A) and (b)(4)(B)~~ shall not exceed 18 total days during the term of supervision, *except as provided in subsection (h); or*

~~(C) if the violator already had at least one intermediate sanction imposed pursuant to subsection (b)(4)(A), (b)(4)(B) or (c)(1)(B) related to the crime for which the original supervision was imposed, continuation or modification of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and remanding the defendant to the custody of the secretary of corrections for a period of 120 days, subject to a reduction of up to 60 days in the discretion of the secretary. This sanction shall not be imposed more than once during the term of supervision. The sanction imposed pursuant to this subparagraph shall begin upon pronouncement by the court and shall not be served by prior confinement credit, except as provided in subsection (c)(7);~~

~~(D) if the violator already had a sanction imposed pursuant to subsection (b)(4)(A), (b)(4)(B), (c)(1)(B) or (c)(1)(C) related to the crime for which the original supervision was imposed, continuation or modification of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction and remanding the defendant to the custody of the secretary of corrections for a period of 180 days, subject to a reduction of up to 90 days in the discretion of the secretary. This sanction shall not be imposed more than once during the term of supervision. The sanction imposed pursuant to this subparagraph shall begin upon pronouncement by the court and shall not be served by prior confinement credit, except as provided in subsection (c)(7); or~~

(~~E~~)—if the violator already had a sanction imposed pursuant to subsection (~~e~~)(1)(~~C~~) or (~~e~~)(1)(~~D~~) (~~c~~)(1)(~~B~~) related to the crime for which the original supervision was imposed, revocation of the probation, assignment to a community corrections services program, suspension of sentence or nonprison sanction and requiring such violator to serve the sentence imposed, or any lesser sentence and, if imposition of sentence was suspended, imposition of any sentence ~~which~~ *that* might originally have been imposed.

(2) Except as otherwise provided in subsections (~~c~~)(3), (~~e~~)(8) and (~~c~~)(~~9~~)(7), no offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section shall be required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections for such violation, unless such person has already had at least one prior assignment to a community correctional services program related to the crime for which the original sentence was imposed.

(3) The provisions of subsection (~~c~~)(2) shall not apply to adult felony offenders as described in K.S.A. 75-5291(a)(3), and amendments thereto.

(4) The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established as provided in this section to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program.

(5) When a new felony is committed while the offender is on probation or assignment to a community correctional services program, the new sentence shall be imposed consecutively pursuant to the provisions of K.S.A. 2018 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.

(6) ~~Except as provided in subsection (f), upon completion of a violation sanction imposed pursuant to subsection (e)(1)(C) or (e)(1)(D) such offender shall return to community correctional services supervision. The sheriff shall not be responsible for the return of the offender to the county where the community correctional services supervision is assigned.~~

(7)—A violation sanction imposed pursuant to subsection (~~c~~)(1)(~~B~~), (~~e~~)(1)(~~C~~) or (~~e~~)(1)(~~D~~) shall not be longer than the amount of time remaining on the offender's underlying prison sentence.



~~(8) (A) If the offender commits a new felony or misdemeanor while the offender is on probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction, the court may revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction of an offender pursuant to subsection (c)(1)(E) without having previously imposed a sanction pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D).~~

~~(B) If the offender absconds from supervision while the offender is on probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction, the court may: (i) Revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction of an offender pursuant to subsection (c)(1)(E) without having previously imposed a sanction pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D); or~~

~~(ii) sanction the offender under subsection (c)(1)(A), (c)(1)(C) or (c)(1)(D) without imposing a sanction under (c)(1)(B).~~

~~(9)(7) The court may revoke the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction of an offender pursuant to subsection (c)(1)(E) without having previously imposed a sanction pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D) if:~~

~~(A) The court finds and sets forth with particularity the reasons for finding that the safety of members of the public will be jeopardized or that the welfare of the offender will not be served by such sanction; or~~

~~(B) the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction was originally granted as the result of a dispositional departure granted by the sentencing court pursuant to K.S.A. 2018 Supp. 21-6815, and amendments thereto;~~

~~(C) the offender commits a new felony or misdemeanor while the offender is on probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction; or~~

~~(D) the offender absconds from supervision while the offender is on probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction.~~

~~(10)(8) If an offender is serving multiple probation terms concurrently, any violation sanctions imposed pursuant to subsection (c)(1)(B), (c)(1)(C) or (c)(1)(D), or any sanction imposed pursuant to subsection (c)(11)(9), shall be imposed concurrently.~~

~~(11)(9) If the original crime of conviction was a felony, except for violations of K.S.A. 8-1567 or 8-2,144, and amendments thereto, and the court makes a finding that the offender has committed one or more violations of the release conditions of the probation, assignment to a community correctional services program, suspension of sentence or nonprison~~



sanction, the court may impose confinement in a county jail not to exceed 60 days upon each such finding. Such confinement is separate and distinct from the violation sanctions provided in subsection (c)(1)(B), ~~(c)(1)(C), (c)(1)(D) and (c)(1)(E)~~ and shall not be imposed at the same time as any such violation sanction.

~~(12)~~(10) The violation sanctions provided in this subsection shall apply to any violation of conditions of release or assignment or a nonprison sanction occurring on and after July 1, 2013, regardless of when the offender was sentenced for the original crime or committed the original crime for which sentenced.

(d) A defendant who is on probation, assigned to a community correctional services program, under suspension of sentence or serving a nonprison sanction and for whose return a warrant has been issued by the court shall be considered a fugitive from justice if it is found that the warrant cannot be served. If it appears that the defendant has violated the provisions of the defendant's release or assignment or a nonprison sanction, the court shall determine whether the time from the issuing of the warrant to the date of the defendant's arrest, or any part of it, shall be counted as time served on probation, assignment to a community correctional services program, suspended sentence or pursuant to a nonprison sanction.

(e) The court shall have 30 days following the date probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction was to end to issue a warrant for the arrest or notice to appear for the defendant to answer a charge of a violation of the conditions of probation, assignment to a community correctional service program, suspension of sentence or a nonprison sanction.

(f) For crimes committed on and after July 1, 2013, a felony offender whose nonprison sanction is revoked pursuant to subsection (c) or whose underlying prison term expires while serving a sanction pursuant to subsection (c)(1)(C) or ~~(c)(1)(D)~~ shall serve a period of postrelease supervision upon the completion of the prison portion of the underlying sentence.

(g) Offenders who have been sentenced pursuant to K.S.A. 2018 Supp. 21-6824, and amendments thereto, and who subsequently violate a condition of the drug and alcohol abuse treatment program shall be subject to an additional nonprison sanction for any such subsequent violation. Such nonprison sanctions shall include, but not be limited to, up to 60 days in a county jail, fines, community service, intensified treatment, house arrest and electronic monitoring.

(h) *If the court continues or modifies the probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction, pursuant to subsection (b) or (c), the court shall authorize an additional 18 days of sanction time in a county jail to be reserved for sanctions as set forth in subsection (b)(3), (b)(4) or (c)(1).*

Sec. 11. On and after July 1, 2019, K.S.A. 2018 Supp. 22-3717 is hereby amended to read as follows: 22-3717. (a) Except as otherwise provided by this section; K.S.A. 1993 Supp. 21-4628, prior to its repeal; K.S.A. 21-4624, 21-4635 through 21-4638 and 21-4642, prior to their repeal; K.S.A. 2018 Supp. 21-6617, 21-6620, 21-6623, 21-6624, 21-6625 and 21-6626, and amendments thereto; and K.S.A. 8-1567, and amendments thereto; an inmate, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 2018 Supp. 21-6707, and amendments thereto, shall be eligible for parole after serving the entire minimum sentence imposed by the court, less good time credits.

(b) (1) An inmate sentenced to imprisonment for life without the possibility of parole pursuant to K.S.A. 2018 Supp. 21-6617, and amendments thereto, shall not be eligible for parole.

(2) Except as provided by K.S.A. 21-4635 through 21-4638, prior to their repeal, and K.S.A. 2018 Supp. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to imprisonment for the crime of: (A) Capital murder committed on or after July 1, 1994, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits; (B) murder in the first degree based upon a finding of premeditated murder committed on or after July 1, 1994, but prior to July 1, 2014, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits; and (C) murder in the first degree as described in K.S.A. 2018 Supp. 21-5402(a)(2), and amendments thereto, committed on or after July 1, 2014, shall be eligible for parole after serving 25 years of confinement, without deduction of any good time credits.

(3) Except as provided by subsections (b)(1), (b)(2) and (b)(5), K.S.A. 1993 Supp. 21-4628, prior to its repeal, K.S.A. 21-4635 through 21-4638, prior to their repeal, and K.S.A. 2018 Supp. 21-6620, 21-6623, 21-6624 and 21-6625, and amendments thereto, an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1993, but prior to July 1, 1999, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits and an inmate sentenced to imprisonment for an off-grid offense committed on or after July 1, 1999, shall be eligible for parole after serving 20 years of confinement without deduction of any good time credits.

(4) Except as provided by K.S.A. 1993 Supp. 21-4628, prior to its repeal, an inmate sentenced for a class A felony committed before July 1, 1993, including an inmate sentenced pursuant to K.S.A. 21-4618, prior to its repeal, or K.S.A. 2018 Supp. 21-6707, and amendments thereto, shall be eligible for parole after serving 15 years of confinement, without deduction of any good time credits.

(5) An inmate sentenced to imprisonment for a violation of K.S.A. 21-3402(a), prior to its repeal, committed on or after July 1, 1996, but

prior to July 1, 1999, shall be eligible for parole after serving 10 years of confinement without deduction of any good time credits.

(6) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2018 Supp. 21-6627, and amendments thereto, committed on or after July 1, 2006, shall be eligible for parole after serving the mandatory term of imprisonment without deduction of any good time credits.

(c) (1) Except as provided in subsection (e), if an inmate is sentenced to imprisonment for more than one crime and the sentences run consecutively, the inmate shall be eligible for parole after serving the total of:

(A) The aggregate minimum sentences, as determined pursuant to K.S.A. 21-4608, prior to its repeal, or K.S.A. 2018 Supp. 21-6606, and amendments thereto, less good time credits for those crimes which are not class A felonies; and

(B) an additional 15 years, without deduction of good time credits, for each crime which is a class A felony.

(2) If an inmate is sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2018 Supp. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, the inmate shall be eligible for parole after serving the mandatory term of imprisonment.

(d) (1) Persons sentenced for crimes, other than off-grid crimes, committed on or after July 1, 1993, or persons subject to subparagraph (G), will not be eligible for parole, but will be released to a mandatory period of postrelease supervision upon completion of the prison portion of their sentence as follows:

(A) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 1 through 4 crimes, drug severity levels 1 and 2 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity levels 1, 2 and 3 crimes committed on or after July 1, 2012, must serve 36 months on postrelease supervision.

(B) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 5 and 6 crimes, drug severity level 3 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 4 crimes committed on or after July 1, 2012, must serve 24 months on postrelease supervision.

(C) Except as provided in subparagraphs (D) and (E), persons sentenced for nondrug severity levels 7 through 10 crimes, drug severity level 4 crimes committed on or after July 1, 1993, but prior to July 1, 2012, and drug severity level 5 crimes committed on or after July 1, 2012, must serve 12 months on postrelease supervision.

(D) Persons sentenced to a term of imprisonment that includes a sentence for a sexually violent crime as defined in K.S.A. 22-3717, and amendments thereto, committed on or after July 1, 1993, but prior to

July 1, 2006, a sexually motivated crime in which the offender has been ordered to register pursuant to K.S.A. 22-3717(d)(1)(D)(vii), and amendments thereto, electronic solicitation, K.S.A. 21-3523, prior to its repeal, or K.S.A. 2018 Supp. 21-5509, and amendments thereto, or unlawful sexual relations, K.S.A. 21-3520, prior to its repeal, or K.S.A. 2018 Supp. 21-5512, and amendments thereto, shall serve the period of postrelease supervision as provided in subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C), plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 2018 Supp. 21-6821, and amendments thereto, on postrelease supervision.

(i) If the sentencing judge finds substantial and compelling reasons to impose a departure based upon a finding that the current crime of conviction was sexually motivated, departure may be imposed to extend the postrelease supervision to a period of up to 60 months.

(ii) If the sentencing judge departs from the presumptive postrelease supervision period, the judge shall state on the record at the time of sentencing the substantial and compelling reasons for the departure. Departures in this section are subject to appeal pursuant to K.S.A. 21-4721, prior to its repeal, or K.S.A. 2018 Supp. 21-6820, and amendments thereto.

(iii) In determining whether substantial and compelling reasons exist, the court shall consider:

(a) Written briefs or oral arguments submitted by either the defendant or the state;

(b) any evidence received during the proceeding;

(c) the presentence report, the victim's impact statement and any psychological evaluation as ordered by the court pursuant to K.S.A. 21-4714(e), prior to its repeal, or K.S.A. 2018 Supp. 21-6813(e), and amendments thereto; and

(d) any other evidence the court finds trustworthy and reliable.

(iv) The sentencing judge may order that a psychological evaluation be prepared and the recommended programming be completed by the offender. The department of corrections or the prisoner review board shall ensure that court ordered sex offender treatment be carried out.

(v) In carrying out the provisions of subsection (d)(1)(D), the court shall refer to K.S.A. 21-4718, prior to its repeal, or K.S.A. 2018 Supp. 21-6817, and amendments thereto.

(vi) Upon petition and payment of any restitution ordered pursuant to K.S.A. 2018 Supp. 21-6604, and amendments thereto, the prisoner review board may provide for early discharge from the postrelease supervision period imposed pursuant to subsection (d)(1)(D)(i) upon completion of court ordered programs and completion of the presumptive postrelease supervision period, as determined by the crime of conviction, pursuant to

subsection (d)(1)(A), (d)(1)(B) or (d)(1)(C). Early discharge from postrelease supervision is at the discretion of the board.

(vii) Persons convicted of crimes deemed sexually violent or sexually motivated shall be registered according to the offender registration act, K.S.A. 22-4901 through 22-4910, and amendments thereto.

(viii) Persons convicted of K.S.A. 21-3510 or 21-3511, prior to their repeal, or K.S.A. 2018 Supp. 21-5508, and amendments thereto, shall be required to participate in a treatment program for sex offenders during the postrelease supervision period.

(E) The period of postrelease supervision provided in subparagraphs (A) and (B) may be reduced by up to 12 months and the period of postrelease supervision provided in subparagraph (C) may be reduced by up to six months based on the offender's compliance with conditions of supervision and overall performance while on postrelease supervision. The reduction in the supervision period shall be on an earned basis pursuant to rules and regulations adopted by the secretary of corrections.

(F) In cases where sentences for crimes from more than one severity level have been imposed, the offender shall serve the longest period of postrelease supervision as provided by this section available for any crime upon which sentence was imposed irrespective of the severity level of the crime. Supervision periods will not aggregate.

(G) (i) Except as provided in subsection (u), persons sentenced to imprisonment for a sexually violent crime committed on or after July 1, 2006, when the offender was 18 years of age or older, and who are released from prison, shall be released to a mandatory period of postrelease supervision for the duration of the person's natural life.

(ii) Persons sentenced to imprisonment for a sexually violent crime committed on or after the effective date of this act, when the offender was under 18 years of age, and who are released from prison, shall be released to a mandatory period of postrelease supervision for 60 months, plus the amount of good time and program credit earned and retained pursuant to K.S.A. 21-4722, prior to its repeal, or K.S.A. 2018 Supp. 21-6821, and amendments thereto.

(2) Persons serving a period of postrelease supervision pursuant to subsections (d)(1)(A), (d)(1)(B) or (d)(1)(C) may petition the prisoner review board for early discharge. Upon payment of restitution, the prisoner review board may provide for early discharge.

(3) Persons serving a period of incarceration for a supervision violation shall not have the period of postrelease supervision modified until such person is released and returned to postrelease supervision.

(4) Offenders whose crime of conviction was committed on or after July 1, 2013, and whose probation, assignment to a community correctional services program, suspension of sentence or nonprison sanction

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)(C) or ~~(e)(1)(D)~~, and amendments thereto, shall serve a period of postrelease supervision upon the completion of the underlying prison term.

(5) As used in this subsection, “sexually violent crime” means:

(A) Rape, K.S.A. 21-3502, prior to its repeal, or K.S.A. 2018 Supp. 21-5503, and amendments thereto;

(B) indecent liberties with a child, K.S.A. 21-3503, prior to its repeal, or K.S.A. 2018 Supp. 21-5506(a), and amendments thereto;

(C) aggravated indecent liberties with a child, K.S.A. 21-3504, prior to its repeal, or K.S.A. 2018 Supp. 21-5506(b), and amendments thereto;

(D) criminal sodomy, K.S.A. 21-3505(a)(2) and (a)(3), prior to its repeal, or K.S.A. 2018 Supp. 21-5504(a)(3) and (a)(4), and amendments thereto;

(E) aggravated criminal sodomy, K.S.A. 21-3506, prior to its repeal, or K.S.A. 2018 Supp. 21-5504(b), and amendments thereto;

(F) indecent solicitation of a child, K.S.A. 21-3510, prior to its repeal, or K.S.A. 2018 Supp. 21-5508(a), and amendments thereto;

(G) aggravated indecent solicitation of a child, K.S.A. 21-3511, prior to its repeal, or K.S.A. 2018 Supp. 21-5508(b), and amendments thereto;

(H) sexual exploitation of a child, K.S.A. 21-3516, prior to its repeal, or K.S.A. 2018 Supp. 21-5510, and amendments thereto;

(I) aggravated sexual battery, K.S.A. 21-3518, prior to its repeal, or K.S.A. 2018 Supp. 21-5505(b), and amendments thereto;

(J) aggravated incest, K.S.A. 21-3603, prior to its repeal, or K.S.A. 2018 Supp. 21-5604(b), and amendments thereto;

(K) aggravated human trafficking, as defined in K.S.A. 21-3447, prior to its repeal, or K.S.A. 2018 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;

(L) internet trading in child pornography, as defined in K.S.A. 2018 Supp. 21-5514(a), and amendments thereto;

(M) aggravated internet trading in child pornography, as defined in K.S.A. 2018 Supp. 21-5514(b), and amendments thereto;

(N) commercial sexual exploitation of a child, as defined in K.S.A. 2018 Supp. 21-6422, and amendments thereto; or

(O) 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. 2018 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, of a sexually violent crime as defined in this section.

(6) As used in this subsection, “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.

(e) If an inmate is sentenced to imprisonment for a crime committed while on parole or conditional release, the inmate shall be eligible for parole as provided by subsection (c), except that the prisoner review board may postpone the inmate's parole eligibility date by assessing a penalty not exceeding the period of time which could have been assessed if the inmate's parole or conditional release had been violated for reasons other than conviction of a crime.

(f) If a person is sentenced to prison for a crime committed on or after July 1, 1993, while on probation, parole, conditional release or in a community corrections program, for a crime committed prior to July 1, 1993, and the person is not eligible for retroactive application of the sentencing guidelines and amendments thereto pursuant to K.S.A. 21-4724, prior to its repeal, the new sentence shall not be aggregated with the old sentence, but shall begin when the person is paroled or reaches the conditional release date on the old sentence. If the offender was past the offender's conditional release date at the time the new offense was committed, the new sentence shall not be aggregated with the old sentence but shall begin when the person is ordered released by the prisoner review board or reaches the maximum sentence expiration date on the old sentence, whichever is earlier. The new sentence shall then be served as otherwise provided by law. The period of postrelease supervision shall be based on the new sentence, except that those offenders whose old sentence is a term of imprisonment for life, imposed pursuant to K.S.A. 1993 Supp. 21-4628, prior to its repeal, or an indeterminate sentence with a maximum term of life imprisonment, for which there is no conditional release or maximum sentence expiration date, shall remain on postrelease supervision for life or until discharged from supervision by the prisoner review board.

(g) Subject to the provisions of this section, the prisoner review board may release on parole those persons confined in institutions who are eligible for parole when: (1) The board believes that the inmate should be released for hospitalization, deportation or to answer the warrant or other process of a court and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate; or (2) the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement, and the board believes that the inmate is able and willing to fulfill the obligations of a law abiding citizen and is of the opinion that there is reasonable probability that the inmate can be released without detriment to the community or to the inmate. Parole shall not be granted as an award of clemency and shall not be considered a reduction of sentence or a pardon.



(h) The prisoner review board shall hold a parole hearing at least the month prior to the month an inmate will be eligible for parole under subsections (a), (b) and (c). At least one month preceding the parole hearing, the county or district attorney of the county where the inmate was convicted shall give written notice of the time and place of the public comment sessions for the inmate to any victim of the inmate's crime who is alive and whose address is known to the county or district attorney or, if the victim is deceased, to the victim's family if the family's address is known to the county or district attorney. Except as otherwise provided, failure to notify pursuant to this section shall not be a reason to postpone a parole hearing. In the case of any inmate convicted of an off-grid felony or a class A felony, the secretary of corrections shall give written notice of the time and place of the public comment session for such inmate at least one month preceding the public comment session to any victim of such inmate's crime or the victim's family pursuant to K.S.A. 74-7338, and amendments thereto. If notification is not given to such victim or such victim's family in the case of any inmate convicted of an off-grid felony or a class A felony, the board shall postpone a decision on parole of the inmate to a time at least 30 days after notification is given as provided in this section. Nothing in this section shall create a cause of action against the state or an employee of the state acting within the scope of the employee's employment as a result of the failure to notify pursuant to this section. If granted parole, the inmate may be released on parole on the date specified by the board, but not earlier than the date the inmate is eligible for parole under subsections (a), (b) and (c). At each parole hearing and, if parole is not granted, at such intervals thereafter as it determines appropriate, the board shall consider: (1) Whether the inmate has satisfactorily completed the programs required by any agreement entered under K.S.A. 75-5210a, and amendments thereto, or any revision of such agreement; and (2) all pertinent information regarding such inmate, including, but not limited to, the circumstances of the offense of the inmate; the presentence report; the previous social history and criminal record of the inmate; the conduct, employment, and attitude of the inmate in prison; the reports of such physical and mental examinations as have been made, including, but not limited to, risk factors revealed by any risk assessment of the inmate; comments of the victim and the victim's family including in person comments, contemporaneous comments and prerecorded comments made by any technological means; comments of the public; official comments; any recommendation by the staff of the facility where the inmate is incarcerated; proportionality of the time the inmate has served to the sentence a person would receive under the Kansas sentencing guidelines for the conduct that resulted in the inmate's incarceration; and capacity of state correctional institutions.



(i) In those cases involving inmates sentenced for a crime committed after July 1, 1993, the prisoner review board will review the inmate's proposed release plan. The board may schedule a hearing if they desire. The board may impose any condition they deem necessary to insure public safety, aid in the reintegration of the inmate into the community, or items not completed under the agreement entered into under K.S.A. 75-5210a, and amendments thereto. The board may not advance or delay an inmate's release date. Every inmate while on postrelease supervision shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary.

(j) (1) Before ordering the parole of any inmate, the prisoner review board shall have the inmate appear either in person or via a video conferencing format and shall interview the inmate unless impractical because of the inmate's physical or mental condition or absence from the institution. Every inmate while on parole shall remain in the legal custody of the secretary of corrections and is subject to the orders of the secretary. Whenever the board formally considers placing an inmate on parole and no agreement has been entered into with the inmate under K.S.A. 75-5210a, and amendments thereto, the board shall notify the inmate in writing of the reasons for not granting parole. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the inmate has not satisfactorily completed the programs specified in the agreement, or any revision of such agreement, the board shall notify the inmate in writing of the specific programs the inmate must satisfactorily complete before parole will be granted. If parole is not granted only because of a failure to satisfactorily complete such programs, the board shall grant parole upon the secretary's certification that the inmate has successfully completed such programs. If an agreement has been entered under K.S.A. 75-5210a, and amendments thereto, and the secretary of corrections has reported to the board in writing that the inmate has satisfactorily completed the programs required by such agreement, or any revision thereof, the board shall not require further program participation. However, if the board determines that other pertinent information regarding the inmate warrants the inmate's not being released on parole, the board shall state in writing the reasons for not granting the parole. If parole is denied for an inmate sentenced for a crime other than a class A or class B felony or an off-grid felony, the board shall hold another parole hearing for the inmate not later than one year after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next three years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to three years but any such deferral by the board shall require the board to state the basis for its findings. If parole is denied for an inmate sentenced for a class A or class B felony or an off-grid felony,

the board shall hold another parole hearing for the inmate not later than three years after the denial unless the board finds that it is not reasonable to expect that parole would be granted at a hearing if held in the next 10 years or during the interim period of a deferral. In such case, the board may defer subsequent parole hearings for up to 10 years, but any such deferral shall require the board to state the basis for its findings.

(2) Inmates sentenced for a class A or class B felony who have not had a board hearing in the five years prior to July 1, 2010, shall have such inmates' cases reviewed by the board on or before July 1, 2012. Such review shall begin with the inmates with the oldest deferral date and progress to the most recent. Such review shall be done utilizing existing resources unless the board determines that such resources are insufficient. If the board determines that such resources are insufficient, then the provisions of this paragraph are subject to appropriations therefor.

(k) (1) Parolees and persons on postrelease supervision shall be assigned, upon release, to the appropriate level of supervision pursuant to the criteria established by the secretary of corrections.

(2) Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to searches of the person and the person's effects, vehicle, residence and property by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to authorize such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment.

(3) Parolees and persons on postrelease supervision are, and shall agree in writing to be, subject to searches of the person and the person's effects, vehicle, residence and property by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity. Any law enforcement officer who conducts such a search shall submit a written report to the appropriate parole officer no later than the close of the next business day after such search. The written report shall include the facts leading to such search, the scope of such search and any findings resulting from such search.

(l) The prisoner review board shall promulgate rules and regulations in accordance with K.S.A. 77-415 et seq., and amendments thereto, not inconsistent with the law and as it may deem proper or necessary, with respect to the conduct of parole hearings, postrelease supervision reviews, revocation hearings, orders of restitution, reimbursement of expenditures by the state board of indigents' defense services and other conditions to be imposed upon parolees or releasees. Whenever an order for parole or postrelease supervision is issued it shall recite the conditions thereof.

(m) Whenever the prisoner review board orders the parole of an inmate or establishes conditions for an inmate placed on postrelease supervision, the board:

(1) Unless it finds compelling circumstances ~~which~~ *that* would render a plan of payment unworkable, shall order as a condition of parole or post-release supervision that the parolee or the person on postrelease supervision pay any transportation expenses resulting from returning the parolee or the person on postrelease supervision to this state to answer criminal charges or a warrant for a violation of a condition of probation, assignment to a community correctional services program, parole, conditional release or postrelease supervision;

(2) to the extent practicable, shall order as a condition of parole or postrelease supervision that the parolee or the person on postrelease supervision make progress towards or successfully complete the equivalent of a secondary education if the inmate has not previously completed such educational equivalent and is capable of doing so;

(3) may order that the parolee or person on postrelease supervision perform community or public service work for local governmental agencies, private corporations organized not-for-profit or charitable or social service organizations performing services for the community;

(4) may order the parolee or person on postrelease supervision to pay the administrative fee imposed pursuant to K.S.A. 22-4529, and amendments thereto, unless the board finds compelling circumstances ~~which~~ *that* would render payment unworkable;

(5) unless it finds compelling circumstances ~~which~~ *that* would render a plan of payment unworkable, shall order that the parolee or person on postrelease supervision reimburse the state for all or part of the expenditures by the state board of indigents' defense services to provide counsel and other defense services to the person. In determining the amount and method of payment of such sum, the prisoner review board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose. Such amount shall not exceed 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, minus any previous payments for such services;

(6) shall order that the parolee or person on postrelease supervision agree in writing to be subject to searches of the person and the person's effects, vehicle, residence and property by a parole officer or a department of corrections enforcement, apprehension and investigation officer, at any time of the day or night, with or without a search warrant and with or without cause. Nothing in this subsection shall be construed to autho-

size such officers to conduct arbitrary or capricious searches or searches for the sole purpose of harassment; and

(7) shall order that the parolee or person on postrelease supervision agree in writing to be subject to searches of the person and the person's effects, vehicle, residence and property by any law enforcement officer based on reasonable suspicion of the person violating conditions of parole or postrelease supervision or reasonable suspicion of criminal activity.

(n) If the court ~~which~~ *that* sentenced an inmate specified at the time of sentencing the amount and the recipient of any restitution ordered as a condition of parole or postrelease supervision, the prisoner review board shall order as a condition of parole or postrelease supervision that the inmate pay restitution in the amount and manner provided in the journal entry unless the board finds compelling circumstances ~~which~~ *that* would render a plan of restitution unworkable.

(o) Whenever the prisoner review board grants the parole of an inmate, the board, within 14 days of the date of the decision to grant parole, shall give written notice of the decision to the county or district attorney of the county where the inmate was sentenced.

(p) When an inmate is to be released on postrelease supervision, the secretary, within 30 days prior to release, shall provide the county or district attorney of the county where the inmate was sentenced written notice of the release date.

(q) Inmates shall be released on postrelease supervision upon the termination of the prison portion of their sentence. Time served while on postrelease supervision will vest.

(r) An inmate who is allocated regular good time credits as provided in K.S.A. 22-3725, and amendments thereto, may receive meritorious good time credits in increments of not more than 90 days per meritorious act. These credits may be awarded by the secretary of corrections when an inmate has acted in a heroic or outstanding manner in coming to the assistance of another person in a life-threatening situation, preventing injury or death to a person, preventing the destruction of property or taking actions ~~which~~ *that* result in a financial savings to the state.

(s) The provisions of subsections (d)(1)(A), (d)(1)(B), (d)(1)(C) and (d)(1)(E) shall be applied retroactively as provided in subsection (t).

(t) For offenders sentenced prior to July 1, 2014, who are eligible for modification of their postrelease supervision obligation, the department of corrections shall modify the period of postrelease supervision as provided for by this section:

(1) On or before September 1, 2013, for offenders convicted of:

(A) Severity levels 9 and 10 crimes on the sentencing guidelines grid for nondrug crimes;

(B) severity level 4 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and

(C) severity level 5 crimes on the sentencing guidelines grid for drug crimes committed on and after July 1, 2012;

(2) on or before November 1, 2013, for offenders convicted of:

(A) Severity levels 6, 7 and 8 crimes on the sentencing guidelines grid for nondrug crimes;

(B) level 3 crimes on the sentencing guidelines grid for drug crimes committed prior to July 1, 2012; and

(C) level 4 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012; and

(3) on or before January 1, 2014, for offenders convicted of:

(A) Severity levels 1, 2, 3, 4 and 5 crimes on the sentencing guidelines grid for nondrug crimes;

(B) severity levels 1 and 2 crimes on the sentencing guidelines grid for drug crimes committed at any time; and

(C) severity level 3 crimes on the sentencing guidelines grid for drug crimes committed on or after July 1, 2012.

(u) An inmate sentenced to imprisonment pursuant to K.S.A. 21-4643, prior to its repeal, or K.S.A. 2018 Supp. 21-6627, and amendments thereto, for crimes committed on or after July 1, 2006, shall be placed on parole for life and shall not be discharged from supervision by the prisoner review board. When the board orders the parole of an inmate pursuant to this subsection, the board shall order as a condition of parole that the inmate be electronically monitored for the duration of the inmate's natural life.

(v) Whenever the prisoner review board orders a person to be electronically monitored pursuant to this section, or the court orders a person to be electronically monitored pursuant to K.S.A. 2018 Supp. 21-6604(r), and amendments thereto, the board shall order the person to reimburse the state for all or part of the cost of such monitoring. In determining the amount and method of payment of such sum, the board shall take account of the financial resources of the person and the nature of the burden that the payment of such sum will impose.

(w) (1) On and after July 1, 2012, for any inmate who is a sex offender, as defined in K.S.A. 22-4902, and amendments thereto, whenever the prisoner review board orders the parole of such inmate or establishes conditions for such inmate placed on postrelease supervision, such inmate shall agree in writing to not possess pornographic materials.

(A) As used in this subsection, "pornographic materials" means any obscene material or performance depicting sexual conduct, sexual contact or a sexual performance; and any visual depiction of sexually explicit conduct.

(B) As used in this subsection, all other terms have the meanings provided by K.S.A. 2018 Supp. 21-5510, and amendments thereto.

(2) The provisions of this subsection shall be applied retroactively to every sex offender, as defined in K.S.A. 22-4902, and amendments thereto, who is on parole or postrelease supervision on July 1, 2012. The prisoner review board shall obtain the written agreement required by this subsection from such offenders as soon as practicable.

Sec. 12. On and after July 1, 2019, K.S.A. 2018 Supp. 22-2307 is hereby amended to read as follows: 22-2307. (a) All law enforcement agencies in this state shall adopt written policies regarding domestic violence calls as provided in ~~subsection~~ subsections (b) and (c). These policies shall be made available to all officers of such agency.

(b) Such written policies shall include, but not be limited to, the following:

(1) A statement directing that when a law enforcement officer determines that there is probable cause to believe that a crime or offense involving domestic violence, as defined in K.S.A. 2018 Supp. 21-5111, and amendments thereto, has been committed, the officer shall, without undue delay, arrest the person for which the officer has probable cause to believe committed the crime or offense if such person's actions were not an act of defense of a person or property as provided in K.S.A. 2018 Supp. 21-5222, 21-5223, 21-5225, 21-5230 or 21-5231, and amendments thereto;

(2) a statement that nothing shall be construed to require a law enforcement officer to:

(A) Arrest either party involved in an alleged act of domestic violence when the law enforcement officer determines there is no probable cause to believe that a crime or offense has been committed; or

(B) arrest both parties involved in an alleged act of domestic violence when both claim to have been victims of such domestic violence;

(3) a statement directing that if a law enforcement officer receives complaints of domestic violence from two or more opposing persons, the officer shall evaluate each complaint separately to determine if there is probable cause that each accused person committed a crime or offense and their actions were not an act of defense of a person or property as provided in K.S.A. 2018 Supp. 21-5222, 21-5223, 21-5225, 21-5230 or 21-5231, and amendments thereto;

(4) a statement defining domestic violence in accordance with K.S.A. 2018 Supp. 21-5111, and amendments thereto;

(5) a statement describing the dispatchers' responsibilities;

(6) a statement describing the responding officers' responsibilities and procedures to follow when responding to a domestic violence call and the suspect is at the scene;

(7) a statement regarding procedures when the suspect has left the scene of the crime;

(8) procedures for both misdemeanor and felony cases;

(9) procedures for law enforcement officers to follow when handling domestic violence calls involving court orders, including protection from abuse orders, restraining orders and a protective order issued by a court of any state or Indian tribe;

(10) a statement that the law enforcement agency shall provide the following information to victims, in writing:

(A) Availability of emergency and medical telephone numbers, if needed;

(B) the law enforcement agency's report number;

(C) the address and telephone number of the prosecutor's office the victim should contact to obtain information about victims' rights pursuant to K.S.A. 74-7333 and 74-7335, and amendments thereto;

(D) the name and address of the crime victims' compensation board and information about possible compensation benefits;

(E) advise the victim that the details of the crime may be made public;

(F) advise the victim of such victims' rights under K.S.A. 74-7333 and 74-7335, and amendments thereto; and

(G) advise the victim of known available resources which may assist the victim; and

(11) whether an arrest is made or not, a standard offense report shall be completed on all such incidents and sent to the Kansas bureau of investigation.

*(c) Such written policies shall provide that when an arrest is made for a domestic violence offense as defined in K.S.A. 2018 Supp. 21-5111, and amendments thereto, including an arrest for violation of a protection order as defined in K.S.A. 2018 Supp. 21-5924, and amendments thereto, the officer shall provide the victim information related to:*

*(A) The fact that in some cases the person arrested can be released from custody in a short amount of time;*

*(B) the fact that in some cases a bond condition may be imposed on the person arrested that prohibits contact with the victim for 72 hours, and that if the person arrested contacts the victim during that time, the victim should notify law enforcement immediately; and*

*(C) any available services within the jurisdiction to monitor custody changes of the person being arrested, including, but not limited to, the Kansas victim information and notification everyday service if available in such jurisdiction.*

*(d) All law enforcement agencies shall provide training to law enforcement officers about the policies adopted pursuant to this section.*

Sec. 13. K.S.A. 2018 Supp. 21-6811 is hereby amended to read as follows: 21-6811. In addition to the provisions of K.S.A. 2018 Supp. 21-



6810, and amendments thereto, the following shall apply in determining an offender's criminal history classification as contained in the presumptive sentencing guidelines grids:

(a) Every three prior adult convictions or juvenile adjudications of class A and class B person misdemeanors in the offender's criminal history, or any combination thereof, shall be rated as one adult conviction or one juvenile adjudication of a person felony for criminal history purposes. Every three prior adult convictions or juvenile adjudications of assault as defined in K.S.A. 21-3408, prior to its repeal, or K.S.A. 2018 Supp. 21-5412(a), and amendments thereto, occurring within a period commencing three years prior to the date of conviction for the current crime of conviction shall be rated as one adult conviction or one juvenile adjudication of a person felony for criminal history purposes.

(b) A conviction of criminal possession of a firearm as defined in K.S.A. 21-4204(a)(1) or (a)(5), prior to its repeal, criminal use of weapons as defined in K.S.A. 2018 Supp. 21-6301(a)(10) or (a)(11), and amendments thereto, or unlawful possession of a firearm as in effect on June 30, 2005, and as defined in K.S.A. 21-4218, prior to its repeal, will be scored as a select class B nonperson misdemeanor conviction or adjudication and shall not be scored as a person misdemeanor for criminal history purposes.

(c) (1) If the current crime of conviction was committed before July 1, 1996, and is for K.S.A. 21-3404(b), as in effect on June 30, 1996, involuntary manslaughter in the commission of driving under the influence, then, each prior adult conviction or juvenile adjudication for K.S.A. 8-1567, and amendments thereto, shall count as one person felony for criminal history purposes.

(2) If the current crime of conviction was committed on or after July 1, 1996, and is for a violation of K.S.A. 2018 Supp. 21-5405(a)(3) or (a)(5), and amendments thereto, each prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for: (A) Any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto; or (B) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto, shall count as one person felony for criminal history purposes.

(3) If the current crime of conviction is for a violation of K.S.A. 2018 Supp. 21-5413(b)(3) or (b)(4), and amendments thereto:

(A) The first prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one nonperson felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto; or (ii) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto; and



(B) each second or subsequent prior adult conviction, diversion in lieu of criminal prosecution or juvenile adjudication for the following shall count as one person felony for criminal history purposes: (i) Any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto; or (ii) a violation of a law of another state or an ordinance of any city, or resolution of any county, which prohibits any act described in K.S.A. 8-2,144 or 8-1567, and amendments thereto.

(d) Prior burglary adult convictions and juvenile adjudications will be scored for criminal history purposes as follows:

(1) As a prior person felony if the prior conviction or adjudication was classified as a burglary as defined in K.S.A. 21-3715(a), prior to its repeal, or K.S.A. 2018 Supp. 21-5807(a)(1), and amendments thereto.

(2) As a prior nonperson felony if the prior conviction or adjudication was classified as a burglary as defined in K.S.A. 21-3715(b) or (c), prior to its repeal, or K.S.A. 2018 Supp. 21-5807(a)(2) or (a)(3), and amendments thereto.

The facts required to classify prior burglary adult convictions and juvenile adjudications shall be established by the state by a preponderance of the evidence.

(e) (1) Out-of-state convictions and juvenile adjudications shall be used in classifying the offender's criminal history.

(2) An out-of-state crime will be classified as either a felony or a misdemeanor according to the convicting jurisdiction.

(A) If a crime is a felony in the convicting jurisdiction, it will be counted as a felony in Kansas.

(B) If a crime is a misdemeanor in the convicting jurisdiction, the state of Kansas shall refer to the comparable offense under the Kansas criminal code in effect on the date the current crime of conviction was committed to classify the out-of-state crime as a class A, B or C misdemeanor. If the comparable offense in the state of Kansas is a felony, the out-of-state crime shall be classified as a class A misdemeanor. If the state of Kansas does not have a comparable offense in effect on the date the current crime of conviction was committed, the out-of-state crime shall not be used in classifying the offender's criminal history.

(C) If a crime is not classified as either a felony or a misdemeanor in the convicting jurisdiction, the state of Kansas shall refer to the comparable offense under the Kansas criminal code in effect on the date the current crime of conviction was committed to classify the out-of-state crime as either a felony or a misdemeanor. If the state of Kansas does not have a comparable offense in effect on the date the current crime of conviction was committed, the out-of-state crime shall not be used in classifying the offender's criminal history.

(3) The state of Kansas shall classify the crime as person or nonperson.

(A) In designating a ~~crime~~ *misdemeanor* as person or nonperson, comparable offenses under the Kansas criminal code in effect on the date the current crime of conviction was committed shall be referred to. If the state of Kansas does not have a comparable *person* offense in effect on the date the current crime of conviction was committed, the out-of-state crime shall be classified as a nonperson crime.

(B) *In designating a felony crime as person or nonperson, the felony crime shall be classified as follows:*

(i) *An out-of-state conviction or adjudication for the commission of a felony offense, or an attempt, conspiracy or criminal solicitation to commit a felony offense, shall be classified as a person felony if one or more of the following circumstances is present as defined by the convicting jurisdiction in the elements of the out-of-state offense:*

- (a) *Death or killing of any human being;*
- (b) *threatening or causing fear of bodily or physical harm or violence, causing terror, physically intimidating or harassing any person;*
- (c) *bodily harm or injury, physical neglect or abuse, restraint, confinement or touching of any person, without regard to degree;*
- (d) *the presence of a person, other than the defendant, a charged accomplice or another person with whom the defendant is engaged in the sale, distribution or transfer of a controlled substance or non-controlled substance;*

(e) *possessing, viewing, depicting, distributing, recording or transmitting an image of any person;*

(f) *lewd fondling or touching, sexual intercourse or sodomy with or by any person or an unlawful sexual act involving a child under the age of consent;*

(g) *being armed with, using, displaying or brandishing a firearm or other weapon, excluding crimes of mere unlawful possession; or*

(h) *entering or remaining within any residence, dwelling or habitation.*

(ii) *An out-of-state conviction or adjudication for the commission of a felony offense, or an attempt, conspiracy or criminal solicitation to commit a felony offense, shall be classified as a person felony if the elements of the out-of-state felony offense that resulted in the conviction or adjudication necessarily prove that a person was present during the commission of the offense. For purposes of this clause, the person present must be someone other than the defendant, a charged accomplice or another person with whom the defendant is engaged in the sale, distribution or transfer of a controlled substance or non-controlled substance. The presence of a person includes physical presence and presence by electronic or telephonic communication.*

(iii) *An out-of-state conviction or adjudication for the commission of a felony offense, or an attempt, conspiracy or criminal solicitation to*

*commit a felony offense, shall be classified as a nonperson felony if the elements of the offense do not require proof of any of the circumstances in subparagraph (B)(i) or (ii).*

(4) Convictions or adjudications occurring within the federal system, other state systems, the District of Columbia, foreign, tribal or military courts are considered out-of-state convictions or adjudications.

(5) The facts required to classify out-of-state adult convictions and juvenile adjudications shall be established by the state by a preponderance of the evidence.

(f) Except as provided in K.S.A. 21-4710(d)(4), (d)(5) and (d)(6), prior to its repeal, or K.S.A. 2018 Supp. 21-6810(d)(3)(B), (d)(3)(C), (d)(3)(D), (d)(4) and (d)(5), and amendments thereto, juvenile adjudications will be applied in the same manner as adult convictions. Out-of-state juvenile adjudications will be treated as juvenile adjudications in Kansas.

(g) A prior felony conviction of an attempt, a conspiracy or a solicitation as provided in K.S.A. 21-3301, 21-3302 or 21-3303, prior to their repeal, or K.S.A. 2018 Supp. 21-5301, 21-5302 or 21-5303, and amendments thereto, to commit a crime shall be treated as a person or nonperson crime in accordance with the designation assigned to the underlying crime.

(h) Drug crimes are designated as nonperson crimes for criminal history scoring.

(i) If the current crime of conviction is for a violation of K.S.A. 8-1602(b)(3) through (b)(5), and amendments thereto, each of the following prior convictions for offenses committed on or after July 1, 2011, shall count as a person felony for criminal history purposes: K.S.A. 8-235, 8-262, 8-287, 8-291, 8-1566, 8-1567, 8-1568, 8-1602, 8-1605 and 40-3104, and amendments thereto, and K.S.A. 2018 Supp. 21-5405(a)(3) *or* (a)(5) and 21-5406, and amendments thereto, or a violation of a city ordinance or law of another state which would also constitute a violation of such sections.

(j) The amendments made to this section by chapter 5 of the 2015 Session Laws of Kansas are procedural in nature and shall be construed and applied retroactively.

Sec. 14. K.S.A. 2018 Supp. 21-6820 is hereby amended to read as follows: 21-6820. (a) A departure sentence is subject to appeal by the defendant or the state. The appeal shall be to the appellate courts in accordance with rules adopted by the supreme court.

(b) Pending review of the sentence, the sentencing court or the appellate court may order the defendant confined or placed on conditional release, including bond.

(c) On appeal from a judgment ~~or~~ of conviction entered for a felony committed on or after July 1, 1993, the appellate court shall not review:

(1) Any sentence that is within the presumptive sentence for the crime; or

(2) any sentence resulting from an agreement between the state and the defendant which the sentencing court approves on the record.

(d) In any appeal from a judgment of conviction imposing a sentence that departs from the presumptive sentence prescribed by the sentencing grid for a crime, sentence review shall be limited to whether the sentencing court's findings of fact and reasons justifying a departure:

(1) Are supported by the evidence in the record; and

(2) constitute substantial and compelling reasons for departure.

(e) In any appeal *from a judgment of conviction*, the appellate court may review a claim that:

(1) A sentence that departs from the presumptive sentence resulted from partiality, prejudice, oppression or corrupt motive;

(2) the sentencing court erred in either including or excluding recognition of a prior conviction or juvenile adjudication for criminal history scoring purposes; or

(3) the sentencing court erred in ranking the crime severity level of the current crime or in determining the appropriate classification of a prior conviction or juvenile adjudication for criminal history purposes.

(f) The appellate court may reverse or affirm the sentence. If the appellate court concludes that the trial court's factual findings are not supported by evidence in the record or do not establish substantial and compelling reasons for a departure, it shall remand the case to the trial court for resentencing.

(g) The appellate court shall issue a written opinion whenever the judgment of the sentencing court is reversed. The court may issue a written opinion in any other case when it is believed that a written opinion will provide guidance to sentencing judges and others in implementing the sentencing guidelines adopted by the Kansas sentencing commission. The appellate courts may provide by rule for summary disposition of cases arising under this section when no substantial question is presented by the appeal.

(h) A review under summary disposition shall be made solely upon the record that was before the sentencing court. Written briefs shall not be required unless ordered by the appellate court and the review and decision shall be made in an expedited manner according to rules adopted by the supreme court.

(i) The sentencing court shall retain authority irrespective of any notice of appeal for 90 days after entry of judgment of conviction to modify its judgment and sentence to correct any arithmetic or clerical errors.

(j) *The amendments made to this section by this act are procedural in nature and shall be construed and applied retroactively.*

Sec. 15. K.S.A. 2018 Supp. 22-3504 is hereby amended to read as follows: 22-3504.-(1) (a) The court may correct an illegal sentence at any time *while the defendant is serving such sentence*. The defendant shall

receive full credit for time spent in custody under the sentence prior to correction. Unless the motion and the files and records of the case conclusively show that the defendant is entitled to no relief, the defendant shall have a right to a hearing, after reasonable notice to be fixed by the court, to be personally present and to have the assistance of counsel in any proceeding for the correction of an illegal sentence.

~~(2)(b)~~ Clerical mistakes in judgments, orders or other parts of the record and errors in the record arising from oversight or omission may be corrected by the court at any time and after such notice, if any, as the court orders.

~~(3)(c)~~ *For the purposes of this section:*

(1) “Illegal sentence” means a sentence: Imposed by a court without jurisdiction; that does not conform to the applicable statutory provision, either in character or punishment; or that is ambiguous with respect to the time and manner in which it is to be served at the time it is pronounced. A sentence is not an “illegal sentence” because of a change in the law that occurs after the sentence is pronounced.

(2) “Change in the law” means a statutory change or an opinion by an appellate court of the state of Kansas, unless the opinion is issued while the sentence is pending an appeal from the judgment of conviction.

(d) *The amendments made to this section by this act are procedural in nature and shall be construed and applied retroactively.*

New Sec. 16. If the amendments made to K.S.A. 2018 Supp. 21-6811, 21-6820 and 22-3504 are, or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the amendments made to K.S.A. 2018 Supp. 21-6811, 21-6820 and 22-3504 that can be given effect without the invalid provision or provisions or application, and to this end the amendments made to K.S.A. 2018 Supp. 21-6811, 21-6820 and 22-3504 are severable.

Sec. 17. K.S.A. 2018 Supp. 21-6811, 21-6811c, 21-6820 and 22-3504 are hereby repealed.

Sec. 18. On and after July 1, 2019, K.S.A. 22-2906 and K.S.A. 2018 Supp. 21-5405, 21-5602, 21-5840, 21-6604, 21-6813, 21-6815, 21-6824, 22-2307, 22-2909, 22-3716 and 22-3717 are hereby repealed.

Sec. 19. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 13, 2019.

Published in the *Kansas Register* May 23, 2019.

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## CHAPTER 60

## HOUSE BILL No. 2223

AN ACT concerning economic development; relating to economic development incentive program evaluations; disclosure of economic development incentive program data; economic development incentive financing to address rural housing shortages; amending K.S.A. 12-5245 and 12-5250 and K.S.A. 2018 Supp. 12-5248, 75-5133 and 79-3234 and repealing the exiting sections.

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

New Section 1. (a) Under the authority of this section and the legislative post audit act, and subject to appropriations therefor, the legislative post audit committee shall direct the post auditor and the division of post audit to conduct a systematic and comprehensive review, analysis and evaluation, under the provisions of the legislative post audit act, of economic development incentive programs, as defined in section 2, and amendments thereto, as selected by the legislative post audit committee. The evaluation procedure established by this section is intended to enhance and facilitate the ability of the legislature to fulfill its responsibility to evaluate and oversee economic development incentive programs. The oversight of economic development incentive programs is intended to remain with the legislature, independent of the legislative post audit committee. This section shall not be construed to limit, in any way, oversight of economic development incentive programs to the legislative post audit committee.

(b) The evaluations shall be considered within the meaning of the term audit for purposes of the legislative post audit act and shall be conducted by the post auditor and the division of legislative post audit pursuant to a schedule developed by the legislative post audit committee, such that all economic development incentive programs shall be reviewed every three years, and new economic development incentive programs shall be reviewed the year after the program commences, and then every three years thereafter. The timing and extent of the evaluations may be subject to adjustment by the legislative post audit committee in a manner consistent with the requirements of this section as necessary to conform with resources available to the post auditor in consideration of the demands of other duties under the legislative post audit act.

(c) In conducting such evaluations, the post auditor and the division of post audit shall have access to all books, accounts, records, files, documents and correspondence, confidential or otherwise, to the same extent permitted under K.S.A. 46-1106(e), and amendments thereto, and shall be subject to the same duty of confidentiality as provided by the legislative post audit act.

(d) Evaluations shall be conducted with the goal of enabling evidence-based policy determinations by the legislature with respect to

economic development incentive programs. To the extent reasonably possible, evaluations shall utilize direct and documented evidence and primary-source instead of secondary source data. An evaluation shall include, as directed by the post audit committee:

(1) A description of the economic development incentive program, its history and its goals;

(2) a literature review of the effectiveness of this type of incentive program, including an inventory of similar incentive programs in other states;

(3) an estimate of the economic and fiscal impact of the incentive program;

This estimate may take into account the following considerations in addition to other relevant factors:

(A) The extent to which the incentive program changes business behavior;

(B) the results of the incentive program for the economy of Kansas as a whole, including both positive direct and indirect impacts and any negative effects on other Kansas businesses;

(C) a comparison with the results of other incentive programs or other economic development strategies with similar goals;

(D) an assessment of whether protections are in place to ensure that the fiscal impact of the incentive program does not substantially increase beyond the state's means or expectations in future years;

(E) an assessment of the incentive program's design and whether the incentive program is being effectively administered in accordance with the program's enacting statute or statutes;

(F) an assessment of whether the incentive program is achieving its goals;

(G) recommendations for any changes to state policy, rules and regulations or statutes that would allow the incentive program to be more easily or conclusively evaluated in the future. These recommendations may include changes to collection, reporting and sharing of data, and revisions or clarifications to the goals of the incentive program;

(H) a return on investment calculation for the economic development incentive program. For purposes of this paragraph, "return on investment calculation" means analyzing the cost to the state or political subdivision for providing the economic development incentive program and analyzing the benefits realized by the state or political subdivision from providing the economic development incentive program;

(I) the methodology and assumptions used in carrying out the reviews, analyses and evaluations required under this subsection, including an analysis of multiplier effects and a critique of the multiplier effect determination methodologies utilized in the evaluation report, including any determinations made using standard industry software models, and any respective limitations or potential effects of such methods on outcomes; and



(J) an analysis of significant opportunity costs of the incentive program at the state and local level;

(4) any other information that the legislative post audit committee deems necessary to assess the effectiveness of the incentive program and whether it is achieving the goals of the incentive program; and

(5) all information, after redaction, as necessary, by the post auditor to remove information confidential under state or federal law, required for publication pursuant to section 3, and amendments thereto, with respect to the economic development incentive program being evaluated.

(e) The post auditor shall prepare and submit a written report with respect to each evaluation to the legislative post audit committee as provided by the legislative post audit act and, in addition, shall prepare and provide any redacted information, with respect to the economic incentive program evaluated, required for publication by the secretary of commerce pursuant to section 3, and amendments thereto, to the secretary of commerce if such information is not otherwise available to the secretary of commerce.

(f) This section shall be a part of and supplemental to the legislative post audit act.

New Sec. 2. As used in sections 2 and 3, and amendments thereto:

(a) “Administering agency” means the state agency or department charged with administering a particular economic development incentive program, as set forth by the program’s enacting statute or, where no department or agency is set forth, the department of revenue.

(b) “Economic development incentive program” means:

(1) Any economic development incentive program administered wholly or in part by the secretary of commerce;

(2) any tax credit program, except for social and domestic tax credits, regardless of the administering agency;

(3) property that has been exempted from ad valorem taxation under the provisions of section 13 of article 11 of the constitution of the state of Kansas;

(4) property that has been purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 through 12-1749a, and amendments thereto, that is exempt from ad valorem taxation under K.S.A. 79-201a *Second*, and amendments thereto; and

(5) any economic development fund, including, but not limited to, the job creation program fund established by K.S.A. 74-50,224, and amendments thereto, and the economic development initiatives fund, established by K.S.A. 79-4804, and amendments thereto.

(c) “Enterprise” means a corporation, limited liability company, S corporation, partnership, registered limited liability partnership, foundation,



association, nonprofit entity, sole proprietorship, business trust or other entity engaged in business.

(d) “Recipient” means the enterprise that is the original applicant for and that receives proceeds from an economic development incentive program directly from the administering agency. “Recipient” includes an enterprise that is no longer solvent due to bankruptcy and a recipient with respect to an economic development project that has failed.

(e) “Social and domestic tax credits” means the adoption credit created pursuant to K.S.A. 79-202a, and amendments thereto, the earned income tax credit created pursuant to K.S.A. 2018 Supp. 79-32,205, and amendments thereto, the food sales tax credit created pursuant to K.S.A. 2018 Supp. 79-32,271, and amendments thereto, the child and dependent care tax credit created pursuant to K.S.A. 2018 Supp. 79-32,111c, and amendments thereto, and the homestead property tax refund created pursuant to K.S.A. 79-4501 et seq., and amendments thereto.

(f) “Tax credit program” means any credit allowed against the tax imposed by the Kansas income tax act, the premium or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by net income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 3. (a) The department of commerce shall collect incentive data from economic development incentive programs that provide more than \$50,000 of annual incentives from administering agencies as required by this section. Such data shall be collected from administering agencies and be stored in a database that is available to the public in a digital format. The database shall contain information from multiple years and must be searchable, printable and available to access over the internet on the department of commerce’s website on a permanently accessible web page that may be accessed via a conspicuous link to that web page placed on the front page of the department’s website. Information included in the database shall be updated by the department of commerce on an annual basis and such update shall be completed prior to the end of the following fiscal year in which such incentive was earned or distributed.

(b) The database required to be created by subsection (a) shall contain the following information or shall contain a link by which the user can access such information:

(1) User information for each economic development incentive program, including the:

(A) Names and addresses, including county, of recipients receiving benefits from the program and, for sales tax and revenue bonds issued under the STAR bond financing act, K.S.A. 2018 Supp. 12-17,162 et seq., and amendments thereto, the names of principals and officers for each project developer;

(B) annual amount of incentives claimed, distributed to or received by each recipient and any remaining balance of the total amount of incentives claimed or awarded to the recipient;

(C) qualification criteria for the economic development incentive program, including, if available, qualification criteria specific to the recipient. Qualification criteria shall include, but not be limited to, any requirements regarding the number of jobs created or the amount of initial or annual capital improvement;

(D) required benchmarks for continued participation in the economic development incentive program and progress made toward the benchmarks; and

(E) years for which the recipient has received benefits under the economic development incentive program;

(2) descriptive information for each economic development program, which shall include:

(A) A description and history of the program, including its inception date;

(B) the purpose or goals of the program and the criteria for qualification;

(C) applications for the program, if any, and relevant resources or contacts;

(D) the program cost and return on investment, including assumptions used to calculate the return on investment;

(E) the program compliance rate;

(F) annual reports, if required by statute; and

(G) evaluations of the program, if any; and

(3) annual data, which shall be organized by recipient, county and program and shall include the:

(A) Total amount of annual incentives from a program claimed or received by a recipient;

(B) total amount of incentives received by recipients in each county; and

(C) total amount of incentives distributed by each program.

(c) Data collected pursuant to this section must be aggregated and provided by program, recipient and county.

(d) Except as otherwise provided in this subsection, and notwithstanding any information publication requirements listed in this section, no information shall be disclosed by the secretary of commerce under this section if such disclosure would:

(1) Violate any federal law;

(2) violate the confidentiality provisions of any agreement executed before July 1, 2019;

(3) in the discretion of the secretary of commerce, be detrimental to the development of a STAR bond project or jeopardize an economic development incentive program or project; or

(4) disclose the names or other personally identifying information of individuals who have made contributions or investments pursuant to the provisions of an economic development incentive program for the purpose of receiving a tax credit.

Information that is otherwise publicly available shall not be considered confidential and shall be subject to publication as provided in this section.

(e) (1) The secretary of commerce shall report in writing to the standing committee on commerce, labor and economic development of the house of representatives and the standing committee on commerce of the senate any information not disclosed by the secretary pursuant to subsection (d)(3) and the reason the information was not disclosed. Any testimony or oral presentation before the committee or discussion by the committee with respect to the report shall be considered the discussion of data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships pursuant to the provisions of K.S.A. 75-4319(b)(4), and amendments thereto, for purposes of the Kansas open meetings act, and shall be closed to the public.

(2) The report of the secretary pursuant to subsection (e)(1) shall be confidential and shall not be subject to the provisions of the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this paragraph shall expire on July 1, 2024, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2024.

New Sec. 4. (a) In addition to any other reports by the secretary of commerce to the legislative post audit committee, the house committee on commerce, labor and economic development or the senate committee on commerce otherwise required by law, each year, commencing in 2020, the secretary of commerce shall make an oral presentation before the legislative post audit committee, the house committee on commerce, labor and economic development and the senate committee on commerce at mutually agreed times during the period from the commencement of the legislative session to the end of January, and shall provide a report to each such committee with respect to each economic development incentive program as defined by section 2, and amendments thereto.

(b) The report shall include the following with respect to each economic development incentive program:

- (1) A summary of the program;
- (2) an annual update;
- (3) an analysis of economic impact data utilizing direct, primary source or auditable data, to the extent such data is reasonably available, and excluding any tertiary or indirect effects of the economic development program; and
- (4) any other information or analysis specified by the committee.

Sec. 5. K.S.A. 2018 Supp. 75-5133 is hereby amended to read as follows: 75-5133. (a) Except as otherwise more specifically provided by law, all information received by the secretary of revenue, the director of taxation or the director of alcoholic beverage control from returns, reports, license applications or registration documents made or filed under the provisions of any law imposing any sales, use or other excise tax administered by the secretary of revenue, the director of taxation, or the director of alcoholic beverage control, or from any investigation conducted under such provisions, shall be confidential, and it shall be unlawful for any officer or employee of the department of revenue to divulge any such information except in accordance with other provisions of law respecting the enforcement and collection of such tax, in accordance with proper judicial order or as provided in K.S.A. 74-2424, and amendments thereto.

(b) The secretary of revenue or the secretary's designee may:

(1) Publish statistics, so classified as to prevent identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or the attorney general's designee;

(3) provide the post auditor access to all such excise tax reports or returns in accordance with and subject to the provisions of K.S.A. 46-1106(g), and amendments thereto;

(4) disclose taxpayer information from excise tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;

(5) provide information from returns and reports filed under article 42 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, to county appraisers as is necessary to ensure proper valuations of property. Information from such returns and reports may also be exchanged with any other state agency administering and collecting conservation or other taxes and fees imposed on or measured by mineral production;

(6) provide, upon request by a city or county clerk or treasurer or finance officer of any city or county receiving distributions from a local excise 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;

(7) provide information from returns and applications for registration filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-3601, and amendments thereto, to a city or county treasurer or clerk or finance officer to explain the basis of statistics contained in reports provided by subsection (b)(6);

(8) disclose the following oil and gas production statistics received by the department of revenue in accordance with K.S.A. 79-4216 et seq., and amendments thereto: Volumes of production by well name, well number, operator's name and identification number assigned by the state corporation commission, lease name, leasehold property description, county of production or zone of production, name of purchaser and purchaser's tax identification number assigned by the department of revenue, name of transporter, field code number or lease code, tax period, exempt production volumes by well name or lease, or any combination of this information;

(9) release or publish liquor brand registration information provided by suppliers, farm wineries, microdistilleries and microbreweries in accordance with the liquor control act. The information to be released is limited to: Item number, universal numeric code, type status, product description, alcohol percentage, selling units, unit size, unit of measurement, supplier number, supplier name, distributor number and distributor name;

(10) release or publish liquor license information provided by liquor licensees, distributors, suppliers, farm wineries, microdistilleries and microbreweries in accordance with the liquor control act. The information to be released is limited to: County name, owner, business name, address, license type, license number, license expiration date and the process agent contact information;

(11) release or publish cigarette and tobacco license information obtained from cigarette and tobacco licensees in accordance with the Kansas cigarette and tobacco products act. The information to be released is limited to: County name, owner, business name, address, license type and license number;

(12) provide environmental surcharge or solvent fee, or both, information from returns and applications for registration filed pursuant to K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secretary of health and environment or the secretary's designee for the sole purpose of ensuring that retailers collect the environmental surcharge tax or solvent fee, or both;

(13) provide water protection fee information from returns and applications for registration filed pursuant to K.S.A. 82a-954, and amendments thereto, to the secretary of the state board of agriculture or the secretary's designee and the secretary of the Kansas water office or the secretary's designee for the sole purpose of verifying revenues deposited to the state water plan fund;

(14) provide to the secretary of commerce copies of applications for project exemption certificates sought by any taxpayer under the enterprise zone sales tax exemption pursuant to K.S.A. 79-3606(cc), and amendments thereto;

(15) disclose information received pursuant to the Kansas cigarette and tobacco act and subject to the confidentiality provisions of this act to any criminal justice agency, as defined in K.S.A. 22-4701(c), and amendments thereto, or to any law enforcement officer, as defined in K.S.A. 2018 Supp. 21-5111, and amendments thereto, on behalf of a criminal justice agency, when requested in writing in conjunction with a pending investigation;

(16) provide to retailers tax exemption information for the sole purpose of verifying the authenticity of tax exemption numbers issued by the department;

(17) provide information concerning remittance by sellers, as defined in K.S.A. 2018 Supp. 12-5363, and amendments thereto, of prepaid wireless 911 fees from returns to the local collection point administrator, as defined in K.S.A. 2018 Supp. 12-5363, and amendments thereto, for purposes of verifying seller compliance with collection and remittance of such fees;

(18) release or publish charitable gaming information obtained in charitable gaming licensee and registration applications and renewals in accordance with the Kansas charitable gaming act, K.S.A. 2018 Supp. 75-5171 et seq., and amendments thereto. The information to be released is limited to: The name, address, phone number, license registration number and email address of the organization, distributor or of premises; ~~and~~

(19) provide to the attorney general confidential information for purposes of determining compliance with or enforcing K.S.A. 50-6a01 et seq., and amendments thereto, the master settlement agreement referred to therein and all agreements regarding disputes under the master settlement agreement. The secretary and the attorney general may share the information specified under this subsection with any of the following:

(A) Federal, state or local agencies for the purposes of enforcement of corresponding laws of other states; and

(B) a court, arbitrator, data clearinghouse or similar entity for the purpose of assessing compliance with or making calculations required by the master settlement agreement or agreements regarding disputes under the master settlement agreement, and with counsel for the parties or expert witnesses in any such proceeding, if the information otherwise remains confidential; *and*

(20) *disclose taxpayer information that is received from income tax returns to the department of commerce that may be disclosed pursuant to the provisions of section 3, and amendments thereto, for the purpose of including such information in the database required by section 3, and amendments thereto.*

(c) Any person receiving any information under the provisions of subsection (b) shall be subject to the confidentiality provisions of subsection (a) and to the penalty provisions of subsection (d).

(d) Any violation of this section shall be a class A, nonperson misdemeanor, and if the offender is an officer or employee of this state, 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 any violation of this section if the offender is a city or county clerk or treasurer or finance officer of a city or county.

Sec. 6. K.S.A. 2018 Supp. 79-3234 is hereby amended to read as follows: 79-3234. (a) All reports and returns required by this act shall be preserved for three years and thereafter until the director orders them to be destroyed.

(b) Except in accordance with proper judicial order, or as provided in subsection (c) or in K.S.A. 17-7511, ~~subsection (g) of K.S.A. 46-1106(g), K.S.A. 46-1114, or K.S.A. 79-32,153a,~~ and amendments thereto, it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer, employee or former employee of the department of revenue or any other state officer or employee or former state officer or employee to divulge, or to make known in any way, the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information required under this act; and it shall be unlawful for the secretary, the director, any deputy, agent, clerk or other officer or employee engaged in the administration of this act to engage in the business or profession of tax accounting or to accept employment, with or without consideration, from any person, firm or corporation for the purpose, directly or indirectly, of preparing tax returns or reports required by the laws of the state of Kansas, by any other state or by the United States government, or to accept any employment for the purpose of advising, preparing material or data, or the auditing of books or records to be used in an effort to defeat or cancel any tax or part thereof that has been assessed by the state of Kansas, any other state or by the United States government.

(c) The secretary or the secretary's designee may: (1) Publish statistics, so classified as to prevent the identification of particular reports or returns and the items thereof;

(2) allow the inspection of returns by the attorney general or other legal representatives of the state;

(3) provide the post auditor access to all income tax reports or returns in accordance with and subject to the provisions of ~~subsection (g) of K.S.A. 46-1106(g) or K.S.A. 46-1114,~~ and amendments thereto;

(4) disclose taxpayer information from income tax returns to persons or entities contracting with the secretary of revenue where the secretary has determined disclosure of such information is essential for completion of the contract and has taken appropriate steps to preserve confidentiality;



(5) disclose to the secretary of commerce the following: (A) Specific taxpayer information related to financial information previously submitted by the taxpayer to the secretary of commerce concerning or relevant to any income tax credits, for purposes of verification of such information or evaluating the effectiveness of any tax credit or economic incentive program administered by the secretary of commerce; (B) the amount of payroll withholding taxes an employer is retaining pursuant to K.S.A. 74-50,212, and amendments thereto; (C) information received from businesses completing the form required by K.S.A. 74-50,217, and amendments thereto; and (D) findings related to a compliance audit conducted by the department of revenue upon the request of the secretary of commerce pursuant to K.S.A. 74-50,215, and amendments thereto;

(6) disclose income tax returns to the state gaming agency to be used solely for the purpose of determining qualifications of licensees of and applicants for licensure in tribal gaming. Any information received by the state gaming agency shall be confidential and shall not be disclosed except to the executive director, employees of the state gaming agency and members and employees of the tribal gaming commission;

(7) disclose the taxpayer's name, last known address and residency status to the Kansas department of wildlife, parks and tourism to be used solely in its license fraud investigations;

(8) disclose the name, residence address, employer or Kansas adjusted gross income of a taxpayer who may have a duty of support in a title IV-D case to the secretary of the Kansas department for children and families for use solely in administrative or judicial proceedings to establish, modify or enforce such support obligation in a title IV-D case. In addition to any other limits on use, such use shall be allowed only where subject to a protective order which prohibits disclosure outside of the title IV-D proceeding. As used in this section, "title IV-D case" means a case being administered pursuant to part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., and amendments thereto. Any person receiving any information under the provisions of this subsection shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e);

(9) permit the commissioner of internal revenue of the United States, or the proper official of any state imposing an income tax, or the authorized representative of either, to inspect the income tax returns made under this act and the secretary of revenue may make available or furnish to the taxing officials of any other state or the commissioner of internal revenue of the United States or other taxing officials of the federal government, or their authorized representatives, information contained in income tax reports or returns or any audit thereof or the report of any



investigation made with respect thereto, filed pursuant to the income tax laws, as the secretary may consider proper, but such information shall not be used for any other purpose than that of the administration of tax laws of such state, the state of Kansas or of the United States;

(10) communicate to the executive director of the Kansas lottery information as to whether a person, partnership or corporation is current in the filing of all applicable tax returns and in the payment of all taxes, interest and penalties to the state of Kansas, excluding items under formal appeal, for the purpose of determining whether such person, partnership or corporation is eligible to be selected as a lottery retailer;

(11) communicate to the executive director of the Kansas racing commission as to whether a person, partnership or corporation has failed to meet any tax obligation to the state of Kansas for the purpose of determining whether such person, partnership or corporation is eligible for a facility owner license or facility manager license pursuant to the Kansas parimutuel racing act;

(12) provide such information to the executive director of the Kansas public employees retirement system for the purpose of determining that certain individuals' reported compensation is in compliance with the Kansas public employees retirement act, K.S.A. 74-4901 et seq., and amendments thereto;

(13) ~~(i)(A)~~ provide taxpayer information of persons suspected of violating K.S.A. 2018 Supp. 44-766, and amendments thereto, to the secretary of labor or such secretary's designee for the purpose of determining compliance by any person with the provisions of ~~subsection (i)(3)(D) of K.S.A. 44-703(i)(3)(D)~~ and K.S.A. 2018 Supp. 44-766, and amendments thereto. The information to be provided shall include all relevant information in the possession of the department of revenue necessary for the secretary of labor to make a proper determination of compliance with the provisions of ~~subsection (i)(3)(D) of K.S.A. 44-703(i)(3)(D)~~ and K.S.A. 2018 Supp. 44-766, and amendments thereto, and to calculate any unemployment contribution taxes due. Such information to be provided by the department of revenue shall include, but not be limited to, withholding tax and payroll information, the identity of any person that has been or is currently being audited or investigated in connection with the administration and enforcement of the withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., and amendments thereto, and the results or status of such audit or investigation;

~~(ii)(B)~~ any person receiving tax information under the provisions of this paragraph shall be subject to the same duty of confidentiality imposed by law upon the personnel of the department of revenue and shall be subject to any civil or criminal penalties imposed by law for violations of such duty of confidentiality; and

~~(iii)(C)~~ each of the secretary of labor and the secretary of revenue may adopt rules and regulations necessary to effect the provisions of this paragraph;

(14) provide such information to the state treasurer for the sole purpose of carrying out the provisions of K.S.A. 58-3934, and amendments thereto. Such information shall be limited to current and prior addresses of taxpayers or associated persons who may have knowledge as to the location of an owner of unclaimed property. For the purposes of this paragraph, “associated persons” includes spouses or dependents listed on income tax returns; ~~and~~

(15) after receipt of information pursuant to subsection (f), forward such information and provide the following reported Kansas individual income tax information for each listed defendant, if available, to the state board of indigents’ defense services in an electronic format and in the manner determined by the secretary: (A) The defendant’s name; (B) social security number; (C) Kansas adjusted gross income; (D) number of exemptions claimed; and (E) the relevant tax year of such records. Any social security number provided to the secretary and the state board of indigents’ defense services pursuant to this section shall remain confidential; *and*

(16) *disclose taxpayer information that is received from income tax returns to the department of commerce that may be disclosed pursuant to the provisions of section 3, and amendments thereto, for the purpose of including such information in the database required by section 3, and amendments thereto.*

(d) Any person receiving information under the provisions of subsection (c) shall be subject to the confidentiality provisions of subsection (b) and to the penalty provisions of subsection (e).

(e) Any violation of subsection (b) or (c) is a class A nonperson misdemeanor and, if the offender is an officer or employee of the state, such officer or employee shall be dismissed from office.

(f) For the purpose of determining whether a defendant is financially able to employ legal counsel under the provisions of K.S.A. 22-4504, and amendments thereto, in all felony cases with appointed counsel where the defendant’s social security number is accessible from the records of the district court, the court shall electronically provide the defendant’s name, social security number, district court case number and county to the secretary of revenue in the manner and format agreed to by the office of judicial administration and the secretary.

(g) Nothing in this section shall be construed to allow disclosure of the amount of income or any particulars set forth or disclosed in any report, return, federal return or federal return information, where such disclosure is prohibited by the federal internal revenue code as in effect

on September 1, 1996, and amendments thereto, related federal internal revenue rules or regulations, or other federal law.

Sec. 7. K.S.A. 12-5245 is hereby amended to read as follows: 12-5245. (a) Upon receipt of the approval of the secretary as provided in ~~subsection (c) of K.S.A. 12-5244(c), and amendments thereto~~, the governing body may proceed with the establishment of the district. Before doing so, the governing body shall adopt a plan for the development or redevelopment of housing and public facilities in the proposed district. Such plan may include plans for one or more projects, and the length of any individual project shall not exceed ~~15~~ 25 years. The plan shall include, but not be limited to, the following:

(1) The legal description and map required by ~~subsection (a) of K.S.A. 12-5244(a), and amendments thereto~~;

(2) the existing assessed valuation of the real estate in the proposed district, listing the land and improvement values separately;

(3) a list of the names and addresses of the owners of record of all real estate parcels within the proposed district;

(4) a description of the housing and public facilities project or projects that are proposed to be constructed or improved in the proposed district, and the location thereof;

(5) a listing of the names, addresses and specific interests in real estate in the proposed district of the developers responsible for development of the housing and public facilities in the proposed district;

(6) the contractual assurances, if any, the governing body has received from such developer or developers, guaranteeing the financial feasibility of specific housing tax incentive projects in the proposed district; *and*

(7) a comprehensive analysis of the feasibility of providing housing tax incentives in the district, as provided in this act, ~~which~~ *that* shows the public benefits derived from such district will exceed the costs and that the income therefrom, together with other sources of funding, will be sufficient to pay for the public improvements that may be undertaken in such district. If other sources of public or private funds are to be used to finance the improvements, they shall be identified in the analysis.

(b) Prior to the adoption of the plan and designation of the district, the governing body shall adopt a resolution stating that the governing body is considering such action. The resolution shall provide notice that a public hearing will *be* held to consider the adoption of the plan and the designation of the district and contain the following elements:

(1) The date, hour and place of the public hearing;

(2) the contents of ~~paragraphs (1) through (4) in subsection (a) of this section~~ (1) *through* (4);

(3) a summary of the contractual assurances by the developer and comprehensive feasibility analysis; ~~and~~

(4) a statement that the plan is available for inspection at the office of the clerk of the city or county at normal business hours; *and*

(5) a statement inviting members of the public to review the plan and attend the public hearing on the date announced in the resolution;

(c) The date fixed for the public hearing shall be not less than 30 nor more than 70 days following the date of the adoption of the resolution. The resolution shall be published at least once in the official newspaper of the city or county, with the final publication being not less than one week or more than two weeks preceding the date fixed for the public hearing.

(d) A certified copy of the resolution shall be delivered to the planning commission of the city or county and the board of education of any school district levying taxes on property within the proposed district. If the resolution is adopted by a city governing body, a certified copy also shall be delivered to the board of county commissioners of the county. If the resolution is adopted by a county governing body, it also shall be delivered to the governing body of any city located within three miles of such proposed district.

Sec. 8. K.S.A. 2018 Supp. 12-5248 is hereby amended to read as follows: 12-5248. (a) (1) Any city or county ~~which~~ *that* has established a housing incentive district as provided in this act may issue special obligation bonds to finance the implementation of the plan adopted for the district by the governing body. ~~Such~~ *The* special obligation bonds shall be made payable, both as to principal and interest:

(A) From property tax increments allocated to, and paid into a special fund of the city or county under the provisions of ~~subsection (b) of~~ K.S.A. 12-5250(b), and amendments thereto;

(B) from revenues of the city or county derived from or held in connection with the implementation of the project or projects in the district;

(C) from any private sources, contributions or other financial assistance from the state or federal government;

(D) from any financial sureties or other guarantees provided by the developer;

(E) from a pledge of any other lawfully available city or county revenue sources, including, but not limited to: ~~(1) (i)~~ A portion of all increased franchise fees collected from utilities and other businesses using public rights-of-way within the district; ~~or (2) (ii)~~ a portion of the sales and use tax revenues received by the city or county and collected pursuant to K.S.A. 12-187, and amendments thereto; or

(F) by any combination of these methods.

The city or county may pledge ~~such~~ *the* revenue to the repayment of ~~such~~ *the* special obligations bonds prior to, simultaneously with, or subsequent to the issuance of ~~such~~ *the* special obligation bonds.

(2) Bonds issued under this subsection shall not be general obligations of the city or county, ~~not~~ *nor* in any event shall they give rise to a

charge against the general credit or taxing powers of the city or county, or be payable out of any funds or properties other than any of those set forth in this subsection. ~~Such~~ The bonds shall ~~so~~ state *such information* on their face.

(3) The bonds issued under the provisions of this subsection shall be special obligations of the city or county and are declared to be negotiable instruments. The bonds shall be executed by the mayor and clerk of the city or, in the case of counties, by the chairman of the board of county commissioners and clerk of the county, and shall be sealed with the corporate seal of the city or the seal of the county. All details pertaining to the issuance of ~~such~~ *the* special obligation bonds shall be determined by ordinance of the city or resolution of the county. All special obligation bonds issued pursuant to this act shall be exempt from all state taxes. The special obligation bonds shall contain none of the recitals set forth in K.S.A. 10-112, and amendments thereto. The special obligation bonds shall contain the following recitals, *viz.*: The authority under which ~~such~~ *the* special obligation bonds are issued; *that* they are in conformity with the provisions, restrictions and limitations thereof; and *that* ~~such~~ *the* special obligation bonds and the interest thereon are to be paid from the money and revenue received as provided in paragraph (1) ~~of this subsection~~.

(4) The maximum maturity on bonds issued to finance projects pursuant to this act shall not exceed ~~15~~ 25 years.

(5) Any city or county issuing special obligation bonds under the provisions of this act may refund all or part of ~~such~~ *the* issue pursuant to the provisions of K.S.A. 10-116a, and amendments thereto.

(b) In the event the city or county shall default in the payment of any special obligation bonds as authorized pursuant to ~~paragraph (1) of subsection (a)(1) of this section, and amendments thereto~~, no public funds shall be used to pay the holders thereof except as otherwise specifically authorized in this act.

(c) Any and all terms, conditions, exclusions and limitations ~~which~~ *that* are otherwise applicable to bonds issued by authority of K.S.A. 12-1774, *and amendments thereto*, shall also be applicable to bonds issued pursuant to this section.

Sec. 9. K.S.A. 12-5250 is hereby amended to read as follows: 12-5250. (a) All taxable tangible property located within a district established in accordance with this act shall be assessed and taxed for ad valorem tax purposes pursuant to law in the same manner that such property would be assessed and taxed if located outside such district, and all ad valorem taxes levied on such property shall be paid to and collected by the county treasurer in the same manner as other taxes are paid and collected. Except as otherwise provided in this section, the county treasurer shall distribute such taxes as may be collected in the same manner as if such property

were located outside the district. Each district established under the provisions of this act shall constitute a separate taxing unit for the purpose of the computation and levy of taxes.

(b) Beginning with the first payment of taxes ~~which~~ *that* are levied following the date of the approval of any district in accordance with this act, and amendments thereto, real property taxes received by the county treasurer resulting from taxes which are levied subject to the provisions of this act by and for the benefit of a taxing subdivision on property located within such district constituting a separate taxing unit under the provisions of this section, shall be divided as follows:

(1) From the taxes levied each year subject to the provisions of this act by or for each taxing subdivisions upon property located within a district constituting a separate taxing unit under the provisions of this act, the county treasurer first shall allocate and pay to each such taxing subdivision all of the real property taxes collected which are produced from that portion of the current assessed valuation of such real property located within such separate taxing unit which is equal to the total assessed value of such real property on the date of the establishment of the district.

(2) Any real property taxes produced from that portion of the current assessed valuation of real property within a district and constituting a separate taxing unit under the provisions of this section in excess of an amount equal to the total assessed value of such real property on the effective date of the establishment of the district shall be allocated and paid by the county treasurer to the treasurer as follows:

(A) In districts established by a city, the amount shall be paid to the treasurer of the city and deposited in a special fund of the city to pay the cost of housing projects in the district including the payment of principal of and interest on any special obligation bonds issued by such city to finance, in whole or in part, such housing project.

(B) In districts established by a county, the amount shall be deposited by the county treasurer in a special fund of the county to pay the cost of housing projects in the district including the payment of principal of and interest on any special obligation bonds issued by such county to finance, in whole or in part, such housing project. If such special obligation bonds and interest thereon have been paid before the completion of a project, the city or county may continue to use such moneys for any purpose authorized by this act until such time as the project is completed, but for not to exceed ~~15~~ 25 years from the date of the establishment of the district. When such special obligation bonds and interest thereon have been paid and the project is completed, all moneys thereafter received from real property taxes within such district shall be allocated and paid to the respective taxing subdivisions in the same manner as are other ad valorem taxes.

(c) Notwithstanding any other provision of law, it is hereby stated that is an object of all ad valorem taxes levied by or for the benefit of any taxing subdivision on taxable tangible real property located within any district created pursuant to this act, that such taxes may be applied and allocated to and when collected paid into a special fund of a city or county pursuant to the procedures and limitations of this act to pay the cost of a project including principal of and interest on special obligation bonds issued by such city or county to finance, in whole or in part, such project.

Sec. 10. K.S.A. 12-5245 and 12-5250 and K.S.A. 2018 Supp. 12-5248, 75-5133 and 79-3234 and hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 13, 2019.

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## CHAPTER 61

## SENATE BILL No. 63

AN ACT concerning transportation; relating to transportation network company vehicles, regulating the use of authorized lights, city ordinances; requiring vehicle drivers to stop for on-track train equipment at railroad grade crossing signals; allowing for the installation of certain light screening material on windshields and windows; allowing all-terrain and work-site utility vehicles to operate on a federal or state highway under certain conditions; regulating the use of electric-assisted scooters, definitions, requirements, penalty; amending K.S.A. 8-1551 and K.S.A. 2018 Supp. 8-126, 8-128, 8-1486, 8-15,100, 8-15,109, 8-1729, 8-1749a and 8-2118 and repealing the existing sections.

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

New Section 1. (a) The governing body of a city may adopt an ordinance that allows a driver for a transportation network company, who is logged on to the transportation network company's digital network, to equip the vehicle with a lighting device capable of displaying light visible from directly in front of the center of the vehicle. Such lighting device may display: (1) Steady light; and (2) light of any color, except red.

(b) The words and phrases used in this section have the meanings respectively ascribed thereto by K.S.A. 2018 Supp. 8-2702, and amendments thereto, unless a different meaning is plainly required by the context.

(c) This section shall be a part of and supplemental to the uniform act regulating traffic on highways.

Sec. 2. K.S.A. 2018 Supp. 8-1729 is hereby amended to read as follows: 8-1729. (a) During the times specified in K.S.A. 8-1703, and amendments thereto, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, vehicular hazard warning lamps and school bus warning lamps; ~~which~~ *that* projects a beam of light of an intensity greater than 300 candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(b) Except as required or permitted in K.S.A. 8-1720 and 8-1730, and amendments thereto, *or section 1, and amendments thereto*, no person shall drive or move any vehicle or equipment upon any highway with any lamp or device capable of displaying a red light visible from directly in front of the center thereof, nor shall any vehicle or equipment upon any highway have any lamp or device displaying any color of light visible from directly in front of the center thereof except white or amber or any shade of color between white and amber.

(c) Flashing lights are prohibited except as authorized or required in K.S.A. 8-1717, 8-1720, 8-1721, 8-1722, 8-1723, 8-1730, 8-1730a and 8-1731, and amendments thereto.



(d) The flashing lights described in K.S.A. 8-1720, 8-1730 and 8-1730a, and amendments thereto, shall not be used on any vehicle other than a school bus, church bus or day care program bus, as defined in K.S.A. 8-1730a, and amendments thereto, or an authorized emergency vehicle.

(e) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber.

Sec. 3. K.S.A. 8-1551 is hereby amended to read as follows: 8-1551.

(a) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within ~~fifty (50)~~ 50 feet but not less than ~~fifteen (15)~~ 15 feet from the nearest rail of such railroad, and shall not proceed until ~~he or she~~ *such driver* can do so safely. The foregoing requirements shall apply when:

(1) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train *or other on-track equipment*;

(2) a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train *or other on-track equipment*;

(3) a railroad train *or other on-track equipment* approaching within approximately ~~one thousand five hundred (1,500)~~ 1,500 feet of the highway crossing emits a signal audible from such distance and such railroad train *or other on-track equipment*, by reason of its speed or nearness to such crossing, is an immediate hazard; or

(4) an approaching railroad train *or other on-track equipment* is plainly visible and is in hazardous proximity to such crossing.

(b) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed.

Sec. 4. K.S.A. 2018 Supp. 8-1749a is hereby amended to read as follows: 8-1749a. (a) No motor vehicle required to be registered in this state and ~~which that~~ is operated on the highways of this state shall be equipped with one-way glass or any sun screening device, as defined in K.S.A. 8-1749b, and amendments thereto, and used in conjunction with windshields, side wings, side windows or rear windows that do not meet the following requirements:

(1) A sun screening device when used in conjunction with the windshield shall be nonreflective and shall not be red, yellow or amber in color. A sun screening device shall be used only along the top of the windshield and shall not extend downward beyond the AS1 line, which is clearly defined and marked;

(2) a sun screening device when used in conjunction with the side wings or side windows located at the immediate right and left of the driver, the side windows behind the driver and the rear most window shall be nonreflective; and

(3) the total light transmission shall not be less than 35% when a sun screening device is used in conjunction with other existing sun screening devices.

(b) Subsection (a)(3) shall not apply to a window of a law enforcement motor vehicle ~~that is clearly identified as such by words or other symbols on the outside of the vehicle.~~

(c) *The provisions of subsection (a) shall not apply to the installation, affixation or application of a clear, colorless and transparent material that may be installed, affixed or applied to the windshields, side wings, side windows or rear windows of a motor vehicle if the following conditions are met:*

(1) *The material has a minimum visible light transmittance of 78%;*

(2) *the window glazing with the material applied meets all requirements of federal motor vehicle safety standard no. 205, including the specified minimum light transmittance of 70% and the abrasion resistance of AS-14 glazing, as specified in that federal standard;*

(3) *the material is designed and manufactured to enhance the ability of the existing window glass to block the sun's harmful ultraviolet A or B rays;*

(4) *the driver or occupant of the vehicle possesses a signed statement from a licensed physician or licensed optometrist that:*

(A) *Identifies with reasonable specificity the driver or occupant of the vehicle; and*

(B) *states that, in the physician's or optometrist's professional opinion, the equipping of the vehicle with the material is necessary to safeguard the health of the driver or occupant of the vehicle; and*

(5) *if the material described in this subsection tears or bubbles, or is otherwise worn to prohibit clear vision, it shall be removed or replaced.*

(d) *Any driver who is issued a citation for failure to possess a signed statement pursuant to subsection (c)(4) shall have 60 days to either produce in court a signed statement or remove the material described in subsection (c). If such driver produces the signed statement or submits proof to the satisfaction of the court that the material described in subsection (c) has been removed, then the court shall dismiss the citation.*

(e) The superintendent of the highway patrol may adopt such rules and regulations necessary to carry out the provisions of this section.

~~(d)~~(f) This section shall not prohibit labels, stickers or other informational signs that are required or permitted by state law.

~~(e)~~(g) No motor vehicle required to be registered in this state ~~which~~ that is operated on the highways of this state shall be equipped with head

lamps ~~which~~ *that* are covered with any sun screening device, adhesive film or other glaze or application, which, when such lamps are not in operation, is highly reflective or otherwise nontransparent.

~~(f)~~*(h)* Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor.

Sec. 5. K.S.A. 2018 Supp. 8-15,100 is hereby amended to read as follows: 8-15,100. (a) Except as provided in subsection (b), *(c) or (d)*, it shall be unlawful for any person to operate an all-terrain vehicle: (1) On any interstate highway, federal highway or state highway; or (2) within the corporate limits of any city unless authorized by such city.

(b) Notwithstanding the provisions of subsection (a), all-terrain vehicles owned and operated by a county noxious weed department, or all-terrain vehicles owned and operated by persons contracting with a county noxious weed department or the Kansas department of transportation may be allowed to operate such all-terrain vehicles upon the right-of-way of any federal highway or state highway for the purpose of eradicating noxious weeds and such all-terrain vehicles may be operated incidentally upon such federal highway or state highway.

*(c) Notwithstanding the provisions of subsection (a), all-terrain vehicles may be operated to cross a federal highway or state highway.*

*(d) Notwithstanding the provisions of subsection (a)(1), persons engaged in agricultural purposes may operate an all-terrain vehicle on a federal highway or state highway under the following conditions:*

*(1) The operator of the all-terrain vehicle must be a licensed driver and be operating within the restrictions of the operator's license;*

*(2) the federal highway or state highway must have a posted speed limit of 65 miles per hour or less;*

*(3) the operator of the all-terrain vehicle must operate the all-terrain vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and*

*(4) the purpose of the trip using the all-terrain vehicle must be for agricultural purposes.*

*(e)* No all-terrain vehicle shall be operated on any public highway, street or road between sunset and sunrise unless equipped with lights as required by law for motorcycles.

~~(d)~~*(f)* This section shall be part of and supplemental to the uniform act regulating traffic on highways.

Sec. 6. K.S.A. 2018 Supp. 8-15,109 is hereby amended to read as follows: 8-15,109. (a) It shall be unlawful for any person to operate a work-site utility vehicle: (1) On any interstate highway, federal highway or state highway; or (2) within the corporate limits of any city unless authorized by such city.

*(b) Notwithstanding the provisions of subsection (a), work-site utility vehicles may be operated to cross a federal highway or state highway.*

(c) *Notwithstanding the provisions of subsection (a)(1), persons engaged in agricultural purposes may operate a work-site utility vehicle on a federal highway or state highway under the following conditions:*

*(1) The operator of the work-site utility vehicle must be a licensed driver and be operating within the restrictions of the operator's license;*

*(2) the federal highway or state highway must have a posted speed limit of 65 miles per hour or less;*

*(3) the operator of the work-site utility vehicle must operate the work-site utility vehicle as near to the right side of the roadway as practicable, except when making or preparing to make a left turn; and*

*(4) the purpose of the trip using the work-site utility vehicle must be for agricultural purposes.*

(d) No work-site utility vehicle shall be operated on any public highway, street or road between sunset and sunrise unless equipped with lights as required by law for motorcycles.

~~(e)~~(e) This section shall be part of and supplemental to the uniform act regulating traffic on highways.

New Sec. 7. "Electric-assisted scooter" means every self-propelled vehicle that has at least two wheels in contact with the ground, an electric motor, handlebars, a brake and a deck that is designed to be stood upon when riding.

New Sec. 8. (a) It shall be unlawful for any person to operate an electric-assisted scooter on any interstate highway, federal highway or state highway.

(b) Notwithstanding the provisions of subsection (a), traffic regulations applicable to bicycles shall apply to electric-assisted scooters.

(c) The governing body of a city or county may adopt an ordinance or resolution that further restricts or prohibits the operation of electric-assisted scooters on any public highway, street or sidewalk within such city or county.

(d) Except as otherwise provided in subsection (c), the provisions of subsection (a) shall not prohibit an electric-assisted scooter from crossing a federal or state highway.

(e) This section shall be a part of and supplemental to the uniform act regulating traffic on highways.

Sec. 9. K.S.A. 2018 Supp. 8-126 is hereby amended to read as follows: 8-126. The following words and phrases when used in this act shall have the meanings respectively ascribed to them herein:

(a) "All-terrain vehicle" means any motorized nonhighway vehicle 50 inches or less in width, having a dry weight of 1,500 pounds or less, traveling on three or more nonhighway tires.

(b) "Autocycle" means a three-wheel motorcycle that has a steering

wheel and seating that does not require the operator to straddle or sit astride it.

(c) “Commission” or “state highway commission” means the director of vehicles of the department of revenue.

(d) “Contractor” means a person, partnership, corporation, local government, county government, county treasurer or other state agency that has contracted with the department to provide services associated with vehicle functions.

(e) “Department” or “motor vehicle department” or “vehicle department” means the division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents. When acting on behalf of the department of revenue pursuant to this act, a county treasurer shall be deemed to be an agent of the state of Kansas.

(f) “Division” means the division of vehicles of the department of revenue.

(g) *“Electric-assisted scooter” means every self-propelled vehicle that has at least two wheels in contact with the ground, an electric motor, handlebars, a brake and a deck that is designed to be stood upon when riding.*

~~(g)~~(h) “Electric personal assistive mobility device” means a self-balancing two nontandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

~~(h)~~(i) “Electric vehicle” means a vehicle that is powered by an electric motor drawing current from rechargeable storage batteries or other portable electrical energy storage devices, provided the recharge energy must be drawn from a source off the vehicle, such as, but not limited to:

- (1) Residential electric service;
- (2) an electric vehicle charging station, also called an EV charging station, an electric recharging point, a charging point, EVSE (Electric Vehicle Supply Equipment) or a public charging station.

~~(i)~~(j) “Electronic certificate of title” means any electronic record of ownership, including any lien or liens that may be recorded, retained by the division in accordance with K.S.A. 2018 Supp. 8-135d, and amendments thereto.

~~(j)~~(k) “Electronic notice of security interest” means the division’s online internet program ~~which~~ *that* enables a dealer or secured party to submit a notice of security interest as defined in this section, and to cancel the notice or release the security interest using the program. This program is also known as the Kansas elien or KSelien.

~~(k)~~(l) “Farm tractor” means every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements in any manner consistent with the structural design of such power unit.

~~(d)~~(m) “Farm trailer” means every trailer and semitrailer as those terms are defined in this section, designed and used primarily as a farm vehicle.

~~(m)~~(n) “Foreign vehicle” means every motor vehicle, trailer, or semitrailer ~~which~~ *that* shall be brought into this state otherwise than in ordinary course of business by or through a manufacturer or dealer and ~~which~~ has not been registered in this state.

~~(n)~~(o) “Golf cart” means a motor vehicle that has not less than three wheels in contact with the ground, an unladen weight of not more than 1,800 pounds, is designed to be and is operated at not more than 25 miles per hour and is designed to carry not more than four persons including the driver.

~~(o)~~(p) “Highway” means every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term “highway” shall not be deemed to include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions.

~~(p)~~(q) “Implement of husbandry” means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated upon the highways. Such term shall include, but not be limited to:

- (1) A farm tractor;
- (2) a self-propelled farm implement;
- (3) a fertilizer spreader, nurse tank or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership;

- (4) a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung;

- (5) a mixer-feed truck owned and used by a feedlot, as defined in K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing food to livestock in such feedlot.

~~(q)~~(r) “Lien” means a security interest as defined in this section.

~~(r)~~(s) “Lightweight roadable vehicle” means a multipurpose motor vehicle that is allowed to be driven on public roadways and is required to be registered with, and flown under the direction of, the federal aviation administration.

~~(s)~~(t) “Manufacturer” means every person engaged in the business of manufacturing motor vehicles, trailers or semitrailers.

~~(t)~~(u) “Micro utility truck” means any motor vehicle ~~which~~ *that* is not less than 48 inches in width, has an overall length, including the bumper, of not more than 160 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as origi-

nally manufactured and is manufactured with a metal cab. “Micro utility truck” does not include a work-site utility vehicle or recreational off-highway vehicle.

~~(u)~~(v) “Motor vehicle” means every vehicle, other than a motorized bicycle or a motorized wheelchair, ~~which~~ *that* is self-propelled.

~~(v)~~(w) “Motorcycle” means every motor vehicle, including autocycles, designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term “tractor” as defined in this section.

~~(w)~~(x) “Motorized bicycle” means every device having two tandem wheels or three wheels, ~~which~~ *that* may be propelled by either human power or helper motor, or by both, and ~~which~~ has:

- (1) A motor which produces not more than 3.5 brake horsepower;
- (2) a cylinder capacity of not more than 130 cubic centimeters;
- (3) an automatic transmission; and
- (4) the capability of a maximum design speed of no more than 30 miles per hour.

~~(x)~~(y) “Motorized wheelchair” means any self-propelled vehicle designed specifically for use by a physically disabled person and such vehicle is incapable of a speed in excess of 15 miles per hour.

~~(y)~~(z) “New vehicle dealer” means every person actively engaged in the business of buying, selling or exchanging new motor vehicles, travel trailers, trailers or vehicles and who holds a dealer’s contract therefor from a manufacturer or distributor and who has an established place of business in this state.

~~(z)~~(aa) “Nonresident” means every person who is not a resident of this state.

~~(aa)~~(bb) “Notice of security interest” means a notification to the division from a dealer or secured party of a purchase money security interest as provided in article 9 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, upon a vehicle ~~which~~ *that* has been sold and delivered to the purchaser describing the vehicle and showing the name, address and acknowledgment of the secured party as well as the name and address of the debtor or debtors and other information the division requires.

~~(bb)~~(cc) “Oil well servicing, oil well clean-out or oil well drilling machinery or equipment” means a vehicle constructed as a machine used exclusively for servicing, cleaning-out or drilling an oil well and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for one or more of those purposes. The passenger capacity of the cab of a vehicle shall not be considered in determining whether such vehicle is oil well servicing, oil well clean-out or oil well drilling machinery or equipment.



~~(ee)~~(dd) “Owner” means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of 30 days or more with an immediate right of possession vested in the lessee; or in the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this act.

~~(dd)~~(ee) “Passenger vehicle” means every motor vehicle, as defined in this section, ~~which~~ *that* is designed primarily to carry 10 or fewer passengers, and ~~which~~ is not used as a truck.

~~(ee)~~(ff) “Person” means every natural person, firm, partnership, association or corporation.

~~(ff)~~(gg) “Pole trailer” means any two-wheel vehicle used as a trailer with bolsters that support the load, and do not have a rack or body extending to the tractor drawing the load.

~~(gg)~~(hh) “Recreational off-highway vehicle” means any motor vehicle more than 50 but not greater than 64 inches in width, having a dry weight of 2,000 pounds or less, traveling on four or more nonhighway tires.

~~(hh)~~(ii) “Road tractor” means every motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon independently, or any part of the weight of a vehicle or load so drawn.

~~(ii)~~(jj) “Self-propelled farm implement” means every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design.

~~(jj)~~(kk) “Semitrailer” means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

~~(kk)~~(ll) “Specially constructed vehicle” means any vehicle ~~which~~ *that* shall not have been originally constructed under a distinctive name, make, model or type, or ~~which~~ *that*, if originally otherwise constructed shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

~~(ll)~~(mm) “Trailer” means every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

~~(mm)~~(nn) “Travel trailer” means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes.



~~(nn)~~(oo) “Truck” means a motor vehicle ~~which~~ *that* is used for the transportation or delivery of freight and merchandise or more than 10 passengers.

~~(oo)~~(pp) “Truck tractor” means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn.

~~(pp)~~(qq) “Used vehicle dealer” means every person actively engaged in the business of buying, selling or exchanging used vehicles, and having an established place of business in this state and who does not hold a dealer’s contract for the sale of new motor vehicles, travel trailers or vehicles.

~~(qq)~~(rr) “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

~~(rr)~~(ss) “Vehicle functions” means services relating to the application, processing, auditing or distribution of original or renewal vehicle registrations, certificates of title, driver’s licenses and division-issued identification cards associated with services and functions set out in articles 1, 2 and 13 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto. “Vehicle functions” may also include personal property taxation duties set out in article 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and other vehicle-related events described in article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto.

~~(ss)~~(tt) “Work-site utility vehicle” means any motor vehicle ~~which~~ *that* is not less than 48 inches in width, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more nonhighway tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. “Work-site utility vehicle” does not include a micro utility truck or recreational off-highway vehicle.

Sec. 10. K.S.A. 2018 Supp. 8-128 is hereby amended to read as follows: 8-128. (a) The following need not be registered under this act, any:

- (1) Implement of husbandry;
- (2) all-terrain vehicle;
- (3) micro utility truck;
- (4) golf cart;
- (5) work-site utility vehicle;
- (6) road roller or road machinery temporarily operated or moved upon the highways;
- (7) municipally owned fire truck;
- (8) privately owned fire truck subject to a mutual aid agreement with a municipality;

(9) school bus owned and operated by a school district or a nonpublic school ~~which~~ *that* has the name of the municipality, school district or nonpublic school plainly painted thereon;

(10) farm trailer used in carrying not more than 6,000 pounds owned by a person engaged in farming, which trailer is used exclusively by the owner to transport agricultural products produced by such owner or commodities purchased by the owner for use on the farm owned or rented by the owner of such trailer and the weight of any such farm trailer, plus the cargo weight of 6,000 pounds or less, shall not be considered in determining the gross weight for which the truck or truck tractor propelling the same shall be registered; ~~or~~

(11) farm trailer used and designed for transporting hay or forage from a field to a storage area or from a storage area to a feedlot, ~~which~~ *that* is only incidentally moved or operated upon the highways, except that this paragraph shall not apply to a farm semitrailer; *or*

(12) *electric-assisted scooter.*

(b) Self-propelled cranes where the crane operator on a job site operates the controls of such crane from a permanent housing or module on the crane and the crane is not used for the transportation of property, except the property that is required for the operation of the crane itself and earth moving equipment ~~which~~ *that* are equipped with pneumatic tires may be moved on the highways of this state from one job location to another, or to or from places of storage, delivery or repair, without complying with the provisions of the law relating to registration and display of license plates but shall comply with all the other requirements of the law relating to motor vehicles.

(c) Oil well servicing, oil well clean-out or oil well drilling machinery or equipment need not be registered under this act but shall comply with all the other requirements of the law relating to motor vehicles.

(d) A truck permanently mounted with a hydraulic concrete pump and placing boom may be moved on the highways of this state from one job location to another, or to or from places of storage delivery or repair, without being registered under this act, but shall comply with all the other requirements of the law relating to motor vehicles. The provisions of this subsection shall not apply to ready-mix concrete trucks.

Sec. 11. K.S.A. 2018 Supp. 8-1486 is hereby amended to read as follows: 8-1486. K.S.A. 8-1402a, 8-1414a, 8-1439c, 8-1458a, 8-1459a, 8-1475a, 8-1487, 8-1488, 8-1489 and 8-1490, and amendments thereto, and K.S.A. 2018 Supp. 8-1491, 8-1492, 8-1493, 8-1494, 8-1495, 8-1496 ~~and~~, 8-1497 *and section 7*, and amendments thereto, shall be a part of, and supplemental to, the uniform act regulating traffic on highways.

Sec. 12. K.S.A. 2018 Supp. 8-2118 is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as

provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

(b) Prior to the time specified in the notice to appear, a person charged with a traffic infraction may enter a written appearance, waive right to trial, plead guilty or no contest and pay the fine for the violation as specified in the uniform fine schedule in subsection (c) and court costs provided by law. Payment may be made in any manner accepted by the court. The traffic citation shall not have been complied with if the payment is not honored for any reason, or if the fine and court costs are not paid in full. When a person charged with a traffic infraction makes payment without executing a written waiver of right to trial and plea of guilty or no contest, the payment shall be deemed such an appearance, waiver of right to trial and plea of no contest.

(c) The following uniform fine schedule shall apply uniformly throughout the state but shall not limit the fine ~~which~~ *that* may be imposed following a court appearance, except an appearance made for the purpose of pleading and payment as permitted by subsection (a). The description of offense contained in the following uniform fine schedule is for reference only and is not a legal definition.

<i>Description of Offense</i>	<i>Statute</i>	<i>Fine</i>
Refusal to submit to a preliminary breath test	8-1012	\$105
Unsafe speed for prevailing conditions	8-1557	\$75
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1558 to 8-1560 8-1560a or 8-1560b	1-10 mph over the limit, \$45  11-20 mph over the limit, \$45 plus \$6 per mph over 10 mph over the limit; 21-30 mph over the limit, \$105 plus \$9 per mph over 20 mph over the limit; 31 and more mph over the limit, \$195 plus \$15 per mph over 30 mph over the limit;

Disobeying traffic control device	8-1507	\$75
Violating traffic control signal	8-1508	\$75
Violating pedestrian control signal	8-1509	\$45
Violating flashing traffic signals	8-1510	\$75
Violating lane-control signal	8-1511	\$75
Unauthorized sign, signal, marking or device	8-1512	\$45
Driving on left side of roadway	8-1514	\$75
Failure to keep right to pass oncoming vehicle	8-1515	\$75
Improper passing; increasing speed when passed	8-1516	\$75
Improper passing on right	8-1517	\$75
Passing on left with insufficient clearance	8-1518	\$75
Driving on left side where curve, grade, intersection railroad crossing, or obstructed view	8-1519	\$75
Driving on left in no-passing zone	8-1520	\$75
Unlawful passing of stopped emergency vehicle	8-1520a	\$75
Driving wrong direction on one-way road	8-1521	\$75
Improper driving on laned roadway	8-1522	\$75
Following too close	8-1523	\$75
Improper crossover on divided highway	8-1524	\$45
Failure to yield right-of-way at uncontrolled intersection	8-1526	\$75
Failure to yield to approaching vehicle when turning left	8-1527	\$75
Failure to yield at stop or yield sign	8-1528	\$75
Failure to yield from private road or driveway	8-1529	\$75
Failure to yield to emergency vehicle	8-1530	\$195

Failure to yield to pedestrian or vehicle working on roadway	8-1531	\$105
Failure to comply with restrictions in road construction zone	8-1531a	\$45
Disobeying pedestrian traffic control device	8-1532	\$45
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	\$75
Improper pedestrian crossing	8-1534	\$45
Failure to exercise due care in regard to pedestrian	8-1535	\$45
Improper pedestrian movement in crosswalk	8-1536	\$45
Improper use of roadway by pedestrian	8-1537	\$45
Soliciting ride or business on roadway	8-1538	\$45
Driving through safety zone	8-1539	\$45
Failure to yield to pedestrian on sidewalk	8-1540	\$45
Failure of pedestrian to yield to emergency vehicle	8-1541	\$45
Failure to yield to blind pedestrian	8-1542	\$45
Pedestrian disobeying bridge or railroad signal	8-1544	\$45
Improper turn or approach	8-1545	\$75
Improper “U” turn	8-1546	\$75
Unsafe starting of stopped vehicle	8-1547	\$45
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	\$75
Improper method of giving notice of intention to turn	8-1549	\$45
Improper hand signal	8-1550	\$45

Failure to stop or obey road crossing signal	8-1551	\$195
Failure to stop at railroad crossing stop sign	8-1552	\$135
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	\$195
Improper moving of heavy equipment at railroad crossing	8-1554	\$75
Vehicle emerging from alley, private roadway, building or driveway	8-1555	\$75
Improper passing of school bus; improper use of school bus signals	8-1556	\$315
Improper passing of church or day-care bus; improper use of signals	8-1556a	\$195
Impeding normal traffic by slow speed	8-1561	\$45
Speeding on motor-driven cycle	8-1562	\$75
Speeding in certain vehicles or on posted bridge	8-1563	\$45
Improper stopping, standing or parking on roadway	8-1569	\$45
Parking, standing or stopping in prohibited area	8-1571	\$45
Improper parking	8-1572	\$45
Unattended vehicle	8-1573	\$45
Improper backing	8-1574	\$45
Driving on sidewalk	8-1575	\$45
Driving with view or driving mechanism obstructed	8-1576	\$45
Unsafe opening of vehicle door	8-1577	\$45
Riding in house trailer	8-1578	\$45
Unlawful riding on vehicle	8-1578a	\$75
Improper driving in defiles, canyons, or on grades	8-1579	\$45
Coasting	8-1580	\$45
Following fire apparatus too closely	8-1581	\$75

Driving over fire hose	8-1582	\$45
Putting glass, etc., on highway	8-1583	\$105
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	\$45
Improper operation of snow- mobile on highway	8-1585	\$45
Parental responsibility of child riding bicycle	8-1586	\$45
Not riding on bicycle seat; too many persons on bicycle	8-1588	\$45
Clinging to other vehicle	8-1589	\$45
Improper riding of bicycle on roadway	8-1590	\$45
Carrying articles on bicycle; one hand on handlebars	8-1591	\$45
Improper bicycle lamps, brakes or reflectors	8-1592	\$45
Improper operation of mo- torcycle; seats; passen- gers, bundles	8-1594	\$45
Improper operation of motor cycle on laned roadway	8-1595	\$75
Motorcycle clinging to other vehicle	8-1596	\$45
Improper motorcycle handle- bars or passenger equipment	8-1597	\$75
Motorcycle helmet and eye- protection requirements	8-1598	\$45
Unlawful operation of all- terrain vehicle	8-15,100	\$75
Unlawful operation of low-speed vehicle	8-15,101	\$75
Littering	8-15,102	\$115
Disobeying school crossing guard	8-15,103	\$75
Unlawful operation of micro utility truck	8-15,106	\$75
Failure to remove vehicles in accidents	8-15,107	\$75

Unlawful operation of golf cart	8-15,108	\$75
Unlawful operation of work-site utility vehicle	8-15,109	\$75
Unlawful display of license plate	8-15,110	\$60
Unlawful text messaging	8-15,111	\$60
Unlawful passing of a waste collection vehicle	8-15,112	\$45
<i>Unlawful operation of electric-assisted scooter</i>	<i>section 8</i>	\$45
Equipment offenses that are not misdemeanors	8-1701	\$75
Driving without lights when needed	8-1703	\$45
Defective headlamps	8-1705	\$45
Defective tail lamps	8-1706	\$45
Defective reflector	8-1707	\$45
Improper stop lamp or turn signal	8-1708	\$45
Improper lighting equipment on certain vehicles	8-1710	\$45
Improper lamp color on certain vehicles	8-1711	\$45
Improper mounting of reflectors and lamps on certain vehicles	8-1712	\$45
Improper visibility of reflectors and lamps on certain vehicles	8-1713	\$45
No lamp or flag on projecting load	8-1715	\$75
Improper lamps on parked vehicle	8-1716	\$45
Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	\$45
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	\$45



Unlawful use of spot, fog, or auxiliary lamp	8-1719	\$45
Improper lamps or lights on emergency vehicle	8-1720	\$45
Improper stop or turn signal	8-1721	\$45
Improper vehicular hazard warning lamp	8-1722	\$45
Unauthorized additional lighting equipment	8-1723	\$45
Improper multiple-beam lights	8-1724	\$45
Failure to dim headlights	8-1725	\$75
Improper single-beam headlights	8-1726	\$45
Improper speed with alternate lighting	8-1727	\$45
Improper number of driving lamps	8-1728	\$45
Unauthorized lights and signals	8-1729	\$45
Improper school bus lighting equipment and warning devices	8-1730	\$45
Unauthorized lights and devices on church or day-care bus	8-1730a	\$45
Improper lights on highway construction or maintenance vehicles	8-1731	\$45
Defective brakes	8-1734	\$45
Defective or improper use of horn or warning device	8-1738	\$45
Defective muffler	8-1739	\$45
Defective mirror	8-1740	\$45
Defective wipers; obstructed windshield or windows	8-1741	\$45
Improper tires	8-1742	\$45
Improper flares or warning devices	8-1744	\$45
Improper use of vehicular hazard warning lamps and devices	8-1745	\$45
Improper air-conditioning equipment	8-1747	\$45

Improper safety belt or shoulder harness	8-1749	\$45
Improper wide-based single tires	8-1742b	\$75
Improper compression re- lease engine braking system	8-1761	\$75
Defective motorcycle headlamp	8-1801	\$45
Defective motorcycle tail lamp	8-1802	\$45
Defective motorcycle reflector	8-1803	\$45
Defective motorcycle stop lamps and turn signals	8-1804	\$45
Defective multiple-beam lighting	8-1805	\$45
Improper road-lighting equip- ment on motor-driven cycles	8-1806	\$45
Defective motorcycle or motor driven cycle brakes	8-1807	\$45
Improper performance abil- ity of brakes	8-1808	\$45
Operating motorcycle with disapproved braking system	8-1809	\$45
Defective horn, muffler, mir- rors or tires	8-1810	\$45
Unlawful statehouse parking	75-4510a	\$30
Exceeding gross weight of vehicle or combination	8-1909	Pounds Overweight up to 1000 .....\$40 1001 to 2000.....3¢ per pound 2001 to 5000.....5¢ per pound 5001 to 7500.....7¢ per pound 7501 and over...10¢ per pound
Exceeding gross weight on any axle or tandem, triple or quad axles	8-1908	Pounds Overweight up to 1000 .....\$40 1001 to 2000.....3¢ per pound 2001 to 5000.....5¢ per pound 5001 to 7500.....7¢ per pound 7501 and over...10¢ per pound

Failure to obtain proper registration, clearance or to have current certification	66-1324	\$287
Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	\$137
Failure to obtain interstate motor fuel tax authorization	79-34,122	\$137
No authority as private or common carrier	66-1,111	\$137
Violation of motor carrier safety rules and regulations, except for violations specified in K.S.A. 66-1,130(b)(2), and amendments thereto	66-1,129	\$115

(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordinances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such fines may vary from those contained in the uniform fine schedule contained in subsection (c).

(e) Fines listed in the uniform fine schedule contained in subsection (c) shall be doubled if a person is convicted of a traffic infraction, which is defined as a moving violation in accordance with rules and regulations adopted pursuant to K.S.A. 8-249, and amendments thereto, committed within any road construction zone as defined in K.S.A. 8-1458a, and amendments thereto.

(f) For a second violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after a prior conviction of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 1½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years, after two prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined two times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after three prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 2½ times the applicable amount from one, but

not both, of the schedules listed in the uniform fine schedule contained in subsection (c).

(g) Fines listed in the uniform fine schedule contained in subsection (c) relating to exceeding the maximum speed limit, shall be doubled if a person is convicted of exceeding the maximum speed limit in a school zone authorized under K.S.A. 8-1560(a)(4), and amendments thereto.

(h) For a second violation of K.S.A. 8-1556, and amendments thereto, within five years after a prior conviction of K.S.A. 8-1556, and amendments thereto, such person, upon conviction, shall be fined \$750 for the second violation. For a third and each succeeding violation of K.S.A. 8-1556, and amendments thereto, within five years after two prior convictions of K.S.A. 8-1556, and amendments thereto, such person, upon conviction, shall be fined \$1,000 for the third and each succeeding violation.

Sec. 5. K.S.A. 8-1551 and K.S.A. 2018 Supp. 8-126, 8-128, 8-1486, 8-15,100, 8-15,109, 8-1729, 8-1749a and 8-2118 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 16, 2019.

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## CHAPTER 62

## HOUSE BILL No. 2290

AN ACT concerning public agencies; establishing the Kansas closed case task force; creating the Kansas criminal justice reform commission; relating to the Kansas bureau of investigation; criminal history record checks for entities providing care to children, the elderly or individuals with disabilities; relating to the attorney general; creating a statewide Kansas victim information and notification everyday (VINE) coordinator; appointment of a Kansas youth suicide prevention coordinator; relating to the crime victims compensation board; creating the crime victims compensation division within the office of the attorney general; relating to the Kansas open records act; legislative review of exceptions to disclosure of public records; relating to the tort claims fund; claims involving alleged violations of the open records act or the open meetings act; amending K.S.A. 74-7304, 74-7305, 74-7308 and 74-7317 and K.S.A. 2018 Supp. 9-513c, 40-3407, 45-229 and 75-6117 and repealing the existing sections; also repealing K.S.A. 74-7306.

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

New Section 1. (a) There is hereby established the Kansas closed case task force. The task force shall be composed of 15 voting members, as follows:

- (1) The chairperson of the standing senate committee on judiciary;
- (2) the ranking minority member of the standing senate committee on judiciary;
- (3) the chairperson of the standing house committee on judiciary;
- (4) the ranking minority member of the standing house committee on judiciary;
- (5) the governor or the governor's designee;
- (6) the attorney general or the attorney general's designee;
- (7) the director of the Kansas bureau of investigation or the director's designee;
- (8) the state combined DNA index system (CODIS) administrator as designated by the director of the Kansas bureau of investigation forensic science laboratory;
- (9) a sheriff as designated by the Kansas sheriff's association;
- (10) a chief of police as designated by the Kansas association of chiefs of police;
- (11) a prosecutor as designated by the Kansas county and district attorneys association;
- (12) the executive director of the state board of indigents' defense services or the executive director's designee;
- (13) the president of the Kansas bar association or the president's designee;
- (14) the director of victim services of the department of corrections or the director's designee; and
- (15) one member designated by the governor who represents an organization that litigates claims of innocence.

(b) (1) Members shall be appointed to the task force on or before September 1, 2019. The initial meeting of the task force shall be convened on or before October 1, 2019.

(2) The chairperson of the standing senate committee on judiciary and the chairperson of the standing house committee on judiciary shall serve as co-chairs of the task force.

(3) The task force shall meet in an open meeting at any time and at any place within the state of Kansas upon the call of either co-chairperson of the task force. A majority of the voting members of the task force constitutes a quorum. Any action by the task force shall be by motion adopted by a majority of the voting members present when there is a quorum.

(c) The task force, in consultation with practitioners and experts, shall develop a plan to ensure uniform statewide policies and procedures that address, at a minimum:

(1) Timely receipt of the data relating to hits to the combined DNA index system (CODIS) from the forensic laboratory;

(2) directly connecting the data relating to hits to the combined DNA index system (CODIS) to the relevant case file;

(3) proper policies and procedures to ensure all hits are accounted for and followed up;

(4) procedures to address how the key parties can conduct a reasonable and timely investigation into the significance of the hit; and

(5) sharing the hits in data from both solved and unsolved cases with other key parties, including the relevant prosecutors' offices, the original defense attorney and the last known attorney of record, crime victims and surviving relatives, and a local organization that litigates claims of innocence.

(d) The task force shall complete a plan for implementation of a protocol relating to hits to closed cases by October 1, 2020. The plan shall include a mechanism to ensure uniform compliance at the local law enforcement agency level.

(e) On or before December 1, 2020, the task force shall submit a report containing a plan for uniform implementation of the protocol throughout the state, including articulated benchmarks to facilitate and measure adoption. This report shall be posted on a public website maintained by the Kansas bureau of investigation and presented to the governor, the speaker of the house of representatives and the president of the senate.

(f) Legislative members of the task force attending meetings authorized by the task force shall be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto. Non-legislative members of the task force may be reimbursed by their appointing authority.

(g) The provisions of this section shall expire on December 30, 2020.

New Sec. 2. (a) There is hereby created the Kansas criminal justice reform commission.

(b) The commission shall:

(1) Analyze the sentencing guidelines grids for drug and nondrug crimes and make recommendations for legislation that would ensure sentences are appropriate;

(2) review the sentences imposed for criminal conduct to determine whether the sentences are proportionate to other sentences imposed for criminal offenses;

(3) analyze diversion programs utilized throughout the state and make recommendations with respect to expanding diversion options and implementation of a state-wide diversion standards;

(4) review the supervision levels and programming available for offenders who serve sentences for felony offenses on community supervision;

(5) study specialty courts and make recommendations for the use of specialty courts throughout the state;

(6) survey the availability of evidence-based programming for offenders provided both in correctional facilities and in the community, and make recommendations for changes in available programming;

(7) study the policies of the department of corrections for placement of offenders within the correctional facility system and make recommendations with respect to specialty facilities, including, but not limited to, geriatric, healthcare and substance abuse facilities;

(8) evaluate existing information management data systems and make recommendations for improvements to data systems that will enhance the ability of criminal justice agencies to evaluate and monitor the efficacy of the criminal justice system at all points in the criminal justice process; and

(9) study other matters, that, as the commission determines, are appropriate and necessary to complete a thorough review of the criminal justice system.

(c) The commission shall be made of the following members:

(1) One member of the Kansas senate appointed by the president of the senate;

(2) one member of the Kansas senate appointed by the minority leader of the senate;

(3) one member of the Kansas house of representatives appointed by the speaker of the Kansas house of representatives;

(4) one member of the Kansas house of representatives appointed by the minority leader of the Kansas house of representatives;

(5) one member of the judicial branch court services appointed by the chief justice of the supreme court;

(6) one criminal defense attorney or public defender appointed by the governor;

(7) one county or district attorney from an urban area and one county attorney from a rural area appointed by the Kansas county and district attorneys association;

(8) one sheriff and one chief of police appointed by the attorney general;

(9) one professor of law from the university of Kansas school of law and one professor of law from Washburn university school of law, appointed by the deans of such schools;

(10) one drug and alcohol addiction treatment provider who provides services pursuant to the certified drug abuse treatment program appointed by the Kansas sentencing commission;

(11) one district judge appointed by the Kansas district judges association;

(12) one district magistrate judge appointed by the Kansas district magistrate judges association;

(13) one member representative of the faith-based community appointed by the governor;

(14) one member of a criminal justice reform advocacy organization appointed by the legislative coordinating council;

(15) one mental health professional appointed by the Kansas community mental health association;

(16) one member representative of community corrections appointed by the secretary of corrections; and

(17) the attorney general, the secretary of corrections and the executive director of the Kansas sentencing commission, or such persons' designees, shall serve as ex officio, nonvoting members of the commission.

(d) Members of the commission shall be appointed before August 1, 2019. The appointing authorities shall provide notice of such appointments to the office of revisor of statutes and the legislative research department.

(e) The members of the commission shall elect officers from among its members necessary to discharge its duties. The commission shall receive testimony from interested parties at public hearings to be conducted in the various geographic areas of the state.

(f) If approved by the legislative coordinating council, legislative members of the commission attending meetings authorized by the commission shall be paid amounts for expenses, mileage and subsistence as provided in K.S.A. 75-3223(e), and amendments thereto.

(g) The commission shall have the authority to organize and appoint such task forces or subcommittees as may be deemed necessary to discharge such commission's duties, including adding ex officio, nonvoting members to such task forces or subcommittees.

(h) The commission shall work with the Kansas judicial council, the department of corrections, the office of judicial administration and the



Kansas sentencing commission and review studies and findings of the Kansas sentencing commission concerning proportionality of sentencing.

(i) The commission shall prepare and submit its interim report to the legislature on or before December 1, 2019. A final report and recommendations shall be submitted to the legislature on or before December 1, 2020.

(j) The staff of the office of revisor of statutes and the legislative research department shall provide such assistance as may be requested by the commission as authorized by the legislative coordinating council.

(k) The governor shall appoint a facilitator to assist the commission in developing a project plan and who shall assist the commission in carrying out the duties of the commission in an orderly manner. The facilitator shall work in collaboration with the commission chairperson and staff of the office of revisor of statutes and the legislative research department. The facilitator shall not be a member of the commission. The facilitator, in coordination with the office of revisor of statutes and the legislative research department, shall call the first meeting of the commission, which shall take place during August 2019.

New Sec. 3. (a) As used in this section:

(1) “Care” means the provision of treatment, education, training, instruction, supervision or recreation to children, the elderly or individuals with disabilities.

(2) “Provider” means a person who:

(A) Is employed by a qualified entity and has, seeks to have, or may have supervised or unsupervised access to children, the elderly or individuals with disabilities to whom the qualified entity provides care;

(B) is a volunteer of a qualified entity and has, seeks to have, or may have supervised or unsupervised access to children, the elderly or individuals with disabilities to whom the qualified entity provides care; or

(C) owns, operates or seeks to own or operate a qualified entity.

(3) “Qualified entity” means a business or organization that provides care to children, the elderly or individuals with disabilities that is private, for profit, not-for-profit or voluntary, except such businesses or organizations that are subject to the provisions of K.S.A. 39-970, 65-516 or 65-5117, and amendments thereto, or K.S.A. 2018 Supp. 39-2009 or 75-53,105, and amendments thereto.

(b) A qualified entity may request the Kansas bureau of investigation to conduct a state and national criminal history record check on any person who will serve as a provider, or is currently a provider with such entity. The qualified entity may request a state and national criminal history record check by submitting the following:

(1) The person’s fingerprints; and

(2) a copy of a completed and signed statement furnished by the qualified entity that includes:

(A) A waiver permitting the qualified entity to request and receive a criminal history record check for the purpose of determining the person's qualification and fitness to serve as a provider;

(B) the name, address and date of birth of the person as it appears on a valid identification document;

(C) a disclosure of whether or not the person has ever been convicted of or is the subject of pending charges for a criminal offense and, if convicted, a description of the crime and the result of the conviction; and

(D) a notice to the person that they are entitled to obtain a copy of the criminal history record check to challenge the accuracy and completeness of any information contained in any such report before any final determination is made by the qualified entity.

(c) A qualified entity is authorized to require a person to be fingerprinted and to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The qualified entity shall use the fingerprints to identify the person and to determine whether the person has a record of criminal history in this state or other jurisdictions or countries. The qualified entity may use the information obtained from the fingerprints and such state and national criminal history record checks in the official determination of the qualifications and fitness of the person to be permitted to serve as a provider.

(d) Local and state law enforcement officers and agencies shall assist the qualified entity in taking and processing a person's fingerprints as authorized by this section.

(e) The Kansas bureau of investigation shall release all records of the person's adult convictions and diversions, and adult convictions and diversions from another state, jurisdiction or country, to the qualified entity to make a final determination of the qualification of such person to serve as a provider.

(f) A qualified entity shall be solely responsible for making any determination that a person's criminal history record shows that such person has been convicted of a crime that bears upon the fitness of such person to serve as a provider. This section does not require the Kansas bureau of investigation to make such a determination on behalf of any qualified entity.

New Sec. 4. (a) The attorney general shall appoint a Kansas victim information and notification everyday (VINE) coordinator, and within the limits of appropriations available therefor, such additional staff as necessary to support the coordinator.

(b) The Kansas VINE coordinator shall work with interested parties, including, but not limited to, the sheriffs throughout the state, to oversee the implementation and operation of the VINE system throughout the state.

(c) The attorney general may appoint an advisory board to make recommendations for the implementation and operation of the VINE program. Such advisory committee, if appointed, may consist of up to five members appointed by the attorney general. One member shall be a victim advocate and one shall be a representative of the Kansas sheriffs' association. Except as provided in K.S.A. 75-3212, and amendments thereto, no member of any such advisory committee shall receive any compensation, subsistence, mileage or other allowance for serving on an advisory board appointed pursuant to this section.

(d) The attorney general shall promulgate rules and regulations necessary to carry out the provisions of this section.

New Sec. 5. (a) The attorney general shall appoint a Kansas youth suicide prevention coordinator and, within the limits of appropriations available therefor, such additional staff as necessary to support the coordinator. The Kansas youth suicide prevention coordinator shall identify, create, coordinate and support youth suicide awareness and prevention efforts throughout the state.

(b) Within the limits of appropriations therefor, the Kansas youth suicide prevention coordinator may:

(1) Lead the development, implementation and marketing of a website, online application and mobile phone application to facilitate communication with youth for the purpose of preventing youth suicide and promoting youth safety and well-being;

(2) develop and promote multidisciplinary and interagency strategies to help communities, schools, mental health professionals, medical professionals, law enforcement and others work together and coordinate efforts to prevent and address youth suicide;

(3) organize events that bring together youth, educators and community members from across the state to share information and receive training to prevent and address youth suicide in their communities;

(4) gather, disseminate and promote information focused on suicide reduction; and

(5) perform any other duty assigned by the attorney general to carry out the provisions of this section.

New Sec. 6. (a) There is hereby established within the office of the attorney general a crime victims compensation division to administer and support the operations of the crime victims compensation board established pursuant to K.S.A. 74-7301 et seq., and amendments thereto. The division shall receive applications for compensation and all supporting papers and shall, if requested by the board, investigate the claim, appear in proceedings related to the claim and present evidence in opposition to or support of an award.

(b) The attorney general shall establish and maintain a principal office for the division and other necessary offices within the state, appoint employ-

ees and agents, as necessary, and prescribe the duties and compensation for each employee and agent subject to appropriations. The crime victims compensation division shall be headed by a director appointed by the attorney general in consultation with the crime victims compensation board.

(c) The crime victims compensation division shall:

(1) Prescribe forms on which applications for compensation shall be made;

(2) request investigations and data from county and district attorneys, law enforcement officers and other sources to enable the crime victims compensation board to determine whether, and to what extent a claimant qualifies for compensation;

(3) make available for public inspection, as provided by the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto, all rules and regulations, written statements of policy, interpretations formulated, adopted or used by the crime victims compensation board and decisions and opinions of the crime victims compensation board;

(4) publicize the availability of compensation and information regarding the filing of claims; and

(5) perform any other duty assigned by the attorney general to carry out the provisions of this section.

(d) Confidentiality provided by law covering a claimant's or victim's juvenile court records shall not be applicable in proceedings pursuant to K.S.A. 74-7301 et seq., and amendments thereto.

Sec. 7. K.S.A. 2018 Supp. 9-513c is hereby amended to read as follows: 9-513c. (a) Notwithstanding any other provision of law, all information or reports obtained and prepared by the commissioner in the course of licensing or examining a person engaged in money transmission business shall be confidential and may not be disclosed by the commissioner except as provided in subsection (c) or (d).

(b)-(1) All confidential information shall be the property of the state of Kansas and shall not be subject to disclosure except upon the written approval of the state bank commissioner.

~~(2) The provisions of this subsection shall expire on June 30, 2019, unless the legislature acts to reenact such provisions. The provisions of this paragraph shall be reviewed by the legislature prior to July 1, 2019.~~

(c) (1) The commissioner shall have the authority to share supervisory information, including reports of examinations, with other state or federal agencies having regulatory authority over the person's money transmission business and shall have the authority to conduct joint examinations with other regulatory agencies.

(2) The requirements under any federal or state law regarding the confidentiality of any information or material provided to the nationwide multi-state licensing system, and any privilege arising under federal or

state law, including the rules of any federal or state court, with respect to such information or material, shall continue to apply to such information or material after the information or material has been disclosed to the system. Such information and material may be shared with all state and federal regulatory officials with financial services industry oversight authority without the loss of confidentiality protections provided by federal and state laws.

(d) The commissioner may provide for the release of information to law enforcement agencies or prosecutorial agencies or offices who shall maintain the confidentiality of the information.

(e) The commissioner may accept a report of examination or investigation from another state or federal licensing agency, in which the accepted report is an official report of the commissioner. Acceptance of an examination or investigation report does not waive any fee required by this act.

(f) Nothing shall prohibit the commissioner from releasing to the public a list of persons licensed or their agents or from releasing aggregated financial data on such persons.

(g) The provisions of subsection (a) shall expire on July 1, 2021, unless the legislature acts to reauthorize such provisions. The provisions of subsection (a) shall be reviewed by the legislature prior to July 1, 2021.

Sec. 8. K.S.A. 2018 Supp. 40-3407 is hereby amended to read as follows: 40-3407. (a) Except for investment purposes, all payments from the fund shall be upon warrants of the state of Kansas issued pursuant to vouchers approved by the executive director or the executive director's designee, and, with respect to claim payments, accompanied by: (1) A file stamped copy of a final judgment against a healthcare provider or inactive healthcare provider for which the fund is liable; or (2) a file stamped copy of a court approved settlement against a healthcare provider or inactive healthcare provider for which the fund is liable.

(b) For investment purposes amounts shall be paid from the fund upon vouchers approved by the chairperson of the pooled money investment board.

(c)(1) Payments from the fund for attorney fees, expert witness fees, and other costs related to claims, including invoices, statements and other documentation thereof, shall not be subject to K.S.A. 45-218, and amendments thereto.

~~(2) The provisions of this subsection shall expire on June 30, 2019, unless the legislature acts to reenact such provisions. The provisions of this section shall be reviewed by the legislature prior to July 1, 2019.~~

Sec. 9. K.S.A. 2018 Supp. 45-229 is hereby amended to read as follows: 45-229. (a) It is the intent of the legislature that exceptions to disclosure under the open records act shall be created or maintained only if:

- (1) The public record is of a sensitive or personal nature concerning individuals;
- (2) the public record is necessary for the effective and efficient administration of a governmental program; or
- (3) the public record affects confidential information.

The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds that the public has a right to have access to public records unless the criteria in this section for restricting such access to a public record are met and the criteria are considered during legislative review in connection with the particular exception to disclosure to be significant enough to override the strong public policy of open government. To strengthen the policy of open government, the legislature shall consider the criteria in this section before enacting an exception to disclosure.

(b) Subject to the provisions of subsections (g) and (h), any new exception to disclosure or substantial amendment of an existing exception shall expire on July 1 of the fifth year after enactment of the new exception or substantial amendment, unless the legislature acts to continue the exception. A law that enacts a new exception or substantially amends an existing exception shall state that the exception expires at the end of five years and that the exception shall be reviewed by the legislature before the scheduled date.

(c) For purposes of this section, an exception is substantially amended if the amendment expands the scope of the exception to include more records or information. An exception is not substantially amended if the amendment narrows the scope of the exception.

(d) This section is not intended to repeal an exception that has been amended following legislative review before the scheduled repeal of the exception if the exception is not substantially amended as a result of the review.

(e) In the year before the expiration of an exception, the revisor of statutes shall certify to the president of the senate and the speaker of the house of representatives, by July 15, the language and statutory citation of each exception that will expire in the following year ~~which~~ *that* meets the criteria of an exception as defined in this section. Any exception that is not identified and certified to the president of the senate and the speaker of the house of representatives is not subject to legislative review and shall not expire. If the revisor of statutes fails to certify an exception that the revisor subsequently determines should have been certified, the revisor shall include the exception in the following year's certification after that determination.

(f) "Exception" means any provision of law that creates an exception to disclosure or limits disclosure under the open records act pursuant to

K.S.A. 45-221, and amendments thereto, or pursuant to any other provision of law.

(g) A provision of law that creates or amends an exception to disclosure under the open records law shall not be subject to review and expiration under this act if such provision:

- (1) Is required by federal law;
- (2) applies solely to the legislature or to the state court system;
- (3) has been reviewed and continued in existence twice by the legislature; or
- (4) has been reviewed and continued in existence by the legislature during the 2013 legislative session and thereafter.

(h) (1) The legislature shall review the exception before its scheduled expiration and consider as part of the review process the following:

- (A) What specific records are affected by the exception;
- (B) whom does the exception uniquely affect, as opposed to the general public;
- (C) what is the identifiable public purpose or goal of the exception;
- (D) whether the information contained in the records may be obtained readily by alternative means and how it may be obtained;

(2) an exception may be created or maintained only if it serves an identifiable public purpose and may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exception and if the exception:

(A) Allows the effective and efficient administration of a governmental program, ~~which administration~~ *that* would be significantly impaired without the exception;

(B) protects information of a sensitive personal nature concerning individuals, the release of ~~which~~ *such* information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals. Only information that would identify the individuals may be excepted under this paragraph; or

(C) protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information ~~which~~ *that* is used to protect or further a business advantage over those who do not know or use it, *if* the disclosure of ~~which~~ *such* information would injure the affected entity in the marketplace.

(3) Records made before the date of the expiration of an exception shall be subject to disclosure as otherwise provided by law. In deciding whether the records shall be made public, the legislature shall consider

whether the damage or loss to persons or entities uniquely affected by the exception of the type specified in paragraph (2)(B) or (2)(C) would occur if the records were made public.

(i) (1) Exceptions contained in the following statutes as continued in existence in section 2 of chapter 126 of the 2005 Session Laws of Kansas and that have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-401, 2-1202, 5-512, 9-1137, 9-1712, 9-2217, 10-630, 11-306, 12-189, 12-1,108, 12-1694, 12-1698, 12-2819, 12-4516, 16-715, 16a-2-304, 17-1312e, 17-2227, 17-5832, 17-7511, 17-7514, 17-76,139, 19-4321, 21-2511, 22-3711, 22-4707, 22-4909, 22a-243, 22a-244, 23-605, 23-9,312, 25-4161, 25-4165, 31-405, 34-251, 38-2212, 39-709b, 39-719e, 39-934, 39-1434, 39-1704, 40-222, 40-2,156, 40-2c20, 40-2c21, 40-2d20, 40-2d21, 40-409, 40-956, 40-1128, 40-2807, 40-3012, 40-3304, 40-3308, 40-3403b, 40-3421, 40-3613, 40-3805, 40-4205, 44-510j, 44-550b, 44-594, 44-635, 44-714, 44-817, 44-1005, 44-1019, 45-221(a)(1) through (43), 46-256, 46-259, 46-2201, 47-839, 47-844, 47-849, 47-1709, 48-1614, 49-406, 49-427, 55-1,102, 58-4114, 59-2135, 59-2802, 59-2979, 59-29b79, 60-3333, 60-3336, 65-102b, 65-118, 65-119, 65-153f, 65-170g, 65-177, 65-1,106, 65-1,113, 65-1,116, 65-1,157a, 65-1,163, 65-1,165, 65-1,168, 65-1,169, 65-1,171, 65-1,172, 65-436, 65-445, 65-507, 65-525, 65-531, 65-657, 65-1135, 65-1467, 65-1627, 65-1831, 65-2422d, 65-2438, 65-2836, 65-2839a, 65-2898a, 65-3015, 65-3447, 65-34,108, 65-34,126, 65-4019, 65-4922, 65-4925, 65-5602, 65-5603, 65-6002, 65-6003, 65-6004, 65-6010, 65-67a05, 65-6803, 65-6804, 66-101c, 66-117, 66-151, 66-1,190, 66-1,203, 66-1220a, 66-2010, 72-996, 72-4311, 72-4452, 72-5214, 72-53,106, 72-5427, 72-8903, 73-1228, 74-2424, 74-2433f, 74-4905, 74-4909, 74-50,131, 74-5515, 74-7308, 74-7338, 74-8104, 74-8307, 74-8705, 74-8804, 74-9805, 75-104, 75-712, 75-7b15, 75-1267, 75-2943, 75-4332, 75-4362, 75-5133, 75-5266, 75-5665, 75-5666, 75-7310, 76-355, 76-359, 76-493, 76-12b11, 76-3305, 79-1119, 79-1437f, 79-3234, 79-3395, 79-3420, 79-3499, 79-34,113, 79-3614, 79-3657, 79-4301 and 79-5206.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been reviewed during the 2015 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 17-2036, 40-5301, 45-221(a)(45), (46) and (49), 48-16a10, 58-4616, 60-3351, 72-972a, 74-50,217 and 75-53,105.

(j) (1) Exceptions contained in the following statutes as continued in existence in section 1 of chapter 87 of the 2006 Session Laws of Kansas and that have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in



existence: 1-501, 9-1303, 12-4516a, 39-970, 65-525, 65-5117, 65-6016, 65-6017 and 74-7508.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2015 and that have been reviewed during the 2016 legislative session are hereby continued in existence: 12-5611, 22-4906, 22-4909, 38-2310, 38-2311, 38-2326, 40-955, 44-1132, 45-221(a)(10)(F) and (a)(50), 60-3333, 65-4a05, 65-445(g), 65-6154, 71-218, 75-457, 75-712c, 75-723 and 75-7c06.

(k) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been reviewed during the 2014 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-17, 150, 12-2001, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48), 50-6a11, 56-1a610, 56a-1204, 65-1,243, 65-16,104, 65-3239, 74-50,184, 74-8134, 74-99b06, 77-503a and 82a-2210.

(l) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2016 and that have been reviewed during the 2017 legislative session are hereby continued in existence: 12-5711, 21-2511, 22-4909, 38-2313, 45-221(a)(51) and (52), 65-516, 65-1505, 74-2012, 74-5607, 74-8745, 74-8752, 74-8772, 75-7d01, 75-7d05, 75-5133, 75-7427 and 79-3234.

(m) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2012 and that have been reviewed during the 2013 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 12-5811, 40-222, 40-223j, 40-5007a, 40-5009a, 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-60c01, 75-712 and 75-5366.

(n) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been reviewed during the 2018 legislative session are hereby continued in existence: 9-513c(c)(2), 39-709, 45-221(a)(26), (53) and (54), 65-6832, 65-6834, 75-7c06 and 75-7c20.

(o) *Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) that have been re-*

*viewed during the 2019 legislative session are hereby continued in existence: 21-2511(h)(2), 21-5905(a)(7), 22-2302(b) and (c), 22-2502(d) and (e), 40-222(k)(7), 44-714(e), 45-221(a)(55), 46-1106(g) regarding 46-1106(i), 65-2836(i), 65-2839a(c), 65-2842(d), 65-28a05(n), article 6(d) of 65-6230, 72-6314(a) and 74-7047(b).*

Sec. 10. K.S.A. 74-7304 is hereby amended to read as follows: 74-7304. In addition to the powers and duties specified elsewhere in this act, the board shall have the following powers and duties:

(a) ~~The duty to establish and maintain a principal office and other necessary offices within this state, to appoint employees and agents as necessary and to prescribe their duties and compensation, all within the limitations and conditions of appropriations made therefor;~~

(b) ~~The duty power to adopt by rule and regulation a description of the organization of the board, stating the general method and course of operation of the board;~~

(e)(b) ~~the duty power to adopt rules and regulations to carry out the provisions of this act, and the property crime restitution and compensation act, including rules for the allowance of attorney fees for representation of claimants; and to adopt rules and regulations providing for discovery proceedings, including medical examination, consistent with the provisions of this act relating thereto. Rules and regulations adopted by the board shall be statements of general applicability which implement, interpret or prescribe policy, or describe the procedure or practice requirements of the board;~~

(d) ~~the duty to prescribe forms on which applications for compensation shall be made;~~

(e)(c) ~~the duty to hear and determine all matters relating to claims for compensation, and the power to reinvestigate or reopen claims without regard to statutes of limitation or periods of prescription;~~

(f) ~~the power to request investigations and data from county and district attorneys and law enforcement officers to enable the board to determine whether and the extent to which a claimant qualifies for compensation. Confidentiality provided by law covering claimant's or victim's juvenile court records shall not be applicable in proceedings under this act;~~

(g)(d) ~~the duty, if it would contribute to the function of the board, to subpoena witnesses and other prospective evidence, administer oaths or affirmations, conduct hearings and receive relevant, nonprivileged evidence; and~~

(h)(e) ~~the power to take notice of judicially recognizable facts and general, technical and scientific facts within their specialized knowledge;~~

(i) ~~the duty to make available for public inspection all rules and regulations, written statements of policy, interpretations formulated, adopted~~

or used by the board in discharging its functions, and decisions and opinions of the board;

(j) ~~the duty to publicize the availability of compensation and information regarding the filing of claims therefor.~~

Sec. 11. K.S.A. 74-7305 is hereby amended to read as follows: 74-7305. (a) An application for compensation shall be made in the manner and form prescribed by the ~~board~~ *crime victims compensation division created by section 6, and amendments thereto.*

(b) Compensation may not be awarded unless an application has been filed with the ~~board~~ *division* within two years of the reporting of the incident to law enforcement officials if the victim was less than 16 years of age and the injury or death is the result of any of the following crimes: (1) Indecent liberties with a child as defined in K.S.A. 21-3503, prior to its repeal, or K.S.A. 2018 Supp. 21-5506(a), and amendments thereto; (2) aggravated indecent liberties with a child as defined in K.S.A. 21-3504, prior to its repeal, or K.S.A. 2018 Supp. 21-5506(b), and amendments thereto; (3) aggravated criminal sodomy as defined in K.S.A. 21-3506, prior to its repeal, or K.S.A. 2018 Supp. 21-5504(b), and amendments thereto; (4) enticement of a child as defined in K.S.A. 21-3509, prior to its repeal; (5) indecent solicitation of a child as defined in K.S.A. 21-3510, prior to its repeal, or K.S.A. 2018 Supp. 21-5508(a), and amendments thereto; (6) aggravated indecent solicitation of a child as defined in K.S.A. 21-3511, prior to its repeal, or K.S.A. 2018 Supp. 21-5508(b), and amendments thereto; (7) sexual exploitation of a child as defined in K.S.A. 21-3516, prior to its repeal, or K.S.A. 2018 Supp. 21-5510, and amendments thereto; (8) aggravated incest as defined in K.S.A. 21-3603, prior to its repeal, or K.S.A. 2018 Supp. 21-5604(b), and amendments thereto; (9) human trafficking as defined in K.S.A. 21-3446, prior to its repeal, or K.S.A. 2018 Supp. 21-5426(a), and amendments thereto; (10) aggravated human trafficking as defined in K.S.A. 21-3447, prior to its repeal, or K.S.A. 2018 Supp. 21-5426(b), and amendments thereto; or (11) commercial sexual exploitation of a child as defined in K.S.A. 2018 Supp. 21-6422, and amendments thereto. Compensation for mental health counseling may be awarded if a claim is filed within two years of: (1) Testimony, to a claimant who is, or will be, required to testify in a sexually violent predator commitment, pursuant to article 29a of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, of an offender who victimized the claimant or the victim on whose behalf the claim is made; or (2) notification, to a claimant who is notified that DNA testing of a sexual assault kit or other evidence has revealed a DNA profile of a suspected offender who victimized the claimant or the victim on whose behalf the claim is made, or is notified of the identification of a suspected offender who victimized the claimant or the victim on whose behalf the claim is made, whichever occurs later.

For all other incidents of criminally injurious conduct, compensation may not be awarded unless the claim has been filed with the ~~board~~ *division* within two years after the injury or death upon which the claim is based. Compensation may not be awarded to a claimant who was the offender or an accomplice of the offender and may not be awarded to another person if the award would unjustly benefit the offender or accomplice.

(c) Compensation otherwise payable to a claimant shall be reduced or denied, to the extent, if any that the:

(1) Economic loss upon which the claimant's claim is based is recouped from other persons, including collateral sources;

(2) board deems reasonable because of the contributory misconduct of the claimant or of a victim through whom the claimant claims; or

(3) board deems reasonable, because the victim was likely engaging in, or attempting to engage in, unlawful activity at the time of the crime upon which the claim for compensation is based. This subsection shall not be construed to reduce or deny compensation to a victim of domestic abuse or sexual assault.

(d) Compensation may be awarded only if the board finds that unless the claimant is awarded compensation the claimant will suffer financial stress as the result of economic loss otherwise reparable. A claimant suffers financial stress only if the claimant cannot maintain the claimant's customary level of health, safety and education for self and dependents without undue financial hardship. In making its determination of financial stress, the board shall consider all relevant factors, including:

(1) The number of *the* claimant's dependents;

(2) the usual living expenses of the claimant and the claimant's family;

(3) the special needs of the claimant and the claimant's dependents;

(4) the claimant's income and potential earning capacity; and

(5) the claimant's resources.

(e) Compensation may not be awarded unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within 72 hours after its occurrence or the board finds there was good cause for the failure to report within that time.

(f) The board, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny, withdraw or reduce an award of compensation.

(g) Except in K.S.A. 21-3602 or 21-3603, prior to their repeal, or K.S.A. 2018 Supp. 21-5604, and amendments thereto, or cases of sex offenses established in article 35 of chapter 21, of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. 2018 Supp. 21-6419 through 21-6422, and amendments thereto, or human trafficking or aggravated human trafficking, as defined in K.S.A. 21-3446 or 21-3447, prior

to their repeal, or K.S.A. 2018 Supp. 21-5426, and amendments thereto, compensation may not be awarded if the economic loss is less than \$100.

(h) Compensation for work loss, replacement services loss, dependent's economic loss and dependent's replacement service loss may not exceed \$400 per week or actual loss, whichever is less.

(i) Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed \$25,000 in the aggregate.

(j) Nothing in subsections (c)(2), (c)(3), (e) and (f) shall be construed to reduce or deny compensation to a victim of human trafficking or aggravated human trafficking, as defined in K.S.A. 2018 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined in K.S.A. 2018 Supp. 21-6422, and amendments thereto, who was 18 years of age or younger at the time the crime was committed and is otherwise qualified for compensation.

Sec. 12. K.S.A. 74-7308 is hereby amended to read as follows: 74-7308.

(a) There shall be no privilege, except privileges arising from the attorney-client relationship, as to communications or records relevant to an issue of the physical, mental or emotional conditions of the claimant or victim in a proceeding under this act in which such condition is an element.

(b) If the mental, physical or emotional condition of a victim or claimant is material to a claim, the board may order the victim or claimant to submit to a mental or physical examination by a physician or psychologist, and may order an autopsy of a deceased victim. The order may be made for good cause shown upon notice to the person to be examined and to all persons who have appeared. The order shall specify the time, place, manner, conditions and scope of the examination or autopsy and the person by whom it is to be made; and the order shall require the person to file with the board a detailed written report of the examination or autopsy. The report shall set out the findings of the person making the report, including results of all tests made, diagnoses, prognosis and other conclusions and reports of earlier examinations of the same conditions.

(c) On request of the person examined, the board shall furnish a copy of the report to such person. If the victim is deceased, the board, on request, shall furnish to the claimant a copy of the report.

(d) The board may require the claimant to supplement the application with any reasonably available medical or psychological reports relating to the injury for which compensation is claimed.

(e) All records and information given to the board *and the crime victims compensation division created by section 6, and amendments thereto*, to process a claim on behalf of a crime victim shall be confidential. Such exhibits, medical records, psychological records, counseling records, work records, criminal investigation records, criminal court case records,

witness statements, telephone records, and other records of any type or nature whatsoever gathered for the purpose of evaluating whether to compensate a victim shall not be obtainable by any party to any action, civil or criminal, through any discovery process except:

(1) In the event of an appeal under the Kansas administrative procedure act from a decision of the board and then only to the extent narrowly and necessarily to obtain court review;

(2) upon a strict showing to the court in a separate civil or criminal action that particular information or documents are not obtainable after diligent effort from any independent source, and are known to exist otherwise only in board records, the court may inspect in camera such records to determine whether the specific requested information exists. If the court determines the specific information sought exists in the board records, the documents may then be released only by court order if the court finds as part of its order that the documents will not pose any threat to the safety of the victim or any other person whose identity may appear in board records; or

(3) by any board order granting or denying compensation to a crime victim.

Sec. 13. K.S.A. 74-7317 is hereby amended to read as follows: 74-7317. (a) There is hereby established in the state treasury the crime victims compensation fund.

(b) Moneys in the crime victims compensation fund shall be used only for the payment of compensation pursuant to K.S.A. 74-7301 et seq., and amendments thereto, and for state operations of the board and the *crime victims compensation division of the office of the attorney general created pursuant to section 6, and amendments thereto*. Payments from the fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the board and the attorney general or by a person or persons designated by the chairperson and the attorney general.

(c) The crime victims compensation board may apply for, receive and accept money from any source, including financial contributions from inmates as provided by ~~subsection (b) of~~ K.S.A. 75-5211(b), and amendments thereto, for the purposes for which money in the crime victims compensation fund may be expended. Upon receipt of any such money, the chairperson of the board shall remit the entire amount 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 crime victims compensation fund.

Sec. 14. K.S.A. 2018 Supp. 75-6117 is hereby amended to read as follows: 75-6117. (a) There is hereby established in the state treasury the

tort claims fund which shall be administered by the attorney general. All expenditures from such fund shall be made upon warrants of the director of accounts and reports pursuant to vouchers approved by the attorney general or by a designee of the attorney general.

(b) (1) Moneys in the tort claims fund shall be used only for the purpose of paying: (A) Compromises, settlements and final judgments arising from claims against the state or an employee of the state under the Kansas tort claims act or under the civil rights laws of the United States or of the state of Kansas; (B) costs of defending the state or an employee of the state in any actions or proceedings on those claims; and (C) judgments arising from claims pursuant to K.S.A. 2018 Supp. 60-5004, and amendments thereto, including, but not limited to, premiums under the state health care benefits program.

(2) Payment of a judgment arising from a claim pursuant to K.S.A. 2018 Supp. 60-5004, and amendments thereto, shall be subject to review by the state finance council. The attorney general shall notify the state finance council of the need for such review and ensure that payment of the judgment occurs without unnecessary delay.

(3) Payment of a compromise or settlement shall be subject to approval by the state finance council as provided in K.S.A. 75-6106, and amendments thereto.

(4) Payment of a final judgment shall be made from the fund if there has been a determination of any appeal taken from the judgment or, if no appeal is taken, if the time for appeal has expired.

(5) No payment shall be made from the fund to satisfy a compromise, settlement or final judgment when there exists insurance coverage obtained therefor, except that payment shall be made from the fund to satisfy a compromise settlement or final judgment for claims against the state or an employee of the state in any actions or proceedings arising from rendering or failure to render professional services by: (A) A charitable health care provider as defined by K.S.A. 75-6102, and amendments thereto; (B) a local health department as defined by K.S.A. 65-241, and amendments thereto, or an employee thereof; or (C) an indigent health care clinic as defined by K.S.A. 75-6115, and amendments thereto, or an employee thereof, even if there exists insurance coverage obtained therefor.

(c) Upon certification by the attorney general to the director of accounts and reports that the unencumbered balance in the tort claims fund is insufficient to pay an amount for which the fund is liable, the director of accounts and reports shall transfer an amount equal to the insufficiency from the state general fund to the tort claims fund.

(d) When payment is made from the ~~Kansas~~ tort claims fund on behalf of the university of Kansas hospital authority, the authority shall transfer

to the tort claims fund an amount equal to the payment made by the tort claims fund on behalf of the authority.

(e) This section shall be part of and supplemental to the Kansas tort claims act.

(f) *When payment is made from the tort claims fund on behalf of a state agency or employee for defense or indemnification in an action, proceeding or investigation involving an alleged violation of the Kansas open records act or the Kansas open meetings act, the agency requesting the defense or indemnification or employing the employee who requests the defense or indemnification shall transfer to the tort claims fund an amount equal to the payment made by the tort claims fund on behalf of the agency.*

Sec. 15. K.S.A. 74-7304, 74-7305, 74-7306, 74-7308 and 74-7317 and K.S.A. 2018 Supp. 9-513c, 40-3407, 45-229 and 75-6117 are hereby repealed.

Sec. 16. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 16, 2019.

Published in the *Kansas Register* May 30, 2019.

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## CHAPTER 63

## HOUSE BILL No. 2140

AN ACT concerning sales and compensating use tax; relating to countywide retailers' sales tax, election, Dickinson, Jackson, Russell, Thomas and Wabaunsee counties, rates and election for Finney county; director of taxation; exemptions, sales of certain coins or bullion; amending K.S.A. 2018 Supp. 12-187, 12-189 and 79-3606 and repealing the existing sections.

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

Section 1. K.S.A. 2018 Supp. 12-187 is hereby amended to read as follows: 12-187. (a) No city shall impose a retailers' sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers' sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than  $\frac{2}{3}$  of the membership of the governing body of each of one or more cities within such county ~~which~~ *that* contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by  $\frac{2}{3}$  of the membership of the governing body of each of one or more taxing subdivisions within such county ~~which~~ *that* levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

(2) The board of county commissioners of Anderson, Atchison, Barton, Brown, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Franklin, Jefferson, Linn, Lyon, Marion, Miami, Montgomery, Neosho, Osage, Ottawa, Reno, Riley, Saline, Seward, Sumner, Thomas, Wabaunsee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers' sales tax and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such

facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.

(B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.

(C) Except as otherwise provided in this paragraph, the result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Sedgwick county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be used only to pay the costs of: (i) Acquisition of a site and constructing and equipping thereon a new regional events center, associated parking and infrastructure improvements and related appurtenances thereto, to be located in the downtown area of the city of Wichita, Kansas, (the "downtown arena"); (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown arena and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence on July 1, 2005, and shall terminate not later than 30 months after the commencement thereof.

(D) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Lyon county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of ad valorem tax reduction and capital outlay. The tax imposed pursuant to this paragraph shall terminate not later than five years after the commencement thereof.

(E) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Rawlins county for the purpose of increasing its countywide retailers' sales tax by 0.75% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of financing the costs of a swimming pool. The tax imposed pursuant to this paragraph shall terminate not later than 15 years after the commencement thereof or upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(F) The result of the election held on December 1, 2009, on the question submitted by the board of county commissioners of Chautauqua county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received from such tax by the county shall be expended for the purposes of financing the costs of constructing, furnishing and equipping a county jail and law enforcement center and necessary improvements appurtenant to such jail and law enforcement center. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(G) The result of the election held on April 7, 2015, on the question submitted by the board of county commissioners of Bourbon county for the purpose of increasing its retailers' sales tax by 0.4% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the costs of constructing, furnishing and operating a courthouse, law enforcement center or jail facility improvements. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(H) *The result of the election held on November 7, 2017, on the question submitted by the board of county commissioners of Finney county for the purpose of increasing its countywide retailers' sales tax by 0.3% is hereby declared valid, and the revenues of such tax shall be used by Finney county and the city of Garden City, Kansas, as agreed in an interlocal cooperation agreement between the city and county, and as detailed in the ballot question approved by voters. The tax imposed pursuant to this subparagraph shall be levied for a period of 15 years from the date it is first levied.*

(4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of K.S.A. 68-2314(b)(5), and

amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.

(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to subsection (a)(2) by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include, but not be limited to, the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal

regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(7) (A) The board of county commissioners of Clay, ~~Dickinson~~ 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 and ~~Dickinson~~ 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 paragraph *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, ~~Russell~~ 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, ~~Russell~~ 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 pur-

pose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this paragraph 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 as follows: 50% of such revenues for the purpose of financing for economic development initiatives; and 50% of such revenues for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after seven years from the date such tax is first collected. 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% which such tax shall take effect after the expiration of the tax imposed pursuant to this paragraph prior to the effective date of this act, and pledging the revenue received therefrom for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. Such tax shall expire after seven years from the date such tax is first collected.~~

(14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(15) The board of county commissioners of Saline county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction and operation of an expo center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(16) The board of county commissioners of Harvey county may submit the question of imposing a countywide retailers' sales tax at the rate of 1.0% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and public infrastructure improvements to the electors at an election called and held thereon.

(17) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of construction and maintenance of sports and recreational facilities to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(18) The board of county commissioners of Wabaunsee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 15 years from the date such tax is first collected. *On and after July 1, 2019, the countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for one additional period not to exceed 15 years upon the board of county commissioners of Wabaunsee county submitting such question to the electors at an election called and held thereon as provided by law. For any countywide retailers' sales tax that is extended or reenacted pursuant to this paragraph, such tax shall expire not later than 15 years from the date such tax is first collected.*

(19) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the



rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after six years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional six-year periods upon the board of county commissioners of Jefferson county submitting such question to the electors at an election called and held thereon for each additional six-year period as provided by law.

(20) The board of county commissioners of Riley county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(21) The board of county commissioners of Johnson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the construction and operation costs of public safety projects, including, but not limited to, a jail, detention center, sheriff's resource center, crime lab or other county administrative or operational facility dedicated to public safety, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this subsection may be extended or reenacted for additional periods not exceeding 10 years upon the board of county commissioners of Johnson county submitting such question to the electors at an election called and held thereon for each additional ten-year period as provided by law.

(22) The board of county commissioners of Wilson county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvements to federal highways, the development of a new industrial park and other public infrastructure improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project or projects.

(23) The board of county commissioners of Butler county may submit the question of imposing a countywide retailers' sales tax at the rate of either 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of public safety capital



projects or bridge and roadway construction projects, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such projects.

(24) The board of county commissioners of Barton county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway and bridge construction and improvement and infrastructure development and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(25) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of the county's obligation as participating employer to make employer contributions and other required contributions to the Kansas public employees retirement system for eligible employees of the county who are members of the Kansas police and firemen's retirement system, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such purpose.

(26) The board of county commissioners of Pottawatomie county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, or public infrastructure improvements, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project or projects.

(27) The board of county commissioners of Kingman county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of constructing and furnishing a law enforcement center and jail facility and the costs of roadway and bridge improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire not later than 20 years from the date such tax is first collected.

(28) The board of county commissioners of Edwards county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.375% and pledging the revenue therefrom for the purpose of financing the costs of economic development initiatives to the electors at an election called and held thereon.

(29) The board of county commissioners of Rooks county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue therefrom for the purpose of financing the costs of constructing or remodeling and furnishing a jail facility to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized in financing such project or projects.

(30) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility, detention facility or other county administrative facility, specifically including mental health and for the operation thereof.

(31) The board of county commissioners of Bourbon county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1%, in increments of 0.05%, and pledging the revenue received therefrom for the purpose of financing the costs of constructing, furnishing and operating a courthouse, law enforcement center or jail facility improvements to the electors at an election called and held thereon.

(32) The board of county commissioners of Marion county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and the construction of public infrastructure improvements, including buildings, to the electors at an election called and held thereon.

(c) The boards of county commissioners of any two or more contiguous counties, upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than  $\frac{2}{3}$  of the membership of the governing body of each of one or more cities within each of such counties ~~which that~~ contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by  $\frac{2}{3}$  of the membership of the governing body of each of one or more taxing subdivisions within each of such counties ~~which that~~ levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Any city retailers' sales tax being levied by a city prior to July 1, 2006, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance for such repeal. Any countywide retailers' sales tax in the amount of 0.5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

(e) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be re-submitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution, as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

(f) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.

(g) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

Sec. 2. K.S.A. 2018 Supp. 12-189 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, ~~Thomas~~ 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 ~~which~~ *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 ~~which~~ *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 ~~which~~ *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 ~~which~~ *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 ~~which~~ *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 ~~which~~ *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 ~~which~~ *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 ~~which~~ *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%; ~~and~~

(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%; *and*

(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%.*

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 ~~which~~ *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 busi-



ness 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. 3. K.S.A. 2018 Supp. 79-3606 is hereby amended to read as follows: 79-3606. The following shall be exempt from the tax imposed by this act:

(a) All sales of motor-vehicle fuel or other articles upon which a sales or excise tax has been paid, not subject to refund, under the laws of this state except cigarettes and electronic cigarettes as defined by K.S.A. 79-3301, and amendments thereto, including consumable material for such electronic cigarettes, cereal malt beverages and malt products as defined by K.S.A. 79-3817, and amendments thereto, including wort, liquid malt, malt syrup and malt extract, that is not subject to taxation under the provisions of K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A. 65-3424d, and amendments thereto, drycleaning and laundry services taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross receipts from regulated sports contests taxed pursuant to the Kansas professional regulated sports act, and amendments thereto;

(b) all sales of tangible personal property or service, including the renting and leasing of tangible personal property, purchased directly by the state of Kansas, a political subdivision thereof, other than a school or educational institution, or purchased by a public or private nonprofit hospital or public hospital authority or nonprofit blood, tissue or organ bank and used exclusively for state, political subdivision, hospital or public hospital authority or nonprofit blood, tissue or organ bank purposes, except when: (1) Such state, hospital or public hospital authority is engaged or proposes to engage in any business specifically taxable under the pro-



visions of this act and such items of tangible personal property or service are used or proposed to be used in such business; or (2) such political subdivision is engaged or proposes to engage in the business of furnishing gas, electricity or heat to others and such items of personal property or service are used or proposed to be used in such business;

(c) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly by a public or private elementary or secondary school or public or private nonprofit educational institution and used primarily by such school or institution for nonsectarian programs and activities provided or sponsored by such school or institution or in the erection, repair or enlargement of buildings to be used for such purposes. The exemption herein provided shall not apply to erection, construction, repair, enlargement or equipment of buildings used primarily for human habitation;

(d) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any public or private nonprofit hospital or public hospital authority, public or private elementary or secondary school, a public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership, that would be exempt from taxation under the provisions of this act if purchased directly by such hospital or public hospital authority, school, educational institution or a state correctional institution; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or district described in subsection (s), the total cost of which is paid from funds of such political subdivision or district and that would be exempt from taxation under the provisions of this act if purchased directly by such political subdivision or district. Nothing in this subsection or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any political subdivision of the state or any such district. As used in this subsection, K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a political subdivision" shall mean general tax revenues, the proceeds of any bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the purpose of constructing, equipping, reconstructing, repairing, enlarging, furnishing or remodeling facilities that are to be leased to the donor. When any political subdivision of the state, district described in subsection (s), public or private nonprofit hospital or public hospital au-

thority, public or private elementary or secondary school, public or private nonprofit educational institution, state correctional institution including a privately constructed correctional institution contracted for state use and ownership shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or department of corrections concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the political subdivision, district described in subsection (s), hospital or public hospital authority, school, educational institution or the contractor contracting with the department of corrections for a correctional institution concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(e) all sales of tangible personal property or services purchased by a contractor for the erection, repair or enlargement of buildings or other projects for the government of the United States, its agencies or instrumentalities, that would be exempt from taxation if purchased directly by the government of the United States, its agencies or instrumentalities. When the government of the United States, its agencies or instrumentalities shall contract for the erection, repair, or enlargement of any building or other project, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the government of the United States, its agencies or instrumentalities concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. As an alternative to the foregoing procedure, any such contracting entity may apply to the secretary of revenue for agent status for the sole purpose of issuing and furnishing project exemption certificates to contractors pursuant to rules and regulations adopted by the secretary establishing conditions and standards for the granting and maintaining of such status. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(f) tangible personal property purchased by a railroad or public utility for consumption or movement directly and immediately in interstate commerce;

(g) sales of aircraft including remanufactured and modified aircraft sold to persons using directly or through an authorized agent such aircraft as certified or licensed carriers of persons or property in interstate or foreign commerce under authority of the laws of the United States or any foreign government or sold to any foreign government or agency or instrumentality of such foreign government and all sales of aircraft for use outside of the United States and sales of aircraft repair, modification and replacement parts and sales of services employed in the remanufacture, modification and repair of aircraft;

(h) all rentals of nonsectarian textbooks by public or private elementary or secondary schools;

(i) the lease or rental of all films, records, tapes, or any type of sound or picture transcriptions used by motion picture exhibitors;

(j) meals served without charge or food used in the preparation of such meals to employees of any restaurant, eating house, dining car, hotel, drugstore or other place where meals or drinks are regularly sold to the public if such employees' duties are related to the furnishing or sale of such meals or drinks;

(k) any motor vehicle, semitrailer or pole trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto, or aircraft sold and delivered in this state to a bona fide resident of another state, which motor vehicle, semitrailer, pole trailer or aircraft is not to be registered or based in this state and which vehicle, semitrailer, pole trailer or aircraft will not remain in this state more than 10 days;

(l) all isolated or occasional sales of tangible personal property, services, substances or things, except isolated or occasional sale of motor vehicles specifically taxed under the provisions of K.S.A. 79-3603(o), and amendments thereto;

(m) all sales of tangible personal property that become an ingredient or component part of tangible personal property or services produced, manufactured or compounded for ultimate sale at retail within or without the state of Kansas; and any such producer, manufacturer or compounder may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for use as an ingredient or component part of the property or services produced, manufactured or compounded;

(n) all sales of tangible personal property that is consumed in the production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property, the treating of by-products or wastes derived from any such production process, the providing of services or the irrigation of crops for ultimate sale at retail within or without the state of Kansas; and any purchaser of such property may obtain from the director of taxation and furnish to the supplier an exemption certificate number for tangible personal property for consumption in such production, manufacture, processing, mining, drilling, refining, compounding, treating, irrigation and in providing such services;

(o) all sales of animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber or fur, or the production of offspring for use for any such purpose or purposes;

(p) all sales of drugs dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, “drug” means a compound, substance or preparation and any component of a compound, substance or preparation, other than food and food ingredients, dietary supplements or alcoholic beverages, recognized in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary, and supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease or intended to affect the structure or any function of the body, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of drugs used in the performance or induction of an abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(q) all sales of insulin dispensed by a person licensed by the state board of pharmacy to a person for treatment of diabetes at the direction of a person licensed to practice medicine by the state board of healing arts;

(r) all sales of oxygen delivery equipment, kidney dialysis equipment, enteral feeding systems, prosthetic devices and mobility enhancing equipment prescribed in writing by a person licensed to practice the healing arts, dentistry or optometry, and in addition to such sales, all sales of hearing aids, as defined by K.S.A. 74-5807(c), and amendments thereto, and repair and replacement parts therefor, including batteries, by a person licensed in the practice of dispensing and fitting hearing aids pursuant to the provisions of K.S.A. 74-5808, and amendments thereto. For the purposes of this subsection: (1) “Mobility enhancing equipment” means equipment including repair and replacement parts to same, but does not include durable medical equipment, which is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle; is not generally used by persons with normal mobility; and does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer; and (2) “prosthetic device” means a replacement, corrective or supportive device including repair and replacement parts for same worn on or in the body to artificially replace a missing portion of the body, prevent or correct physical deformity or malfunction or support a weak or deformed portion of the body;

(s) except as provided in K.S.A. 2018 Supp. 82a-2101, and amendments thereto, all sales of tangible personal property or services purchased directly or indirectly by a groundwater management district organized or operating under the authority of K.S.A. 82a-1020 et seq., and amendments thereto, by a rural water district organized or operating under the authority of K.S.A. 82a-612, and amendments thereto, or by a

water supply district organized or operating under the authority of K.S.A. 19-3501 et seq., 19-3522 et seq. or 19-3545, and amendments thereto, which property or services are used in the construction activities, operation or maintenance of the district;

(t) all sales of farm machinery and equipment or aquaculture machinery and equipment, repair and replacement parts therefor and services performed in the repair and maintenance of such machinery and equipment. For the purposes of this subsection the term “farm machinery and equipment or aquaculture machinery and equipment” shall include a work-site utility vehicle, as defined in K.S.A. 8-126, and amendments thereto, and is equipped with a bed or cargo box for hauling materials, and shall also include machinery and equipment used in the operation of Christmas tree farming but shall not include any passenger vehicle, truck, truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as such terms are defined by K.S.A. 8-126, and amendments thereto. “Farm machinery and equipment” includes precision farming equipment that is portable or is installed or purchased to be installed on farm machinery and equipment. “Precision farming equipment” includes the following items used only in computer-assisted farming, ranching or aquaculture production operations: Soil testing sensors, yield monitors, computers, monitors, software, global positioning and mapping systems, guiding systems, modems, data communications equipment and any necessary mounting hardware, wiring and antennas. Each purchaser of farm machinery and equipment or aquaculture machinery and equipment exempted herein must certify in writing on the copy of the invoice or sales ticket to be retained by the seller that the farm machinery and equipment or aquaculture machinery and equipment purchased will be used only in farming, ranching or aquaculture production. Farming or ranching shall include the operation of a feedlot and farm and ranch work for hire and the operation of a nursery;

(u) all leases or rentals of tangible personal property used as a dwelling if such tangible personal property is leased or rented for a period of more than 28 consecutive days;

(v) all sales of tangible personal property to any contractor for use in preparing meals for delivery to homebound elderly persons over 60 years of age and to homebound disabled persons or to be served at a group-sitting at a location outside of the home to otherwise homebound elderly persons over 60 years of age and to otherwise homebound disabled persons, as all or part of any food service project funded in whole or in part by government or as part of a private nonprofit food service project available to all such elderly or disabled persons residing within an area of service designated by the private nonprofit organization, and all sales of tangible personal property for use in preparing meals for consumption by

indigent or homeless individuals whether or not such meals are consumed at a place designated for such purpose, and all sales of food products by or on behalf of any such contractor or organization for any such purpose;

(w) all sales of natural gas, electricity, heat and water delivered through mains, lines or pipes: (1) To residential premises for noncommercial use by the occupant of such premises; (2) for agricultural use and also, for such use, all sales of propane gas; (3) for use in the severing of oil; and (4) to any property which is exempt from property taxation pursuant to K.S.A. 79-201b, Second through Sixth. As used in this paragraph, “severing” means the same as defined in K.S.A. 79-4216(k), and amendments thereto. For all sales of natural gas, electricity and heat delivered through mains, lines or pipes pursuant to the provisions of subsection (w)(1) and (w)(2), the provisions of this subsection shall expire on December 31, 2005;

(x) all sales of propane gas, LP-gas, coal, wood and other fuel sources for the production of heat or lighting for noncommercial use of an occupant of residential premises occurring prior to January 1, 2006;

(y) all sales of materials and services used in the repairing, servicing, altering, maintaining, manufacturing, remanufacturing, or modification of railroad rolling stock for use in interstate or foreign commerce under authority of the laws of the United States;

(z) all sales of tangible personal property and services purchased directly by a port authority or by a contractor therefor as provided by the provisions of K.S.A. 12-3418, and amendments thereto;

(aa) all sales of materials and services applied to equipment that is transported into the state from without the state for repair, service, alteration, maintenance, remanufacture or modification and that is subsequently transported outside the state for use in the transmission of liquids or natural gas by means of pipeline in interstate or foreign commerce under authority of the laws of the United States;

(bb) all sales of used mobile homes or manufactured homes. As used in this subsection: (1) “Mobile homes” and “manufactured homes” mean the same as defined in K.S.A. 58-4202, and amendments thereto; and (2) “sales of used mobile homes or manufactured homes” means sales other than the original retail sale thereof;

(cc) all sales of tangible personal property or services purchased prior to January 1, 2012, except as otherwise provided, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business or retail business that meets the requirements established in K.S.A. 74-50,115, and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business or retail business, and all sales of tangible personal property or services purchased on or after January 1, 2012, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a



business that meets the requirements established in K.S.A. 74-50,115(e), and amendments thereto, and the sale and installation of machinery and equipment purchased for installation at any such business. When a person shall contract for the construction, reconstruction, enlargement or remodeling of any such business or retail business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the owner of the business or retail business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. As used in this subsection, “business” and “retail business” mean the same as defined in K.S.A. 74-50,114, and amendments thereto. Project exemption certificates that have been previously issued under this subsection by the department of revenue pursuant to K.S.A. 74-50,115, and amendments thereto, but not including K.S.A. 74-50,115(e), and amendments thereto, prior to January 1, 2012, and have not expired will be effective for the term of the project or two years from the effective date of the certificate, whichever occurs earlier. Project exemption certificates that are submitted to the department of revenue prior to January 1, 2012, and are found to qualify will be issued a project exemption certificate that will be effective for a two-year period or for the term of the project, whichever occurs earlier;

(dd) all sales of tangible personal property purchased with food stamps issued by the United States department of agriculture;

(ee) all sales of lottery tickets and shares made as part of a lottery operated by the state of Kansas;

(ff) on and after July 1, 1988, all sales of new mobile homes or manufactured homes to the extent of 40% of the gross receipts, determined without regard to any trade-in allowance, received from such sale. As used in this subsection, “mobile homes” and “manufactured homes” mean the same as defined in K.S.A. 58-4202, and amendments thereto;



(gg) all sales of tangible personal property purchased in accordance with vouchers issued pursuant to the federal special supplemental food program for women, infants and children;

(hh) all sales of medical supplies and equipment, including durable medical equipment, purchased directly by a nonprofit skilled nursing home or nonprofit intermediate nursing care home, as defined by K.S.A. 39-923, and amendments thereto, for the purpose of providing medical services to residents thereof. This exemption shall not apply to tangible personal property customarily used for human habitation purposes. As used in this subsection, “durable medical equipment” means equipment including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury and is not worn in or on the body, but does not include mobility enhancing equipment as defined in subsection (r), oxygen delivery equipment, kidney dialysis equipment or enteral feeding systems;

(ii) all sales of tangible personal property purchased directly by a nonprofit organization for nonsectarian comprehensive multidiscipline youth development programs and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(jj) all sales of tangible personal property or services, including the renting and leasing of tangible personal property, purchased directly on behalf of a community-based facility for people with intellectual disability or mental health center organized pursuant to K.S.A. 19-4001 et seq., and amendments thereto, and licensed in accordance with the provisions of K.S.A. 2018 Supp. 39-2001 et seq., and amendments thereto, and all sales of tangible personal property or services purchased by contractors during the time period from July, 2003, through June, 2006, for the purpose of constructing, equipping, maintaining or furnishing a new facility for a community-based facility for people with intellectual disability or mental health center located in Riverton, Cherokee County, Kansas, that would have been eligible for sales tax exemption pursuant to this subsection if purchased directly by such facility or center. This exemption shall not apply to tangible personal property customarily used for human habitation purposes;

(kk) (1) (A) all sales of machinery and equipment that are used in this state as an integral or essential part of an integrated production operation by a manufacturing or processing plant or facility;

(B) all sales of installation, repair and maintenance services performed on such machinery and equipment; and

(C) all sales of repair and replacement parts and accessories purchased for such machinery and equipment.

(2) For purposes of this subsection:

(A) “Integrated production operation” means an integrated series of operations engaged in at a manufacturing or processing plant or facility to process, transform or convert tangible personal property by physical, chemical or other means into a different form, composition or character from that in which it originally existed. Integrated production operations shall include: (i) Production line operations, including packaging operations; (ii) preproduction operations to handle, store and treat raw materials; (iii) post production handling, storage, warehousing and distribution operations; and (iv) waste, pollution and environmental control operations, if any;

(B) “production line” means the assemblage of machinery and equipment at a manufacturing or processing plant or facility where the actual transformation or processing of tangible personal property occurs;

(C) “manufacturing or processing plant or facility” means a single, fixed location owned or controlled by a manufacturing or processing business that consists of one or more structures or buildings in a contiguous area where integrated production operations are conducted to manufacture or process tangible personal property to be ultimately sold at retail. Such term shall not include any facility primarily operated for the purpose of conveying or assisting in the conveyance of natural gas, electricity, oil or water. A business may operate one or more manufacturing or processing plants or facilities at different locations to manufacture or process a single product of tangible personal property to be ultimately sold at retail;

(D) “manufacturing or processing business” means a business that utilizes an integrated production operation to manufacture, process, fabricate, finish or assemble items for wholesale and retail distribution as part of what is commonly regarded by the general public as an industrial manufacturing or processing operation or an agricultural commodity processing operation. (i) Industrial manufacturing or processing operations include, by way of illustration but not of limitation, the fabrication of automobiles, airplanes, machinery or transportation equipment, the fabrication of metal, plastic, wood or paper products, electricity power generation, water treatment, petroleum refining, chemical production, wholesale bottling, newspaper printing, ready mixed concrete production, and the remanufacturing of used parts for wholesale or retail sale. Such processing operations shall include operations at an oil well, gas well, mine or other excavation site where the oil, gas, minerals, coal, clay, stone, sand or gravel that has been extracted from the earth is cleaned, separated, crushed, ground, milled, screened, washed or otherwise treated or prepared before its transmission to a refinery or before any other wholesale or retail distribution. (ii) Agricultural commodity processing operations include, by way of illustration but not of limitation, meat pack-

ing, poultry slaughtering and dressing, processing and packaging farm and dairy products in sealed containers for wholesale and retail distribution, feed grinding, grain milling, frozen food processing, and grain handling, cleaning, blending, fumigation, drying and aeration operations engaged in by grain elevators or other grain storage facilities. (iii) Manufacturing or processing businesses do not include, by way of illustration but not of limitation, nonindustrial businesses whose operations are primarily retail and that produce or process tangible personal property as an incidental part of conducting the retail business, such as retailers who bake, cook or prepare food products in the regular course of their retail trade, grocery stores, meat lockers and meat markets that butcher or dress livestock or poultry in the regular course of their retail trade, contractors who alter, service, repair or improve real property, and retail businesses that clean, service or refurbish and repair tangible personal property for its owner;

(E) “repair and replacement parts and accessories” means all parts and accessories for exempt machinery and equipment, including, but not limited to, dies, jigs, molds, patterns and safety devices that are attached to exempt machinery or that are otherwise used in production, and parts and accessories that require periodic replacement such as belts, drill bits, grinding wheels, grinding balls, cutting bars, saws, refractory brick and other refractory items for exempt kiln equipment used in production operations;

(F) “primary” or “primarily” mean more than 50% of the time.

(3) For purposes of this subsection, machinery and equipment shall be deemed to be used as an integral or essential part of an integrated production operation when used:

(A) To receive, transport, convey, handle, treat or store raw materials in preparation of its placement on the production line;

(B) to transport, convey, handle or store the property undergoing manufacturing or processing at any point from the beginning of the production line through any warehousing or distribution operation of the final product that occurs at the plant or facility;

(C) to act upon, effect, promote or otherwise facilitate a physical change to the property undergoing manufacturing or processing;

(D) to guide, control or direct the movement of property undergoing manufacturing or processing;

(E) to test or measure raw materials, the property undergoing manufacturing or processing or the finished product, as a necessary part of the manufacturer’s integrated production operations;

(F) to plan, manage, control or record the receipt and flow of inventories of raw materials, consumables and component parts, the flow of the property undergoing manufacturing or processing and the management of inventories of the finished product;

(G) to produce energy for, lubricate, control the operating of or otherwise enable the functioning of other production machinery and equipment and the continuation of production operations;

(H) to package the property being manufactured or processed in a container or wrapping in which such property is normally sold or transported;

(I) to transmit or transport electricity, coke, gas, water, steam or similar substances used in production operations from the point of generation, if produced by the manufacturer or processor at the plant site, to that manufacturer's production operation; or, if purchased or delivered from off-site, from the point where the substance enters the site of the plant or facility to that manufacturer's production operations;

(J) to cool, heat, filter, refine or otherwise treat water, steam, acid, oil, solvents or other substances that are used in production operations;

(K) to provide and control an environment required to maintain certain levels of air quality, humidity or temperature in special and limited areas of the plant or facility, where such regulation of temperature or humidity is part of and essential to the production process;

(L) to treat, transport or store waste or other byproducts of production operations at the plant or facility; or

(M) to control pollution at the plant or facility where the pollution is produced by the manufacturing or processing operation.

(4) The following machinery, equipment and materials shall be deemed to be exempt even though it may not otherwise qualify as machinery and equipment used as an integral or essential part of an integrated production operation: (A) Computers and related peripheral equipment that are utilized by a manufacturing or processing business for engineering of the finished product or for research and development or product design; (B) machinery and equipment that is utilized by a manufacturing or processing business to manufacture or rebuild tangible personal property that is used in manufacturing or processing operations, including tools, dies, molds, forms and other parts of qualifying machinery and equipment; (C) portable plants for aggregate concrete, bulk cement and asphalt including cement mixing drums to be attached to a motor vehicle; (D) industrial fixtures, devices, support facilities and special foundations necessary for manufacturing and production operations, and materials and other tangible personal property sold for the purpose of fabricating such fixtures, devices, facilities and foundations. An exemption certificate for such purchases shall be signed by the manufacturer or processor. If the fabricator purchases such material, the fabricator shall also sign the exemption certificate; (E) a manufacturing or processing business' laboratory equipment that is not located at the plant or facility, but that would otherwise qualify for exemption under subsection (3)(E); (F) all machinery and equipment used in surface mining activities as described

in K.S.A. 49-601 et seq., and amendments thereto, beginning from the time a reclamation plan is filed to the acceptance of the completed final site reclamation.

(5) “Machinery and equipment used as an integral or essential part of an integrated production operation” shall not include:

(A) Machinery and equipment used for nonproduction purposes, including, but not limited to, machinery and equipment used for plant security, fire prevention, first aid, accounting, administration, record keeping, advertising, marketing, sales or other related activities, plant cleaning, plant communications and employee work scheduling;

(B) machinery, equipment and tools used primarily in maintaining and repairing any type of machinery and equipment or the building and plant;

(C) transportation, transmission and distribution equipment not primarily used in a production, warehousing or material handling operation at the plant or facility, including the means of conveyance of natural gas, electricity, oil or water, and equipment related thereto, located outside the plant or facility;

(D) office machines and equipment including computers and related peripheral equipment not used directly and primarily to control or measure the manufacturing process;

(E) furniture and other furnishings;

(F) buildings, other than exempt machinery and equipment that is permanently affixed to or becomes a physical part of the building, and any other part of real estate that is not otherwise exempt;

(G) building fixtures that are not integral to the manufacturing operation, such as utility systems for heating, ventilation, air conditioning, communications, plumbing or electrical;

(H) machinery and equipment used for general plant heating, cooling and lighting;

(I) motor vehicles that are registered for operation on public highways; or

(J) employee apparel, except safety and protective apparel that is purchased by an employer and furnished gratuitously to employees who are involved in production or research activities.

(6) Subsections (3) and (5) shall not be construed as exclusive listings of the machinery and equipment that qualify or do not qualify as an integral or essential part of an integrated production operation. When machinery or equipment is used as an integral or essential part of production operations part of the time and for nonproduction purposes at other times, the primary use of the machinery or equipment shall determine whether or not such machinery or equipment qualifies for exemption.

(7) The secretary of revenue shall adopt rules and regulations necessary to administer the provisions of this subsection;

(ll) all sales of educational materials purchased for distribution to the public at no charge by a nonprofit corporation organized for the purpose of encouraging, fostering and conducting programs for the improvement of public health, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such materials purchased by a nonprofit corporation which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(mm) all sales of seeds and tree seedlings; fertilizers, insecticides, herbicides, germicides, pesticides and fungicides; and services, purchased and used for the purpose of producing plants in order to prevent soil erosion on land devoted to agricultural use;

(nn) except as otherwise provided in this act, all sales of services rendered by an advertising agency or licensed broadcast station or any member, agent or employee thereof;

(oo) all sales of tangible personal property purchased by a community action group or agency for the exclusive purpose of repairing or weatherizing housing occupied by low-income individuals;

(pp) all sales of drill bits and explosives actually utilized in the exploration and production of oil or gas;

(qq) all sales of tangible personal property and services purchased by a nonprofit museum or historical society or any combination thereof, including a nonprofit organization that is organized for the purpose of stimulating public interest in the exploration of space by providing educational information, exhibits and experiences, that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(rr) all sales of tangible personal property that will admit the purchaser thereof to any annual event sponsored by a nonprofit organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property purchased by a nonprofit organization which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto;

(ss) all sales of tangible personal property and services purchased by a public broadcasting station licensed by the federal communications commission as a noncommercial educational television or radio station;

(tt) all sales of tangible personal property and services purchased by or on behalf of a not-for-profit corporation that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the sole purpose of constructing a Kansas Korean War memorial;

(uu) all sales of tangible personal property and services purchased by or on behalf of any rural volunteer fire-fighting organization for use exclusively in the performance of its duties and functions;

(vv) all sales of tangible personal property purchased by any of the following organizations that are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, for the following purposes, and all sales of any such property by or on behalf of any such organization for any such purpose:

(1) The American heart association, Kansas affiliate, inc. for the purposes of providing education, training, certification in emergency cardiac care, research and other related services to reduce disability and death from cardiovascular diseases and stroke;

(2) the Kansas alliance for the mentally ill, inc. for the purpose of advocacy for persons with mental illness and to education, research and support for their families;

(3) the Kansas mental illness awareness council for the purposes of advocacy for persons who are mentally ill and for education, research and support for them and their families;

(4) the American diabetes association Kansas affiliate, inc. for the purpose of eliminating diabetes through medical research, public education focusing on disease prevention and education, patient education including information on coping with diabetes, and professional education and training;

(5) the American lung association of Kansas, inc. for the purpose of eliminating all lung diseases through medical research, public education including information on coping with lung diseases, professional education and training related to lung disease and other related services to reduce the incidence of disability and death due to lung disease;

(6) the Kansas chapters of the Alzheimer's disease and related disorders association, inc. for the purpose of providing assistance and support to persons in Kansas with Alzheimer's disease, and their families and caregivers;

(7) the Kansas chapters of the Parkinson's disease association for the purpose of eliminating Parkinson's disease through medical research and public and professional education related to such disease;

(8) the national kidney foundation of Kansas and western Missouri for the purpose of eliminating kidney disease through medical research and public and private education related to such disease;

(9) the heartstrings community foundation for the purpose of providing training, employment and activities for adults with developmental disabilities;

(10) the cystic fibrosis foundation, heart of America chapter, for the purposes of assuring the development of the means to cure and control cystic fibrosis and improving the quality of life for those with the disease;

(11) the spina bifida association of Kansas for the purpose of providing financial, educational and practical aid to families and individuals with



spina bifida. Such aid includes, but is not limited to, funding for medical devices, counseling and medical educational opportunities;

(12) the CHWC, Inc., for the purpose of rebuilding urban core neighborhoods through the construction of new homes, acquiring and renovating existing homes and other related activities, and promoting economic development in such neighborhoods;

(13) the cross-lines cooperative council for the purpose of providing social services to low income individuals and families;

(14) the dreams work, inc., for the purpose of providing young adult day services to individuals with developmental disabilities and assisting families in avoiding institutional or nursing home care for a developmentally disabled member of their family;

(15) the KSDS, Inc., for the purpose of promoting the independence and inclusion of people with disabilities as fully participating and contributing members of their communities and society through the training and providing of guide and service dogs to people with disabilities, and providing disability education and awareness to the general public;

(16) the lyme association of greater Kansas City, Inc., for the purpose of providing support to persons with lyme disease and public education relating to the prevention, treatment and cure of lyme disease;

(17) the dream factory, inc., for the purpose of granting the dreams of children with critical and chronic illnesses;

(18) the Ottawa Suzuki strings, inc., for the purpose of providing students and families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;

(19) the international association of lions clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by providing voluntary services through community involvement and international cooperation;

(20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization;

(21) the American cancer society, inc., for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service;

(22) the community services of Shawnee, inc., for the purpose of providing food and clothing to those in need;

(23) the angel babies association, for the purpose of providing assistance, support and items of necessity to teenage mothers and their babies; and

(24) the Kansas fairgrounds foundation for the purpose of the preservation, renovation and beautification of the Kansas state fairgrounds;



(ww) all sales of tangible personal property purchased by the habitat for humanity for the exclusive use of being incorporated within a housing project constructed by such organization;

(xx) all sales of tangible personal property and services purchased by a nonprofit zoo that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, or on behalf of such zoo by an entity itself exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986 contracted with to operate such zoo and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo that would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit zoo or the entity operating such zoo. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any nonprofit zoo. When any nonprofit zoo shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to the nonprofit zoo concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, the nonprofit zoo concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than

that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(yy) all sales of tangible personal property and services purchased by a parent-teacher association or organization, and all sales of tangible personal property by or on behalf of such association or organization;

(zz) all sales of machinery and equipment purchased by over-the-air, free access radio or television station that is used directly and primarily for the purpose of producing a broadcast signal or is such that the failure of the machinery or equipment to operate would cause broadcasting to cease. For purposes of this subsection, machinery and equipment shall include, but not be limited to, that required by rules and regulations of the federal communications commission, and all sales of electricity which are essential or necessary for the purpose of producing a broadcast signal or is such that the failure of the electricity would cause broadcasting to cease;

(aaa) all sales of tangible personal property and services purchased by a religious organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and used exclusively for religious purposes, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned

for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 1998, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(bbb) all sales of food for human consumption by an organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, pursuant to a food distribution program that offers such food at a price below cost in exchange for the performance of community service by the purchaser thereof;

(ccc) on and after July 1, 1999, all sales of tangible personal property and services purchased by a primary care clinic or health center the primary purpose of which is to provide services to medically underserved individuals and families, and that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center that would be exempt from taxation under the provisions of this section if purchased directly by such clinic or center, except that for taxable years commencing after December 31, 2013, this subsection shall not apply to any sales of such tangible personal property and services pur-

chased by a primary care clinic or health center which performs any abortion, as defined in K.S.A. 65-6701, and amendments thereto. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such clinic or center. When any such clinic or center shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such clinic or center concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such clinic or center concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(ddd) on and after January 1, 1999, and before January 1, 2000, all sales of materials and services purchased by any class II or III railroad as classified by the federal surface transportation board for the construction, renovation, repair or replacement of class II or III railroad track and facilities used directly in interstate commerce. In the event any such track or facility for which materials and services were purchased sales tax exempt is not operational for five years succeeding the allowance

of such exemption, the total amount of sales tax that would have been payable except for the operation of this subsection shall be recouped in accordance with rules and regulations adopted for such purpose by the secretary of revenue;

(eee) on and after January 1, 1999, and before January 1, 2001, all sales of materials and services purchased for the original construction, reconstruction, repair or replacement of grain storage facilities, including railroad sidings providing access thereto;

(fff) all sales of material handling equipment, racking systems and other related machinery and equipment that is used for the handling, movement or storage of tangible personal property in a warehouse or distribution facility in this state; all sales of installation, repair and maintenance services performed on such machinery and equipment; and all sales of repair and replacement parts for such machinery and equipment. For purposes of this subsection, a warehouse or distribution facility means a single, fixed location that consists of buildings or structures in a contiguous area where storage or distribution operations are conducted that are separate and apart from the business' retail operations, if any, and that do not otherwise qualify for exemption as occurring at a manufacturing or processing plant or facility. Material handling and storage equipment shall include aeration, dust control, cleaning, handling and other such equipment that is used in a public grain warehouse or other commercial grain storage facility, whether used for grain handling, grain storage, grain refining or processing, or other grain treatment operation;

(ggg) all sales of tangible personal property and services purchased by or on behalf of the Kansas academy of science, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and used solely by such academy for the preparation, publication and dissemination of education materials;

(hhh) all sales of tangible personal property and services purchased by or on behalf of all domestic violence shelters that are member agencies of the Kansas coalition against sexual and domestic violence;

(iii) all sales of personal property and services purchased by an organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and such personal property and services are used by any such organization in the collection, storage and distribution of food products to nonprofit organizations that distribute such food products to persons pursuant to a food distribution program on a charitable basis without fee or charge, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities used for the collection and storage of such food products for any such organization which is exempt

from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after July 1, 2005, but prior to the effective date of this act upon the gross receipts received from any sale exempted by the amendatory provisions of this subsection shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of

sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(jjj) all sales of dietary supplements dispensed pursuant to a prescription order by a licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto. As used in this subsection, "dietary supplement" means any product, other than tobacco, intended to supplement the diet that: (1) Contains one or more of the following dietary ingredients: A vitamin, a mineral, an herb or other botanical, an amino acid, a dietary substance for use by humans to supplement the diet by increasing the total dietary intake or a concentrate, metabolite, constituent, extract or combination of any such ingredient; (2) is intended for ingestion in tablet, capsule, powder, softgel, gelcap or liquid form, or if not intended for ingestion, in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and (3) is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 C.F.R. § 101.36;

(lll) all sales of tangible personal property and services purchased by special olympics Kansas, inc. for the purpose of providing year-round sports training and athletic competition in a variety of olympic-type sports for individuals with intellectual disabilities by giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families, other special olympics athletes and the community, and activities provided or sponsored by such organization, and all sales of tangible personal property by or on behalf of any such organization;

(mmm) all sales of tangible personal property purchased by or on behalf of the Marillac center, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing psycho-social-biological and special education services to children, and all sales of any such property by or on behalf of such organization for such purpose;

(nnn) all sales of tangible personal property and services purchased by the west Sedgwick county-sunrise rotary club and sunrise charitable fund for the purpose of constructing a boundless playground which is an integrated, barrier free and developmentally advantageous play environment for children of all abilities and disabilities;

(ooo) all sales of tangible personal property by or on behalf of a public library serving the general public and supported in whole or in part with tax money or a not-for-profit organization whose purpose is to raise funds for or provide services or other benefits to any such public library;



(ppp) all sales of tangible personal property and services purchased by or on behalf of a homeless shelter that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal income tax code of 1986, and used by any such homeless shelter to provide emergency and transitional housing for individuals and families experiencing homelessness, and all sales of any such property by or on behalf of any such homeless shelter for any such purpose;

(qqq) all sales of tangible personal property and services purchased by TLC for children and families, inc., hereinafter referred to as TLC, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of TLC for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by TLC. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC. When TLC contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC shall be liable for tax on all materials pur-



chased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(rrr) all sales of tangible personal property and services purchased by any county law library maintained pursuant to law and sales of tangible personal property and services purchased by an organization that would have been exempt from taxation under the provisions of this subsection if purchased directly by the county law library for the purpose of providing legal resources to attorneys, judges, students and the general public, and all sales of any such property by or on behalf of any such county law library;

(sss) all sales of tangible personal property and services purchased by catholic charities or youthville, hereinafter referred to as charitable family providers, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing emergency shelter and treatment for abused and neglected children as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of charitable family providers for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for charitable family providers for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by charitable family providers. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for charitable family providers. When charitable family providers contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to charitable family providers a sworn statement, on a form to be provided by the director of

taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, charitable family providers shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(ttt) all sales of tangible personal property or services purchased by a contractor for a project for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility owned by a nonprofit museum that has been granted an exemption pursuant to subsection (qq), which such home or facility is located in a city that has been designated as a qualified hometown pursuant to the provisions of K.S.A. 75-5071 et seq., and amendments thereto, and which such project is related to the purposes of K.S.A. 75-5071 et seq., and amendments thereto, and that would be exempt from taxation under the provisions of this section if purchased directly by such nonprofit museum. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility for any such nonprofit museum. When any such nonprofit museum shall contract for the purpose of restoring, constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling a home or facility, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the

project, the contractor shall furnish to such nonprofit museum a sworn statement on a form to be provided by the director of taxation that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in a home or facility or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such nonprofit museum shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(uuu) all sales of tangible personal property and services purchased by Kansas children's service league, hereinafter referred to as KCSL, which is exempt from federal income taxation pursuant to section 501(c) (3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing for the prevention and treatment of child abuse and maltreatment as well as meeting additional critical needs for children, juveniles and family, and all sales of any such property by or on behalf of KCSL for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for KCSL for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by KCSL. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for KCSL. When KCSL contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate

to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to KCSL a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, KCSL shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(vvv) all sales of tangible personal property or services, including the renting and leasing of tangible personal property or services, purchased by jazz in the woods, inc., a Kansas corporation that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing jazz in the woods, an event benefiting children-in-need and other nonprofit charities assisting such children, and all sales of any such property by or on behalf of such organization for such purpose;

(www) all sales of tangible personal property purchased by or on behalf of the Frontenac education foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education support for students, and all sales of any such property by or on behalf of such organization for such purpose;

(xxx) all sales of personal property and services purchased by the booth theatre foundation, inc., an organization, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the constructing, equipping, recon-

structing, maintaining, repairing, enlarging, furnishing or remodeling of the booth theatre, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling the booth theatre for such organization, that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. Sales tax paid on and after January 1, 2007, but prior to the effective date of this act upon the gross receipts received from any sale which would have been exempted by the provisions of this subsection had such sale occurred after the effective date

of this act shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation required by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(yyy) all sales of tangible personal property and services purchased by TLC charities foundation, inc., hereinafter referred to as TLC charities, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of encouraging private philanthropy to further the vision, values, and goals of TLC for children and families, inc.; and all sales of such property and services by or on behalf of TLC charities for any such purpose and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC charities for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by TLC charities. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC charities. When TLC charities contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC charities a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be incorporated into the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose

for which such certificate was issued, TLC charities shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(zzz) all sales of tangible personal property purchased by the rotary club of shawnee foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, as amended, used for the purpose of providing contributions to community service organizations and scholarships;

(aaaa) all sales of personal property and services purchased by or on behalf of victory in the valley, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing a cancer support group and services for persons with cancer, and all sales of any such property by or on behalf of any such organization for any such purpose;

(bbbb) all sales of entry or participation fees, charges or tickets by Guadalupe health foundation, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for such organization's annual fundraising event which purpose is to provide health care services for uninsured workers;

(cccc) all sales of tangible personal property or services purchased by or on behalf of wayside waifs, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing such organization's annual fundraiser, an event whose purpose is to support the care of homeless and abandoned animals, animal adoption efforts, education programs for children and efforts to reduce animal over-population and animal welfare services, and all sales of any such property, including entry or participation fees or charges, by or on behalf of such organization for such purpose;

(dddd) all sales of tangible personal property or services purchased by or on behalf of goodwill industries or Easter seals of Kansas, inc., both of which are exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing education, training and employment opportunities for people with disabilities and other barriers to employment;

(eeee) all sales of tangible personal property or services purchased by or on behalf of all American beef battalion, inc., which is exempt from



federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of educating, promoting and participating as a contact group through the beef cattle industry in order to carry out such projects that provide support and morale to members of the United States armed forces and military services;

(ffff) all sales of tangible personal property and services purchased by sheltered living, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of providing residential and day services for people with developmental disabilities or intellectual disability, or both, and all sales of any such property by or on behalf of sheltered living, inc., for any such purpose; and all sales of tangible personal property or services purchased by a contractor for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling homes and facilities for sheltered living, inc., for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by sheltered living, inc. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities for sheltered living, inc. When sheltered living, inc., contracts for the purpose of rehabilitating, constructing, maintaining, repairing, enlarging, furnishing or remodeling such homes and facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to sheltered living, inc., a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, sheltered living, inc., shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the



contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(gggg) all sales of game birds for which the primary purpose is use in hunting;

(hhhh) all sales of tangible personal property or services purchased on or after July 1, 2014, for the purpose of and in conjunction with constructing, reconstructing, enlarging or remodeling a business identified under the North American industry classification system (NAICS) subsectors 1123, 1124, 112112, 112120 or 112210, and the sale and installation of machinery and equipment purchased for installation at any such business. The exemption provided in this subsection shall not apply to projects that have actual total costs less than \$50,000. When a person contracts for the construction, reconstruction, enlargement or remodeling of any such business, such person shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials, machinery and equipment for incorporation in such project. The contractor shall furnish the number of such certificates to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to the owner of the business a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. Any contractor or any agent, employee or subcontractor of the contractor, who shall use or otherwise dispose of any materials, machinery or equipment purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed thereon, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(iiii) all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for Wichita children's home for any such purpose that would be exempt from taxation under the provisions of this section if purchased directly by Wichita children's home. Nothing in this subsection shall be deemed

to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for Wichita children's home. When Wichita children's home contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to Wichita children's home a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in the building or other project reported and paid by such contractor to the director of taxation not later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, Wichita children's home shall be liable for the tax on all materials purchased for the project, and upon payment, it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto;

(jjjj) all sales of tangible personal property or services purchased by or on behalf of the beacon, inc., that is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing those desiring help with food, shelter, clothing and other necessities of life during times of special need;

(kkkk) all sales of tangible personal property and services purchased by or on behalf of reaching out from within, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of sponsoring self-help programs for incarcerated persons that will enable such incarcerated persons to be-

come role models for non-violence while in correctional facilities and productive family members and citizens upon return to the community; ~~and~~

(llll) all sales of tangible personal property and services purchased by Gove county healthcare endowment foundation, inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of constructing and equipping an airport in Quinter, Kansas, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing and equipping an airport in Quinter, Kansas, for such organization, that would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing or equipping of facilities for such organization. When such organization shall contract for the purpose of constructing or equipping an airport in Quinter, Kansas, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project, the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials that will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation no later than the 20<sup>th</sup> day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in K.S.A. 79-3615(h), and amendments thereto. The provisions of this subsection shall expire and have no effect on and after July 1, 2019; *and*

*(mmmm) all sales of gold or silver coins; and palladium, platinum, gold or silver bullion. For the purposes of this subsection, “bullion” means bars, ingots or commemorative medallions of gold, silver, platinum, palladium, or a combination thereof, for which the value of the metal depends on its content and not the form.*

Sec. 4. K.S.A. 2018 Supp. 12-187, 12-189 and 79-3606 are hereby repealed.

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

Approved May 16, 2019.

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## CHAPTER 64

## SENATE BILL No. 53

AN ACT concerning emergency medical services; relating to the emergency medical services board; powers and duties thereof; authorized activities of certain emergency medical services providers; creating the designation of inactive certificate; establishing the medical services criminal history and fingerprinting fund; updating terminology and references related thereto; amending K.S.A. 65-16,127, 65-1728, 65-2891, 65-2913, 65-4915, 65-6001, 65-6102, 65-6110, 65-6111, 65-6112, 65-6119, 65-6120, 65-6124, 65-6126, 65-6127, 65-6129, 65-6129a, 65-6129b, 65-6130, 65-6133, 65-6135, 65-6145, 65-6150, 74-4954a and 80-1557 and K.S.A. 2018 Supp. 8-1,159, 21-6326, 39-1402, 39-1431, 40-2141, 44-131, 44-508, 44-510h, 44-511, 44-1204, 75-4364 and 75-5664 and repealing the existing sections; also repealing K.S.A. 65-6123 and 65-6129c.

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

New Section 1. (a) (1) There is hereby created the designation of inactive certificate. The board is authorized to issue an inactive certificate to any person currently certified by the board who makes written application for such inactive certificate on a form provided by the board and remits the fee established by the board in rules and regulations. The board may issue an inactive certificate only to a person who is not directly engaged in the provision of emergency medical services for which certification is required and who does not hold oneself out to the public as being professionally engaged in the provision of emergency medical services. An inactive certificate shall not entitle the holder to engage in the practice of emergency medical services. Each inactive certificate may be renewed subject to the provisions of this section. Each inactive certificate holder shall be subject to the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, except as otherwise provided in this subsection. The holder of an inactive certificate shall not be required to submit evidence of satisfactory completion of the continuing education requirement prescribed by the board.

(b) Each inactive certificate holder may apply for an active certificate upon filing a written application with the board. The request shall be on a form provided by the board and shall be accompanied by a fee prescribed by the board in rules and regulations. The inactive certificate holder may be required to complete such additional testing, training or education as the board may deem necessary to establish the inactive certificate holder's current ability to engage in the provision of emergency medical services with reasonable skill and safety.

(c) This section shall be a part of and supplemental to article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 2. K.S.A. 2018 Supp. 8-1,159 is hereby amended to read as follows: 8-1,159. (a) On and after January 1, 2008, any owner or lessee of

one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles that such person is an emergency medical ~~services attendant~~ *service provider*, as defined in K.S.A. 65-6112, and amendments thereto, upon compliance with the provisions of this section, may be issued one emergency medical services license plate for each such passenger vehicle, truck or motorcycle. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any applicant for a license plate authorized by this section may make application for such distinctive license plates, not less than 60 days prior to such applicant's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require under subsection (a). Application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license ~~plates~~ *plate* issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in ~~subsection (b) of~~ K.S.A. 8-132(*b*), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer.

Sec. 3. K.S.A. 2018 Supp. 21-6326 is hereby amended to read as follows: 21-6326. (a) Unlawful interference with an emergency medical ~~services attendant~~ *service provider* is knowingly:

(1) Interfering with any ~~attendant~~ *emergency medical service provider* while engaged in the performance of such ~~attendant's~~ *emergency medical service provider's* duties; or

(2) obstructing, interfering with or impeding the efforts of any ~~attendant~~ *emergency medical service provider* to reach the location of an emergency.

(b) Unlawful interference with an emergency medical ~~services attendant~~ *service provider* is a class B person misdemeanor.

(c) As used in this section, "~~attendant~~" "*emergency medical service provider*" means the same as in K.S.A. 65-6112, and amendments thereto.

(d) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for assault or battery.

Sec. 4. K.S.A. 2018 Supp. 39-1402 is hereby amended to read as follows: 39-1402. (a) Any person who is licensed to practice any branch of the healing arts, a licensed psychologist, a licensed master level psychologist, a licensed clinical psychotherapist, a chief administrative officer of a medical care facility, an adult care home administrator or operator, a licensed social worker, a licensed professional nurse, a licensed practical nurse, a licensed marriage and family therapist, a licensed clinical marriage and family therapist, licensed professional counselor, licensed clinical professional counselor, registered alcohol and drug abuse counselor, a teacher, a bank trust officer and any other officers of financial institutions, a legal representative, a governmental assistance provider or an emergency medical ~~services attendant~~ *service provider* who has reasonable cause to believe that a resident is being or has been abused, neglected or exploited, or is in a condition ~~which~~ *that* is the result of such abuse, neglect or exploitation or is in need of protective services, shall report immediately such information or cause a report of such information to be made in any reasonable manner to the Kansas department for aging and disability services with respect to residents defined under K.S.A. 39-1401(a)(1), and amendments thereto, to the department of health and environment with respect to residents defined under K.S.A. 39-1401(a)(2), and amendments thereto, and to the Kansas department for children and families and appropriate law enforcement agencies with respect to all other residents. Reports made to one department ~~which~~ *that* are required by this subsection to be made to the other department shall be referred by the department to which the report is made to the appropriate department for that report, and any such report shall constitute compliance with this subsection. Reports shall be made during the normal working week days and hours of operation of such departments. Reports shall be made to law enforcement agencies during the time the departments are not open for business. Law enforcement agencies shall submit the report and appropriate information to the appropriate department on the first working day that such department is open for business. A report made pursuant to K.S.A. 65-4923 or 65-4924, and amendments thereto, shall be deemed a report under this section.

(b) The report made pursuant to subsection (a) shall contain the name and address of the person making the report and of the caretaker caring for the resident, the name and address of the involved resident, information regarding the nature and extent of the abuse, neglect or exploitation, the name of the next of kin of the resident, if known, and any other information ~~which~~ *that* the person making the report believes might be helpful in an investigation of the case and the protection of the resident.

(c) Any other person, not listed in subsection (a), having reasonable cause to suspect or believe that a resident is being or has been abused, neglected or exploited, or is in a condition ~~which~~ *that* is the result of such abuse, neglect or exploitation or is in need of protective services may report such information to the Kansas department for aging and disability services with respect to residents defined under K.S.A. 39-1401(a)(1), and amendments thereto, to the department of health and environment with respect to residents defined under ~~subsection~~ K.S.A. 39-1401(a)(2), and amendments thereto, and to the Kansas department for children and families with respect to all other residents. Reports made to ~~one the incorrect department which are to be made to the other department~~ under this section shall be referred by ~~the such department to which the report is made~~ to the appropriate department for that report.

(d) Notice of the requirements of this act and the department to which a report is to be made under this act shall be posted in a conspicuous public place in every adult care home and medical care facility in this state.

(e) Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or cause such report to be made shall be guilty of a class B misdemeanor.

Sec. 5. K.S.A. 2018 Supp. 39-1431 is hereby amended to read as follows: 39-1431. (a) Any person who is licensed to practice any branch of the healing arts, a licensed psychologist, a licensed master level psychologist, a licensed clinical psychotherapist, the chief administrative officer of a medical care facility, a teacher, a licensed social worker, a licensed professional nurse, a licensed practical nurse, a licensed dentist, a licensed marriage and family therapist, a licensed clinical marriage and family therapist, licensed professional counselor, licensed clinical professional counselor, registered alcohol and drug abuse counselor, a law enforcement officer, an emergency medical ~~services attendant~~ *service provider*, a case manager, a rehabilitation counselor, a bank trust officer or any other officers of financial institutions, a legal representative, a governmental assistance provider, an owner or operator of a residential care facility, an independent living counselor and the chief administrative officer of a licensed home health agency, the chief administrative officer of an adult family home and the chief administrative officer of a provider of community services and affiliates thereof operated or funded by the Kansas department for aging and disability services or licensed under K.S.A. 2018 Supp. 39-2001 et seq., and amendments thereto, who has reasonable cause to believe that an adult is being or has been abused, neglected or exploited or is in need of protective services shall report, immediately from receipt of the information, such information or cause a report of such information to be



made in any reasonable manner. An employee of a domestic violence center shall not be required to report information or cause a report of information to be made under this subsection. Other state agencies receiving reports that are to be referred to the Kansas department for children and families and the appropriate law enforcement agency, shall submit the report to the department and agency within six hours, during normal work days, of receiving the information. Reports shall be made to the Kansas department for children and families during the normal working week days and hours of operation. Reports shall be made to law enforcement agencies during the time the Kansas department for children and families is not in operation. Law enforcement shall submit the report and appropriate information to the Kansas department for children and families on the first working day that the Kansas department for children and families is in operation after receipt of such information.

(b) The report made pursuant to subsection (a) shall contain the name and address of the person making the report and of the caretaker caring for the involved adult, the name and address of the involved adult, information regarding the nature and extent of the abuse, neglect or exploitation, the name of the next of kin of the involved adult, if known, and any other information ~~which~~ *that* the person making the report believes might be helpful in the investigation of the case and the protection of the involved adult.

(c) Any other person, not listed in subsection (a), having reasonable cause to suspect or believe that an adult is being or has been abused, neglected or exploited or is in need of protective services may report such information to the Kansas department for children and families. Reports shall be made to law enforcement agencies during the time the Kansas department for children and families is not in operation.

(d) A person making a report under subsection (a) shall not be required to make a report under K.S.A. 39-1401 through 39-1410, and amendments thereto.

(e) Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or cause such report not to be made shall be guilty of a class B misdemeanor.

(f) Notice of the requirements of this act and the department to which a report is to be made under this act shall be posted in a conspicuous public place in every adult family home as defined in K.S.A. 39-1501, and amendments thereto, and every provider of community services and affiliates thereof operated or funded by the Kansas department for aging and disability services or other facility licensed under K.S.A. 2018 Supp. 39-2001 et seq., and amendments thereto, and other institutions included in subsection (a).

Sec. 6. K.S.A. 2018 Supp. 40-2141 is hereby amended to read as follows: 40-2141. (a) (1) Except as provided in paragraph (2), whenever a municipality provides for the payment of premiums for any health benefit plan for its emergency personnel, it shall pay premiums for the continuation of coverage under COBRA for the surviving spouse and eligible dependent children under the age of 26 years of any emergency personnel who dies in the line of duty. Premiums for continuation of coverage under COBRA shall be paid for 18 months.

(2) A municipality may not be required to pay the premiums described in paragraph (1) for a surviving spouse:

(A) On or after the end of the 18th calendar month after the date of death of the deceased emergency personnel;

(B) upon the remarriage of the deceased emergency personnel's surviving spouse; or

(C) upon the deceased emergency personnel's surviving spouse reaching the age of 65.

(b) For the purposes of this section:

(1) "Emergency personnel" means an ~~attendant~~ *emergency medical service provider* as such term is defined in K.S.A. 65-6112, and amendments thereto.

(2) "Health benefit plan" shall have the meaning ascribed to it in K.S.A. 40-4602, and amendments thereto.

(3) "Municipality" means a city or county.

Sec. 7. K.S.A. 2018 Supp. 44-131 is hereby amended to read as follows: 44-131. (a) No employer may discharge any employee by reason of the fact that the employee performs duties as a volunteer firefighter, volunteer certified emergency medical ~~services attendant~~ *service provider*, as defined in K.S.A. 65-6112, and amendments thereto, volunteer reserve law enforcement officer or volunteer part-time law enforcement officer. The provisions of this section shall not apply to an employer when the employee is employed by the employer as a full-time firefighter or law enforcement officer.

(b) For the purposes of this section, the term:

(1) "Employee" shall have the meaning ascribed to it in K.S.A. 44-313, and amendments thereto.

(2) "Employer" shall have the meaning ascribed to it in K.S.A. 44-313, and amendments thereto.

Sec. 8. K.S.A. 2018 Supp. 44-508 is hereby amended to read as follows: 44-508. As used in the workers compensation act:

(a) "Employer" includes: (1) Any person or body of persons, corporate or unincorporated, and the legal representative of a deceased employer or the receiver or trustee of a person, corporation, association or partnership; (2) the state or any department, agency or authority of the state, any

city, county, school district or other political subdivision or municipality or public corporation and any instrumentality thereof; and (3) for the purposes of community service work, the entity for which the community service work is being performed and the governmental agency ~~which~~ *that* assigned the community service work, if any, if either such entity or such governmental agency has filed a written statement of election with the director to accept the provisions under the workers compensation act for persons performing community service work and in such case such entity and such governmental agency shall be deemed to be the joint employer of the person performing the community service work and both shall have the rights, liabilities and immunities provided under the workers compensation act for an employer with regard to the community service work, except that the liability for providing benefits shall be imposed only on the party ~~which~~ *that* filed such election with the director; or on both if both parties have filed such election with the director; for purposes of community service work, “governmental agency” shall not include any court or any officer or employee thereof and any case where there is deemed to be a “joint employer” shall not be construed to be a case of dual or multiple employment.

(b) “Workman” or “employee” or “worker” means any person who has entered into the employment of or works under any contract of service or apprenticeship with an employer. Such terms shall include, but not be limited to: Executive officers of corporations; professional athletes; persons serving on a volunteer basis as duly authorized law enforcement officers, ~~attendants~~ *emergency medical service providers*, as defined in ~~subsection (f) of K.S.A. 65-6112, and amendments thereto, drivers of ambulances as defined in subsection (d) of K.S.A. 65-6112, and amendments thereto,~~ firefighters, but only to the extent and during such periods as they are so serving in such capacities; persons employed by educational, religious and charitable organizations, but only to the extent and during the periods that they are paid wages by such organizations; persons in the service of the state; or any department, agency or authority of the state, any city, school district; or other political subdivision or municipality or public corporation and any instrumentality thereof, under any contract of service, express or implied, and every official or officer thereof, whether elected or appointed, while performing official duties; persons in the service of the state as volunteer members of the Kansas department of civil air patrol, but only to the extent and during such periods as they are officially engaged in the performance of functions specified in K.S.A. 48-3302, and amendments thereto; volunteers in any employment, if the employer has filed an election to extend coverage to such volunteers; minors, whether such minors are legally or illegally employed; and persons performing community service work, but only to the extent and during such periods

as they are performing community service work and if an election has been filed an election to extend coverage to such persons. Any reference to an employee who has been injured shall, where the employee is dead, include a reference to the employee's dependents, to the employee's legal representatives; or, if the employee is a minor or an incapacitated person, to the employee's guardian or conservator. Unless there is a valid election in effect ~~which~~ *that* has been filed as provided in K.S.A. 44-542a, and amendments thereto, such terms shall not include individual employers, limited liability company members, partners or self-employed persons.

(c) (1) "Dependents" means such members of the employee's family as were wholly or in part dependent upon the employee at the time of the accident or injury.

(2) "Members of a family" means only surviving legal spouse and children; or if no surviving legal spouse or children, then parents or grandparents; or if no parents or grandparents, then grandchildren; or if no grandchildren, then brothers and sisters. In the meaning of this section, parents include stepparents, children include stepchildren, grandchildren include stepgrandchildren, brothers and sisters include stepbrothers and stepsisters, and children and parents include that relation by legal adoption. In the meaning of this section, a surviving spouse shall not be regarded as a dependent of a deceased employee or as a member of the family, if the surviving spouse shall have for more than six months willfully or voluntarily deserted or abandoned the employee prior to the date of the employee's death.

(3) "Wholly dependent child or children" means:

(A) A birth child or adopted child of the employee except such a child whose relationship to the employee has been severed by adoption;

(B) a stepchild of the employee who lives in the employee's household;

(C) any other child who is actually dependent in whole or in part on the employee and who is related to the employee by marriage or consanguinity; or

(D) any child as defined in subsection (c)(3)(A), (3)(B) or (3)(C) who is less than 23 years of age and who is not physically or mentally capable of earning wages in any type of substantial and gainful employment or who is a full-time student attending an accredited institution of higher education or vocational education.

(d) "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 time and place of occurrence, produce at the time symptoms of an injury, and occur during a single work shift. The accident must be the prevailing factor in causing the injury. "Accident" shall in no case be construed to include repetitive trauma in any form.

(e) “Repetitive trauma” refers to cases where an injury occurs as a result of repetitive use, cumulative traumas or microtraumas. The repetitive nature of the injury must be demonstrated by diagnostic or clinical tests. The repetitive trauma must be the prevailing factor in causing the injury. “Repetitive trauma” shall in no case be construed to include occupational disease, as defined in K.S.A. 44-5a01, and amendments thereto.

In the case of injury by repetitive trauma, the date of injury shall be the earliest of:

(1) The date the employee, while employed for the employer against whom benefits are sought, is taken off work by a physician due to the diagnosed repetitive trauma;

(2) the date the employee, while employed for the employer against whom benefits are sought, is placed on modified or restricted duty by a physician due to the diagnosed repetitive trauma;

(3) the date the employee, while employed for the employer against whom benefits are sought, is advised by a physician that the condition is work-related; or

(4) the last day worked, if the employee no longer works for the employer against whom benefits are sought.

In no case shall the date of accident be later than the last date worked.

(f) (1) “Personal injury” and “injury” mean any lesion or change in the physical structure of the body, causing damage or harm thereto. Personal injury or injury may occur only by accident, repetitive trauma or occupational disease as those terms are defined.

(2) An injury is compensable only if it arises out of and in the course of employment. An injury is not compensable because work was a triggering or precipitating factor. An injury is not compensable solely because it aggravates, accelerates or exacerbates a preexisting condition or renders a preexisting condition symptomatic.

(A) An injury by repetitive trauma shall be deemed to arise out of employment only if:

(i) The employment exposed the worker to an increased risk or hazard to which the worker would not have been exposed in normal non-employment life;

(ii) the increased risk or hazard to which the employment exposed the worker is the prevailing factor in causing the repetitive trauma; and

(iii) the repetitive trauma is the prevailing factor in causing both the medical condition and resulting disability or impairment.

(B) An injury by accident shall be deemed to arise out of employment only if:

(i) There is a causal connection between the conditions under which the work is required to be performed and the resulting accident; and

(ii) the accident is the prevailing factor causing the injury, medical condition, and resulting disability or impairment.

(3) (A) The words “arising out of and in the course of employment” as used in the workers compensation act shall not be construed to include:

(i) Injury ~~which that~~ occurred as a result of the natural aging process or by the normal activities of day-to-day living;

(ii) accident or injury ~~which that~~ arose out of a neutral risk with no particular employment or personal character;

(iii) accident or injury ~~which that~~ arose out of a risk personal to the worker; or

(iv) accident or injury ~~which that~~ arose either directly or indirectly from idiopathic causes.

(B) The words “arising out of and in the course of employment” as used in the workers compensation act shall not be construed to include injuries to the employee occurring while the employee is on the way to assume the duties of employment or after leaving such duties, the proximate cause of which injury is not the employer’s negligence. An employee shall not be construed as being on the way to assume the duties of employment or having left such duties at a time when the worker is on the premises owned or under the exclusive control of the employer or on the only available route to or from work ~~which that~~ is a route involving a special risk or hazard connected with the nature of the employment, that is not a risk or hazard to which the general public is exposed and ~~which that~~ is a route not used by the public except in dealings with the employer. An employee shall not be construed as being on the way to assume the duties of employment, if the employee is a provider of emergency services responding to an emergency.

(C) The words, “arising out of and in the course of employment” as used in the workers compensation act shall not be construed to include injuries to employees while engaged in recreational or social events under circumstances where the employee was under no duty to attend and where the injury did not result from the performance of tasks related to the employee’s normal job duties or as specifically instructed to be performed by the employer.

(g) “Prevailing” as it relates to the term “factor” means the primary factor, in relation to any other factor. In determining what constitutes the “prevailing factor” in a given case, the administrative law judge shall consider all relevant evidence submitted by the parties.

(h) “Burden of proof” means the burden of a party to persuade the trier of facts by a preponderance of the credible evidence that such party’s position on an issue is more probably true than not true on the basis of the whole record unless a higher burden of proof is specifically required by this act.

(i) “Director” means the director of workers compensation as provided for in K.S.A. 75-5708, and amendments thereto.

(j) “Healthcare provider” means any person licensed, by the proper licensing authority of this state, another state or the District of Columbia, to practice medicine and surgery, osteopathy, chiropractic, dentistry, optometry, podiatry, audiology or psychology.

(k) “Secretary” means the secretary of labor.

(l) “Construction design professional” means any person who is an architect, professional engineer, landscape architect or land surveyor who has been issued a license by the state board of technical professions to practice such technical profession in Kansas or any corporation organized to render professional services through the practice of one or more of such technical professions in Kansas under the professional corporation law of Kansas or any corporation issued a certificate of authorization under K.S.A. 74-7036, and amendments thereto, to practice one or more of such technical professions in Kansas.

(m) “Community service work” means: (1) Public or community service performed as a result of a contract of diversion or of assignment to a community corrections program or conservation camp or suspension of sentence or as a condition of probation or in lieu of a fine imposed by court order; or (2) public or community service or other work performed as a requirement for receipt of any kind of public assistance in accordance with any program administered by the secretary for children and families.

(n) “Utilization review” means the initial evaluation of appropriateness in terms of both the level and the quality of health care and health services provided to a patient, based on accepted standards of the health care profession involved. Such evaluation is accomplished by means of a system ~~which that~~ identifies the utilization of health care services above the usual range of utilization for such services, ~~which that~~ is based on accepted standards of the health care profession involved, and ~~which that~~ refers instances of possible inappropriate utilization to the director for referral to a peer review committee.

(o) “Peer review” means an evaluation by a peer review committee of the appropriateness, quality and cost of health care and health services provided a patient, ~~which that~~ is based on accepted standards of the health care profession involved and ~~which that~~ is conducted in conjunction with utilization review.

(p) “Peer review committee” means a committee composed of health care providers licensed to practice the same health care profession as the health care provider who rendered the health care services being reviewed.

(q) “Group-funded self-insurance plan” includes each group-funded workers compensation pool, ~~which that~~ is authorized to operate in this



state under K.S.A. 44-581 through 44-592, and amendments thereto, each municipal group-funded pool under the Kansas municipal group-funded pool act ~~which~~ *that* is covering liabilities under the workers compensation act, and any other similar group-funded or pooled plan or arrangement that provides coverage for employer liabilities under the workers compensation act and is authorized by law.

(r) On and after the effective date of this act, “workers compensation board” or “board” means the workers compensation appeals board established under K.S.A. 44-555c, and amendments thereto.

(s) “Usual charge” means the amount most commonly charged by health care providers for the same or similar services.

(t) “Customary charge” means the usual rates or range of fees charged by health care providers in a given locale or area.

(u) “Functional impairment” means the extent, expressed as a percentage, of the loss of a portion of the total physiological capabilities of the human body as established by competent medical evidence and based on the fourth edition of the American medical association guides to the evaluation of impairment, if the impairment is contained therein.

(v) “Authorized treating physician” means a licensed physician or other health care provider authorized by the employer or insurance carrier, or both, or appointed pursuant to court-order to provide those medical services deemed necessary to diagnose and treat an injury arising out of and in the course of employment.

(w) “Mail” means the use of the United States postal service or other land based delivery service or transmission by electronic means, including delivery by fax, e-mail or other electronic delivery method designated by the director of workers compensation.

Sec. 9. K.S.A. 2018 Supp. 44-510h is hereby amended to read as follows: 44-510h. (a) It shall be the duty of the employer to provide the services of a health care provider, and such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, ambulance, crutches, apparatus and transportation to and from the home of the injured employee to a place outside the community in which such employee resides, and within such community if the director, in the director’s discretion, so orders, including transportation expenses computed in accordance with ~~subsection (a) of~~ K.S.A. 44-515(a), and amendments thereto, as may be reasonably necessary to cure and relieve the employee from the effects of the injury.

(b) (1) If the director finds, upon application of an injured employee, that the services of the health care provider furnished as provided in subsection (a) and rendered on behalf of the injured employee are not satisfactory, the director may authorize the appointment of some other health care provider. In any such case, the employer shall submit the names of



two health care providers who, if possible given the availability of local health care providers, are not associated in practice together. The injured employee may select one from the list who shall be the authorized treating health care provider. If the injured employee is unable to obtain satisfactory services from any of the health care providers submitted by the employer under this paragraph, either party or both parties may request the director to select a treating health care provider.

(2) Without application or approval, an employee may consult a health care provider of the employee's choice for the purpose of examination, diagnosis or treatment, but the employer shall only be liable for the fees and charges of such health care provider up to a total amount of \$500. The amount allowed for such examination, diagnosis or treatment shall not be used to obtain a functional impairment rating. Any medical opinion obtained in violation of this prohibition shall not be admissible in any claim proceedings under the workers compensation act.

(c) An injured employee whose injury or disability has been established under the workers compensation act may rely, if done in good faith, solely or partially on treatment by prayer or spiritual means in accordance with the tenets of practice of a church or religious denomination without suffering a loss of benefits subject to the following conditions:

(1) The employer or the employer's insurance carrier agrees thereto in writing either before or after the injury;

(2) the employee submits to all physical examinations required by the workers compensation act;

(3) the cost of such treatment shall be paid by the employee unless the employer or insurance carrier agrees to make such payment;

(4) the injured employee shall be entitled only to benefits that would reasonably have been expected had such employee undergone medical or surgical treatment; and

(5) the employer or insurance carrier that made an agreement under paragraph (1) or (3) ~~of this subsection~~ may withdraw from the agreement on 10 days' written notice.

(d) In any employment to which the workers compensation act applies, the employer shall be liable to each employee who is employed as a duly authorized law enforcement officer, firefighter, ~~driver of an ambulance as defined in subsection (b) of K.S.A. 65-6112, and amendments thereto, an ambulance attendant as defined in subsection (d) of an emergency medical service provider as defined in K.S.A. 65-6112, and amendments thereto,~~ or a member of a regional emergency medical response team as provided in K.S.A. 48-928, and amendments thereto, including any person who is serving on a volunteer basis in such capacity, for all reasonable and necessary preventive medical care and treatment for hepatitis to which such employee is exposed under circumstances arising out of and in the course of employment.

(e) It is presumed that the employer's obligation to provide the services of a health care provider; and such medical, surgical and hospital treatment, including nursing, medicines, medical and surgical supplies, ambulance, crutches, apparatus and transportation to and from the home of the injured employee to a place outside the community in which such employee resides; and within such community if the director, in the director's discretion, so orders, including transportation expenses computed in accordance with ~~subsection (a) of K.S.A. 44-515(a)~~, and amendments thereto, shall terminate upon the employee reaching maximum medical improvement. Such presumption may be overcome with medical evidence that it is more probably true than not that additional medical treatment will be necessary after such time as the employee reaches maximum medical improvement. ~~The term As used in this subsection, "medical treatment" as used in this subsection (e) means only that treatment provided or prescribed by a licensed health care provider and shall not include home exercise programs or over-the-counter medications.~~

Sec. 10. K.S.A. 2018 Supp. 44-511 is hereby amended to read as follows: 44-511. (a) As used in this section:

(1) The term "money" shall be construed to mean the gross remuneration, on an hourly, output, salary, commission or other basis earned while employed by the employer, including bonuses and gratuities. Money shall not include any additional compensation, as defined in paragraph (2).

(2) (A) The term "additional compensation" shall include and mean only the following: (i) Board and lodging when furnished by the employer as part of the wages, which shall be valued at a maximum of \$25 per week for board and lodging combined, unless the value has been fixed otherwise by the employer and employee prior to the date of the accident or injury, or unless a higher weekly value is proved; and (ii) employer-paid life insurance, disability insurance, health and accident insurance and employer contributions to pension and profit sharing plans.

(B) In no case shall additional compensation include any amounts of employer taxes paid by the employer under the old-age and survivors insurance system embodied in the federal social security system.

(C) Additional compensation shall not be included in the calculation of average wage until and unless such additional compensation is discontinued. If such additional compensation is discontinued subsequent to a computation of average weekly wages under this section, there shall be a recomputation to include such discontinued additional compensation.

(3) The term "wage" shall be construed to mean the total of the money and any additional compensation ~~which~~ *that* the employee receives for services rendered for the employer in whose employment the employee sustains an injury arising out of and in the course of such employment.

(b) (1) Unless otherwise provided, the employee's average weekly wage for the purpose of computing any compensation benefits provided by the workers compensation act shall be the wages the employee earned during the calendar weeks employed by the employer, up to 26 calendar weeks immediately preceding the date of the injury, divided by the number of calendar weeks the employee actually worked, or by 26 as the case may be.

(2) If actually employed by the employer for less than one calendar week immediately preceding the accident or injury, the average weekly wage shall be determined by the administrative law judge based upon all of the evidence and circumstances, including the usual wage for similar services paid by the same employer, or if the employer has no employees performing similar services, the usual wage paid for similar services by other employers. The average weekly wage so determined shall not exceed the actual average weekly wage the employee was reasonably expected to earn in the employee's specific employment, including the average weekly value of any additional compensation.

(3) The average weekly wage of an employee who performs the same or a very similar type of work on a part-time basis for each of two or more employers, shall be the sum of the average weekly wages of such employee paid by each of the employers.

(4) In determining an employee's average weekly wage with respect to the employer against whom claim for compensation is made, no money or additional compensation paid to or received by the employee from such employer, or from any source other than from such employer, shall be included as wages, except as provided in this section. No wages, other compensation or benefits of any type, except as provided in this section, shall be considered or included in determining the employee's average weekly wage.

(5) (A) The average weekly wage of a person serving on a volunteer basis as a duly authorized law enforcement officer, ~~ambulance attendants and drivers~~ *emergency medical service provider* as provided in ~~subsection (b) of~~ K.S.A. 44-508, and amendments thereto, firefighter or ~~members~~ *member of a regional emergency medical response teams team* as provided in K.S.A. 48-928, and amendments thereto, who receives no wages for such services, or who receives wages ~~which~~ *that* are substantially less than the usual wages paid for such services by comparable employers to employees who are not volunteers, shall be computed on the basis of the dollar amount closest to, but not exceeding, 112½% of the state average weekly wage.

(B) The average weekly wage of any person performing community service work shall be deemed to be \$37.50.

(C) The average weekly wage of a volunteer member of the Kansas department of civil air patrol officially engaged in the performance of

functions specified in K.S.A. 48-3302, and amendments thereto, shall be deemed to be \$476.38. Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 1988, the average weekly wage ~~which~~ *that* is deemed to be the average weekly wage under the provisions of this subsection for a volunteer member of the Kansas department of civil air patrol shall be increased by an amount, adjusted to the nearest dollar, computed by multiplying the average of the percentage increases in all monthly steps of such pay plan by the average weekly wage deemed to be the average weekly wage of such volunteer member under the provisions of this subsection prior to the effective date of such increase in the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act.

(D) The average weekly wage of any other volunteer under the workers compensation act, who receives no wages for such services, or who receives wages ~~which~~ *that* are substantially less than the usual wages paid for such services by comparable employers to employees who are not volunteers, shall be computed on the basis of the usual wages paid by the employer for such services to employees who are not volunteers, or, if the employer has no employees performing such services for wages who are not volunteers, the average weekly wage shall be computed on the basis of the usual wages paid for such services by comparable employers to employees who are not volunteers. Volunteer employment is not presumed to be full-time employment.

(c) The state's average weekly wage for any year shall be the average weekly wage paid to employees in insured work subject to Kansas employment security law as determined annually by the secretary of labor as provided in K.S.A. 44-704, and amendments thereto.

(d) Members of a labor union or other association who perform services ~~in~~ *on* behalf of the labor union or other association and who are not paid as full-time employees of the labor union or other association and who are injured or suffer occupational disease in the course of the performance of duties ~~in~~ *on* behalf of the labor union or other association shall recover compensation benefits under the workers compensation act from the labor union or other association if the labor union or other association files an election with the director to bring its members who perform such services under the coverage of the workers compensation act. The average weekly wage for the purpose of this subsection shall be based on what the employee would earn in the employee's general occupation if at the time of the injury the employee had been performing work in the employee's general occupation. The insurance coverage shall be furnished by the labor union or other association.

Sec. 11. K.S.A. 2018 Supp. 44-1204 is hereby amended to read as follows: 44-1204. (a) On and after January 1, 1978, no employer shall employ any employee for a workweek longer than 46 hours, unless such employee receives compensation for employment in excess of 46 hours in a workweek at a rate of not less than 1½ times the hourly wage rate at which such employee is regularly employed.

(b) No employer shall be deemed to have violated subsection (a) with respect to the employment of any employee who is covered by this section, who is engaged in the public or private delivery of emergency medical services as an ~~attendant~~ *emergency medical service provider* as defined by K.S.A. 65-6112, and amendments thereto, or who is engaged in fire protection or law enforcement activities, including any member of the security personnel in any correctional institution, and who is paid compensation at a rate of not less than 1½ times the regular rate at which such employee is employed:

(1) In any work period of 28 consecutive days in which such employee works for tours of duty ~~which that~~ in the aggregate exceed 258 hours; or

(2) in the case of any such employee to whom a work period of at least seven but less than 28 days applies, in any such work period in which such employee works for tours of duty ~~which that~~ in the aggregate exceed a number of hours ~~which bears that bear~~ the same ratio to the number of consecutive days in such work period as 258 hours bears to 28 days.

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

(1) Any employee who is covered under the provisions of section 7 of the fair labor standards act of 1938 as amended, 29 U.S.C.A. § 207, and as amended by the fair labor standards amendments of 1974, and amendments thereto; or

(2) any employee who is primarily engaged in selling motor vehicles, as defined in K.S.A. 8-126, and amendments thereto, for a non-manufacturing employer primarily engaged in the business of selling such vehicles to ultimate purchasers;

(3) any person who is sentenced to the custody of the secretary of corrections and any person serving a sentence in a county jail.

(d) For the purposes of this section, the agreement or practice by employees engaged in fire protection or law enforcement activities of substituting for one another on regularly scheduled tours of duty, or a part thereof, shall be deemed to have no effect on hours of work if:

(1) The substituting is done voluntarily by the employees and not at the behest of the employer;

(2) the reason for substituting is due not to the employer's business practice but to the employee's desire or need to attend to a personal matter;

(3) a record is maintained by the employer of all time substituted by the employer's employees; and

(4) the period during which time is substituted and paid back does not exceed 12 months.

Sec. 12. K.S.A. 65-16,127 is hereby amended to read as follows: 65-16,127. (a) As used in this section:

(1) “Bystander” means a family member, friend, caregiver or other person in a position to assist a person who the family member, friend, caregiver or other person believes, in good faith, to be experiencing an opioid overdose.

(2) “Emergency opioid antagonist” means any drug that inhibits the effects of opioids and that is approved by the United States food and drug administration for the treatment of an opioid overdose.

(3) “First responder” includes any ~~attendant~~ *emergency medical service provider*, as defined by K.S.A. 65-6112, and amendments thereto, any law enforcement officer, as defined by K.S.A. 22-2202, and amendments thereto, and any actual member of any organized fire department, whether regular or volunteer.

(4) “First responder agency” includes, but is not limited to, any law enforcement agency, fire department or criminal forensic laboratory of any city, county or the state of Kansas.

(5) “Opioid antagonist protocol” means the protocol established by the state board of pharmacy pursuant to subsection (b).

(6) “Opioid overdose” means an acute condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania or death, resulting from the consumption or use of an opioid or another substance with which an opioid was combined, or that a layperson would reasonably believe to be resulting from the consumption or use of an opioid or another substance with which an opioid was combined, and for which medical assistance is required.

(7) “Patient” means a person believed to be at risk of experiencing an opioid overdose.

(8) “School nurse” means a professional nurse licensed by the board of nursing and employed by a school district to perform nursing procedures in a school setting.

(9) “Healthcare provider” means a physician licensed to practice medicine and surgery by the state board of healing arts, a licensed dentist, a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto, or any person authorized by law to prescribe medication.

(b) The state board of pharmacy shall issue a statewide opioid antagonist protocol that establishes requirements for a licensed pharmacist to dispense emergency opioid antagonists to a person pursuant to this section. The opioid antagonist protocol shall include procedures to ensure accurate recordkeeping and education of the person to whom the emergency opioid antagonist is furnished, including, but not limited to: Opioid overdose

prevention, recognition and response; safe administration of an emergency opioid antagonist; potential side effects or adverse events that may occur as a result of administering an emergency opioid antagonist; a requirement that the administering person immediately contact emergency medical services for a patient; and the availability of drug treatment programs.

(c) A pharmacist may furnish an emergency opioid antagonist to a patient or bystander subject to the requirements of this section, the pharmacy act of the state of Kansas and any rules and regulations adopted by the state board of pharmacy thereunder.

(d) A pharmacist furnishing an emergency opioid antagonist pursuant to this section may not permit the person to whom the emergency opioid antagonist is furnished to waive any consultation required by this section or any rules and regulations adopted thereunder.

(e) Any first responder, scientist or technician operating under a first responder agency or school nurse is authorized to possess, store and administer emergency opioid antagonists as clinically indicated, provided that all personnel with access to emergency opioid antagonists are trained, at a minimum, on the following:

- (1) Techniques to recognize signs of an opioid overdose;
- (2) standards and procedures to store and administer an emergency opioid antagonist;
- (3) emergency follow-up procedures, including the requirement to summon emergency ambulance services either immediately before or immediately after administering an emergency opioid antagonist to a patient; and
- (4) inventory requirements and reporting any administration of an emergency opioid antagonist to a healthcare provider.

(f) (1) Any first responder agency electing to provide an emergency opioid antagonist to its employees or volunteers for the purpose of administering the emergency opioid antagonist shall procure the services of a physician to serve as physician medical director for the first responder agency's emergency opioid antagonist program.

(2) The first responder agency shall utilize the physician medical director or a licensed pharmacist for the purposes of:

- (A) Obtaining a supply of emergency opioid antagonists;
- (B) receiving assistance developing necessary policies and procedures that comply with this section and any rules and regulations adopted thereunder;
- (C) training personnel; and
- (D) coordinating agency activities with local emergency ambulance services and medical directors to provide quality assurance activities.

(g) (1) Any healthcare provider or pharmacist who, in good faith and with reasonable care, prescribes or dispenses an emergency opioid antag-



onist pursuant to this section shall not, by an act or omission, be subject to civil liability, criminal prosecution or any disciplinary or other adverse action by a professional licensure entity arising from the healthcare provider or pharmacist prescribing or dispensing the emergency opioid antagonist.

(2) Any patient, bystander, ~~or~~ school nurse, or a first responder, scientist or technician operating under a first responder agency, who, in good faith and with reasonable care, receives and administers an emergency opioid antagonist pursuant to this section to a person experiencing a suspected opioid overdose shall not, by an act or omission, be subject to civil liability or criminal prosecution, unless personal injury results from the gross negligence or willful or wanton misconduct in the administration of the emergency opioid antagonist.

(3) Any first responder agency employing or contracting any person that, in good faith and with reasonable care, administers an emergency opioid antagonist pursuant to this section to a person experiencing a suspected opioid overdose shall not, by an act or omission, be subject to civil liability, criminal prosecution, any disciplinary or other adverse action by a professional licensure entity or any professional review.

(h) The state board of pharmacy shall adopt rules and regulations as may be necessary to implement the provisions of this section prior to January 1, 2018.

(i) This section shall be part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 13. K.S.A. 65-1728 is hereby amended to read as follows: 65-1728. For the purpose of removing an eye or part thereof, any embalmer licensed in accordance with the provisions of article 17 of chapter 65 of the Kansas Statutes Annotated, and ~~acts amendatory thereof~~ *amendments thereto*, a licensed nurse, technician employed by a nationally certified eye bank, licensed optometrist, ~~attendant emergency medical service provider~~ as defined ~~under~~ *by* K.S.A. 65-6112, and amendments thereto, or physician assistant, who has completed a course in eye enucleation at a school certified by the department of ophthalmology, college of medicine of the university of Kansas school of medicine, and holds a valid certificate of competence from such certified school, or a person licensed to practice medicine and surgery is hereby authorized to enucleate eyes from any body when the gift of such eye has been made in accordance with the terms of the revised uniform anatomical gift act ~~(, K.S.A. 65-3220 through 65-3244, and amendments thereto).~~ Persons certified in accordance with this section and persons licensed to practice medicine and surgery who perform the enucleation of eyes in accordance with the provisions of K.S.A. 65-3220 through 65-3244, and amendments thereto, shall incur no liability, civil or criminal, for his acts in performance of enucleation of eyes.



Sec. 14. K.S.A. 65-2891 is hereby amended to read as follows: 65-2891. (a) Any health care provider who in good faith renders emergency care or assistance at the scene of an emergency or accident including treatment of a minor without first obtaining the consent of the parent or guardian of such minor shall not be liable for any civil damages for acts or omissions other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care.

(b) Any health care provider may render in good faith emergency care or assistance, without compensation, to any minor requiring such care or assistance as a result of having engaged in competitive sports, without first obtaining the consent of the parent or guardian of such minor. Such health care provider shall not be liable for any civil damages other than damages occasioned by gross negligence or by willful or wanton acts or omissions by such person in rendering such emergency care.

(c) Any health care provider may in good faith render emergency care or assistance during an emergency ~~which~~ *that* occurs within a hospital or elsewhere, with or without compensation, until such time as the physician employed by the patient or by the patient's family or by guardian assumes responsibility for such patient's professional care. The health care provider rendering such emergency care shall not be held liable for any civil damages other than damages occasioned by negligence.

(d) Any provision herein contained notwithstanding, the ordinary standards of care and rules of negligence shall apply in those cases where-in emergency care and assistance is rendered in any physician's or dentist's office, clinic, emergency room or hospital with or without compensation.

(e) As used in this section the term "health care provider" means any person licensed to practice any branch of the healing arts, licensed dentist, licensed optometrist, licensed professional nurse, licensed practical nurse, licensed podiatrist, licensed pharmacist, licensed physical therapist, and any physician assistant who has successfully completed an American medical association approved training program and has successfully completed the national board examination for physician assistants of the American board of medical examiners, any licensed athletic trainer, any licensed occupational therapist, any licensed respiratory therapist, any person who holds a valid ~~attendant's~~ *emergency medical service provider's* certificate under K.S.A. 65-6129, and amendments thereto, any person who holds a valid certificate for the successful completion of a course in first aid offered or approved by the American red cross, by the American heart association, by the mining enforcement and safety administration of the bureau of mines of the department of interior, by the national safety council or by any instructor-coordinator, as defined in K.S.A. 65-6112, and amendments thereto, and any person engaged in a postgraduate training program approved by the state board of healing arts.

Sec. 15. K.S.A. 65-2913 is hereby amended to read as follows: 65-2913. (a) It shall be unlawful for any person who is not licensed under the physical therapy practice act as a physical therapist or whose license has been suspended or revoked in any manner to represent oneself as a physical therapist or to use in connection with such person's name the words physical therapist, physiotherapist, licensed physical therapist or doctor of physical therapy or use the abbreviations P.T., Ph. T., M.P.T., D.P.T. or L.P.T., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist. A violation of this subsection shall constitute a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapists licensed under K.S.A. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials recognized by the board ~~which~~ *that* such licensee has earned. Each licensee when using the letters or term "Dr." or "Doctor" in conjunction with such licensee's professional practice, whether in any written or oral communication, shall identify oneself as a "physical therapist" or "doctor of physical therapy."

(b) Any person who, in any manner, represents oneself as a physical therapist assistant, or who uses in connection with such person's name the words or letters physical therapist assistant, certified physical therapist assistant, P.T.A., C.P.T.A. or P.T. Asst., or any other letters, words, abbreviations or insignia, indicating or implying that such person is a physical therapist assistant, without a valid existing certificate as a physical therapist assistant issued to such person pursuant to the physical therapy practice act shall be guilty of a class B nonperson misdemeanor. Nothing in this section shall be construed to prohibit physical therapist assistants certified under K.S.A. 65-2906 and 65-2909, and amendments thereto, from listing or using in conjunction with their name any letters, words, abbreviations or other insignia to designate any educational degrees, certifications or credentials ~~which~~ *that* such physical therapist assistant has earned.

(c) Nothing in this act is intended to limit, preclude or otherwise interfere with the practices of other health care providers formally trained and practicing their profession. The provisions of the physical therapy practice act shall not apply to the following individuals so long as they do not hold themselves out in a manner prohibited under subsection (a) or (b):

- (1) Persons rendering assistance in the case of an emergency;
- (2) members of any church practicing their religious tenets;
- (3) persons whose services are performed pursuant to the delegation of and under the supervision of a physical therapist who is licensed under this act;

(4) health care providers in the United States armed forces, public health services, federal facilities and coast guard or other military service when acting in the line of duty in this state;

(5) licensees under the healing arts act, and practicing their professions, when licensed and practicing in accordance with the provisions of law or persons performing services pursuant to the delegation of a licensee under K.S.A. 65-2872(~~g~~), and amendments thereto;

(6) dentists practicing their professions, when licensed and practicing in accordance with the provisions of law;

(7) nurses practicing their professions, when licensed and practicing in accordance with the provisions of law or persons performing services pursuant to the delegation of a licensed nurse under K.S.A. 65-1124(~~m~~), and amendments thereto;

(8) health care providers who have been formally trained and are practicing in accordance with their training or have received specific training in one or more functions included in this act pursuant to established educational protocols or both;

(9) students while in actual attendance in an accredited health care educational program and under the supervision of a qualified instructor;

(10) self-care by a patient or gratuitous care by a friend or family member;

(11) optometrists practicing their profession when licensed and practicing in accordance with the provisions of article 15 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(12) podiatrists practicing their profession when licensed and practicing in accordance with the provisions of article 20 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(13) occupational therapists practicing their profession when licensed and practicing in accordance with the occupational therapy practice act and occupational therapy assistants practicing their profession when licensed and practicing in accordance with the occupational therapy practice act;

(14) respiratory therapists practicing their profession when licensed and practicing in accordance with the respiratory therapy practice act;

(15) physician assistants practicing their profession when licensed and practicing in accordance with the physician assistant licensure act;

(16) persons practicing corrective therapy in accordance with their training in corrective therapy;

(17) athletic trainers practicing their profession when licensed and practicing in accordance with the athletic trainers licensure act;

(18) persons who massage for the purpose of relaxation, muscle conditioning or figure improvement, so long as no drugs are used and such persons do not hold themselves out to be physicians or healers;

(19) barbers practicing their profession when licensed and practicing in accordance with the provisions of article 18 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(20) cosmetologists practicing their profession when licensed and practicing in accordance with the provisions of article 19 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(21) ~~attendants~~ *emergency medical service providers* practicing their profession when certified and practicing in accordance with the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(22) naturopathic doctors practicing their profession when licensed and practicing in accordance with the naturopathic doctor licensure act; and

(23) acupuncturists practicing their profession when licensed and practicing in accordance with the acupuncture practice act.

(d) Any patient monitoring, assessment or other procedures designed to evaluate the effectiveness of prescribed physical therapy must be performed by or pursuant to the delegation of a licensed physical therapist or other health care provider.

(e) Nothing in this act shall be construed to permit the practice of medicine and surgery. No statute granting authority to licensees of the state board of healing arts shall be construed to confer authority upon physical therapists to engage in any activity not conferred by the physical therapy practice act.

Sec. 16. K.S.A. 65-6001 is hereby amended to read as follows: 65-6001. As used in K.S.A. 65-6001 to 65-6007, inclusive, and K.S.A. 65-6008, 65-6009 and through 65-6010, and amendments thereto, unless the context clearly requires otherwise:

(a) "AIDS" means the disease acquired immune deficiency syndrome.

(b) "HIV" means the human immunodeficiency virus.

(c) "Laboratory confirmation of HIV infection" means positive test results from a confirmation test approved by the secretary.

(d) "Secretary" means the secretary of health and environment.

(e) "Physician" means any person licensed to practice medicine and surgery.

(f) "Laboratory director" means the person responsible for the professional, administrative, organizational and educational duties of a laboratory.

(g) "HIV infection" means the presence of HIV in the body.

(h) "Racial/ethnic group" shall be designated as either white, black, Hispanic, Asian/Pacific islander or American Indian/Alaskan Native.

(i) "Corrections officer" means an employee of the department of corrections as ~~defined described in subsections (f) and (g) of K.S.A. 75-5202(f) and (g), and amendments thereto.~~

(j) “Emergency services employee” means an ~~attendant~~ *emergency medical service provider* as defined under K.S.A. 65-6112, and amendments thereto, or a firefighter.

(k) “Law enforcement employee” means:

(1) Any police officer or law enforcement officer as defined under K.S.A. 74-5602, and amendments thereto;

(2) any person in the service of a city police department or county sheriff’s office who performs law enforcement duties without pay and is considered a reserve officer;

(3) any person employed by a city or county who is in charge of a jail or section of jail, including jail guards and those who conduct searches of persons taken into custody; or

(4) any person employed by a city, county or the state of Kansas who works as a scientist or technician in a forensic laboratory.

(l) “Employing agency or entity” means the agency or entity employing a corrections officer, emergency services employee, law enforcement employee or jailer.

(m) “Infectious disease” means AIDS.

(n) “Infectious disease tests” means tests approved by the secretary for detection of infectious diseases.

(o) “Juvenile correctional facility staff” means an employee of the juvenile justice authority working in a juvenile correctional facility as defined in K.S.A. 2018 Supp. 38-2302, and amendments thereto.

Sec. 17. K.S.A. 65-4915 is hereby amended to read as follows: 65-4915. (a) As used in this section:

(1) “Healthcare provider” means: (A) Those persons and entities defined as a health care provider under K.S.A. 40-3401, and amendments thereto; and (B) a dentist licensed by the Kansas dental board, a dental hygienist licensed by the Kansas dental board, a professional nurse licensed by the board of nursing, a practical nurse licensed by the board of nursing, a mental health technician licensed by the board of nursing, a physical therapist licensed by the state board of healing arts, a physical therapist assistant certified by the state board of healing arts, an occupational therapist licensed by the state board of healing arts, an occupational therapy assistant licensed by the state board of healing arts, a respiratory therapist licensed by the state board of healing arts, a physician assistant licensed by the state board of healing arts and ~~attendants~~ *emergency medical service provider* and ambulance services certified by the emergency medical services board.

(2) “Healthcare provider group” means:

(A) A state or local association of healthcare providers or one or more committees thereof;

(B) the board of governors created under K.S.A. 40-3403, and amendments thereto;

(C) an organization of healthcare providers formed pursuant to state or federal law and authorized to evaluate medical and healthcare services;

(D) a review committee operating pursuant to K.S.A. 65-2840c, and amendments thereto;

(E) an organized medical staff of a licensed medical care facility as defined by K.S.A. 65-425, and amendments thereto, an organized medical staff of a private psychiatric hospital licensed under K.S.A. 2018 Supp. 39-2001 et seq., and amendments thereto, or an organized medical staff of a state psychiatric hospital or state institution for people with intellectual disability, as follows: Larned state hospital, Osawatimie state hospital, Rainbow mental health facility, Kansas neurological institute and Parsons state hospital and training center;

(F) a healthcare provider;

(G) a professional society of healthcare providers or one or more committees thereof;

(H) a Kansas corporation whose stockholders or members are healthcare providers or an association of healthcare providers, which corporation evaluates medical and health care services;

(I) an insurance company, health maintenance organization or administrator of a health benefits plan ~~which~~ *that* engages in any of the functions defined as peer review under this section; or

(J) the university of Kansas medical center.

(3) "Peer review" means any of the following functions:

(A) Evaluate and improve the quality of healthcare services rendered by healthcare providers;

(B) determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care;

(C) determine that the cost of healthcare rendered was considered reasonable by the providers of professional health services in this area;

(D) evaluate the qualifications, competence and performance of the providers of healthcare or to act upon matters relating to the discipline of any individual provider of healthcare;

(E) reduce morbidity or mortality;

(F) establish and enforce guidelines designed to keep within reasonable bounds the cost of healthcare;

(G) conduct of research;

(H) determine if a hospital's facilities are being properly utilized;

(I) supervise, discipline, admit, determine privileges or control members of a hospital's medical staff;

(J) review the professional qualifications or activities of healthcare providers;

(K) evaluate the quantity, quality and timeliness of healthcare services rendered to patients in the facility;

(L) evaluate, review or improve methods, procedures or treatments being utilized by the medical care facility or by healthcare providers in a facility rendering healthcare.

(4) “Peer review officer or committee” means:

(A) An individual employed, designated or appointed by, or a committee of or employed, designated or appointed by, a healthcare provider group and authorized to perform peer review; or

(B) a healthcare provider monitoring the delivery of healthcare at correctional institutions under the jurisdiction of the secretary of corrections.

(b) Except as provided by K.S.A. 60-437, and amendments thereto, and by subsections (c) and (d), the reports, statements, memoranda, proceedings, findings and other records submitted to or generated by peer review committees or officers shall be privileged and shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity or be admissible in evidence in any judicial or administrative proceeding. Information contained in such records shall not be discoverable or admissible at trial in the form of testimony by an individual who participated in the peer review process. The peer review officer or committee creating or initially receiving the record is the holder of the privilege established by this section. This privilege may be claimed by the legal entity creating the peer review committee or officer, or by the commissioner of insurance for any records or proceedings of the board of governors.

(c) Subsection (b) shall not apply to proceedings in which a healthcare provider contests the revocation, denial, restriction or termination of staff privileges or the license, registration, certification or other authorization to practice of the healthcare provider. A licensing agency in conducting a disciplinary proceeding in which admission of any peer review committee report, record or testimony is proposed shall hold the hearing in closed session when any such report, record or testimony is disclosed. Unless otherwise provided by law, a licensing agency conducting a disciplinary proceeding may close only that portion of the hearing in which disclosure of a report or record privileged under this section is proposed. In closing a portion of a hearing as provided by this section, the presiding officer may exclude any person from the hearing location except the licensee, the licensee’s attorney, the agency’s attorney, the witness, the court reporter and appropriate staff support for either counsel. The licensing agency shall make the portions of the agency record in which such report or record is disclosed subject to a protective order prohibiting further disclosure of such report or record. Such report or record shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity. No person in attendance at a closed portion of a disciplinary proceeding shall at a subsequent civil, criminal or adminis-



trative hearing, be required to testify regarding the existence or content of a report or record privileged under this section that was disclosed in a closed portion of a hearing, nor shall such testimony be admitted into evidence in any subsequent civil, criminal or administrative hearing. A licensing agency conducting a disciplinary proceeding may review peer review committee records, testimony or reports but must prove its findings with independently obtained testimony or records that shall be presented as part of the disciplinary proceeding in open meeting of the licensing agency. Offering such testimony or records in an open public hearing shall not be deemed a waiver of the peer review privilege relating to any peer review committee testimony, records or report.

(d) Nothing in this section shall limit the authority that may otherwise be provided by law of the commissioner of insurance, the state board of healing arts or other healthcare provider licensing or disciplinary boards of this state to require a peer review committee or officer to report to it any disciplinary action or recommendation of such committee or officer; to transfer to it records of such committee's or officer's proceedings or actions to restrict or revoke the license, registration, certification or other authorization to practice of a healthcare provider; or to terminate the liability of the fund for all claims against a specific healthcare provider for damages for death or personal injury pursuant to K.S.A. 40-3403(i), and amendments thereto. Reports and records so furnished shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity and shall not be admissible in evidence in any judicial or administrative proceeding other than a disciplinary proceeding by the state board of healing arts or other healthcare provider licensing or disciplinary boards of this state.

(e) A peer review committee or officer may report to and discuss its activities, information and findings to other peer review committees or officers or to a board of directors or an administrative officer of a healthcare provider without waiver of the privilege provided by subsection (b) and the records of all such committees or officers relating to such report shall be privileged as provided by subsection (b).

(f) Nothing in this section shall be construed to prevent an insured from obtaining information pertaining to payment of benefits under a contract with an insurance company, a health maintenance organization or an administrator of a health benefits plan.

Sec. 18. K.S.A. 65-6102 is hereby amended to read as follows: 65-6102. (a) There is hereby established the emergency medical services board. The office of the emergency medical services board shall be located in the city of Topeka, Kansas.

(b) The emergency medical services board shall be composed of 15 members to be appointed as follows:



(1) Eleven members shall be appointed by the governor. Of such members:

(A) Three shall be physicians who are actively involved in emergency medical services;

(B) two shall be county commissioners of counties making a levy for ambulance service, at least one of whom shall be from a county having a population of less than 15,000;

(C) one shall be an instructor-coordinator;

(D) one shall be a hospital administrator actively involved in emergency medical services;

(E) one shall be a member of a firefighting unit ~~which~~ *that* provides emergency medical service; and

(F) three shall be ~~attendants~~ *emergency medical service providers* who are actively involved in emergency medical service. At least two classifications of ~~attendants~~ *emergency medical service providers* shall be represented. At least one of such members shall be from a volunteer emergency medical service; and

(2) four members shall be appointed as follows:

(A) One shall be a member of the Kansas senate to be appointed by the president of the senate;

(B) one shall be a member of the Kansas senate to be appointed by the minority leader of the senate;

(C) one shall be a member of the Kansas house of representatives to be appointed by the speaker of the house of representatives; and

(D) one shall be a member of the Kansas house of representatives to be appointed by the minority leader of the house of representatives.

(c) All members of the board shall be residents of the state of Kansas. Appointments to the board shall be made with due consideration that representation of the various geographical areas of the state is ensured. The governor may remove any member of the board upon recommendation of the board. Any person appointed to a position on the board shall forfeit such position upon vacating the office or position ~~which~~ *that* qualified such person to be appointed as a member of the board.

~~(e)~~(d) Members shall be appointed for terms of four years and until their successors are appointed and qualified. In the case of a vacancy in the membership of the board, the vacancy shall be filled for the unexpired term.

~~(d)~~(e) The board shall meet at least ~~six~~ *four* times annually and at least once each quarter and at the call of the chairperson or at the request of the executive director of the emergency medical services board or of any seven members of the board. At the first meeting of the board after January 1 each year, the members shall elect a chairperson and a vice-chairperson who shall serve for a term of one year. The vice-chairperson shall exercise

all of the powers of the chairperson in the absence of the chairperson. If a vacancy occurs in the office of the chairperson or vice-chairperson, the board shall fill such vacancy by election of one of its members to serve the unexpired term of such office. Members of the board attending meetings of the board or attending a subcommittee meeting thereof authorized by the board shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(e)(f) Except as otherwise provided by law, all vouchers for expenditures and all payrolls of the emergency medical services board shall be approved by the emergency medical services board or a person designated by the board.

Sec. 19. K.S.A. 65-6110 is hereby amended to read as follows: 65-6110. (a) The board shall adopt any rules and regulations necessary for the regulation of ambulance services. Such rules and regulations shall include: (1) A classification of the different types of ambulance services; (2) requirements as to equipment necessary for ambulances ~~and rescue vehicles~~; (3) qualifications and training of ~~attendants, emergency medical service providers and instructor-coordinators and training officers~~; (4) requirements and fees for the licensure, temporary licensure, and renewal of licensure for ambulances ~~and rescue vehicles~~; (5) records and equipment to be maintained by operators, instructor-coordinators, ~~training officers, providers of training sponsoring organizations and attendants emergency medical service providers~~; (6) requirements for a quality assurance and improvement program for ambulance services; and (7) such other matters as the board deems necessary to implement and administer the provisions of this act.

(b) ~~The provisions of this act shall not apply to rescue vehicles operated by a fire department.~~

(c) ~~Nothing in this act or in the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall authorize the board to specify the individuals who may or may not ride on a helicopter while used as an ambulance.~~

Sec. 20. K.S.A. 65-6111 is hereby amended to read as follows: 65-6111. (a) The emergency medical services board shall:

(1) Adopt any rules and regulations necessary to carry out the provisions of this act;

(2) review and approve the allocation and expenditure of moneys appropriated for emergency medical services;

(3) conduct hearings for all regulatory matters concerning ambulance services, ~~attendants emergency medical service providers~~, instructor-coordinators, training officers and sponsoring organizations;

(4) submit a budget to the legislature for the operation of the board;

(5) develop a state plan for the delivery of emergency medical services;

(6) enter into contracts as may be necessary to carry out the duties and functions of the board under this act;

(7) review and approve all requests for state and federal funding involving emergency medical services projects in the state or delegate such duties to the executive director;

(8) approve all training programs for ~~attendants, emergency medical service providers and~~ instructor-coordinators and ~~training officers and~~ prescribe certification application fees by rules and regulations;

(9) approve methods of examination for certification of ~~attendants, training officers~~ *emergency medical service providers* and instructor-coordinators and prescribe examination fees by rules and regulations;

(10) appoint a medical advisory council of not less than six members, including one board member who shall be a physician and not less than five other physicians who are active and knowledgeable in the field of emergency medical services who are not members of the board to advise and assist the board in medical standards and practices as determined by the board. The medical advisory council shall elect a chairperson from among its membership and shall meet upon the call of the chairperson; and

(11) approve sponsoring organizations by prescribing standards and requirements by rules and regulations and withdraw or modify such approval in accordance with the Kansas administrative procedure act and the rules and regulations of the board.

(b) The emergency medical services board may grant a temporary variance from an identified rule or regulation when a literal application or enforcement of the rule or regulation would result in serious hardship and the relief granted would not result in any unreasonable risk to the public interest, safety or welfare.

(c) (1) In addition to or in lieu of any other administrative, civil or criminal remedy provided by law, the board, in accordance with the Kansas administrative procedure act, upon the finding of a violation of a provision of this act or the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, or rules and regulations adopted pursuant to such provisions *may impose a fine on:*

(A) ~~May impose a fine on~~ Any person granted a certificate by the board in an amount not to exceed \$500 for each violation; or

(B) ~~may impose a fine on~~ an ambulance service ~~which~~ *that* holds a permit to operate in this state or on a sponsoring organization in an amount not to exceed \$2,500 for each violation.

(2) All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(d) (1) In connection with any investigation by the board, the board or its duly authorized agents or employees shall at all reasonable times have access to, for the purpose of examination and the right to copy any document, report, record or other physical evidence of any person being investigated, or any document, report, record or other evidence maintained by and in possession of any clinic, laboratory, pharmacy, medical care facility or other public or private agency, if such document, report, record or evidence relates to professional competence, unprofessional conduct or the mental or physical ability of the person to perform activities the person is authorized to perform.

(2) For the purpose of all investigations and proceedings conducted by the board:

(A) The board may issue subpoenas compelling the attendance and testimony of witnesses or the production for examination or copying of documents or any other physical evidence if such evidence relates to professional competence, unprofessional conduct or the mental or physical ability of a person being investigated to perform activities the person is authorized to perform. Within five days after the service of the subpoena on any person requiring the production of any evidence in the person's possession or under the person's control, such person may petition the board to revoke, limit or modify the subpoena. The board shall revoke, limit or modify such subpoena if in its opinion the evidence required does not relate to practices ~~which~~ *that* may be grounds for disciplinary action, is not relevant to the charge ~~which~~ *that* is the subject matter of the proceeding or investigation, or does not describe with sufficient particularity the physical evidence ~~which~~ *that* is required to be produced. Any member of the board, or any agent designated by the board, may administer oaths or affirmations, examine witnesses and receive such evidence.

(B) Any person appearing before the board shall have the right to be represented by counsel.

(C) The district court, upon application by the board or by the person subpoenaed, shall have jurisdiction to issue an order:

(i) Requiring such person to appear before the board or the board's duly authorized agent to produce evidence relating to the matter under investigation; or

(ii) revoking, limiting or modifying the subpoena if in the court's opinion the evidence demanded does not relate to practices ~~which~~ *that* may be grounds for disciplinary action, is not relevant to the charge ~~which~~ *that* is the subject matter of the hearing or investigation or does not describe with sufficient particularity the evidence ~~which~~ *that* is required to be produced.

(3) Disclosure or use of any such information received by the board or of any record containing such information, for any purpose other than that provided by this subsection is a class A misdemeanor and shall con-

stitute grounds for removal from office, termination of employment or denial, revocation or suspension of any certificate or permit issued under article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto. Nothing in this subsection shall be construed to make unlawful the disclosure of any such information by the board in a hearing held pursuant to this act.

(4) Patient records, including clinical records, medical reports, laboratory statements and reports, files, films, other reports or oral statements relating to diagnostic findings or treatment of patients, information from which a patient or a patient's family might be identified, peer review or risk management records or information received and records kept by the board as a result of the investigation procedure outlined in this subsection shall be confidential and shall not be disclosed.

(5) Nothing in this subsection or any other provision of law making communications between a physician and the physician's patient a privileged communication shall apply to investigations or proceedings conducted pursuant to this subsection. The board and its employees, agents and representatives shall keep in confidence the names of any patients whose records are reviewed during the course of investigations and proceedings pursuant to this subsection.

(e) The emergency medical services board shall prepare an annual report on or before January 15 of each year on the number, amount and reasons for the fines imposed by the board and the number of and reasons for subpoenas issued by the board during the previous calendar year. The report shall be provided to the senate committee on federal and state affairs and the house committee on federal and state affairs.

Sec. 21. K.S.A. 65-6112 is hereby amended to read as follows: 65-6112. As used in this act:

(a) "Administrator" means the executive director of the emergency medical services board.

(b) "Advanced emergency medical technician" means a person who holds an advanced emergency medical technician certificate issued pursuant to this act.

(c) "Advanced practice registered nurse" means an advanced practice registered nurse as defined in K.S.A. 65-1113, and amendments thereto.

(d) "Ambulance" means any privately or publicly owned motor vehicle, airplane or helicopter designed, constructed, prepared, staffed and equipped for use in transporting and providing emergency care for individuals who are ill or injured.

(e) "Ambulance service" means any organization operated for the purpose of transporting sick or injured persons to or from a place where medical care is furnished, whether or not such persons may be in need of emergency or medical care in transit.

~~(f)~~ “Attendant” means a first responder, an emergency medical responder, emergency medical technician, emergency medical technician-intermediate, emergency medical technician-defibrillator, emergency medical technician-intermediate/defibrillator, advanced emergency medical technician or paramedic certified pursuant to this act.

~~(g)~~ “Board” means the emergency medical services board established pursuant to K.S.A. 65-6102, and amendments thereto.

~~(h)~~~~(g)~~ “Emergency medical service” means the effective and coordinated delivery of such care as may be required by an emergency ~~which~~ *that* includes the care and transportation of individuals by ambulance services and the performance of authorized emergency care by a physician, advanced practice registered nurse, professional nurse, a licensed physician assistant or ~~attendant~~ *emergency medical service provider*.

*(h) “Emergency medical service provider” means an emergency medical responder, advanced emergency medical technician, emergency medical technician or paramedic certified by the emergency medical services board.*

(i) “Emergency medical technician” means a person who holds an emergency medical technician certificate issued pursuant to this act.

~~(j)~~ “~~Emergency medical technician-defibrillator~~” means a person who holds an emergency medical technician-defibrillator certificate issued pursuant to this act.

~~(k)~~ “~~Emergency medical technician-intermediate~~” means a person who holds an emergency medical technician-intermediate certificate issued pursuant to this act.

~~(l)~~ “~~Emergency medical technician-intermediate/defibrillator~~” means a person who holds both an emergency medical technician-intermediate and emergency medical technician-defibrillator certificate issued pursuant to this act.

~~(m)~~ “Emergency medical responder” means a person who holds an emergency medical responder certificate issued pursuant to this act.

~~(n)~~ “First responder” means a person who holds a first responder certificate issued pursuant to this act.

~~(o)~~~~(k)~~ “Hospital” means a hospital as defined by K.S.A. 65-425, and amendments thereto.

~~(p)~~~~(l)~~ “Instructor-coordinator” means a person who is certified under this act to teach or coordinate both initial certification and continuing education classes.

~~(q)~~~~(m)~~ “Medical director” means a physician.

~~(r)~~~~(n)~~ “Medical protocols” mean written guidelines ~~which~~ *that* authorize ~~attendants~~ *emergency medical service providers* to perform certain medical procedures prior to contacting a physician, physician assistant authorized by a physician, advanced practice registered nurse authorized by a physician or professional nurse authorized by a physician. The medical

protocols shall be approved by a county medical society or the medical staff of a hospital to which the ambulance service primarily transports patients, or if neither of the above are able or available to approve the medical protocols, then the medical protocols shall be submitted to the medical advisory council for approval.

~~(s)~~(o) “Municipality” means any city, county, township, fire district or ambulance service district.

~~(t)~~(p) “Nonemergency transportation” means the care and transport of a sick or injured person under a foreseen combination of circumstances calling for continuing care of such person. As used in this subsection, transportation includes performance of the authorized level of services of the ~~attendant~~ *emergency medical service provider* whether within or outside the vehicle as part of such transportation services.

~~(u)~~(q) “Operator” means a person or municipality who has a permit to operate an ambulance service in the state of Kansas.

~~(v)~~(r) “Paramedic” means a person who holds a paramedic certificate issued pursuant to this act.

~~(w)~~(s) “Person” means an individual, a partnership, an association, a joint-stock company or a corporation.

~~(x)~~(t) “Physician” means a person licensed by the state board of healing arts to practice medicine and surgery.

~~(y)~~(u) “Physician assistant” means a physician assistant as defined in K.S.A. 65-28a02, and amendments thereto.

~~(z)~~(v) “Professional nurse” means a licensed professional nurse as defined by K.S.A. 65-1113, and amendments thereto.

~~(aa)~~(w) “Sponsoring organization” means any professional association, accredited postsecondary educational institution, ambulance service ~~which~~ *that* holds a permit to operate in this state, fire department, other officially organized public safety agency, hospital, corporation, governmental entity or emergency medical services regional council, as approved by the executive director, to offer initial courses of instruction or continuing education programs.

~~(bb)~~ “Training officer” means a person who is certified pursuant to this act to teach or coordinate continuing education as prescribed by the board.

Sec. 22. K.S.A. 65-6119 is hereby amended to read as follows: 65-6119. ~~(a)~~ Notwithstanding any other provision of law, ~~mobile intensive care technicians may:~~

(1) ~~Perform all the authorized activities identified in K.S.A. 65-6120, 65-6121, 65-6123, 65-6144, and amendments thereto;~~

(2) ~~when voice contact or a telemetered electrocardiogram is monitored by a physician, physician assistant where authorized by a physician, an advanced practice registered nurse where authorized by a physician or~~



licensed professional nurse where authorized by a physician and direct communication is maintained, and upon order of such person may administer such medications or procedures as may be deemed necessary by a person identified in subsection (a)(2);

~~(3) perform, during an emergency, those activities specified in subsection (a)(2) before contacting a person identified in subsection (a)(2) when specifically authorized to perform such activities by medical protocols; and~~

~~(4) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.~~

~~(b) An individual who holds a valid certificate as a mobile intensive care technician once meeting the continuing education requirements prescribed by the rules and regulations of the board, upon application for renewal, shall be deemed to hold a certificate as a paramedic under this act, and such individual shall not be required to file an original application as a paramedic for certification under this act.~~

~~(c) "Renewal" as used in subsection (b), refers to the first opportunity that a mobile intensive care technician has to apply for renewal of a certificate following the effective date of this act.~~

~~(d) Upon transition notwithstanding any other provision of law, a paramedic may:~~

~~(1)(a) Perform all the authorized activities identified in K.S.A. 65-6120, 65-6121, 65-6144, and amendments thereto;~~

~~(2)(b) when voice contact or a telemetered electrocardiogram is monitored by a physician, physician assistant where authorized by a physician or an advanced practice registered nurse where authorized by a physician or licensed professional nurse where authorized by a physician and direct communication is maintained, and upon order of such person, may administer such medications or procedures as may be deemed necessary by a person identified in this subsection-(d)(2);~~

~~(3)(c) perform, during an emergency, those activities specified in subsection-(d)(2) (b) before contacting a person identified in subsection-(d)(2) (b) when specifically authorized to perform such activities by medical protocols; and~~

~~(4)(d) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.~~

Sec. 23. K.S.A. 65-6120 is hereby amended to read as follows: 65-6120.-(a) Notwithstanding any other provision of law to the contrary, an emergency medical technician-intermediate may:

~~(1) Perform any of the activities identified by K.S.A. 65-6121(a), and amendments thereto;~~



~~(2) —when approved by medical protocols or where voice contact by radio or telephone is monitored by a physician, physician assistant where authorized by a physician, advanced practice registered nurse where authorized by a physician or professional nurse where authorized by a physician, and direct communication is maintained, upon order of such person, may perform veni puncture for the purpose of blood sampling collection and initiation and maintenance of intravenous infusion of saline solutions, dextrose and water solutions or ringers lactate IV solutions, endotracheal intubation and administration of nebulized albuterol;~~

~~(3) —perform, during an emergency, those activities specified in subsection (a)(2) before contacting the persons identified in subsection (a)(2) when specifically authorized to perform such activities by medical protocols; or~~

~~(4) —perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols.~~

~~(b) —An individual who holds a valid certificate as an emergency medical technician intermediate once successfully completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to become an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of the successful completion of a transition course and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.~~

~~(c) —“Renewal” as used in subsection (b), refers to the first or second opportunity after December 31, 2011, that an emergency medical technician intermediate has to apply for renewal of a certificate.~~

~~(d) —Emergency medical technician intermediates who fail to meet the transition requirements as specified may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of the successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such emergency medical technician intermediate may apply to transition to become an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician intermediate certificate, the applicant shall be re-~~

~~newed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.~~

~~(c) Failure to successfully complete either an advanced emergency medical technician transition course, an emergency medical technician transition course or emergency medical responder transition course will result in loss of certification.~~

~~(f) Upon transition, notwithstanding any other provision of law to the contrary, an advanced emergency medical technician may:~~

~~(1)(a) Perform any of the activities identified by K.S.A. 65-6121, and amendments thereto; and~~

~~(2)(b) perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof, as specifically identified in rules and regulations, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference with a physician, physician assistant where authorized by a physician, an advanced practice registered nurse where authorized by a physician, or professional nurse where authorized by a physician upon order of such a person: (A)(1) Advanced airway management; (B)(2) referral of patient of alternate medical care site based on assessment; (C)(3) transportation of a patient with a capped arterial line; (D)(4) veni-puncture for obtaining blood sample; (E)(5) initiation and maintenance of intravenous infusion or saline lock; (F)(6) initiation of intraosseous infusion; (G)(7) nebulized therapy; (H)(8) manual defibrillation; (I)(9) cardiac monitoring; (J)(10) electrocardiogram interpretation; (K)(11) monitoring of a nasogastric tube; (L) and (12) administration of medications by methods as specified by rules and regulations of the board.~~

~~(g) An individual who holds a valid certificate as both an emergency medical technician-intermediate and as an emergency medical technician-defibrillator once successfully completing the board prescribed transition course, and validation of cognitive and psychomotor competency as determined by rules and regulations of the board, may apply to transition to an advanced emergency medical technician. Alternatively, upon application for renewal, such individual shall be deemed to hold a certificate as an advanced emergency medical technician under this act, provided such individual has completed all continuing education hour requirements inclusive of successful completion of a transition course, and such individual shall not be required to file an original application for certification as an advanced emergency medical technician under this act.~~

(h) ~~“Renewal” as used in subsection (g), refers to the first or second opportunity after December 31, 2011, that an emergency medical technician-intermediate and emergency medical technician-defibrillator has to apply for renewal of a certificate.~~

(i) ~~An individual who holds both an emergency medical technician-intermediate certificate and an emergency medical technician-defibrillator certificate, who fails to meet the transition requirements as specified may complete either the board prescribed emergency medical technician transition course or emergency medical responder transition course, and provide validation of cognitive and psychomotor competency and all continuing education hour requirements inclusive of successful completion of a transition course as determined by rules and regulations of the board. Upon completion, such individual may apply to transition to become an emergency medical technician or emergency medical responder, depending on the transition course that was successfully completed. Alternatively, upon application for renewal of an emergency medical technician-intermediate certificate and an emergency medical technician-defibrillator certificate, the applicant shall be renewed as an emergency medical technician or an emergency medical responder, depending on the transition course that was successfully completed. Such individual shall not be required to file an original application for certification as an emergency medical technician or emergency medical responder.~~

(j) ~~Failure to successfully complete either the advanced emergency medical technician transition requirements, an emergency medical technician transition course or the emergency medical responder transition course will result in loss of certification.~~

Sec. 24. K.S.A. 65-6124 is hereby amended to read as follows: 65-6124. (a) No physician, physician assistant, advanced practice registered nurse or licensed professional nurse, who gives emergency instructions to an ~~attendant~~ *emergency medical service provider* as defined by K.S.A. 65-6112, and amendments thereto, during an emergency, shall be liable for any civil damages as a result of issuing the instructions, except such damages ~~which~~ *that* may result from gross negligence in giving such instructions.

(b) No ~~attendant~~ *emergency medical service provider* as defined by K.S.A. 65-6112, and amendments thereto, who renders emergency care during an emergency pursuant to instructions given by a physician, the supervising physician for a physician assistant, advanced practice registered nurse or licensed professional nurse shall be liable for civil damages as a result of implementing such instructions, except such damages ~~which~~ *that* may result from gross negligence or by willful or wanton acts or omissions on the part of such ~~attendant~~ *emergency medical service provider* as defined by K.S.A. 65-6112, and amendments thereto.

(c) No person certified as an instructor-coordinator ~~and no training officer~~ shall be liable for any civil damages ~~which~~ *that* may result from such instructor-coordinator's ~~or training officer's~~ course of instruction, except such damages ~~which~~ *that* may result from gross negligence or by willful or wanton acts or omissions on the part of the instructor-coordinator ~~or training officer~~.

(d) No medical ~~adviser~~ *director* who reviews, approves and monitors the activities of ~~attendants~~ *emergency medical service providers* shall be liable for any civil damages as a result of such review, approval or monitoring, except such damages ~~which~~ *that* may result from gross negligence in such review, approval or monitoring.

Sec. 25. K.S.A. 65-6126 is hereby amended to read as follows: 65-6126. Each emergency medical service shall have a medical director appointed by the operator of the service to review and implement medical protocols, approve and monitor the activities, *competency* and education of the ~~attendants~~ *emergency medical service providers*. The board may approve an alternative procedure for medical oversight if no medical director is available.

Sec. 26. K.S.A. 65-6127 is hereby amended to read as follows: 65-6127. (a) Application for a permit to operate an ambulance service shall be made to the board by the operator of the ambulance service upon forms provided by the administrator and shall be accompanied by a permit fee ~~which~~ *that* shall be a base amount plus an amount for each vehicle used by such operator in such operator's ambulance service and ~~which~~ *that* shall be fixed by rules and regulations of the board to cover all or any part of the cost of regulation of ambulance services.

(b) The application shall state the name of the operator, the names of the ~~attendants~~ *emergency medical service providers* of such ambulance service, the primary territory for which the permit is sought, the type of service offered, the location and physical description of the facility where-by calls for service will be received, the facility wherein vehicles are to be garaged, a description of vehicles and other equipment to be used by the service and such other information as the board may require.

(c) Nothing in this act shall be construed as granting an exclusive territorial right to operate an ambulance service. Upon change of ownership of an ambulance service the permit issued to such service shall expire 60 days after the change of ownership.

Sec. 27. K.S.A. 65-6129 is hereby amended to read as follows: 65-6129. (a) (1) Application for an ~~attendant's~~ *emergency medical service provider* certificate shall be made to the board. The board shall not grant an ~~attendant's~~ *emergency medical service provider* certificate unless the applicant meets the following requirements:

(A) (i) Has successfully completed coursework required by the rules and regulations adopted by the board;

(ii) has successfully completed coursework in another jurisdiction that is substantially equivalent to that required by the rules and regulations adopted by the board; or

(iii) has provided evidence that such applicant holds a current and active certification with the national registry of emergency medical technicians, completed emergency medical technician training as a member of the army, navy, marine corps, air force, air or army national guard, coast guard or any branch of the military reserves of the United States that is substantially equivalent to that required by the rules and regulations adopted by the board, and such applicant separated from such military service with an honorable discharge;

(B) (i) has passed the examination required by the rules and regulations adopted by the board; or

(ii) has passed the certification or licensing examination in another jurisdiction that has been approved by the board; and

(C) has paid an application fee required by the rules and regulations adopted by the board.

(2) The board may grant an ~~attendant's~~ *emergency medical service provider* certificate to any applicant who meets the requirements under subsection (a)(1)(A)(iii) but was separated from such military service with a general discharge under honorable conditions.

(b) (1) ~~The board shall not grant a temporary attendant's certificate unless the applicant meets the following requirements:~~

(A) ~~If the applicant is certified or licensed as an attendant in another jurisdiction, but the applicant's coursework is determined not to be substantially equivalent to that required by the board, such temporary certificate shall be valid for one year from the date of issuance or until the applicant has completed the required coursework, whichever occurs first; or~~

(B) ~~if the applicant has completed the required coursework, has taken the required examination, but has not received the results of the examination, such temporary certificate shall be valid for 120 days from the date of the examination.~~

(2) ~~An applicant who has been granted a temporary certificate shall be under the direct supervision of a physician, a physician assistant, a professional nurse or an attendant holding a certificate at the same level or higher than that of the applicant. The emergency medical services board may require an original applicant for certification as an emergency medical services provider to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of~~

*criminal history in this state or another jurisdiction. The emergency medical services board is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The emergency medical services board may use the information obtained from fingerprinting and the applicant's criminal history for purposes of verifying the identification of the applicant and making the official determination of the qualifications and fitness of the applicant to be issued or to maintain a certificate.*

(2) *Local and state law enforcement officers and agencies shall assist the emergency medical services board in taking the fingerprints of applicants for license, registration, permit or certificate. The Kansas bureau of investigation shall release all records of adult convictions, nonconvictions or adjudications in this state and any other state or country to the emergency medical services board.*

(3) *The emergency medical services board may fix and collect a fee as may be required by the board in an amount equal to the cost of fingerprinting and the criminal history record check. The emergency medical services board shall remit all moneys received from the fees established by this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the emergency medical services criminal history and fingerprinting fund.*

(4) *There is hereby created in the state treasury the emergency medical services criminal history and fingerprinting fund. All moneys credited to the fund shall be used to pay the Kansas bureau of investigation for the processing of fingerprints and criminal history record checks for the emergency medical services board. The fund shall be administered by the emergency medical services board. 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 chairperson of the emergency medical services board or the chairperson's designee.*

(c) ~~The board shall not grant an initial emergency medical technician-intermediate certificate, advanced emergency medical technician certificate, mobile intensive care technician certificate or paramedic certificate as a result of successful course completion in the state of Kansas, unless the applicant for such an initial certificate is certified as an emergency medical technician.~~

(d) ~~An attendant's emergency medical service provider certificate shall expire on the date prescribed by the board. An attendant's emergency medical service provider certificate may be renewed for a period of two years upon payment of a fee as prescribed by rule and regulation of~~

the board and upon presentation of satisfactory proof that the ~~attendant~~ *emergency medical service provider* has successfully completed continuing education as prescribed by the board.

(e) All fees received pursuant to the provisions of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the emergency medical services operating fund established by K.S.A. 65-6151, and amendments thereto.

(f) If a person who was previously certified as an ~~attendant~~ *emergency medical service provider* applies for an ~~attendant's~~ *emergency medical service provider's* certificate after the certificate's expiration, the board may grant a certificate without the person completing an initial course of instruction or passing a certification examination if the person has completed education requirements and has paid a fee as specified in rules and regulations adopted by the board.

(g) The board shall adopt, through rules and regulations, a formal list of graduated sanctions for violations of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, ~~which that~~ shall specify the number and severity of violations for the imposition of each level of sanction.

Sec. 28. K.S.A. 65-6129a is hereby amended to read as follows: 65-6129a. (a) While engaged in a course of training or continuing education approved by the board within a medical care facility, a student or ~~attendant~~ *emergency medical service provider* engaged in such training or continuing education shall be under the supervision of a physician or a professional nurse. While engaged in training or continuing education in emergency or nonemergency transportation outside a medical care facility, a student or ~~attendant~~ *emergency medical service provider* shall be under the direct supervision of an ~~attendant~~ *emergency medical service provider* who is at the minimum certified to provide the level of care for which the student is seeking certification or the ~~attendant~~ *emergency medical service provider* receiving the training is certified or shall be under the direct supervision of a physician or a professional nurse.

(b) Nothing in the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated ~~or acts amendatory of the provisions thereof or supplemental, and amendments~~ thereto, shall be construed to preclude the provision of authorized activities by students enrolled in a training program while engaged in such program.

Sec. 29. K.S.A. 65-6129b is hereby amended to read as follows: 65-6129b. (a) Application for an instructor-coordinator's certificate shall be made to the board upon forms provided by the executive director. The board may grant an instructor-coordinator's certificate to an ~~attendant~~



*emergency medical service provider* who: (1) Has served as an ~~attendant~~ *emergency medical service provider* in the emergency medical services field during the preceding 12 months prior to applying for such certificate; (2) has made application within one year after successfully completing the training, approved by the board, in instructing and coordinating ~~attendant~~ *emergency medical service provider* training programs; (3) has passed an examination prescribed by the board; and (4) has paid a fee as prescribed by rules and regulations of the board.

(b) The board may grant an instructor-coordinator's certificate to a physician or a professional nurse who: (1) Has made application within one year after successfully completing the training, approved by the board, in instructing and coordinating ~~attendant~~ *emergency medical service provider* training programs; (2) has passed an examination prescribed by the board; and (3) has paid a fee as prescribed by rules and regulations of the board.

(c) An ~~instructor-coordinator's~~ *instructor-coordinator* certificate shall expire on the expiration date of the ~~attendant's~~ *instructor-coordinator's* *emergency medical service provider* certificate if the instructor-coordinator is an ~~attendant~~ *emergency medical service provider* or on the expiration date of the physician's or professional nurse's license if the instructor is a physician or professional nurse. An instructor-coordinator's certificate may be renewed for the same period as the ~~attendant's~~ *emergency medical service provider* certificate or the physician's or professional nurse's license upon payment of a fee as prescribed by rule and regulation of the board and upon presentation of satisfactory proof that the instructor-coordinator has successfully completed continuing education as prescribed by the board. The board may prorate to the nearest whole month the fee fixed under this subsection as necessary to implement the provisions of this subsection.

(d) An ~~instructor-coordinator's~~ *instructor-coordinator* certificate may be denied, revoked, limited, modified or suspended by the board or the board may refuse to renew such certificate if such individual:

(1) Does not hold an ~~attendant's~~ *emergency medical service provider* certificate or a physician's or professional nurse's license;

(2) has made misrepresentations intentionally in obtaining a certificate or renewing a certificate;

(3) has demonstrated incompetence or engaged in unprofessional conduct as defined by rules and regulations adopted by the board;

(4) has violated or aided and abetted in the violation of any provision of this act or rules and regulations adopted by the board; or

(5) has been convicted of any state or federal crime that is related substantially to the qualifications, functions and duties of an instructor-coordinator or any crime punishable as a felony under any state or fed-



eral statute, and the board determines that such individual has not been sufficiently rehabilitated to warrant the public trust. A conviction means a plea of guilty, a plea of nolo contendere or a verdict of guilty. The board may take disciplinary action pursuant to this section when the time for appeal has elapsed, or after the judgment of conviction is affirmed on appeal or when an order granting probation is made suspending the imposition of sentence.

(e) The board may deny, limit, modify, revoke or suspend a certificate or the board may refuse to renew such certificate in accordance with the provisions of the Kansas administrative procedure act.

(f) All fees received pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(g) If a person who was previously certified as an instructor-coordinator applies for an instructor-coordinator certificate within two years of the date of its expiration, the board may grant a certificate without the person completing the training or passing an examination if the person complies with the other provisions of subsection (a) or (b) and completes continuing education requirements prescribed by the board.

Sec. 30. K.S.A. 65-6130 is hereby amended to read as follows: 65-6130. (a) The board may inquire into the operation of ambulance services and the conduct of ~~attendants~~ *emergency medical service providers*, and may conduct periodic inspections of facilities, communications services, materials and equipment at any time without notice.

(b) The board may issue subpoenas in accordance with the provisions of K.S.A. 65-6111(d), and amendments thereto, to compel an operator holding a permit to make access to or for the production of records regarding services performed and to furnish such other information as the board may require to carry out the provisions of this act to the same extent and subject to the same limitations as would apply if the subpoenas were issued or served in aid of a civil action in the district court. A copy of such records shall be kept in the operator's files for a period of not less than three years.

(c) The board also may require operators to submit lists of personnel employed and to notify the board of any changes in personnel or in ownership of the ambulance service.

Sec. 31. K.S.A. 65-6133 is hereby amended to read as follows: 65-6133. (a) An ~~attendant's~~ *emergency medical service provider* certificate may be denied, revoked, limited, modified or suspended by the board or the board may refuse to renew such certificate upon proof that such individual:

(1) Has made intentional misrepresentations in obtaining a certificate or renewing a certificate;

(2) has performed or attempted to perform activities not authorized by statute at the level of certification held by the individual;

(3) has demonstrated incompetence as defined by rules and regulations adopted by the board or has provided inadequate patient care as determined by the board;

(4) has violated or aided and abetted in the violation of any provision of this act or the rules and regulations adopted by the board;

(5) has been convicted of a felony and, after investigation by the board, it is determined that such person has not been sufficiently rehabilitated to warrant the public trust;

(6) has demonstrated an inability to perform authorized activities with reasonable skill and safety by reason of illness, alcoholism, excessive use of drugs, controlled substances or any physical or mental condition;

(7) has engaged in unprofessional conduct, as defined by rules and regulations adopted by the board; or

(8) has had a certificate, license or permit to practice emergency medical services as an ~~attendant~~ *emergency medical service provider* denied, revoked, limited or suspended or has been publicly or privately censured, by a licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country or has had other disciplinary action taken against the applicant or holder of a permit, license or certificate by a licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country. A certified copy of the record or order of public or private censure, denial, suspension, limitation, revocation or other disciplinary action of the licensing or other regulatory authority of another state, agency of the United States government, territory of the United States or other country shall constitute prima facie evidence of such a fact for purposes of this paragraph.

(b) The board may deny, limit, modify, revoke or suspend an ~~attendant's~~ *emergency medical service provider* certificate or the board may refuse to renew such certificate in accordance with the provisions of the Kansas administrative procedure act.

Sec. 32. K.S.A. 65-6135 is hereby amended to read as follows: 65-6135. (a) All ambulance services providing emergency care as defined by the rules and regulations adopted by the board shall offer service 24 hours per day every day of the year.

(b) Whenever an operator is required to have a permit, at least one person on each vehicle providing emergency medical service shall be an ~~attendant~~ *emergency medical service provider* certified pursuant to K.S.A. 65-6119, 65-6120 or 65-6121, and amendments thereto, a phy-

sician, a physician assistant, an advanced practice registered nurse or a professional nurse.

Sec. 33. K.S.A. 65-6145 is hereby amended to read as follows: 65-6145. Nothing in this act shall be construed: (a) To preclude any municipality from licensing or otherwise regulating ~~first~~ *emergency medical* responders operating within its jurisdiction, but any licensing requirements or regulations imposed by a municipality shall be in addition to and not in lieu of the provisions of this act and the rules and regulations adopted pursuant to this act;

(b) to preclude any person certified as an ~~attendant~~ *emergency medical service provider* from providing emergency medical services to persons requiring such services; or

(c) to preclude any individual who is not a certified ~~attendant~~ *emergency medical service provider* as defined by K.S.A. 65-6112, and amendments thereto, from providing assistance during an emergency so long as such individual does not represent oneself to be an ~~attendant~~ *emergency medical service provider* as defined by K.S.A. 65-6112, and amendments thereto.

Sec. 34. K.S.A. 65-6150 is hereby amended to read as follows: 65-6150. (a) It shall be unlawful for any individual to represent oneself as an ~~attendant~~ *emergency medical service provider* or instructor-coordinator unless such individual holds a valid certificate as such under this act.

(b) Any violation of subsection (a) shall constitute a class B misdemeanor.

Sec. 35. K.S.A. 74-4954a is hereby amended to read as follows: 74-4954a. (a) As used in this section “emergency medical service technician” means any ~~attendant~~ *emergency medical service provider* as defined by ~~subsection (d)~~ of K.S.A. 65-6112, and amendments thereto, who is certified pursuant to K.S.A. 65-6129, and amendments thereto.

(b) For the purposes of any affiliation under subsection (c), whenever the word “fireman” is used in article 49 of chapter 74, and amendments thereto, it shall be construed to include “emergency medical service technician” as defined by subsection (a).

(c) Any county or city providing emergency medical service as a third function apart from police and fire, as an eligible employer under the Kansas police and firemen’s retirement system, may make application or supplemental application to affiliate with the Kansas police and firemen’s retirement system in accordance with and subject to K.S.A. 74-4954, and amendments thereto, with regard to coverage of emergency medical service technicians under that system.

Sec. 36. K.S.A. 2018 Supp. 75-4364 is hereby amended to read as follows: 75-4364. (a) As used in this section:

(1) “Dependent” means: (A) A birth child, adopted child or stepchild; or (B) any child other than the foregoing who is actually dependent in whole or in part on the individual and who is related to such individual by marriage or consanguinity.

(2) “Emergency medical services attendant service provider” means ~~an attendant as defined by the same as defined in K.S.A. 65-6112, and~~ amendments thereto.

(3) “Firefighter” means a person who is: (A) Employed by any city, county, township or other political subdivision of the state and who is assigned to the fire department thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (B) a volunteer member of a fire district, fire department or fire company.

(4) “Kansas educational institution” means and includes community colleges, the municipal university, state educational institutions, the institute of technology at Washburn university and technical colleges.

(5) “Law enforcement officer” means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.

(6) “Military service” means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.

(7) “Prisoner of war” means any person who was a resident of Kansas at the time the person entered service of the United States armed forces and who, while serving in the United States armed forces, has been declared to be a prisoner of war, as established by the United States secretary of defense, after January 1, 1960.

(8) “Public safety officer” means a law enforcement officer or a firefighter or an emergency medical services attendant service provider.

(9) “Resident of Kansas” means a person who is a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.

(10) “Spouse” means the spouse of a deceased public safety officer or deceased member of the military service who has not remarried.

(11) “State board” means the state board of regents.

(b) Every Kansas educational institution shall provide for enrollment without charge of tuition or fees for: (1) Any dependent or spouse of a public safety officer who died as the result of injury sustained while performing duties as a public safety officer so long as such dependent or

spouse is eligible; (2) any dependent or spouse of any resident of Kansas who died on or after September 11, 2001, while, and as a result of, serving in military service; and (3) any prisoner of war. Any such dependent or spouse and any prisoner of war shall be eligible for enrollment at a Kansas educational institution without charge of tuition or fees for not to exceed 10 semesters of undergraduate instruction, or the equivalent thereof, at all such institutions.

(c) Subject to appropriations therefor, any Kansas educational institution, at which enrollment, without charge of tuition or fees, of a prisoner of war or a dependent or spouse is provided for under subsection (b), may file a claim with the state board for reimbursement of the amount of such tuition and fees. 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 ~~which~~ *that* such eligible dependent or spouse or prisoner of war would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state in behalf of such dependent or spouse or prisoner of war for the semester. All amounts paid to the state by Kansas educational institutions under this subsection shall be deposited in the state treasury and credited to the state general fund.

(d) The state board shall adopt rules and regulations for administration of the provisions of this section and shall determine the qualification of persons as dependents and spouses of public safety officers or United States military personnel and the eligibility of such persons for the benefits provided for under this section.

Sec. 37. K.S.A. 2018 Supp. 75-5664 is hereby amended to read as follows: 75-5664. (a) There is hereby established an advisory committee on trauma. The advisory committee on trauma shall be advisory to the secre-

tary of health and environment and shall be within the division of public health of the department of health and environment as a part thereof.

(b) On July 1, 2001, the advisory committee on trauma in existence immediately prior to July 1, 2001, is hereby abolished and a new advisory committee on trauma is created in accordance with this section. The terms of all members of the advisory committee on trauma in existence prior to July 1, 2001, are hereby terminated. On and after July 1, 2001, the advisory committee on trauma shall be composed of 24 members representing both rural and urban areas of the state appointed as follows:

(1) Two members shall be persons licensed to practice medicine and surgery appointed by the governor. At least 30 days prior to the expiration of terms described in this section, for each member to be appointed under this section, the Kansas medical society shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(2) One member shall be licensed to practice osteopathic medicine appointed by the governor. At least 30 days prior to the expiration of the term of the member appointed under this section, the Kansas association of osteopathic medicine shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(3) Three members shall be representatives of hospitals appointed by the governor. At least 30 days before the expiration of terms described in this section, for each member to be appointed under this section, the Kansas hospital association shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(4) Two members shall be licensed professional nurses specializing in trauma care or emergency nursing appointed by the governor. At least 30 days before the expiration of terms described in this section, for each member to be appointed under this section, the Kansas state nurses association shall submit to the governor a list of three names of persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(5) Two members shall be ~~attendants~~ *emergency medical service providers* as defined in K.S.A. 65-6112, and amendments thereto, who are on the roster of an ambulance service permitted by the board of emergency medical services. At least 30 days prior to the expiration of one of these positions, the Kansas emergency medical services association shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making this

appointment to the board. For the other member appointed under this section, at least 30 days prior to the expiration of the term of such member, the Kansas emergency medical technician association shall submit a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making appointments to the board under this paragraph.

(6) Two members shall be administrators of ambulance services, one rural and one urban, appointed by the governor. At least 30 days prior to the expiration of the terms of such members, the Kansas emergency medical services association and Kansas emergency medical technician association in consultation shall submit to the governor a list of four persons of recognized ability and qualification. The governor shall consider such list of persons in making this appointment to the board under this paragraph.

(7) Six members shall be representatives of regional trauma councils, one per council, appointed by the governor. At least 30 days prior to the expiration of one of these positions, the relevant regional trauma council shall submit to the governor a list of three persons of recognized ability and qualification. The governor shall consider such list of persons in making these appointments to the board.

(8) The secretary of health and environment or the secretary's designee of an appropriately qualified person shall be an ex officio representative of the department of health and environment.

(9) The chairperson of the ~~board of~~ emergency medical services ~~board~~ or the chairperson's designee shall be an ex officio member.

(10) Four legislators selected as follows shall be members: The chairperson and ranking minority member or their designees of the committee on health and human services of the house of representatives, and the chairperson and ranking minority member or their designees from the committee on public health and welfare of the senate shall be members.

(c) All members shall be residents of the state of Kansas. Particular attention shall be given so that rural and urban interests and geography are balanced in representation. Organizations that submit lists of names to be considered for appointment by the governor under this section shall insure that names of people who reside in both rural and urban areas of the state are among those submitted. At least one person from each congressional district shall be among the members. Of the members appointed under subsection (b)(1) through (b)(7): Six shall be appointed to initial terms of two years; six shall be appointed to initial terms of three years; and six shall be appointed to initial terms of four years. Thereafter members shall serve terms of four years and until a successor is appointed and qualified. In the case of a vacancy in the membership of the advisory committee, the vacancy shall be filled for the unexpired term in like manner as that provided in subsection (b).



(d) The advisory committee shall meet quarterly and at the call of the chairperson or at the request of a majority of the members. At the first meeting of the advisory committee after July 1 each year, the members shall elect a chairperson and vice-chairperson who shall serve for terms of one year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

(e) The advisory committee shall be advisory to the secretary of health and environment on all matters relating to the implementation and administration of this act.

(f) (1) Any meeting of the advisory committee or any part of a meeting of the advisory committee during which a review of incidents of trauma injury or trauma care takes place shall be conducted in closed session. The advisory committee and officers thereof when acting in their official capacity in considering incidents of trauma injury or trauma care shall constitute a peer review committee and peer review officers for all purposes of K.S.A. 65-4915, and amendments thereto.

(2) The advisory committee or an officer thereof may advise, report to and discuss activities, information and findings of the committee ~~which~~ *that* relate to incidents of trauma injury or trauma care with the secretary of health and environment as provided in subsections (a) and (e) without waiver of the privilege provided by this subsection and K.S.A. 65-4915, and amendments thereto, and the records and findings of such committee or officer ~~which~~ *that* are privileged under this subsection and K.S.A. 65-4915, and amendments thereto, shall remain privileged as provided by this subsection and K.S.A. 65-4915, and amendments thereto, prior to July 1, 2021.

(3) The provisions of this subsection shall expire on July 1, 2021, unless the legislature reviews and reenacts this provision prior to July 1, 2021.

(g) Members of the advisory committee attending meetings of the advisory committee or attending a subcommittee of the advisory committee or other authorized meeting of the advisory committee shall not be paid compensation but shall be paid amounts provided in K.S.A. 75-3223(e), and amendments thereto.

Sec. 38. K.S.A. 80-1557 is hereby amended to read as follows: 80-1557. (a) As used in this section:

(1) "Rescue service" means a service ~~which~~ *that* provides emergency care by qualified personnel through a township or fire district fire department.

(2) "Emergency care" means the services provided after the onset of a medical condition manifesting itself by acute symptoms of sufficient severity such that the absence of immediate medical attention could reasonably be expected to: (A) Place the patient's health in serious jeopardy; (B) seriously impair bodily functions; or (C) result in serious dysfunction of any bodily organ or part.



(3) “Qualified personnel” means any individual who holds a certificate as an ~~attendant~~ *emergency medical service provider* as defined in K.S.A. 65-6112, and amendments thereto.

(4) “Township” means any township ~~which~~ *that* has established a fire department pursuant to K.S.A. 80-1901 et seq., and amendments thereto.

(5) “Fire district” means any fire district ~~which~~ *that* has established a fire department pursuant to K.S.A. 80-1540 et seq., and amendments thereto.

(b) The township board or governing body of the fire district may authorize the township or fire district fire department to provide rescue service as a township or fire district function, within or without the township or fire district, or may contract with any person or governmental entity for the furnishing of rescue service and upon such terms and conditions, and for such compensation as may be agreed upon which shall be payable from the township general fund or the fire fund or the fire district fund.

(c) The township board or governing body of the fire district may establish charges to persons receiving rescue service inside or outside of such township or fire district. The charges so made and received shall be deposited in the general funds of the township or fire district, and the same may be used in addition to funds received under the tax levies authorized by K.S.A. 80-1546 and 80-1903, and amendments thereto.

(d) Qualified personnel providing rescue service shall be compensated in the same manner as other fire department employees and volunteers as provided by K.S.A. 80-1544 and 80-1904, and amendments thereto.

Sec. 39. K.S.A. 65-16,127, 65-1728, 65-2891, 65-2913, 65-4915, 65-6001, 65-6102, 65-6110, 65-6111, 65-6112, 65-6119, 65-6120, 65-6123, 65-6124, 65-6126, 65-6127, 65-6129, 65-6129a, 65-6129b, 65-6129c, 65-6130, 65-6133, 65-6135, 65-6145, 65-6150, 74-4954a and 80-1557 and K.S.A. 2018 Supp. 8-1,159, 21-6326, 39-1402, 39-1431, 40-2141, 44-131, 44-508, 44-510h, 44-511, 44-1204, 75-4364 and 75-5664 are hereby repealed.

Sec. 40. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 16, 2019.

Published in the *Kansas Register* June 6, 2019.

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## CHAPTER 65

HOUSE BILL No. 2203

(Amends Chapter 57)

AN ACT reconciling conflicting amendments to certain statutes; amending K.S.A. 2016 Supp. 41-102, as amended by section 2 of chapter 99 of the 2018 Session Laws of Kansas; and K.S.A. 2018 Supp. 21-5413, 38-2212, 38-2232, 38-2242, 38-2243, 39-1431, 79-32,117 and 79-3602 and repealing the existing sections; also repealing K.S.A. 2015 Supp. 38-2232, as amended by section 24 of chapter 46 of the 2016 Session Laws of Kansas, 38-2242, as amended by section 25 of chapter 46 of the 2016 Session Laws of Kansas, and 38-2243, as amended by section 26 of chapter 46 of the 2016 Session Laws of Kansas; K.S.A. 2016 Supp. 41-102, as amended by section 10 of 2019 Senate Bill No. 70; K.S.A. 2017 Supp. 79-3602, as amended by section 5 of chapter 8 of the 2018 Session Laws of Kansas; and K.S.A. 2018 Supp. 21-5413a, 22-3302a, 38-2212a, 39-1431a and 79-32,117p.

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

Section 1. K.S.A. 2018 Supp. 21-5413 is hereby amended to read as follows: 21-5413. (a) Battery is:

(1) Knowingly or recklessly causing bodily harm to another person; or  
(2) knowingly causing physical contact with another person when done in a rude, insulting or angry manner.

(b) Aggravated battery is:

(1) (A) Knowingly causing great bodily harm to another person or disfigurement of another person;

(B) knowingly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or

(C) knowingly causing physical contact with another person when done in a rude, insulting or angry manner with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted;

(2) (A) recklessly causing great bodily harm to another person or disfigurement of another person;

(B) recklessly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or

(3) (A) committing an act described in K.S.A. 8-1567, and amendments thereto, when great bodily harm to another person or disfigurement of another person results from such act; or

(B) committing an act described in K.S.A. 8-1567, and amendments thereto, when bodily harm to another person results from such act under circumstances whereby great bodily harm, disfigurement or death can result from such act; or

(4) committing an act described in K.S.A. 8-1567, and amendments thereto, when great bodily harm to another person or disfigurement of another person results from such act while:

(A) In violation of any restriction imposed on such person's driving privileges pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto;

(B) such person's driving privileges are suspended or revoked pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto; or

(C) such person has been deemed a habitual violator as defined in K.S.A. 8-285, and amendments thereto, including at least one violation of K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any city in this state, any resolution of any county in this state or any law of another state, which ordinance, resolution or law declares to be unlawful the acts prohibited by that statute.

(c) Battery against a law enforcement officer is:

(1) Battery, as defined in subsection (a)(2), committed against a:

(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty;

(C) *uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;*

(D) judge, while such judge is engaged in the performance of such judge's duty;

~~(D)~~(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

~~(E)~~(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty;

(2) battery, as defined in subsection (a)(1), committed against a:

(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; ~~or~~

(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty;

(C) *uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;*

(D) judge, while such judge is engaged in the performance of such judge's duty;

~~(D)~~(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

~~(E)~~(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty; or

(3) battery, as defined in subsection (a) committed against a:

(A) State correctional officer or employee by a person in custody of the secretary of corrections, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(B) state correctional officer or employee by a person confined in such juvenile correctional facility, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(C) juvenile detention facility officer or employee by a person confined in such juvenile detention facility, while such officer or employee is engaged in the performance of such officer's or employee's duty; or

(D) city or county correctional officer or employee by a person confined in a city holding facility or county jail facility, while such officer or employee is engaged in the performance of such officer's or employee's duty.

(d) Aggravated battery against a law enforcement officer is:

(1) An aggravated battery, as defined in subsection (b)(1)(A) committed against a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty;

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(C) *uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;*

(D) judge, while such judge is engaged in the performance of such judge's duty;

~~(D)~~(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

~~(E)~~(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty;

(2) an aggravated battery, as defined in subsection (b)(1)(B) or (b)(1)(C), committed against a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty;

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(C) *uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;*

(D) judge, while such judge is engaged in the performance of such judge's duty;

~~(D)~~(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

~~(E)~~(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty; or

(3) knowingly causing, with a motor vehicle, bodily harm to a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty; ~~or~~

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or

(C) *uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty.*

(e) Battery against a school employee is a battery, as defined in subsection (a), committed against a school employee in or on any school property or grounds upon which is located a building or 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 or at any regularly scheduled school sponsored activity or event, while such employee is engaged in the performance of such employee's duty.

(f) Battery against a mental health employee is a battery, as defined in subsection (a), committed against a mental health employee by a person in the custody of the secretary for aging and disability services, while such employee is engaged in the performance of such employee's duty.

(g) (1) Battery is a class B person misdemeanor.

(2) Aggravated battery as defined in:

(A) Subsection (b)(1)(A) or (b)(4) is a severity level 4, person felony;

(B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person felony;

(C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person felony; and

(D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person felony.

(3) Battery against a law enforcement officer as defined in:

(A) Subsection (c)(1) is a class A person misdemeanor;

(B) subsection (c)(2) is a severity level 7, person felony; and

(C) subsection (c)(3) is a severity level 5, person felony.

(4) Aggravated battery against a law enforcement officer as defined in:

(A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony; and

(B) subsection (d)(2) is a severity level 4, person felony.

(5) Battery against a school employee is a class A person misdemeanor.

(6) Battery against a mental health employee is a severity level 7, person felony.

(h) As used in this section:

(1) “Correctional institution” means any institution or facility under the supervision and control of the secretary of corrections;

(2) “state correctional officer or employee” means any officer or employee of the Kansas department of corrections or any independent contractor, or any employee of such contractor, whose duties include working at a correctional institution;

(3) “juvenile detention facility officer or employee” means any officer or employee of a juvenile detention facility as defined in K.S.A. 2018 Supp. 38-2302, and amendments thereto;

(4) “city or county correctional officer or employee” means any correctional officer or employee of the city or county or any independent contractor, or any employee of such contractor, whose duties include working at a city holding facility or county jail facility;

(5) “school employee” means any employee of 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;

(6) “mental health employee” means: (A) An employee of the Kansas department for aging and disability services working at Larned state hospital, Osawatomie state hospital, Kansas neurological institute and Parsons state hospital and training center and the treatment staff as defined in K.S.A. 59-29a02, and amendments thereto; and (B) contractors and employees of contractors under contract to provide services to the Kansas department for aging and disability services working at any such institution or facility;

(7) “judge” means a duly elected or appointed justice of the supreme court, judge of the court of appeals, judge of any district court of Kansas, district magistrate judge or municipal court judge;

(8) “attorney” means a: (A) County attorney, assistant county attorney, special assistant county attorney, district attorney, assistant district attorney, special assistant district attorney, attorney general, assistant attorney general or special assistant attorney general; and (B) public defender, assistant public defender, contract counsel for the state board of indigents’ defense services or an attorney who is appointed by the court to perform services for an indigent person as provided by article 45 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;

(9) “community corrections officer” means an employee of a community correctional services program responsible for supervision of adults or juveniles as assigned by the court to community corrections supervision and any other employee of a community correctional services program that provides enhanced supervision of offenders such as house arrest and surveillance programs; ~~and~~

(10) “court services officer” means an employee of the Kansas judicial branch or local judicial district responsible for supervising, monitoring or

writing reports relating to adults or juveniles as assigned by the court, or performing related duties as assigned by the court; and

(11) “*federal law enforcement officer*” means a law enforcement officer employed by the United States federal government who, as part of such officer’s duties, is permitted to make arrests and to be armed.

Sec. 2. K.S.A. 2018 Supp. 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. 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. 2018 Supp. 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 ~~which~~ 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 ~~which~~ 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. 2018 Supp. 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 ~~which~~ *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 ~~which~~ *that* necessitated placement;
- (C) information about the child's family and the child's relationship to the family ~~which~~ *that* may affect the placement;
- (D) important life experiences and relationships ~~which~~ *that* may affect the child's feelings, behavior, attitudes or adjustment;
- (E) medical history of the child, including third-party coverage ~~which~~ *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 ~~which~~ *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  $\frac{2}{3}$  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) *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) (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. 3. K.S.A. 2018 Supp. 38-2232 is hereby amended to read as follows: 38-2232. (a) (1) To the extent possible, when any law enforcement officer takes into custody a child under the age of 18 years without a court order, the child shall promptly be delivered to the custody of the child's parent or other custodian unless there are reasonable grounds to believe that such action would not be in the best interests of the child.

(2) Except as provided in subsection (b), if the child is not delivered to the custody of the child's parent or other custodian, the child shall promptly be delivered to a:

- (A) (i) Shelter facility designated by the court;
- (ii) court services officer;
- (iii) juvenile intake and assessment worker;
- (iv) licensed attendant care center;
- (v) juvenile crisis intervention center after written authorization by a community mental health center; or
- (vi) other person;
- (B) if the child is 15 years of age or younger, to a facility or person designated by the secretary; or

(C) if the child is 16 or 17 years of age and the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse, to a facility or person designated by the secretary.

(3) If, after delivery of the child to a shelter facility, the person in charge of the shelter facility at that time and the law enforcement officer determine that the child will not remain in the shelter facility and if the child is presently alleged, but not yet adjudicated, to be a child in need of care solely pursuant to K.S.A. 2018 Supp. 38-2202(d)(9) or (d)(10), and amendments thereto, the law enforcement officer shall deliver the child to a ~~juvenile detention facility or other~~ secure facility, designated by the court, where the child shall be detained for not more than 24 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible.

(4) No child taken into custody pursuant to this code shall be placed in a ~~juvenile detention facility or other~~ secure facility, except as authorized by this section and by K.S.A. 2018 Supp. 38-2242, 38-2243 and 38-2260, and amendments thereto.

(5) It shall be the duty of the law enforcement officer to furnish to the county or district attorney, without unnecessary delay, all the information in the possession of the officer pertaining to the child, the child's parents or other persons interested in or likely to be interested in the child and all other facts and circumstances which caused the child to be taken into custody.

(b) (1) When any law enforcement officer takes into custody any child as provided in K.S.A. 2018 Supp. 38-2231(b)(2), and amendments thereto, proceedings shall be initiated in accordance with the provisions of the interstate compact on juveniles, K.S.A. 38-1001 et seq., and amendments thereto, or K.S.A. 2018 Supp. 38-1008, and amendments thereto, when effective. Any child taken into custody pursuant to the interstate compact on juveniles may be detained in a juvenile detention facility or other secure facility.

(2) When any law enforcement officer takes into custody any child as provided in K.S.A. 2018 Supp. 38-2231(b)(3), and amendments thereto, the law enforcement officer shall place the child in protective custody and may deliver the child to a staff secure facility. The law enforcement officer shall contact the department for children and families to begin an assessment to determine safety, placement and treatment needs for the child. Such child shall not be placed in a ~~juvenile detention facility or other~~ secure facility, except as authorized by this section and by K.S.A. 2018 Supp. 38-2242, 38-2243 and 38-2260, and amendments thereto.

(3) When any law enforcement officer takes into custody any child as provided in K.S.A. 2018 Supp. 38-2231(b)(4), and amendments thereto, the law enforcement officer shall place the child in protective custody and may deliver the child to a juvenile crisis intervention center after written authorization by a community mental health center. Such child shall not be placed in a juvenile detention facility or other secure facility.

(c) Whenever a child under the age of 18 years is taken into custody by a law enforcement officer without a court order and is thereafter placed as authorized by subsection (a), the facility or person shall, upon written application of the law enforcement officer, have physical custody and provide care and supervision for the child. The application shall state:

- (1) The name and address of the child, if known;
- (2) the names and addresses of the child's parents or nearest relatives and persons with whom the child has been residing, if known; and
- (3) the officer's belief that the child is a child in need of care and that there are reasonable grounds to believe that the circumstances or condition of the child is such that the child would be harmed unless placed in the immediate custody of the shelter facility or other person.

(d) A copy of the application shall be furnished by the facility or person receiving the child to the county or district attorney without unnecessary delay.

(e) The shelter facility or other person designated by the court who has custody of the child pursuant to this section shall discharge the child not later than 72 hours following admission, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, unless a court has entered an order pertaining to temporary custody or release.

(f) In absence of a court order to the contrary, the county or district attorney or the placing law enforcement agency shall have the authority to direct the release of the child at any time.

(g) When any law enforcement officer takes into custody any child as provided in K.S.A. 2018 Supp. 38-2231(d), and amendments thereto, the child shall promptly be delivered to the school in which the child is enrolled, any location designated by the school in which the child is enrolled or the child's parent or other custodian.

Sec. 4. K.S.A. 2018 Supp. 38-2242 is hereby amended to read as follows: 38-2242. (a) The court, upon verified application, may issue ex parte an order directing that a child be held in protective custody and, if the child has not been taken into custody, an order directing that the child be taken into custody. The application shall state for each child:

(1) The applicant's belief that the child is a child in need of care;

(2) that the child is likely to sustain harm if not immediately removed from the home;

(3) that allowing the child to remain in the home is contrary to the welfare of the child; and

(4) the facts relied upon to support the application, including efforts known to the applicant to maintain the family unit and prevent the unnecessary removal of the child from the child's home, or the specific facts supporting that an emergency exists which threatens the safety of the child.

(b) (1) The order of protective custody may be issued only after the court has determined there is probable cause to believe the allegations in the application are true. The order shall remain in effect until the temporary custody hearing provided for in K.S.A. 2018 Supp. 38-2243, and amendments thereto, unless earlier rescinded by the court.

(2) No child shall be held in protective custody for more than 72 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, unless within the 72-hour period a determination is made as to the necessity for temporary custody in a temporary custody hearing. The time spent in custody pursuant to K.S.A. 2018 Supp. 38-2232, and amendments thereto, shall be included in calculating the 72-hour period. Nothing in this subsection shall be construed to mean that the child must remain in protective custody for 72 hours. If a child is in the protective custody of the secretary, the secretary shall allow at least one supervised visit between the child and the parent or parents within such time period as the child is in protective custody. The court may prohibit such supervised visit if the court determines it is not in the best interest of the child.

(c) (1) Whenever the court determines the necessity for an order of protective custody, the court may place the child in the protective custody of:

(A) A parent or other person having custody of the child and may enter a restraining order pursuant to subsection (e);

(B) a person, other than the parent or other person having custody, who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(C) a youth residential facility;

(D) a shelter facility;

(E) a staff secure facility, notwithstanding any other provision of law, if the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2018 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2018 Supp. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2018 Supp. 21-6419, and amendments thereto;

(F) after written authorization by a community mental health center, a juvenile crisis intervention center as described in K.S.A. 65-536, and amendments thereto; or

(G) the secretary, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse.

(2) If the secretary presents the court with a plan to provide services to a child or family which the court finds will assure the safety of the child, the court may only place the child in the protective custody of the secretary until the court finds the services are in place. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. When the child is placed in the protective custody of the secretary, the secretary shall have the discretionary authority to place the child with a parent or to make other suitable placement for the child. When the child is placed in the temporary custody of the secretary and the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2018 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2018 Supp. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2018 Supp. 21-6419, and amendments thereto, the secretary shall have the discretionary authority to place the child in a staff secure facility, notwithstanding any other provision of law. When the child is presently alleged, but not yet adjudicated, to be a child in need of care solely pursuant to K.S.A. 2018 Supp. 38-2202(d)(9) or (d)(10), and amendments thereto, the child may be placed in a ~~juvenile detention facility or other~~ secure facility pursuant to an order of protective custody for a period of not to exceed 24 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible.

(d) The order of protective custody shall be served pursuant to K.S.A. 2018 Supp. 38-2237(a), and amendments thereto, on the child's parents and any other person having legal custody of the child. The order shall prohibit the removal of the child from the court's jurisdiction without the court's permission.

(e) If the court issues an order of protective custody, the court may also enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child, other family member or witness; or attempting to visit, contact, harass or intimidate the child, other family member or witness. Such restraining order shall be served by personal service pursuant to K.S.A. 2018 Supp. 38-2237(a), and amendments thereto, on any alleged perpetrator to whom the order is directed.

(f) (1) The court shall not enter the initial order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that: (A) (i) The child is likely to sustain harm if not immediately removed from the home;

(ii) allowing the child to remain in home is contrary to the welfare of the child; or

(iii) immediate placement of the child is in the best interest of the child; and

(B) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety to the child.

(2) Such findings shall be included in any order entered by the court. If the child is placed in the custody of the secretary, the court shall provide the secretary with a written copy of any orders entered upon making the order.

Sec. 5. K.S.A. 2018 Supp. 38-2243 is hereby amended to read as follows: 38-2243. (a) Upon notice and hearing, the court may issue an order directing who shall have temporary custody and may modify the order during the pendency of the proceedings as will best serve the child's welfare.

(b) A hearing pursuant to this section shall be held within 72 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, following a child having been taken into protective custody.

(c) Whenever it is determined that a temporary custody hearing is required, the court shall immediately set the time and place for the hearing. Notice of a temporary custody hearing shall be given to all parties and interested parties.

(d) Notice of the temporary custody hearing shall be given at least 24 hours prior to the hearing. The court may continue the hearing to afford



the 24 hours prior notice or, with the consent of the party or interested party, proceed with the hearing at the designated time. If an order of temporary custody is entered and the parent or other person having custody of the child has not been notified of the hearing, did not appear or waive appearance and requests a rehearing, the court shall rehear the matter without unnecessary delay.

(e) Oral notice may be used for giving notice of a temporary custody hearing where there is insufficient time to give written notice. Oral notice is completed upon filing a certificate of oral notice.

(f) The court may enter an order of temporary custody after determining there is probable cause to believe that the: (1) Child is dangerous to self or to others; (2) child is not likely to be available within the jurisdiction of the court for future proceedings; (3) health or welfare of the child may be endangered without further care; (4) child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2018 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2018 Supp. 21-6422, and amendments thereto; (5) child is experiencing a mental health crisis and is in need of treatment; or (6) child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2018 Supp. 21-6419, and amendments thereto.

(g) (1) Whenever the court determines the necessity for an order of temporary custody the court may place the child in the temporary custody of:

(A) A parent or other person having custody of the child and may enter a restraining order pursuant to subsection (h);

(B) a person, other than the parent or other person having custody, who shall not be required to be licensed under article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto;

(C) a youth residential facility;

(D) a shelter facility;

(E) a staff secure facility, notwithstanding any other provision of law, if the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2018 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2018 Supp. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2018 Supp. 21-6419, and amendments thereto;

(F) after written authorization by a community mental health center, a juvenile crisis intervention center, as described in K.S.A. 65-536, and amendments thereto; or

(G) the secretary, if the child is 15 years of age or younger, or 16 or 17 years of age if the child has no identifiable parental or family resources or shows signs of physical, mental, emotional or sexual abuse.



(2) If the secretary presents the court with a plan to provide services to a child or family which the court finds will assure the safety of the child, the court may only place the child in the temporary custody of the secretary until the court finds the services are in place. The court shall have the authority to require any person or entity agreeing to participate in the plan to perform as set out in the plan. When the child is placed in the temporary custody of the secretary, the secretary shall have the discretionary authority to place the child with a parent or to make other suitable placement for the child. When the child is placed in the temporary custody of the secretary and the child has been subjected to human trafficking or aggravated human trafficking, as defined by K.S.A. 2018 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2018 Supp. 21-6422, and amendments thereto, or the child committed an act which, if committed by an adult, would constitute a violation of K.S.A. 2018 Supp. 21-6419, and amendments thereto, the secretary shall have the discretionary authority to place the child in a staff secure facility, notwithstanding any other provision of law. When the child is presently alleged, but not yet adjudicated to be a child in need of care solely pursuant to K.S.A. 2018 Supp. 38-2202(d)(9) or (d)(10), and amendments thereto, the child may be placed in a ~~juvenile detention facility or other~~ secure facility, but the total amount of time that the child may be held in such facility under this section and K.S.A. 2018 Supp. 38-2242, and amendments thereto, shall not exceed 24 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible. The order of temporary custody shall remain in effect until modified or rescinded by the court or an adjudication order is entered but not exceeding 60 days, unless good cause is shown and stated on the record.

(h) If the court issues an order of temporary custody, the court may also enter an order restraining any alleged perpetrator of physical, sexual, mental or emotional abuse of the child from residing in the child's home; visiting, contacting, harassing or intimidating the child; or attempting to visit, contact, harass or intimidate the child, other family members or witnesses. Such restraining order shall be served by personal service pursuant to K.S.A. 2018 Supp. 38-2237(a), and amendments thereto, on any alleged perpetrator to whom the order is directed.

(i) (1) The court shall not enter the initial order removing a child from the custody of a parent pursuant to this section unless the court first finds probable cause that: (A) (i) The child is likely to sustain harm if not immediately removed from the home;

(ii) allowing the child to remain in home is contrary to the welfare of the child; or

(iii) immediate placement of the child is in the best interest of the child; and

(B) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety to the child.

(2) Such findings shall be included in any order entered by the court. If the child is placed in the custody of the secretary, upon making the order the court shall provide the secretary with a written copy.

(j) If the court enters an order of temporary custody that provides for placement of the child with a person other than the parent, the court shall make a child support determination pursuant to K.S.A. 2018 Supp. 38-2277, and amendments thereto.

Sec. 6. K.S.A. 2018 Supp. 39-1431 is hereby amended to read as follows: 39-1431. (a) Any person who is licensed to practice any branch of the healing arts, a licensed psychologist, a licensed master level psychologist, a licensed clinical psychotherapist, the chief administrative officer of a medical care facility, a teacher, a licensed social worker, a licensed professional nurse, a licensed practical nurse, a licensed dentist, a licensed marriage and family therapist, a licensed clinical marriage and family therapist, licensed professional counselor, licensed clinical professional counselor, registered alcohol and drug abuse counselor, a law enforcement officer, an emergency medical services attendant, a case manager, a rehabilitation counselor, a bank trust officer or any other officers of financial institutions, a legal representative, a governmental assistance provider, an owner or operator of a residential care facility, an independent living counselor and the chief administrative officer of a licensed home health agency, the chief administrative officer of an adult family home and the chief administrative officer of a provider of community services and affiliates thereof operated or funded by the Kansas department for aging and disability services or licensed under K.S.A. 2018 Supp. 39-2001 et seq., and amendments thereto, who has reasonable cause to believe that an adult is being or has been abused, neglected or exploited or is in need of protective services shall report, immediately from receipt of the information, such information or cause a report of such information to be made in any reasonable manner. An employee of a domestic violence center shall not be required to report information or cause a report of information to be made under this subsection. Other state agencies receiving reports that are to be referred to the Kansas department for children and families and the appropriate law enforcement agency, shall submit the report to the department and agency within six hours, during normal work days, of receiving the information. Reports shall be made to the Kansas department for children and families during the normal working week days and hours of operation. Reports shall be made to law enforcement agencies during the time the Kansas department for children and families is not in operation. Law enforcement shall submit the report and appro-

priate information to the Kansas department for children and families on the first working day that the Kansas department for children and families is in operation after receipt of such information.

(b) The report made pursuant to subsection (a) shall contain the name and address of the person making the report and of the caretaker caring for the involved adult, the name and address of the involved adult, information regarding the nature and extent of the abuse, neglect or exploitation, the name of the next of kin of the involved adult, if known, and any other information ~~which~~ *that* the person making the report believes might be helpful in the investigation of the case and the protection of the involved adult.

(c) Any other person, not listed in subsection (a), having reasonable cause to suspect or believe that an adult is being or has been abused, neglected or exploited or is in need of protective services may report such information to the Kansas department for children and families. Reports shall be made to law enforcement agencies during the time the Kansas department for children and families is not in operation.

(d) A person making a report under subsection (a) shall not be required to make a report under K.S.A. 39-1401 through 39-1410, and amendments thereto.

(e) Any person required to report information or cause a report of information to be made under subsection (a) who knowingly fails to make such report or cause such report not to be made shall be guilty of a class B misdemeanor.

(f) Notice of the requirements of this act and the department to which a report is to be made under this act shall be posted in a conspicuous public place in every adult family home as defined in K.S.A. 39-1501, and amendments thereto, and every provider of community services and affiliates thereof operated or funded by the Kansas department for aging and disability services or other facility licensed under K.S.A. 2018 Supp. 39-2001 et seq., and amendments thereto, and other institutions included in subsection (a).

Sec. 7. K.S.A. 2016 Supp. 41-102, as amended by section 2 of chapter 99 of the 2018 Session Laws of Kansas, is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

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

(b) “Alcoholic candy” means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(o) “Hard cider” means any alcoholic beverage that:

(1) Contains less than 8.5% alcohol by volume;

(2) has a carbonation level that does not exceed 6.4 grams per liter; and

(3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of correcting natural deficiencies.

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

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

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

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

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

(t) “Minor” means any person under 21 years of age.

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

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

(w) “Person” means any natural person, corporation, partnership, trust or association.

(x) “Powdered alcohol” means alcohol that is prepared in a powdered or crystal form for either direct use or for reconstitution in a non-alcoholic liquid.

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

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

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

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

(bb) “Salesperson” means any natural person who:

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

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

(cc) “Sample” means a serving of alcoholic liquor that contains not more than: (1) One-half ounce of distilled spirits; (2) one ounce of wine; or (3) two ounces of beer or cereal malt beverage. A sample of a mixed alcoholic beverage shall contain not more than ½ ounce of distilled spirits.

(dd) “Secretary” means the secretary of revenue.

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

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

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

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

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

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

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

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

Sec. 8. K.S.A. 2018 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. 2018 Supp. 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. 2018 Supp. 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. 2018 Supp. 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. 2018 Supp. 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. 2018 Supp. 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. 2018 Supp. 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. 2018 Supp. 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. 2018 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 2018 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(xxvi) For all taxable years beginning after December 31, 2016, the amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 72-99a07, and amendments thereto, and is also claimed as an itemized deduction for federal income tax purposes.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter

ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas venture capital, inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation. For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(xv) For all taxable years beginning after December 31, ~~2006~~ 2017, *the cumulative* amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary ~~which 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 ~~at an institution of postsecondary education~~; 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. 2018 Supp. 75-643 and 75-652, and amendments thereto, and the provisions of such ~~section~~ *sections* are hereby incorporated by reference for all purposes thereof.

(xvi) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 Session Laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xviii) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income, not including guaranteed payments

as defined in section 707(c) of the federal internal revenue code and as reported to the taxpayer from federal schedule K-1, (form 1065-B), in box 9, code F or as reported to the taxpayer from federal schedule K-1, (form 1065) in box 4, from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(xxi) For all taxable years beginning after December 31, 2013, amounts equal to the unreimbursed travel, lodging and medical expenditures directly incurred by a taxpayer while living, or a dependent of the taxpayer while living, for the donation of one or more human organs of the taxpayer, or a dependent of the taxpayer, to another person for human organ transplantation. The expenses may be claimed as a subtraction modification provided for in this section to the extent the expenses are not already subtracted from the taxpayer's federal adjusted gross income. In no circumstances shall the subtraction modification provided for in this section for any individual, or a dependent, exceed \$5,000. As used in this section, "human organ" means all or part of a liver, pancreas, kidney, intestine, lung or bone marrow. The provisions of this paragraph shall take effect on the day the secretary of revenue certifies to the director of the budget that the cost for the department of revenue of modifications to the automated tax system for the purpose of implementing this paragraph will not exceed \$20,000.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of net gain from the sale of: (1) Cattle and horses, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 24 months or more from the date of acquisition; and (2) other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 12 months or more from the date of acquisition. The subtraction from federal adjusted gross income shall be limited to the amount of the additions recognized under the provisions of subsection (b)(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.

(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. 9. K.S.A. 2018 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 12<sup>th</sup> grade, and conducts regular classes and courses of study required for accreditation by, or membership in, the higher learning commission, the state board of education, or that otherwise qualify as an “educational institution,” as defined by K.S.A. 74-50,103, and amendments thereto. Such phrase shall include: (1) A group of educational institutions that operates exclusively for an educational purpose; (2) nonprofit endowment associations and foundations organized and operated exclusively to receive, hold, invest and administer moneys and property as a permanent fund for the support and sole benefit of an educational institution; (3) nonprofit trusts, foundations and other entities organized and operated principally to hold and own receipts from intercollegiate sporting events and to disburse such receipts, as well as grants and gifts, in the interest of collegiate and intercollegiate athletic programs for the support and sole benefit of an educational institution; and (4) nonprofit trusts, foundations and other entities organized and operated for the primary purpose of encouraging, fostering and conducting scholarly investigations and industrial and other types of research for the support and sole benefit of an educational institution.

(m) “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 which is necessary or essential to, and which is actually used in and becomes an integral and material part of tangible personal property or services produced, manufactured or compounded for sale by the producer, manufacturer or compounder in its regular course of business. The following items of tangible personal property are hereby declared to be ingredients or component parts, but the listing of such property shall not be deemed to be exclusive nor shall such listing be construed to be a restriction upon, or an indication of, the type or types of property to be included within the definition of “ingredient or component part” as herein set forth:

(1) Containers, labels and shipping cases used in the distribution of property produced, manufactured or compounded for sale which are not to be returned to the producer, manufacturer or compounder for reuse.

(2) Containers, labels, shipping cases, paper bags, drinking straws, paper plates, paper cups, twine and wrapping paper used in the distribution and sale of property taxable under the provisions of this act by wholesalers and retailers and which 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 which 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 sell-

ing such property. Such term shall include: (1) Any sale by a bank, savings and loan institution, credit union or any finance company licensed under the provisions of the Kansas uniform consumer credit code of tangible personal property which 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 which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state or which certifies a levy to a municipality, agency or subdivision of the state which is, or shall hereafter be, authorized to levy taxes upon tangible property within the state. Such term also shall include any public building commission, housing, airport, port, metropolitan transit or similar authority established pursuant to law and the horsethief reservoir benefit district established pursuant to K.S.A. 82a-2201, and amendments thereto.

(bb) “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, which is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. Prewritten computer software in-

cludes 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 which is essential or necessary to and which is used in the actual process of and consumed, depleted or dissipated within one year in: (1) The production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property; (2) the providing of services; (3) the irrigation of crops, for sale in the regular course of business; or (4) the storage or processing of grain by a public grain warehouse or other grain storage facility, and which is not reusable for such purpose. The following is a listing of tangible personal property, included by way of illustration but not of limitation, which qualifies as property which is consumed:

(A) Insecticides, herbicides, germicides, pesticides, fungicides, fumigants, antibiotics, biologicals, pharmaceuticals, vitamins and chemicals for use in commercial or agricultural production, processing or storage of fruit, vegetables, feeds, seeds, grains, animals or animal products whether fed, injected, applied, combined with or otherwise used;

(B) electricity, gas and water; and

(C) petroleum products, lubricants, chemicals, solvents, reagents and catalysts.

(ee) "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, 2021, cash rebates granted by a manufacturer to a purchaser or lessee of a new motor vehicle if paid directly to the retailer as a result of the original sale.

(mm) “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. 2018 Supp. 79-3670 through 79-3673, K.S.A. 12-191 and 12-191a, and amendments thereto, which shall apply to identify and determine the state and local taxing jurisdiction sales or use taxes to pay, or collect and remit on a particular retail sale.

(pp) “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, which 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.*

Sec. 10. K.S.A. 2015 Supp. 38-2232, as amended by section 24 of chapter 46 of the 2016 Session Laws of Kansas, 38-2242, as amended by section 25 of chapter 46 of the 2016 Session Laws of Kansas, and 38-2243, as amended by section 26 of chapter 46 of the 2016 Session Laws of Kansas; K.S.A. 2016 Supp. 41-102, as amended by section 2 of chapter 99 of the 2018 Session Laws of Kansas, and 41-102, as amended by section 10 of 2019 Senate Bill No. 70; K.S.A. 2017 Supp. 79-3602, as amended by section 5 of chapter 8 of the 2018 Session Laws of Kansas; and K.S.A. 2018 Supp. 21-5413, 21-5413a, 22-3302a, 38-2212, 38-2212a, 38-2232, 38-2242, 38-2243, 39-1431, 39-1431a, 79-32,117, 79-32,117p and 79-3602 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 16, 2019.

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## CHAPTER 66

## HOUSE BILL No. 2248

AN ACT concerning consumer protection; relating to the scrap metal theft reduction act; delay of implementation; creating the scrap metal data repository fund; scrap metal transaction requirements; dealer registration; Kansas consumer protection act; definitions of consumer transaction and supplier; amending K.S.A. 2018 Supp. 50-624, 50-6,109a, 50-6,109a, as amended by section 1 of this act, 50-6,109c, 50-6,109c, as amended by section 3 of this act, 50-6,110, 50-6,110, as amended by section 5 of this act, 50-6,111, 50-6,111, as amended by section 7 of this act, 50-6,112a, 50-6,112a, as amended by section 9 of this act, 50-6,112b and 50-6,112b, as amended by section 11 of this act, and repealing the existing sections.

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

Section 1. K.S.A. 2018 Supp. 50-6,109a is hereby amended to read as follows: 50-6,109a. (a) The attorney general is hereby given jurisdiction and authority over all matters involving the implementation, administration and enforcement of the provisions of the scrap metal theft reduction act including to:

- (1) Employ or appoint agents as necessary to implement, administer and enforce the act;
- (2) contract;
- (3) expend funds;
- (4) license and discipline;
- (5) investigate;
- (6) issue subpoenas;
- (7) keep statistics; and
- (8) conduct education and outreach programs to promote compliance with the act.

(b) In accordance with the rules and regulations filing act, the attorney general is hereby authorized to adopt rules and regulations necessary to implement the provisions of the scrap metal theft reduction act.

(c) There is hereby established in the state treasury the scrap metal theft reduction fee fund to be administered by the attorney general. All moneys received by the attorney general from fees, charges or penalties collected under the provisions of the scrap metal theft reduction act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, who shall deposit the entire amount thereof in the state treasury to the credit of the scrap metal theft reduction fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or the attorney general's designee. All moneys credited to the scrap metal theft reduction fee fund shall be expended for the adminis-

tration of the duties, functions and operating expenses incurred under the provisions of the scrap metal theft reduction act.

(d)-(1) ~~Before January 1, 2020,~~ *On July 1, 2020,* the attorney general shall establish and maintain a database which shall be a central repository for the information required to be provided under K.S.A. 2018 Supp. 50-6,110, and amendments thereto. The database shall be maintained for the purpose of providing information to law enforcement and for any other purpose deemed necessary by the attorney general to implement and enforce the provisions of the scrap metal theft reduction act.

(2) ~~On or before February 1, 2019, the attorney general shall submit a report to the president of the senate, the speaker of the house of representatives and the standing committees on judiciary in the senate and the house of representatives on the progress achieved in establishing the database required by this subsection.~~

(e) The information required by K.S.A. 2018 Supp. 50-6,110, and amendments thereto, maintained in such database by the attorney general, or by any entity contracting with the attorney general, submitted to, maintained or stored as part of the system shall:

(1) Be confidential, shall only be used for investigatory, evidentiary or analysis purposes related to criminal violations of city, state or federal law and shall only be released to law enforcement in response to an official investigation or as permitted in subsection (d); and

(2) not be a public record and shall not be subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this subsection shall expire on July 1, 2020, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto.

Sec. 2. On and after July 1, 2020, K.S.A. 2018 Supp. 50-6,109a, as amended by section 1 of this act, is hereby amended to read as follows: 50-6,109a. (a) The attorney general is hereby given jurisdiction and authority over all matters involving the implementation, administration and enforcement of the provisions of the scrap metal theft reduction act including to:

(1) Employ or appoint agents as necessary to implement, administer and enforce the act;

(2) contract;

(3) expend funds;

(4) license and discipline;

(5) investigate;

(6) issue subpoenas;

(7) keep statistics; and

(8) conduct education and outreach programs to promote compliance with the act.

(b) In accordance with the rules and regulations filing act, the attorney general is hereby authorized to adopt rules and regulations necessary to implement the provisions of the scrap metal theft reduction act.

(c) There is hereby established in the state treasury the scrap metal theft reduction fee fund to be administered by the attorney general. All moneys received by the attorney general from fees, charges or penalties collected under the provisions of the scrap metal theft reduction act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, who shall deposit the entire amount thereof in the state treasury to the credit of the scrap metal theft reduction fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or the attorney general's designee. All moneys credited to the scrap metal theft reduction fee fund shall be expended for the administration of the duties, functions and operating expenses incurred under the provisions of the scrap metal theft reduction act.

(d) *There is hereby established in the state treasury the scrap metal data repository fund to be administered by the director of the Kansas bureau of investigation. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the Kansas bureau of investigation or the director's designee. All moneys credited to the scrap metal data repository fund shall be expended for the administration of the duties, functions and operating expenses incurred under the provisions of the scrap metal theft reduction act.*

(e) *The attorney general may transfer any moneys from the scrap metal theft reduction fee fund to the scrap metal data repository fund. The attorney general shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.*

(f) On July 1, 2020, the ~~attorney general~~ Kansas bureau of investigation shall establish and maintain a database which shall be a central repository for the information required to be provided under K.S.A. 2018 Supp. 50-6,110, and amendments thereto. The database shall be maintained for the purpose of providing information to law enforcement and for any other purpose deemed necessary by the attorney general to implement and enforce the provisions of the scrap metal theft reduction act.

~~(e)(g)~~ *The information required by K.S.A. 2018 Supp. 50-6,110, and amendments thereto, maintained in such database by the attorney general Kansas bureau of investigation, or by any entity contracting with the attorney general Kansas bureau of investigation, submitted to, maintained or stored as part of the system may be provided to the attorney general and shall:*

(1) Be confidential, shall only be used for investigatory, evidentiary or analysis purposes related to criminal violations of city, state or federal law and shall only be released to law enforcement in response to an official investigation or as permitted in subsection ~~(d)~~ (f); and

(2) not be a public record and shall not be subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. The provisions of this subsection shall expire on July 1, ~~2020~~ 2024, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto.

*(h) On or before February 1, 2021, and annually on or before February 1 thereafter, the attorney general shall submit a report to the president of the senate, the speaker of the house of representatives and the standing committees on judiciary in the senate and the house of representatives on the implementation, administration and enforcement of the provisions of the scrap metal theft reduction act.*

*(i) Any entity contracting with the attorney general or the Kansas bureau of investigation to provide or maintain the database required by this section shall not require a scrap metal dealer to contract with such entity for the authority to release proprietary or confidential data, including, but not limited to, customer information. Such entity shall not charge any fee to the scrap metal dealer as a condition of providing information to the database as required by the scrap metal theft reduction act, including, but not limited to, a fee for electronic submission of information.*

*(j) A scrap metal dealer providing information to the database as required by the scrap metal theft reduction act shall not be subject to civil liability for any claim arising from the negligence or omission by the state of Kansas or any contracting entity in the collection, storing or release of information provided by such scrap metal dealer to the database.*

Sec. 3. K.S.A. 2018 Supp. 50-6,109c is hereby amended to read as follows: 50-6,109c. (a) Any scrap metal dealer who violates any of the provisions of the scrap metal theft reduction act, in addition to any other penalty provided by law, may incur a civil penalty imposed pursuant to subsection (b) in an amount not less than \$100 nor more than \$5,000 for each violation.

(b) The attorney general, upon a finding that a scrap metal dealer or any employee or agent thereof or any person or entity required to be registered as a scrap metal dealer has violated any of the provisions of the scrap metal theft reduction act may impose a civil penalty as provided in this subsection upon such scrap metal dealer.

(c) A civil penalty shall not be imposed pursuant to this section except upon the written order of the attorney general to the scrap metal dealer who is responsible for the violation. Such order is a final order for purposes of judicial review and shall state the violation, the penalty to be

imposed and the right of such dealer to appeal as provided in the Kansas judicial review act.

(d) This section shall be unenforceable and shall not apply from June 1, 2017, to ~~January~~ July 1, 2020.

Sec. 4. On and after July 1, 2020, K.S.A. 2018 Supp. 50-6,109c, as amended by section 3 of this act, is hereby amended to read as follows: 50-6,109c. (a) Any scrap metal dealer who violates any of the provisions of the scrap metal theft reduction act, in addition to any other penalty provided by law, may incur a civil penalty imposed pursuant to subsection (b) in an amount not less than \$100 nor more than \$5,000 for each violation.

(b) The attorney general, upon a finding that a scrap metal dealer or any employee or agent thereof or any person or entity required to be registered as a scrap metal dealer has violated any of the provisions of the scrap metal theft reduction act may impose a civil penalty as provided in this subsection upon such scrap metal dealer.

(c) A civil penalty shall not be imposed pursuant to this section except upon the written order of the attorney general to the scrap metal dealer who is responsible for the violation. Such order is a final order for purposes of judicial review and shall state the violation, the penalty to be imposed and the right of such dealer to appeal as provided in the Kansas judicial review act.

~~(d) This section shall be unenforceable and shall not apply from June 1, 2017, to July 1, 2020.~~

Sec. 5. K.S.A. 2018 Supp. 50-6,110 is hereby amended to read as follows: 50-6,110. (a) It shall be unlawful for any person to sell any item or items of regulated scrap metal to a scrap metal dealer, or employee or agent of a dealer, in this state unless such person meets the requirements of this subsection.

(1) Such person shall present to such scrap metal dealer, or employee or agent of such dealer, at or before the time of sale, the following: The seller's name, address, sex, date of birth and the seller's driver's license, military identification card, passport or personal identification license. An official governmental document for a country other than the United States may be used to meet this requirement provided that a legible fingerprint is also obtained from the seller.

(2) Such person shall complete and sign the statement provided for in subsection (b)(10).

(b) Every scrap metal dealer shall keep a register in which the dealer, or employee or agent of the dealer, shall at the time of purchase or receipt of any item for which such information is required to be presented, cross-reference to previously received information, or accurately and legibly record at the time of sale the following information:

(1) The time, date and place of transaction;

(2) the seller's name, address, sex, date of birth and the identifying number from the seller's driver's license, military identification card, passport or personal identification license; the identifying number from an official governmental document for a country other than the United States may be used to meet this requirement provided that a legible fingerprint is also obtained from the seller;

(3) a copy of the identification card or document containing such identifying number. Failure to comply with the provisions of this paragraph between June 1, 2017, and ~~January~~ July 1, 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation;

(4) the license number, color and style or make of any motor vehicle in which the junk vehicle or other regulated scrap metal property is delivered in a purchase transaction;

(5) a general description, made in accordance with the custom of the trade, of the predominant types of junk vehicle or other regulated scrap metal property purchased in the transaction;

(6) the weight, quantity or volume, made in accordance with the custom of the trade, of the regulated scrap metal property purchased;

(7) if a junk vehicle or vehicle part is being bought or sold, a description of the junk vehicle or vehicle part, including the make, model, color, vehicle identification number and serial number if applicable;

(8) the price paid for, traded for or dealt for in a transaction for the junk vehicle or other regulated scrap metal property;

(9) the full name of the individual acting on behalf of the regulated scrap metal dealer in making the purchase; and

(10) a signed statement from the seller indicating from where the property was obtained and that: (A) Each item is the seller's own personal property, is free of encumbrances and is not stolen; or (B) the seller is acting for the owner and has permission to sell each item. If the seller is not the owner, such statement shall include the name and address of the owner of the property.

(c) Every scrap metal dealer shall photograph the item or lot of items being sold at the time of purchase or receipt of any item for which such information is required to be presented. Such photographs shall be kept with the record of the transaction and the scrap metal dealer's register of information required by subsection (b). Failure to comply with the provisions of this subsection between June 1, 2017, and ~~January~~ July 1, 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation.

(d) The scrap metal dealer's register of information required by subsection (b), including copies of identification cards and signed statements by sellers, and photographs required by subsection (c) may be kept in electronic format.

(e) Every scrap metal dealer shall forward the information required by this section to the database described in K.S.A. 2018 Supp. 50-6,109a, and amendments thereto.

(f) Notwithstanding any other provision to the contrary, this section shall not apply to transactions in which the seller is a:

- (1) Registered scrap metal dealer;
- (2) vehicle dealer licensed under chapter 8 of the Kansas Statutes Annotated, and amendments thereto; or
- (3) scrap metal dealer or vehicle dealer registered or licensed in another state.

(g) (1) Except as provided in subsection (g)(2), this section shall not apply to transactions in which the seller is known to the purchasing scrap metal dealer to be a licensed business that operates out of a fixed business location and that can reasonably be expected to generate regulated scrap metal.

(2) The attorney general may determine, by rules and regulations, which of the requirements of this section shall apply to transactions described in subsection (g)(1).

(h) The amendments made to subsection (e) by section 13 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from June 1, 2017, to ~~January~~ *July* 1, 2020.

Sec. 6. On and after July 1, 2020, K.S.A. 2018 Supp. 50-6,110, as amended by section 5 of this act, is hereby amended to read as follows: 50-6,110. (a) It shall be unlawful for any person to sell any item or items of regulated scrap metal to a scrap metal dealer, or employee or agent of a dealer, in this state unless such person meets the requirements of this subsection.

(1) Such person shall present to such scrap metal dealer, or employee or agent of such dealer, at or before the time of sale, the following: The seller's name, address, sex, date of birth and the seller's driver's license, military identification card, passport or personal identification license. An official governmental document for a country other than the United States may be used to meet this requirement ~~provided that a legible fingerprint is also obtained from the seller.~~

(2) Such person shall complete and sign the statement provided for in subsection (b)(10).

(b) Every scrap metal dealer shall keep a register in which the dealer, or employee or agent of the dealer, shall at the time of purchase or receipt of any item for which such information is required to be presented, cross-reference to previously received information, or accurately and legibly record at the time of sale the following information:

- (1) The time, date and place of transaction;
- (2) the seller's name, address, sex, date of birth and:



(A) The identifying number from the seller's driver's license, military identification card, passport or personal identification license; ~~the identifying number from an official governmental document for a country other than the United States may be used to meet this requirement provided that a legible fingerprint is also obtained from the seller; or~~

(B) *the identifying number from the seller's official governmental document for a country other than the United States;*

(3) a copy of the identification card or document containing such identifying number. ~~Failure to comply with the provisions of this paragraph between June 1, 2017, and July 1, 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation, unless the dealer has a copy of the card or document in the dealer's register from a prior transaction;~~

(4) the license number, color and style or make of any motor vehicle in which the junk vehicle or other regulated scrap metal property is delivered in a purchase transaction;

(5) a general description, made in accordance with the custom of the trade, of the predominant types of junk vehicle or other regulated scrap metal property purchased in the transaction;

(6) the weight, quantity or volume, made in accordance with the custom of the trade, of the regulated scrap metal property purchased;

(7) if a junk vehicle or vehicle part is being bought or sold, a description of the junk vehicle or vehicle part, including the make, model, color, vehicle identification number and serial number if applicable;

(8) the price paid for, traded for or dealt for in a transaction for the junk vehicle or other regulated scrap metal property;

(9) the full name of the individual acting on behalf of the regulated scrap metal dealer in making the purchase; and

(10) a signed statement from the seller indicating from where the property was obtained and that: (A) Each item is the seller's own personal property, is free of encumbrances and is not stolen; or (B) the seller is acting for the owner and has permission to sell each item. If the seller is not the owner, such statement shall include the name and address of the owner of the property.

(c) Every scrap metal dealer shall *take one* photograph of the item or lot of items being sold *and one photograph of the vehicle in which the junk vehicle or other regulated scrap metal property is delivered* at the time of purchase or receipt of any item for which such information is required to be presented. Such photographs shall be kept with the record of the transaction and the scrap metal dealer's register of information required by subsection (b). ~~Failure to comply with the provisions of this subsection between June 1, 2017, and July 1, 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation.~~

(d) The scrap metal dealer's register of information required by subsection (b), including copies of identification cards and signed statements by sellers, and photographs required by subsection (c) may be kept in electronic format.

(e) Every scrap metal dealer shall forward ~~the~~ *the information required by this section the Kansas bureau of investigation for each transaction to the database described in K.S.A. 2018 Supp. 50-6,109a, and amendments thereto, in the manner prescribed by the bureau within 72 hours after the transaction occurs. The Kansas bureau of investigation shall promulgate rules and regulations providing which information and photographs required to be collected by scrap metal dealers by subsections (b) and (c) shall be entered into the database and prescribing the manner for submitting such information and photographs to the bureau.*

(f) Notwithstanding any other provision to the contrary, this section shall not apply to transactions in which the seller is a:

- (1) Registered scrap metal dealer;
- (2) vehicle dealer licensed under chapter 8 of the Kansas Statutes Annotated, and amendments thereto; or
- (3) scrap metal dealer or vehicle dealer registered or licensed in another state.

(g) (1) Except as provided in subsection (g)(2), this section shall not apply to transactions in which the seller is known to the purchasing scrap metal dealer to be a licensed business that operates out of a fixed business location and that can reasonably be expected to generate regulated scrap metal.

(2) The attorney general may determine, by rules and regulations, which of the requirements of this section shall apply to transactions described in subsection (g)(1).

~~(h) The amendments made to subsection (e) by section 13 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from June 1, 2017, to July 1, 2020.~~

Sec. 7. K.S.A. 2018 Supp. 50-6,111 is hereby amended to read as follows: 50-6,111. (a) It shall be unlawful for any such scrap metal dealer, or employee or agent of the dealer, to purchase any item or items of regulated scrap metal in a transaction for which K.S.A. 2018 Supp. 50-6,110, and amendments thereto, requires information to be presented by the seller, without demanding and receiving from the seller that information. Every scrap metal dealer shall file and maintain a record of information obtained in compliance with the requirements in K.S.A. 2018 Supp. 50-6,110, and amendments thereto. All records kept in accordance with the provisions of the scrap metal theft reduction act shall be open at all times to law enforcement officers and shall be kept for two years. If the required information is maintained in electronic format,

the scrap metal dealer shall provide a printout of the information to law enforcement officers upon request.

(b) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any junk vehicle in a transaction for which K.S.A. 2018 Supp. 50-6,110, and amendments thereto, requires information to be presented by the seller, without:

(1) Inspecting the vehicle offered for sale and recording the vehicle identification number; and

(2) obtaining an appropriate bill of sale issued by a governmentally operated vehicle impound facility if the vehicle purchased has been impounded by such facility or agency.

(c) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase or receive any regulated scrap metal from a minor unless such minor is accompanied by a parent or guardian or such minor is a licensed scrap metal dealer.

(d) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any of the following items without obtaining proof that the seller is an employee, agent or person who is authorized to sell the item on behalf of the governmental entity; utility provider; railroad; cemetery; civic organization; manufacturing, industrial or other commercial vendor that generates or sells such items in the regular course of business; or scrap metal dealer:

- (1) Utility access cover;
- (2) street light poles or fixtures;
- (3) road or bridge guard rails;
- (4) highway or street sign;
- (5) water meter cover;
- (6) traffic directional or traffic control signs;
- (7) traffic light signals;
- (8) any metal marked with any form of the name or initials of a governmental entity;
- (9) property owned and marked by a telephone, cable, electric, water or other utility provider;
- (10) property owned and marked by a railroad;
- (11) funeral markers or vases;
- (12) historical markers;
- (13) bales of regulated metal;
- (14) beer kegs;
- (15) manhole covers;
- (16) fire hydrants or fire hydrant caps;
- (17) junk vehicles with missing or altered vehicle identification numbers;
- (18) real estate signs;

- (19) bleachers or risers, in whole or in part;
- (20) twisted pair copper telecommunications wiring of 25 pair or greater existing in 19, 22, 24 or 26 gauge; and
- (21) burnt wire.

(e) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to sell, trade, melt or crush, or in any way dispose of, alter or destroy any regulated scrap metal, junk vehicle or vehicle part upon notice from any law enforcement agency, or any of their agents or employees, that they have cause to believe an item has been stolen. A scrap metal dealer shall hold any of the items that are designated by or on behalf of the law enforcement agency for 30 days, exclusive of weekends and holidays.

(f) Failure to comply with the provisions of this section between June 1, 2017, and ~~January~~ *July* 1, 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation.

Sec. 8. On and after July 1, 2020, K.S.A. 2018 Supp. 50-6,111, as amended by section 7 of this act, is hereby amended to read as follows: 50-6,111. (a) It shall be unlawful for any such scrap metal dealer, or employee or agent of the dealer, to purchase any item or items of regulated scrap metal in a transaction for which K.S.A. 2018 Supp. 50-6,110, and amendments thereto, requires information to be presented by the seller, without demanding and receiving from the seller that information. Every scrap metal dealer shall file and maintain a record of information obtained in compliance with the requirements in K.S.A. 2018 Supp. 50-6,110, and amendments thereto. All records kept in accordance with the provisions of the scrap metal theft reduction act shall be open at all times to law enforcement officers and shall be kept for two years. If the required information is maintained in electronic format, the scrap metal dealer shall provide a printout of the information to law enforcement officers upon request.

(b) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any junk vehicle in a transaction for which K.S.A. 2018 Supp. 50-6,110, and amendments thereto, requires information to be presented by the seller, without:

(1) Inspecting the vehicle offered for sale and recording the vehicle identification number; and

(2) obtaining an appropriate bill of sale issued by a governmentally operated vehicle impound facility if the vehicle purchased has been impounded by such facility or agency.

(c) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase or receive any regulated scrap metal from a minor unless such minor is accompanied by a parent or guardian or such minor is a licensed scrap metal dealer.

(d) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to purchase any of the following items without obtaining proof that the seller is an employee, agent or person who is authorized to sell the item on behalf of the governmental entity; utility provider; railroad; cemetery; civic organization; manufacturing, industrial or other commercial vendor that generates or sells such items in the regular course of business; or scrap metal dealer:

- (1) Utility access cover;
- (2) street light poles or fixtures;
- (3) road or bridge guard rails;
- (4) highway or street sign;
- (5) water meter cover;
- (6) traffic directional or traffic control signs;
- (7) traffic light signals;
- (8) any metal marked with any form of the name or initials of a governmental entity;
- (9) property owned and marked by a telephone, cable, electric, water or other utility provider;
- (10) property owned and marked by a railroad;
- (11) funeral markers or vases;
- (12) historical markers;
- (13) bales of regulated metal;
- (14) beer kegs;
- (15) manhole covers;
- (16) fire hydrants or fire hydrant caps;
- (17) junk vehicles with missing or altered vehicle identification numbers;
- (18) real estate signs;
- (19) bleachers or risers, in whole or in part;
- (20) twisted pair copper telecommunications wiring of 25 pair or greater existing in 19, 22, 24 or 26 gauge; and
- (21) burnt wire.

(e) It shall be unlawful for any scrap metal dealer, or employee or agent of the dealer, to sell, trade, melt or crush, or in any way dispose of, alter or destroy any regulated scrap metal, junk vehicle or vehicle part upon notice from any law enforcement agency, or any of their agents or employees, that they have cause to believe an item has been stolen. A scrap metal dealer shall hold any of the items that are designated by or on behalf of the law enforcement agency for 30 days, exclusive of weekends and holidays.

~~(f) Failure to comply with the provisions of this section between June 1, 2017, and July 1, 2020, may result in an assessment of a civil penalty by the attorney general of not less than \$100 nor more than \$5,000 for each violation.~~

Sec. 9. K.S.A. 2018 Supp. 50-6,112a is hereby amended to read as follows: 50-6,112a. (a) A scrap metal dealer shall not purchase any regulated scrap metal without having first registered each place of business with the attorney general as herein provided.

(b) The attorney general shall establish a system for the public to confirm scrap metal dealer registration certificates. Such system shall include a listing of valid registration certificates and such other information collected pursuant to the scrap metal theft reduction act, as the attorney general may determine is appropriate. Disclosure of any information through use of the system established by the attorney general shall not be deemed to be an endorsement of any scrap metal dealer or determination of any facts, qualifications, information or reputation of any scrap metal dealer by the attorney general, the state, or any of their respective agents, officers, employees or assigns.

(c) A registration for a scrap metal dealer shall be verified and upon a form approved by the attorney general and contain:

(1) (A) The name and residence of the applicant, including all previous names and aliases; or

(B) if the applicant is a: Corporation, the name and address of each manager, officer or director thereof, and each stockholder owning in the aggregate more than 25% of the stock of such corporation; or partnership or limited liability company, the name and address of each partner or member;

(2) the length of time that the applicant has resided within the state of Kansas and a list of all residences outside the state of Kansas during the previous 10 years;

(3) the particular place of business for which a registration is desired, the name of the business, the address where the business is to be conducted, the hours of operation and the days of the week during which the applicant proposes to engage in business;

(4) the name of the owner of the premises upon which the place of business is located; and

(5) the applicant shall disclose any prior convictions within 10 years immediately preceding the date of making the registration for: A violation of article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2018 Supp. 21-5801 through 21-5839 or K.S.A. 2018 Supp. 21-6412(a)(6), and amendments thereto; perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2018 Supp. 21-5903, and amendments thereto; compounding a crime, K.S.A. 21-3807, prior to its repeal; obstructing legal process or official duty, K.S.A. 21-3808, prior to its repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal; interference with law enforcement, K.S.A. 2018 Supp. 21-5904, and amendments thereto; interference with judicial process, K.S.A. 2018 Supp. 21-5905, and

amendments thereto; or any crime involving dishonesty or false statement or any substantially similar offense pursuant to the laws of any city, state or of the United States.

(d) Each registration for a scrap metal dealer to purchase regulated scrap metal shall be accompanied by a fee of not less than \$500 nor more than \$1,500, as prescribed by the attorney general for each particular place of business for which a registration is desired.

(e) The attorney general shall accept a registration for a scrap metal dealer as otherwise provided for herein, from any scrap metal dealer qualified to file such registration, to purchase regulated scrap metals. Such registration shall be issued for a period of one year.

(f) If an original registration is accepted, the attorney general shall grant and issue renewals thereof upon application of the registration holder, if the registration holder is qualified to receive the same and the registration has not been revoked as provided by law. The renewal fee shall be not more than \$1,500, as prescribed by the attorney general.

(g) Any registration issued under the scrap metal theft reduction act shall not be transferable.

(h) This section shall not apply to a business licensed under the provisions of K.S.A. 8-2404, and amendments thereto, unless such business buys or recycles regulated scrap metal that are not motor vehicle components.

(i) The amendments made to subsections (d) and (f) by section 15 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from June 1, 2017, to ~~January~~ July 1, 2020.

Sec. 10. On and after July 1, 2020, K.S.A. 2018 Supp. 50-6,112a, as amended by section 9 of this act, is hereby amended to read as follows: 50-6,112a. (a) A scrap metal dealer shall not purchase any regulated scrap metal without having first registered each place of business with the attorney general as herein provided.

(b) The attorney general shall establish a system for the public to confirm scrap metal dealer registration certificates. Such system shall include a listing of valid registration certificates and such other information collected pursuant to the scrap metal theft reduction act, as the attorney general may determine is appropriate. Disclosure of any information through use of the system established by the attorney general shall not be deemed to be an endorsement of any scrap metal dealer or determination of any facts, qualifications, information or reputation of any scrap metal dealer by the attorney general, the state, or any of their respective agents, officers, employees or assigns.

(c) A registration for a scrap metal dealer shall be verified and upon a form approved by the attorney general and contain:

(1) (A) The name and residence of the applicant, including all previous names and aliases; or

(B) if the applicant is a: Corporation, the name and address of each manager, officer or director thereof, and each stockholder owning in the aggregate more than 25% of the stock of such corporation; or partnership or limited liability company, the name and address of each partner or member;

(2) the length of time that the applicant has resided within the state of Kansas and a list of all residences outside the state of Kansas during the previous 10 years;

(3) the particular place of business for which a registration is desired, the name of the business, the address where the business is to be conducted, the hours of operation and the days of the week during which the applicant proposes to engage in business;

(4) the name of the owner of the premises upon which the place of business is located; and

(5) the applicant shall disclose any prior convictions within 10 years immediately preceding the date of making the registration for: A violation of article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2018 Supp. 21-5801 through 21-5839 or K.S.A. 2018 Supp. 21-6412(a)(6), and amendments thereto; perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2018 Supp. 21-5903, and amendments thereto; compounding a crime, K.S.A. 21-3807, prior to its repeal; obstructing legal process or official duty, K.S.A. 21-3808, prior to its repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal; interference with law enforcement, K.S.A. 2018 Supp. 21-5904, and amendments thereto; interference with judicial process, K.S.A. 2018 Supp. 21-5905, and amendments thereto; or any crime involving dishonesty or false statement or any substantially similar offense pursuant to the laws of any city, state or of the United States.

(d) *On and after July 1, 2020*, each registration for a scrap metal dealer to purchase regulated scrap metal shall be accompanied by a fee of not ~~less~~ *more* than \$500 ~~not more than \$1,500~~, as prescribed by the attorney general, for each particular place of business for which a registration is desired.

(e) The attorney general shall accept a registration for a scrap metal dealer as otherwise provided for herein, from any scrap metal dealer qualified to file such registration, to purchase regulated scrap metals. Such registration shall be issued for a period of one year.

(f) *On and after July 1, 2020*, if an original registration is accepted, the attorney general shall grant and issue renewals thereof upon application of the registration holder, if the registration holder is qualified to receive the same and the registration has not been revoked as provided by law. The renewal fee shall be not more than ~~\$1,500~~ \$500, as prescribed by the attorney general.



(g) Any registration issued under the scrap metal theft reduction act shall not be transferable.

(h) This section shall not apply to a business licensed under the provisions of K.S.A. 8-2404, and amendments thereto, unless such business buys or recycles regulated scrap metal that are not motor vehicle components.

~~(i) The amendments made to subsections (d) and (f) by section 15 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from June 1, 2017, to July 1, 2020.~~

Sec. 11. K.S.A. 2018 Supp. 50-6,112b is hereby amended to read as follows: 50-6,112b. (a) After examining the information contained in a filing for a scrap metal dealer registration and determining the registration meets the statutory requirements for such registration, the attorney general shall accept such filing and the scrap metal dealer shall be deemed to be properly registered.

(b) No scrap metal registration shall be accepted for:

(1) A person who is not a citizen or legal permanent resident of the United States.

(2) A person who is under 18 years of age and whose parents or legal guardians have been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that such parents or legal guardians held a registration under the scrap metal theft reduction act.

(3) A person who, within 10 years immediately preceding the date of filing, has pled guilty to, entered into a diversion agreement for, been convicted of, released from incarceration for or released from probation or parole for committing, attempting to commit, or conspiring to commit a violation of: Article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2018 Supp. 21-5801 through 21-5839 or K.S.A. 2018 Supp. 21-6412(a)(6), and amendments thereto; perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2018 Supp. 21-5903, and amendments thereto; compounding a crime, K.S.A. 21-3807, prior to its repeal; obstructing legal process or official duty, K.S.A. 21-3808, prior to its repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal; interference with law enforcement, K.S.A. 2018 Supp. 21-5904, and amendments thereto; interference with judicial process, K.S.A. 2018 Supp. 21-5905, and amendments thereto; or any crime involving dishonesty or false statement or any substantially similar offense pursuant to the laws of any city, state or of the United States.

(4) A person who within the 10 years immediately preceding the date of registration held a scrap metal dealer registration which was revoked, or managed a facility for a scrap metal dealer whose registration was revoked, or was an employee whose conduct led to or contributed to the revocation of such registration.

(5) A person who makes a materially false statement on the registration application or has made a materially false statement on a registration or similar filing within the last 10 years.

(6) A partnership or limited liability company, unless all partners or members of the partnership or limited liability company are otherwise qualified to file a registration.

(7) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason.

(8) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all of the qualifications for registration.

(9) A person whose spouse has been convicted of a felony or other crime which would disqualify a person from registration under this section and such crime was committed during the time that the spouse held a registration under the scrap metal theft reduction act.

(10) A person who does not own the premises upon which the place of business is located for which a license is sought, unless the person has a written lease for at least  $\frac{3}{4}$  of the period for which the license is to be issued.

(c) Any person filing a scrap metal dealer registration may be subject to a criminal history records check and may be given a written notice that a criminal history records check is required. The attorney general may require such applicant to be fingerprinted and submit to a state and national criminal history record check. If required, such fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal history in this state or another jurisdiction. The attorney general shall submit any fingerprints provided to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the attorney general in the taking and processing of fingerprints of applicants. The attorney general may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the applicant and in the official determination of whether the scrap metal dealer registration shall be accepted. If the criminal history record information is used to disqualify an applicant, the applicant shall be informed in writing of that decision.

(d) The amendments made to subsections (b)(10) and (c) by section 16 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from June 1, 2017, to ~~January~~ July 1, 2020.

Sec. 12. On and after July 1, 2020, K.S.A. 2018 Supp. 50-6,112b, as amended by section 11 of this act, is hereby amended to read as follows: 50-6,112b. (a) After examining the information contained in a filing for

a scrap metal dealer registration and determining the registration meets the statutory requirements for such registration, the attorney general shall accept such filing and the scrap metal dealer shall be deemed to be properly registered.

(b) No scrap metal registration shall be accepted for:

(1) A person who is not a citizen or legal permanent resident of the United States.

(2) A person who is under 18 years of age and whose parents or legal guardians have been convicted of a felony or other crime ~~which~~ *that* would disqualify a person from registration under this section and such crime was committed during the time that such parents or legal guardians held a registration under the scrap metal theft reduction act.

(3) A person who, within 10 years immediately preceding the date of filing, has pled guilty to, entered into a diversion agreement for, been convicted of, released from incarceration for or released from probation or parole for committing, attempting to commit, or conspiring to commit a violation of: Article 37 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or K.S.A. 2018 Supp. 21-5801 through 21-5839 or K.S.A. 2018 Supp. 21-6412(a)(6), and amendments thereto; perjury, K.S.A. 21-3805, prior to its repeal, or K.S.A. 2018 Supp. 21-5903, and amendments thereto; compounding a crime, K.S.A. 21-3807, prior to its repeal; obstructing legal process or official duty, K.S.A. 21-3808, prior to its repeal; falsely reporting a crime, K.S.A. 21-3818, prior to its repeal; interference with law enforcement, K.S.A. 2018 Supp. 21-5904, and amendments thereto; interference with judicial process, K.S.A. 2018 Supp. 21-5905, and amendments thereto; or any crime involving dishonesty or false statement or any substantially similar offense pursuant to the laws of any city, state or of the United States.

(4) A person who within the 10 years immediately preceding the date of registration held a scrap metal dealer registration ~~which~~ *that* was revoked, or managed a facility for a scrap metal dealer whose registration was revoked, or was an employee whose conduct led to or contributed to the revocation of such registration.

(5) A person who makes a materially false statement on the registration application or has made a materially false statement on a registration or similar filing within the last 10 years.

(6) A partnership or limited liability company, unless all partners or members of the partnership or limited liability company are otherwise qualified to file a registration.

(7) A corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason.

(8) A person whose place of business is conducted by a manager or agent unless the manager or agent possesses all of the qualifications for registration.

(9) A person whose spouse has been convicted of a felony or other crime ~~which~~ *that* would disqualify a person from registration under this section and such crime was committed during the time that the spouse held a registration under the scrap metal theft reduction act.

(10) A person who does not own the premises upon which the place of business is located for which a license is sought, unless the person has a written lease for at least  $\frac{3}{4}$  of the period for which the license is to be issued.

~~(c) Any person filing a scrap metal dealer registration may be subject to a criminal history records check and may be given a written notice that a criminal history records check is required. The attorney general may require such applicant to be fingerprinted and submit to a state and national criminal history record check. If required, such fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal history in this state or another jurisdiction. The attorney general shall submit any fingerprints provided to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the attorney general in the taking and processing of fingerprints of applicants. The attorney general may use the information obtained from fingerprinting and the criminal history for purposes of verifying the identification of the applicant and in the official determination of whether the scrap metal dealer registration shall be accepted. If the criminal history record information is used to disqualify an applicant, the applicant shall be informed in writing of that decision.~~

~~(d) The amendments made to subsections (b)(10) and (c) by section 16 of chapter 96 of the 2015 Session Laws of Kansas shall be unenforceable and shall not apply from June 1, 2017, to July 1, 2020.~~

New Sec. 13. (a) The provisions of the scrap metal theft reduction act shall expire on July 1, 2023.

(b) This section shall be a part of and supplemental to the scrap metal theft reduction act.

Sec. 14. K.S.A. 2018 Supp. 50-624 is hereby amended to read as follows: 50-624. As used in this act:

(a) "Agricultural purpose" means a purpose related to the production, harvest, exhibition, marketing, transportation, processing or manufacture of agricultural products by a consumer who cultivates, plants, propagates or nurtures the agricultural products. "Agricultural products" includes agricultural, horticultural, viticultural, and dairy products, live-stock, wildlife, poultry, bees, forest products, fish and shellfish, and any products thereof, including processed and manufactured products, and

any and all products raised or produced on farms and any processed or manufactured products thereof.

(b) “Consumer” means an individual, husband and wife, sole proprietor, or family partnership who seeks or acquires property or services for personal, family, household, business or agricultural purposes.

(c) “Consumer transaction” means a sale, lease, assignment or other disposition for value of property or services within this state~~(, except insurance contracts regulated under state law)~~, to a consumer; or a solicitation by a supplier with respect to any of these dispositions. *“Consumer transaction” does not include the disposition of repossessed collateral by any supplier that is subject to and compliant with any state or federal law or rules and regulations with regard to disposition of such repossessed collateral.*

(d) “Family partnership” means a partnership in which all of the partners are natural persons related to each other, all of whom have a common ancestor within the third degree of relationship, by blood or by adoption, or the spouses or the stepchildren of any such persons, or persons acting in a fiduciary capacity for persons so related.

(e) “Final judgment” means a judgment, including any supporting opinion, that determines the rights of the parties and concerning which appellate remedies have been exhausted or the time for appeal has expired.

(f) “Lender” means a bank, savings and loan association, savings bank, credit union, finance company, mortgage bank, mortgage broker and any affiliate.

(g) “Merchantable” means, in addition to the qualities prescribed in K.S.A. 84-2-314, and amendments thereto, in conformity in all material respects with applicable state and federal statutes and regulations establishing standards of quality and safety.

(h) “Mortgage trigger lead” means a consumer report obtained pursuant to section 604(c)(1)(B) of the federal fair credit reporting act, 15 U.S.C. § 1681b, where the issuance of the report is triggered by an inquiry made with a consumer reporting agency in response to an application for credit. Any consumer report on an applicant obtained by a lender with whom the applicant has initially applied for credit or who holds or services an existing extension of credit of the applicant who is the subject of the report is not considered a mortgage trigger lead.

(i) “Person” means any individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, association, cooperative or other legal entity.

(j) “Property” includes real estate, goods and intangible personal property.

(k) “Services” includes:

(1) Work, labor and other personal services;

(2) privileges with respect to transportation, hotel and restaurant accommodations, education, entertainment, recreation, physical culture, hospital accommodations, funerals and cemetery accommodations; and

(3) any other act performed for a consumer by a supplier.

(1) “Supplier” means a manufacturer, distributor, dealer, seller, lessor, assignor, or other person who, in the ordinary course of business, solicits, engages in or enforces consumer transactions, whether or not dealing directly with the consumer. ~~Supplier does not include any bank, trust company or lending institution which is subject to state or federal regulation with regard to disposition of repossessed collateral by such bank, trust company or lending institution.~~

Sec. 15. K.S.A. 2018 Supp. 50-624, 50-6,109a, 50-6,109c, 50-6,110, 50-6,111, 50-6,112a and 50-6,112b are hereby repealed.

Sec. 16. On and after July 1, 2020, K.S.A. 2018 Supp. 50-6,109a, as amended by section 1 of this act, 50-6,109c, as amended by section 3 of this act, 50-6,110, as amended by section 5 of this act, 50-6,111, as amended by section 7 of this act, 50-6,112a, as amended by section 9 of this act, and 50-6,112b, as amended by section 11 of this act, are hereby repealed.

Sec. 17. This act shall take effect and be in force from and after its publication in the statute book.

Approved May 16, 2019.

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## CHAPTER 67

## SENATE BILL No. 28

AN ACT concerning health and healthcare; relating to the use of cannabidiol with tetrahydrocannabinol to treat certain medical conditions; affirmative defense to prosecution for possession; practice of podiatry; qualifications; amending K.S.A. 65-2002 and K.S.A. 2018 Supp. 21-5706 and repealing the existing sections.

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

New Section 1. (a) This section shall be known and may be cited as Claire and Lola's law.

(b) As used in this section and K.S.A. 2018 Supp. 21-5706, and amendments thereto:

(1) "Cannabidiol treatment preparation" means an oil containing cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol)) and tetrahydrocannabinol, as described in K.S.A. 65-4105, and amendments thereto, and having a tetrahydrocannabinol concentration of no more than 5% relative to the cannabidiol concentration in the preparation, verified through testing by a third-party, independent laboratory.

(2) "Debilitating medical condition" means a medically diagnosed chronic disease or medical condition causing a serious impairment of strength or ability to function, including one that produces seizures, for which the patient is under current and active treatment by a physician licensed to practice medicine and surgery in Kansas.

(3) "Tetrahydrocannabinol concentration" means the combined percentage of tetrahydrocannabinol and its optical isomers, their salts and acids and salts of their acids, reported as free tetrahydrocannabinol on a percent by weight basis.

(4) "Third-party, independent laboratory" means an organization:

(A) That is accredited to ISO/IEC 17025 of the international organization for standardization and the international electrotechnical commission by an accreditation body that is a signatory of a multilateral recognition arrangement with the international accreditation forum, international laboratory accreditation cooperation or other similar body;

(B) whose scope of accreditation includes testing for cannabinoid potency; and

(C) that is not affiliated with the producer of the item being tested.

(c) No agency of this state or political subdivision thereof shall initiate proceedings to remove a child from the home of the child's parent or guardian or initiate any child protection action or proceeding based solely upon the parent's or the child's possession or use of cannabidiol treatment preparation in accordance with the provisions of K.S.A. 2018 Supp. 21-5706(d), and amendments thereto.

(d) Nothing in this section shall be construed to require the Kansas medical assistance program or any individual or group health insurance policy, medical service plan, contract, hospital service corporation contract, hospital and medical corporation contract, fraternal benefit society or health maintenance organization that provides coverage for accident and health services and that is delivered, issued for delivery, amended or renewed on or after July 1, 2019, to provide payment or reimbursement for any cannabidiol treatment preparation.

(e) Nothing in this section shall be construed to allow the possession, sale, production, redistribution or use of any other form of cannabis.

Sec. 2. K.S.A. 2018 Supp. 21-5706 is hereby amended to read as follows: 21-5706. (a) It shall be unlawful for any person to possess any opiates, opium or narcotic drugs, or any stimulant designated in K.S.A. 65-4107(d)(1), (d)(3) or (f)(1), and amendments thereto, or a controlled substance analog thereof.

(b) It shall be unlawful for any person to possess any of the following controlled substances or controlled substance analogs thereof:

(1) Any depressant designated in K.S.A. 65-4105(e), ~~K.S.A. 65-4107(e), K.S.A. 65-4109(b) or (c) or K.S.A. 65-4111(b)~~, and amendments thereto;

(2) any stimulant designated in K.S.A. 65-4105(f), ~~K.S.A. 65-4107(d)(2), (d)(4), (d)(5) or (f)(2) or K.S.A. 65-4109(e)~~, and amendments thereto;

(3) any hallucinogenic drug designated in K.S.A. 65-4105(d), ~~K.S.A. 65-4107(g) or K.S.A. 65-4109(g)~~, and amendments thereto;

(4) any substance designated in K.S.A. 65-4105(g) and ~~K.S.A. 65-4111(c), (d), (e), (f) or (g)~~, and amendments thereto;

(5) any anabolic steroids as defined in K.S.A. 65-4109(f), and amendments thereto;

(6) any substance designated in K.S.A. 65-4113, and amendments thereto; or

(7) any substance designated in K.S.A. 65-4105(h), and amendments thereto.

(c) (1) Violation of subsection (a) is a drug severity level 5 felony.

(2) Except as provided in subsection (c)(3):

(A) Violation of subsection (b) is a class A nonperson misdemeanor, except as provided in ~~subsection (c)(2)~~ *subparagraph (B)*; and

(B) violation of subsection (b)(1) through (b)(5) or (b)(7) is a drug severity level 5 felony if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense if the substance involved was 3, 4-methylenedioxymethamphetamine (MDMA), marijuana as designated in K.S.A. 65-4105(d), and amendments thereto, or any



substance designated in K.S.A. 65-4105(h), and amendments thereto, or an analog thereof.

(3) If the substance involved is marijuana, as designated in K.S.A. 65-4105(d), and amendments thereto, or tetrahydrocannabinols, as designated in K.S.A. 65-4105(h), and amendments thereto, violation of subsection (b) is a:

(A) Class B nonperson misdemeanor, except as provided in *subparagraphs* ~~(e)(3)(B)~~ and ~~(e)(3)(C)~~;

(B) class A nonperson misdemeanor if that person has a prior conviction under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense; and

(C) drug severity level 5 felony if that person has two or more prior convictions under such subsection, under K.S.A. 65-4162, prior to its repeal, under a substantially similar offense from another jurisdiction, or under any city ordinance or county resolution for a substantially similar offense.

*(d) It shall be an affirmative defense to prosecution under this section arising out of a person's possession of any cannabidiol treatment preparation if the person:*

*(1) Has a debilitating medical condition, as defined in section 1, and amendments thereto, or is the parent or guardian of a minor child who has such debilitating medical condition;*

*(2) is possessing a cannabidiol treatment preparation, as defined in section 1, and amendments thereto, that is being used to treat such debilitating medical condition; and*

*(3) has possession of a letter, at all times while the person has possession of the cannabidiol treatment preparation, that:*

*(A) Shall be shown to a law enforcement officer on such officer's request;*

*(B) is dated within the preceding 15 months and signed by the physician licensed to practice medicine and surgery in Kansas who diagnosed the debilitating medical condition;*

*(C) is on such physician's letterhead; and*

*(D) identifies the person or the person's minor child as such physician's patient and identifies the patient's debilitating medical condition.*

~~(d)(e)~~ It shall not be a defense to charges arising under this section that the defendant was acting in an agency relationship on behalf of any other party in a transaction involving a controlled substance or controlled substance analog.

Sec. 3. K.S.A. 65-2002 is hereby amended to read as follows: 65-2002.

(a) It shall be unlawful for any person to profess to be a podiatrist, to practice or assume the duties incidental to podiatry, to advertise or hold

oneself out to the public as a podiatrist, or to use any sign or advertisement with the word or words podiatrist, foot specialist, foot correctionist, foot expert, practapedist or chiropodist, or any other term or terms indicating that such person is a podiatrist or that such person practices or holds oneself out as practicing podiatry or foot correction in any manner, without first obtaining from the board a license authorizing the practice of podiatry in this state, except as hereinafter provided.

(b) A licensed podiatrist shall be authorized to prescribe such drugs or medicine, and to perform such surgery on the human foot, ankle and tendons that insert into the foot, including amputation of the toes or part of the foot, as may be necessary to the proper practice of podiatry, but no podiatrist shall amputate the human foot or administer any anesthetic other than local.

(c) This act shall not prohibit the recommendation, advertising, fitting or sale of corrective shoes, arch supports, or similar mechanical appliances, or foot remedies by manufacturers, wholesalers or retail dealers.

(d) No podiatrist shall perform surgery on the ankle unless such person has completed a *two-year post-doctoral surgical residency program prior to July 1, 2007, or a three-year post-doctoral surgical residency program on or after July 1, 2007*, in reconstructive rearfoot/ankle surgery and is either board-certified or board qualified progressing to board certification in reconstructive rearfoot/ankle surgery by a nationally recognized certifying organization acceptable to the board. Surgical treatment of the ankle by a podiatrist shall be performed only in a medical care facility, as defined in K.S.A. 65-425, and amendments thereto.

~~(e) Not later than 90 days after the effective date of this act, the board shall appoint a five member committee to be known as the podiatry interdisciplinary advisory committee. Such committee shall advise and make recommendations to the board on matters relating to licensure of podiatrists to perform surgery on the ankle pursuant to subsection (d). The podiatry interdisciplinary advisory committee shall consist of five members:~~

~~(1) One member of the board appointed by the board who shall serve as a nonvoting chairperson;~~

~~(2) two persons licensed to practice medicine and surgery specializing in orthopedics, chosen by the board from four names submitted by the Kansas medical society; and~~

~~(3) two podiatrists, at least one of whom shall have completed an accredited residency in foot and ankle surgery, chosen by the board from four names submitted by the Kansas podiatric medical association.~~

~~Members appointed to such committee shall serve at the pleasure of the board without compensation. All expenses of the committee shall be paid by the board. The provisions of this subsection shall expire on July 1, 2018.~~

Sec. 4. K.S.A. 65-2002 and K.S.A. 2018 Supp. 21-5706 are hereby repealed.

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

Approved May 20, 2019.

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## CHAPTER 68

## House Substitute for SENATE BILL No. 25

TO	SEC.	TO	SEC.
Abstracters' board of examiners.....	6	Human rights commission, Kansas.....	57
Accountancy, board of.....	7, 8	Indigents' defense services, state board of.....	52, 53
Adjutant general.....	113, 114, 162	Information security office, Kansas.....	64
Administration, department of.....	61, 62, 141	Information technology services, office of.....	63
Administrative hearings, office of.....	65	Insurance department.....	46, 47, 48, 143
Aging and disability services, Kansas department for.....	84, 85, 144	Judicial branch.....	54
Agriculture, Kansas department of.....	123, 124	Judicial council.....	51
Attorney general.....	41	Kansas state university.....	100, 152
Attorney general—Kansas bureau of investigation.....	118, 119, 160	Kansas state university extension systems and agriculture research programs.....	101, 153
Bank commissioner, state.....	9, 10	Kansas state university veterinary medical center.....	102
Barbering, Kansas board of.....	11, 12	Labor, department of.....	75, 145
Behavioral sciences regulatory board.....	13	Legislative coordinating council.....	36
Blind, Kansas state school for the.....	93, 94, 147	Legislature.....	37
Children and families, Kansas department for.....	86, 87	Lottery, Kansas.....	69, 70
Citizens' utility ratepayer board.....	60	Mortuary arts, state board of.....	20
Commerce, department of.....	72, 73, 142	Nursing, board of.....	23, 24
Corporation commission, state.....	58, 59	Optometry, board of examiners in.....	25
Corrections, department of.....	111, 112, 159	Peace officers' standards and training, Kansas commission on.....	122
Cosmetology, Kansas state board of.....	15, 16	Pharmacy, state board of.....	26, 27
Credit unions, state department of.....	17	Pittsburg state university.....	104, 154
Deaf, Kansas state school for the.....	95, 96, 148	Pooled money investment board.....	50
Dental board, Kansas.....	18, 19	Post audit, division of.....	38, 39
Education, department of.....	89, 90, 91	Public employees retirement system, Kansas.....	55, 56
Emergency medical services board.....	120	Racing and gaming commission, Kansas.....	71
Emporia state university.....	103, 150	Real estate appraisal board.....	28
Fair board, state.....	125, 163	Real estate commission, Kansas.....	29, 30
Finance council, state.....	132, 133, 136	Regents, state board of.....	109, 110, 158
Fire marshal, state.....	115	Revenue, department of.....	67, 68
Fort Hays state university.....	99, 151	Secretary of state.....	42, 43
Governmental ethics commission.....	35	Sentencing commission, Kansas.....	121
Governor's department.....	40	State library.....	92
Guardianship program, Kansas.....	88	State treasurer.....	44, 45
Healing arts, state board of.....	14	Tax appeals, state board of.....	66
Health and environment, department of— division of environment.....	82, 83	Technical professions, state board of.....	31, 32
Health and environment, department of— division of health care finance.....	80, 81	Transportation, department of.....	129, 130
Health and environment, department of— division of public health.....	78, 79	University of Kansas.....	105, 106, 155
Health care stabilization fund board of governors.....	49	University of Kansas medical center.....	107, 156
Hearing instruments, Kansas board of examiners in fitting and dispensing of.....	21, 22	Veterans affairs office, Kansas commission on.....	76, 77, 146
Highway patrol, Kansas.....	116, 117, 161	Veterinary examiners, state board of.....	33, 34
Historical society, state.....	97, 98, 149	Water office, Kansas.....	126
Housing resources corporation, Kansas.....	74	Wichita state university.....	108, 157
		Wildlife, parks and tourism, Kansas department of.....	127, 128, 164

AN ACT making and concerning appropriations for fiscal years ending June 30, 2019, June 30, 2020, June 30, 2021, and June 30, 2022, for state agencies; authorizing and directing payment of certain claims against the state; authorizing certain transfers, capital improvement projects, assessments and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 74-50,107 and 74-99b34 and K.S.A. 2018 Supp. 2-223, 12-1775a,

12-5256, 55-193, 75-2263, 75-4209, 75-6702, 75-6707, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a and repealing the existing sections.

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

Section 1. (a) For the fiscal years ending June 30, 2019, June 30, 2020, June 30, 2021, and June 30, 2022, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, assessments, 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) The provisions of this act relating to fiscal year 2020 shall be known and may be cited as the omnibus appropriation act of 2019 and shall constitute the omnibus reconciliation spending limit bill for the 2019 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. (a) The department of corrections is hereby authorized and directed to pay the following amount from the Hutchinson correctional facility – facilities operations account of the state general fund for property lost to the following claimant:

Michael Toney #71755

P.O. Box 1568

Hutchinson, KS 67504.....\$13.23

(b) The department of corrections is hereby authorized and directed to pay the following amounts from the Lansing correctional facility – facilities operations account of the state general fund for property lost to the following claimants:

Steven Louis #106652

301 E. Kansas Ave.

Lansing, KS 66043.....\$21.11

Clyde Sullivan, Jr. #44512

301 E. Kansas Ave.

Lansing, KS 66043.....\$1.91

(c) The department of corrections is hereby authorized and directed to pay the following amount from the Larned correctional mental facility – facilities operations account of the state general fund for property lost to the following claimant:

Joseph Chung #95306

P.O. Box 1568

Hutchinson, KS 67504.....\$11.62

Sec. 3. The Kansas department for children and families is hereby authorized and directed to pay the following amount from the social welfare fund for expenses related to the expungement of her developmentally disabled daughter, Megan Miller, from the Kansas child abuse and neglect registry:

Sharon Miller

825 Coving Dr.

Lawrence, KS 66049.....\$2,000

Sec. 4. The department of revenue is hereby authorized and directed to pay the following amounts from the motor-vehicle fuel tax refund fund, for claims not filed within the statutory filing period prescribed in K.S.A. 79-3458, and amendments thereto, to the following claimants:

Harold Armstrong

8920 Parallel Rd.

Frankfort, KS 66427 .....\$57.00

Phillip Babcock

473 Road W3

Norton, KS 67654 .....\$41.28

Kathy Barr

9775 W 333rd St.

Lebo, KS 66856 .....\$78.60

Raymond C. Becker

468 Hwy 20 W

Lancaster, KS 66041 .....\$726.41

Boge Iron & Metal Co.

P.O. Box 286

Wichita, KS 67201 .....\$377.78

Bohm Farm & Ranch Inc.

632 S. Broadway Blvd.

Salina, KS 67401 .....\$2,725.54

Patricia Brehm

1946 1400 Ave.

Hope, KS 67451.....\$45.00

City of Wichita

455 N. Main St.

Wichita, KS 67202 .....\$8,669.83

John Clark 4144 NW Valencia Rd. Silver Lake, KS 66539 .....	\$105.00
Joe F. Clemence 2541 Jeep Rd. Abilene, KS 67410 .....	\$205.20
Blake Elliott 787 Paint Rd. Hope, KS 67451.....	\$133.56
General Motors, LLC P.O. Box 9016 Detroit, MI 48202 .....	\$54,992.30
Terry D. Goering 1307 E. 20th Ave. Hutchinson, KS 67502.....	\$67.56
Jerome Goetz 13563 S. Road 45 E Park, KS 67751 .....	\$1,153.15
Greeley County Road Dept. P.O. Box 458 Tribune, KS 67879.....	\$1,756.87
Larry P. Hibbard 858 EE75 Rd. Toronto, KS 66777.....	\$107.88
Brenton L. Johnson 1190 Frontier Rd. Minneapolis, KS 67467.....	\$81.00
Lyon County Highway Dept. 500 S. Prairie St. Emporia, KS 66801 .....	\$2,619.86
Nelson Brothers Farm 2074 Stafford Rd. Ottawa, KS 66067 .....	\$47.40
Harold Quaintance, Jr. 16995 Four Corners Rd. Gardner, KS 66030 .....	\$33.24
Ronald Schmitz 1778 Limestone Rd. Home, KS 66438.....	\$130.68

John R. Strobel 31464 N. Highway 59 Garnett, KS 66032 .....	\$33.00
USD 212 Northern Valley 512 Bryant St. Almena, KS 67622 .....	\$2,629.98
USD 267 Renwick P.O. Box 68 Andale, KS 67001 .....	\$934.83
USD 300 Comanche County P.O. Box 721 Coldwater, KS 67029 .....	\$253.89
USD 329 Wabaunsee P.O. Box 157 Alma, KS 66401 .....	\$910.42
Don R. Vitt 12425 Trego Rd. Saint Paul, KS 66771 .....	\$100.68
Kenneth Vitt 2075 Lynx Rd. NW Lebo, KS 66856 .....	\$950.76
John T. White P.O. Box 114 Allen, KS 66833 .....	\$38.76
Larry D. Wilson 801 W. South City Limit St. Smith Center, KS 66967 .....	\$35.40
Wineglass Ranch 1964 Road 21 Severy, KS 67137 .....	\$794.88

Sec. 5. (a) Except as otherwise provided by this act, the director of accounts and reports is hereby authorized and directed to draw warrants on the state treasurer in favor of the claimants specified in sections 2 through 4 of this act, upon vouchers duly executed by the state agencies directed to pay the amounts specified in such sections to the claimants or their legal representatives or duly authorized agents, as provided by law.

(b) The director of accounts and reports shall secure prior to the payment of any amount to any claimant, other than amounts authorized to be paid pursuant to section 4, as motor-vehicle fuel tax refunds or as transactions between state agencies as provided by sections 2 and 3 of this act,



a written release and satisfaction of all claims and rights against the state of Kansas and any agencies, officers and employees of the state of Kansas regarding their respective claims.

Sec. 6.

ABSTRACTERS' BOARD OF EXAMINERS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all mon-  
eys now or hereafter lawfully credited to and available in such fund or  
funds, except that expenditures other than refunds authorized by law shall  
not exceed the following:

Abstracters' fee fund (016-00-2700-0100)

For the fiscal year ending June 30, 2020 .....\$25,704

For the fiscal year ending June 30, 2021 .....\$25,703

Sec. 7.

BOARD OF ACCOUNTANCY

(a) On the effective date of this act, the expenditure limitation estab-  
lished for the fiscal year ending June 30, 2019, by the state finance council  
by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on  
the board of accountancy fee fund (028-00-2701-0100) of the board of  
accountancy is hereby increased from \$390,655 to \$403,420.

Sec. 8.

BOARD OF ACCOUNTANCY

(a) There is appropriated for the above agency from the following  
special revenue fund or funds for the fiscal year or years specified all mon-  
eys now or hereafter lawfully credited to and available in such fund or  
funds, except that expenditures other than refunds authorized by law shall  
not exceed the following:

Board of accountancy fee fund (028-00-2701-0100)

For the fiscal year ending June 30, 2020 .....\$410,616

*Provided*, That expenditures from the board of accountancy fee fund for  
the fiscal year ending June 30, 2020, for official hospitality shall not ex-  
ceed \$1,200.

For the fiscal year ending June 30, 2021 .....\$416,663

*Provided*, That expenditures from the board of accountancy fee fund for the  
fiscal year ending June 30, 2021, for official hospitality shall not exceed \$1,200.

Special litigation reserve fund (028-00-2715-2700)

For the fiscal year ending June 30, 2020 .....No limit

*Provided*, That no expenditures shall be made from the special litigation  
reserve fund for the fiscal year ending June 30, 2020, except upon the  
approval of the director of the budget acting after ascertaining that: (1)  
Unforeseeable occurrence or unascertainable effects of a foreseeable oc-

currence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2021 ..... No limit  
*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2021, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

(b) During the fiscal year ending June 30, 2020, the executive director of the board of accountancy, with the approval of the director of the budget, may transfer moneys from the board of accountancy fee fund (028-00-2701-0100) to the special litigation reserve fund (028-00-2715-2700) of the board of accountancy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2020, shall not exceed \$15,000: *Provided further*, That the executive director of the board of accountancy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(c) During the fiscal year ending June 30, 2021, the executive director of the board of accountancy, with the approval of the director of the budget, may transfer moneys from the board of accountancy fee fund (028-00-2701-0100) to the special litigation reserve fund (028-00-2715-2700) of the board of accountancy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2021, shall not exceed \$15,000: *Provided further*, That the executive director of the board of accountancy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 9.

#### STATE BANK COMMISSIONER

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council

by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the bank commissioner fee fund (094-00-2811) of the state bank commissioner is hereby decreased from \$11,542,856 to \$11,356,673.

Sec. 10.

#### STATE BANK COMMISSIONER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all monies now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Bank commissioner fee fund (094-00-2811)

For the fiscal year ending June 30, 2020 .....\$11,500,017

*Provided*, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2020, for official hospitality for the division of consumer and mortgage lending shall not exceed \$1,000; *Provided further*, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2020, for official hospitality for the division of banking shall not exceed \$1,000.

For the fiscal year ending June 30, 2021 .....\$11,662,597

*Provided*, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2021, for official hospitality for the division of consumer and mortgage lending shall not exceed \$1,000; *Provided further*, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2021, for official hospitality for the division of banking shall not exceed \$1,000.

Bank examination and investigation fund (094-00-2013-1010)

For the fiscal year ending June 30, 2020 .....No limit

For the fiscal year ending June 30, 2021 .....No limit

Consumer education settlement fund (094-00-2560-2500)

For the fiscal year ending June 30, 2020 .....No limit

*Provided*, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2020, for consumer education purposes, which may be in accordance with contracts for such activities, which are hereby authorized to be entered into by the state bank commissioner or the deputy commissioner of the consumer and mortgage lending division, as the case may require, and the entities conducting such activities.

For the fiscal year ending June 30, 2021 .....No limit

*Provided*, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2021, for consumer education purposes, which may be in accordance with contracts for such ac-

tivities, which are hereby authorized to be entered into by the state bank commissioner or the deputy commissioner of the consumer and mortgage lending division, as the case may require, and the entities conducting such activities.

Litigation expense fund (094-00-2499-2499)

For the fiscal year ending June 30, 2020 ..... No limit  
*Provided*, That the above agency is authorized to make expenditures from the litigation expense fund for the fiscal year ending June 30, 2020, for costs, fees, and expenses associated with administrative or judicial proceedings regarding the enforcement of laws administered by the consumer and mortgage lending division and the enforcement and collection of assessed fines, fees and consumer refunds: *Provided further*, That, during the fiscal year ending June 30, 2020, a portion of the moneys collected as a result of fines and investigative fees collected by the consumer and mortgage lending division, as determined by the deputy of the consumer and mortgage lending division, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the litigation expense fund.

For the fiscal year ending June 30, 2021 ..... No limit  
*Provided*, That the above agency is authorized to make expenditures from the litigation expense fund for the fiscal year ending June 30, 2021, for costs, fees, and expenses associated with administrative or judicial proceedings regarding the enforcement of laws administered by the consumer and mortgage lending division and the enforcement and collection of assessed fines, fees and consumer refunds: *Provided further*, That, during the fiscal year ending June 30, 2021, a portion of the moneys collected as a result of fines and investigative fees collected by the consumer and mortgage lending division, as determined by the deputy of the consumer and mortgage lending division, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the litigation expense fund.

(b) During the fiscal years ending June 30, 2020, and June 30, 2021, notwithstanding the provisions of K.S.A. 9-2209, 9-2218, 16a-2-302 and 16a-6-104, and amendments thereto, or any other statute, all moneys received under the Kansas mortgage business act or the uniform consumer credit code for fines or settlement moneys designated for consumer education shall be deposited in the state treasury to the credit of the consumer education settlement fund (094-00-2560-2500).

Sec. 11.

KANSAS BOARD OF BARBERING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council

by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the barbering fee fund (100-00-2704-0100) of the Kansas board of barbering is hereby increased from \$151,968 to \$176,231.

Sec. 12.

KANSAS BOARD OF BARBERING

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Board of barbering fee fund (100-00-2704-0100)

For the fiscal year ending June 30, 2020 .....\$157,263

*Provided*, That expenditures from the board of barbering fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$500.

For the fiscal year ending June 30, 2021 .....\$157,501

*Provided*, That expenditures from the board of barbering fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$500.

Sec. 13.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Behavioral sciences regulatory board fee fund (102-00-2730-0100)

For the fiscal year ending June 30, 2020 .....\$939,864

*Provided*, That expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$1,000; *Provided further*, That all expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2020, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the behavioral sciences regulatory board fee fund for fiscal year 2020.

For the fiscal year ending June 30, 2021 .....\$947,220

*Provided*, That expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$1,000; *Provided further*, That all expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2021, for disciplinary hearings shall be in addition to any

expenditure limitation imposed on the behavioral sciences regulatory board fee fund for fiscal year 2021.

Sec. 14.

STATE BOARD OF HEALING ARTS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all mon-  
eys now or hereafter lawfully credited to and available in such fund or  
funds, except that expenditures other than refunds authorized by law shall  
not exceed the following:

Healing arts fee fund (105-00-2705-0100)

For the fiscal year ending June 30, 2020 .....\$6,145,005

*Provided*, That expenditures from the healing arts fee fund for the fiscal  
year ending June 30, 2020, for official hospitality shall not exceed \$1,000:  
*Provided further*, That all expenditures from the healing arts fee fund for  
the fiscal year ending June 30, 2020, for disciplinary hearings shall be in  
addition to any expenditure limitation imposed on the healing arts fee  
fund for fiscal year 2020.

For the fiscal year ending June 30, 2021 .....\$6,331,086

*Provided*, That expenditures from the healing arts fee fund for the fiscal  
year ending June 30, 2021, for official hospitality shall not exceed \$1,000:  
*Provided further*, That all expenditures from the healing arts fee fund for  
the fiscal year ending June 30, 2021, for disciplinary hearings shall be in  
addition to any expenditure limitation imposed on the healing arts fee  
fund for fiscal year 2021.

Medical records maintenance trust fund (105-00-7206-7200)

For the fiscal year ending June 30, 2020 .....\$35,000

For the fiscal year ending June 30, 2021 .....\$35,000

Sec. 15.

KANSAS STATE BOARD OF COSMETOLOGY

(a) On the effective date of this act, the expenditure limitation estab-  
lished for the fiscal year ending June 30, 2019, by the state finance council  
by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on  
the cosmetology fee fund (149-00-2706-0100) of the Kansas state board of  
cosmetology is hereby increased from \$1,055,134 to \$1,059,134.

Sec. 16.

KANSAS STATE BOARD OF COSMETOLOGY

(a) There is appropriated for the above agency from the following  
special revenue fund or funds for the fiscal year or years specified all mon-  
eys now or hereafter lawfully credited to and available in such fund or  
funds, except that expenditures other than refunds authorized by law shall  
not exceed the following:

Cosmetology fee fund (149-00-2706-0100)

For the fiscal year ending June 30, 2020 .....\$1,124,211

*Provided*, That expenditures from the cosmetology fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$2,000.

For the fiscal year ending June 30, 2021 .....\$1,144,609

*Provided*, That expenditures from the cosmetology fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$2,000.

Sec. 17.

#### STATE DEPARTMENT OF CREDIT UNIONS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all monies now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Credit union fee fund (159-00-2026-0100)

For the fiscal year ending June 30, 2020 .....\$1,251,313

*Provided*, That expenditures from the credit union fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$300.

For the fiscal year ending June 30, 2021 .....\$1,269,934

*Provided*, That expenditures from the credit union fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$300.

Sec. 18.

#### KANSAS DENTAL BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the dental board fee fund (167-00-2708-0100) of the Kansas dental board is hereby decreased from \$427,804 to \$414,000.

(b) On the effective date of this act, the expenditure limitation for official hospitality established for the fiscal year ending June 30, 2019, by section 17(a) of chapter 104 of the 2017 Session Laws of Kansas on the dental board fee fund (167-00-2708-0100) of the Kansas dental board is hereby increased from \$500 to \$750.

Sec. 19.

#### KANSAS DENTAL BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all monies now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Dental board fee fund (167-00-2708-0100)

For the fiscal year ending June 30, 2020 .....\$418,500  
*Provided*, That expenditures from the dental board fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$750.

For the fiscal year ending June 30, 2021 ..... \$420,600  
*Provided*, That expenditures from the dental board fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$750.

Special litigation reserve fund (167-00-2749-2000)

For the fiscal year ending June 30, 2020 ..... No limit  
*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2020, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2021 ..... No limit  
*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2021, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

Sec. 20.

STATE BOARD OF MORTUARY ARTS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Mortuary arts fee fund (204-00-2709-0100)

For the fiscal year ending June 30, 2020 .....\$318,862



*Provided*, That expenditures from the mortuary arts fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$500.

For the fiscal year ending June 30, 2021 .....\$325,571

*Provided*, That expenditures from the mortuary arts fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$500.

Sec. 21.

**KANSAS BOARD OF EXAMINERS IN FITTING AND  
DISPENSING OF HEARING INSTRUMENTS**

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 19(a) of chapter 104 of the 2017 Session Laws of Kansas on the hearing instrument board fee fund (266-00-2712-9900) of the Kansas board of examiners in fitting and dispensing of hearing instruments is hereby increased from \$26,290 to \$26,996.

Sec. 22.

**KANSAS BOARD OF EXAMINERS IN FITTING AND  
DISPENSING OF HEARING INSTRUMENTS**

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Hearing instrument board fee fund (266-00-2712-9900)

For the fiscal year ending June 30, 2020 .....\$26,948

For the fiscal year ending June 30, 2021 .....\$26,907

Hearing instrument litigation fund (266-00-2136-2136)

For the fiscal year ending June 30, 2020 .....No limit

*Provided*, That no expenditures shall be made from the hearing instrument litigation fund for the fiscal year ending June 30, 2020, except upon the approval of the director of the budget acting after ascertaining that:

(1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2021 .....No limit

*Provided*, That no expenditures shall be made from the hearing instrument litigation fund for the fiscal year ending June 30, 2021, except upon

the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

Sec. 23.

BOARD OF NURSING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the board of nursing fee fund (482-00-2716-0200) of the board of nursing is hereby increased from \$2,655,711 to \$2,706,173.

Sec. 24.

BOARD OF NURSING

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all monies now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Board of nursing fee fund (482-00-2716-0200)	
For the fiscal year ending June 30, 2020 .....	\$2,767,090
<i>Provided</i> , That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$500.	
For the fiscal year ending June 30, 2021 .....	\$2,747,110
<i>Provided</i> , That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$500.	
Gifts and grants fund (482-00-7346-4000)	
For the fiscal year ending June 30, 2020 .....	No limit
For the fiscal year ending June 30, 2021 .....	No limit
Education conference fund (482-00-2209-0100)	
For the fiscal year ending June 30, 2020 .....	No limit
For the fiscal year ending June 30, 2021 .....	No limit
Criminal background and fingerprinting fund (482-00-2745-2700)	
For the fiscal year ending June 30, 2020 .....	No limit
For the fiscal year ending June 30, 2021 .....	No limit

## Sec. 25.

## BOARD OF EXAMINERS IN OPTOMETRY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Optometry fee fund (488-00-2717-0100)

For the fiscal year ending June 30, 2020 .....\$160,860

*Provided*, That expenditures from the optometry fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$600.

For the fiscal year ending June 30, 2021 .....\$161,435

*Provided*, That expenditures from the optometry fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$600.

Optometry litigation fund (488-00-2547-2547)

For the fiscal year ending June 30, 2020 .....No limit

*Provided*, That no expenditures shall be made from the optometry litigation fund for the fiscal year ending June 30, 2020, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2021 .....No limit

*Provided*, That no expenditures shall be made from the optometry litigation fund for the fiscal year ending June 30, 2021, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

Criminal history fingerprinting fund (488-00-2565-2565)

For the fiscal year ending June 30, 2020 .....No limit

For the fiscal year ending June 30, 2021 .....No limit

Sec. 26.

STATE BOARD OF PHARMACY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy is hereby increased from \$1,622,639 to \$1,663,690.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Public health crisis response fund ..... No limit

Sec. 27.

STATE BOARD OF PHARMACY

(a) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$705,000 from the medical programs fee fund (264-00-2395-0110) of the department of health and environment – division of health care finance to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided*, That, if the state board of pharmacy receives moneys for the operation and maintenance of the prescription monitoring program through a grant or other cooperative agreement with the federal government during fiscal year 2020, then the executive secretary of the state board of pharmacy shall certify the amount of such moneys received to the director of accounts and reports and shall transmit a copy of such certification to the director of the budget and the director of legislative research: *Provided further*, That, upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer such amount of moneys from the state board of pharmacy fee fund to the medical programs fee fund: *Provided, however*, That the amount of such transfer from the state board of pharmacy fee fund to the medical programs fee fund shall not exceed \$705,000.

(b) On July 1, 2020, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$705,000 from the medical programs fee fund (264-00-2395-0110) of the department of health and environment – division of health care finance to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

## State board of pharmacy fee fund (531-00-2718-0100)

For the fiscal year ending June 30, 2020 .....\$2,875,739

*Provided*, That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$2,000.

For the fiscal year ending June 30, 2021 .....\$2,959,371

*Provided*, That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$2,000.

## State board of pharmacy litigation fund (531-00-2733-2700)

For the fiscal year ending June 30, 2020 .....No limit

*Provided*, That no expenditures shall be made from the state board of pharmacy litigation fund for the fiscal year ending June 30, 2020, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2021 .....No limit

*Provided*, That no expenditures shall be made from the state board of pharmacy litigation fund for the fiscal year ending June 30, 2021, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

## Non-federal gifts and grants fund (531-00-7018-7000)

For the fiscal year ending June 30, 2020 .....No limit

*Provided*, That the state board of pharmacy is hereby authorized to apply for and to accept grants and may accept donations, bequests or gifts during fiscal year 2020: *Provided, however*, That the board shall remit all moneys received under this proviso to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: *Provided further*, That, upon receipt of each such remittance, the state treasurer

shall deposit the entire amount in the state treasury to the credit of the non-federal gifts and grants fund: *And provided further*, That all expenditures from the non-federal gifts and grants fund for fiscal year 2020 shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the state board of pharmacy or a person designated by the president.

For the fiscal year ending June 30, 2021 ..... No limit  
*Provided*, That the state board of pharmacy is hereby authorized to apply for and to accept grants and may accept donations, bequests or gifts during fiscal year 2021: *Provided, however*, That the board shall remit all moneys received under this proviso to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: *Provided further*, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the non-federal gifts and grants fund: *And provided further*, That all expenditures from the non-federal gifts and grants fund for fiscal year 2021 shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the state board of pharmacy or a person designated by the president.

Prescription drug overdose data-driven prevention  
 initiative – federal fund (531-00-3294-3294)

For the fiscal year ending June 30, 2020 ..... No limit

For the fiscal year ending June 30, 2021 ..... No limit

Harold Rogers prescription fund (531-00-3188-3110)

For the fiscal year ending June 30, 2020 ..... No limit

For the fiscal year ending June 30, 2021 ..... No limit

Public health crisis response fund

For the fiscal year ending June 30, 2020 ..... No limit

For the fiscal year ending June 30, 2021 ..... No limit

(d) During the fiscal year ending June 30, 2020, the executive secretary of the state board of pharmacy, with the approval of the director of the budget, may transfer moneys from the state board of pharmacy fee fund (531-00-2718-0100) to the state board of pharmacy litigation fund (531-00-2733-2700) of the state board of pharmacy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2020, shall not exceed \$50,000: *Provided further*, That the executive secretary of the state board of pharmacy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(e) During the fiscal year ending June 30, 2021, the executive secretary of the state board of pharmacy, with the approval of the director of the budget, may transfer moneys from the state board of pharmacy fee fund (531-00-2718-0100) to the state board of pharmacy litigation fund (531-00-2733-2700) of the state board of pharmacy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2021, shall not exceed \$50,000: *Provided further*, That the executive secretary of the state board of pharmacy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(f) On July 1, 2019, October 1, 2019, January 1, 2020, and April 1, 2020, the executive secretary of the state board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the prescription monitoring program established by K.S.A. 65-1681, and amendments thereto, that is attributable to licensees of the board of nursing: *Provided*, That upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the board of nursing fee fund (482-00-2716-0200) of the board of nursing to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided further*, That the executive secretary of the state board of pharmacy shall transmit a copy of each such certification to the director of the budget, the director of legislative research and the executive administrator of the board of nursing: *Provided, however*, That the aggregate amount of such transfers during fiscal year 2020 shall not exceed \$103,500.

(g) On July 1, 2020, October 1, 2020, January 1, 2021, and April 1, 2021, the executive secretary of the state board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the prescription monitoring program established by K.S.A. 65-1681, and amendments thereto, that is attributable to licensees of the board of nursing: *Provided*, That upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the board of nursing fee fund (482-00-2716-0200) of the board of nursing to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided further*, That the executive secretary of the state board of pharmacy shall transmit a copy of each such certification to the director of the budget, the director of legislative research and the executive administrator of the board of nursing: *Provided, however*, That the aggregate amount of such transfers during fiscal year 2021 shall not exceed \$103,500.



(h) On July 1, 2019, October 1, 2019, January 1, 2020, and April 1, 2020, the executive secretary of the state board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the prescription monitoring program established by K.S.A. 65-1681, and amendments thereto, that is attributable to licensees of the Kansas dental board: *Provided*, That upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the dental board fee fund (167-00-2708-0100) of the Kansas dental board to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided further*, That the executive secretary of the state board of pharmacy shall transmit a copy of each such certification to the director of the budget, the director of legislative research and the executive director of the Kansas dental board: *Provided, however*, That the aggregate amount of such transfers during fiscal year 2020 shall not exceed \$41,500.

(i) On July 1, 2020, October 1, 2020, January 1, 2021, and April 1, 2021, the executive secretary of the state board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the prescription monitoring program established by K.S.A. 65-1681, and amendments thereto, that is attributable to licensees of the Kansas dental board: *Provided*, That upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the dental board fee fund (167-00-2708-0100) of the Kansas dental board to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided further*, That the executive secretary of the state board of pharmacy shall transmit a copy of each such certification to the director of the budget, the director of legislative research and the executive director of the Kansas dental board: *Provided, however*, That the aggregate amount of such transfers during fiscal year 2021 shall not exceed \$41,500.

(j) On July 1, 2019, October 1, 2019, January 1, 2020, and April 1, 2020, the executive secretary of the state board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the prescription monitoring program established by K.S.A. 65-1681, and amendments thereto, that is attributable to licensees of the state board of healing arts: *Provided*, That upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the healing arts fee fund (105-00-2705-0100) of the state board of healing arts to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided further*, That the



executive secretary of the state board of pharmacy shall transmit a copy of each such certification to the director of the budget, the director of legislative research and the executive director of the state board of healing arts: *Provided, however,* That the aggregate amount of such transfers during fiscal year 2020 shall not exceed \$235,500.

(k) On July 1, 2020, October 1, 2020, January 1, 2021, and April 1, 2021, the executive secretary of the state board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the prescription monitoring program established by K.S.A. 65-1681, and amendments thereto, that is attributable to licensees of the state board of healing arts: *Provided,* That upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the healing arts fee fund (105-00-2705-0100) of the state board of healing arts to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided further,* That the executive secretary of the state board of pharmacy shall transmit a copy of each such certification to the director of the budget, the director of legislative research and the executive director of the state board of healing arts: *Provided, however,* That the aggregate amount of such transfers during fiscal year 2021 shall not exceed \$235,500.

(l) On July 1, 2019, October 1, 2019, January 1, 2020, and April 1, 2020, the executive secretary of the state board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the prescription monitoring program established by K.S.A. 65-1681, and amendments thereto, that is attributable to licensees of the board of examiners in optometry: *Provided,* That upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the optometry fee fund (488-00-2717-0100) of the board of examiners in optometry to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided further,* That the executive secretary of the state board of pharmacy shall transmit a copy of each such certification to the director of the budget, the director of legislative research and the executive officer of the board of examiners in optometry: *Provided, however,* That the aggregate amount of such transfers during fiscal year 2020 shall not exceed \$16,500.

(m) On July 1, 2020, October 1, 2020, January 1, 2021, and April 1, 2021, the executive secretary of the state board of pharmacy shall certify to the director of accounts and reports the amount of moneys expended for operation and maintenance of the prescription monitoring program established by K.S.A. 65-1681, and amendments thereto, that is attributable to licensees of the board of examiners in optometry: *Provided,* That

upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the optometry fee fund (488-00-2717-0100) of the board of examiners in optometry to the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy: *Provided further*, That the executive secretary of the state board of pharmacy shall transmit a copy of each such certification to the director of the budget, the director of legislative research and the executive officer of the board of examiners in optometry: *Provided, however*, That the aggregate amount of such transfers during fiscal year 2021 shall not exceed \$16,500.

Sec. 28.

REAL ESTATE APPRAISAL BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Appraiser fee fund (543-00-2732-0100)	
For the fiscal year ending June 30, 2020 .....	\$331,906
<i>Provided</i> , That expenditures from the appraiser fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$500.	
For the fiscal year ending June 30, 2021 .....	
.....\$334,160	
<i>Provided</i> , That expenditures from the appraiser fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$500.	
Federal registry clearing fund (543-00-7752-7000)	
For the fiscal year ending June 30, 2020 .....	No limit
For the fiscal year ending June 30, 2021 .....	No limit
AMC federal registry clearing fund (543-00-7755-7755)	
For the fiscal year ending June 30, 2020 .....	No limit
For the fiscal year ending June 30, 2021 .....	No limit
Special litigation reserve fund (543-00-2698-2698)	
For the fiscal year ending June 30, 2020 .....	
.....No limit	
<i>Provided</i> , That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2020, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will	

assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2021 ..... No limit  
*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2021, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

(b) During the fiscal years ending June 30, 2020, and June 30, 2021, the executive director of the real estate appraisal board, with the approval of the director of the budget, may transfer moneys from the appraiser fee fund (543-00-2732-0100) of the real estate appraisal board to the special litigation reserve fund (543-00-2698-2698) of the real estate appraisal board: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2020, and for the fiscal year ending June 30, 2021, shall not exceed \$20,000: *Provided further*, That the executive director of the real estate appraisal board shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 29.

#### KANSAS REAL ESTATE COMMISSION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the real estate fee fund (549-00-2721-0100) of the Kansas real estate commission is hereby increased from \$1,043,759 to \$1,076,152.

Sec. 30.

#### KANSAS REAL ESTATE COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Real estate fee fund (549-00-2721-0100)

For the fiscal year ending June 30, 2020 .....\$1,114,222

*Provided*, That expenditures from the real estate fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$1,000.

For the fiscal year ending June 30, 2021 .....\$1,169,916

*Provided*, That expenditures from the real estate fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$1,000.

Real estate recovery revolving fund (549-00-7368-4200)

For the fiscal year ending June 30, 2020 .....No limit

For the fiscal year ending June 30, 2021 .....No limit

Background investigation fee fund (549-00-2722-2700)

For the fiscal year ending June 30, 2020 .....No limit

*Provided*, That notwithstanding the provisions of K.S.A. 58-3039, and amendments thereto, or any other statute, moneys collected for the purpose of reimbursing the Kansas real estate commission for the cost of fingerprinting and the criminal history record check shall be deposited in the state treasury and credited to the background investigation fee fund.

For the fiscal year ending June 30, 2021 .....No limit

*Provided*, That notwithstanding the provisions of K.S.A. 58-3039, and amendments thereto, or any other statute, moneys collected for the purpose of reimbursing the Kansas real estate commission for the cost of fingerprinting and the criminal history record check shall be deposited in the state treasury and credited to the background investigation fee fund.

Sec. 31.

STATE BOARD OF TECHNICAL PROFESSIONS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the technical professions fee fund (663-00-2729-0100) of the state board of technical professions is hereby decreased from \$764,182 to \$763,182.

Sec. 32.

STATE BOARD OF TECHNICAL PROFESSIONS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Technical professions fee fund (663-00-2729-0100)

For the fiscal year ending June 30, 2020 .....\$768,694

*Provided*, That expenditures from the technical professions fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$1,000.

For the fiscal year ending June 30, 2021 .....\$775,111

*Provided*, That expenditures from the technical professions fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$1,000.

Special litigation reserve fund (663-00-2739-0200)

For the fiscal year ending June 30, 2020 ..... No limit

*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2020, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2021 ..... No limit

*Provided*, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2021, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso; (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal that bears a valid relationship to powers and functions of the above agency.

Sec. 33.

#### STATE BOARD OF VETERINARY EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the veterinary examiners fee fund (700-00-2727-1100) of the state board of veterinary examiners is hereby decreased from \$360,653 to \$359,953.

(b) On the effective date of this act, expenditures from the veterinary examiners fee fund for the fiscal year ending June 30, 2019, for official hospitality shall not exceed \$700.

Sec. 34.

#### STATE BOARD OF VETERINARY EXAMINERS

(a) There is appropriated from the above agency from the following special revenue fund or funds for the fiscal year or years specified all mon-

neys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Veterinary examiners fee fund (700-00-2727-1100)

For the fiscal year ending June 30, 2020 .....\$363,950

*Provided*, That expenditures from the veterinary examiners fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$700.

For the fiscal year ending June 30, 2021 .....\$367,017

*Provided*, That expenditures from the veterinary examiners fee fund for the fiscal year ending June 30, 2021, for official hospitality shall not exceed \$700.

Sec. 35.

GOVERNMENTAL ETHICS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures (247-00-1000-0103)

For the fiscal year ending June 30, 2020 .....\$380,763

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

For the fiscal year ending June 30, 2021 .....\$440,772

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Governmental ethics commission fee fund (247-00-2188-2000)

For the fiscal year ending June 30, 2020 .....\$292,742

For the fiscal year ending June 30, 2021 .....\$248,530

Sec. 36.

LEGISLATIVE COORDINATING COUNCIL

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

Legislative coordinating council –

operations (422-00-1000-0100) .....\$599,702

*Provided*, That any unencumbered balance in the legislative coordinating council – operations account in excess of \$100 as of June 30, 2019, is

hereby reappropriated for fiscal year 2020: *Provided further*, That notwithstanding the provisions of K.S.A. 75-3765a, and amendments thereto, or any other statute, expenditures shall be made by the above agency from the legislative coordinating council – operations account of the state general fund for fiscal year 2020 for the designation and identification of room 221-E of the state capitol building as a meditation room.

Legislative research department –  
operations (425-00-1000-0103) .....\$3,913,474

*Provided*, That any unencumbered balance in the legislative research department – operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Office of revisor of statutes –  
operations (579-00-1000-0103) .....\$3,976,120

*Provided*, That any unencumbered balance in the office of revisor of statutes – operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative research department special  
revenue fund (425-00-2111-2000) ..... No limit

Sec. 37.

## LEGISLATURE

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

Operations (including official  
hospitality) (428-00-1000-0103) .....\$15,018,014

*Provided*, That any unencumbered balance in the operations (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures may be made from this account, pursuant to vouchers approved by the chairperson or vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212, and amendments thereto, for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a, and amendments thereto, for attendance at meetings of the advisory committee that are authorized by the legislative coordinating council, except that: (1) The legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowanc-



es, or any combination thereof, paid to members and associate members of such advisory committee; and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: *And provided further*, That expenditures may be made from this account for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: *And provided further*, That no expenditures shall be made from this account for any meeting of any joint committee, or of any subcommittee of any joint committee, chargeable to fiscal year 2020 unless such meeting is approved by the legislative coordinating council: *And provided further*, That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2020: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of complete sets of the Kansas Statutes Annotated to each member of the legislature in excess of one complete set of the Kansas Statutes Annotated to each member at the commencement of the member's first term as legislator during fiscal year 2020: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this account for the legislator's name to be printed on one complete set of the Kansas Statutes Annotated during fiscal year 2020: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-165, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and delivering of a set of the cumulative supplements of the Kansas Statutes Annotated to each member of the legislature in excess of one cumulative supplement set of the Kansas Statutes Annotated to each member of the legislature during fiscal year 2020: *And provided further*, That, notwithstanding the provisions of K.S.A. 75-1005, and amendments thereto, or any other statute, expenditures may be made from this account to reimburse members of the legislature for expenses incurred in printing correspondence with constituents: *And provided further*, That no expenses shall be reimbursed unless a legislator has first obtained approval for



such printing by the director of legislative administrative services: *And provided further*, That such reimbursements shall only be issued after a legislator provides written receipts showing such expense to the director of legislative administrative services: *And provided further*, That the maximum amount reimbursed to any legislator shall be equal to or less than the maximum amount allotted to any legislator for constituent correspondence pursuant to policies adopted by the legislative coordinating council: *And provided further*, That in addition to the other purposes for which expenditures may be made by the above agency from the operations (including official hospitality) account of the state general fund for fiscal year 2020, expenditures shall be made by the above agency from the operations (including official hospitality) account of the state general fund for fiscal year 2020 for the director of legislative administrative services, under the direction of the legislative coordinating council, to administer and supervise the live streaming of legislative proceedings in an amount not to exceed \$247,399: *And provided further*, That in providing such live streaming, the director shall work in cooperation with the information network of Kansas, inc., created by K.S.A. 74-9303, and amendments thereto, which shall provide any services and equipment that the director and the board of the information network of Kansas, inc., have agreed upon and that the director determines to be necessary for the provision of such live streaming.

Legislative information

system (428-00-1000-0300) .....\$5,302,117

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

Jordan – legislative claim (428-00-1000-0520).....\$27,768

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative special

revenue fund (428-00-2260-2200) .....No limit

*Provided*, That expenditures may be made from the legislative special revenue fund, pursuant to vouchers approved by the chairperson or the vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212, and amendments thereto, for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a, and amend-

ments thereto, for attendance at meetings of the advisory committee which are authorized by the legislative coordinating council, except that: (1) The legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee; and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: *Provided further*, That expenditures may be made from this fund for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: *And provided further*, That amounts are hereby authorized to be collected for such services, facilities and supplies in accordance with policies of the council: *And provided further*, That such amounts shall be fixed in order to recover all or part of the expenses incurred for providing such services, facilities and supplies and shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a, and amendments thereto: *And provided further*, That all such amounts received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the legislative special revenue fund: *And provided further*, That all donations, gifts or bequests of money for the legislative branch of government which are received and accepted by the legislative coordinating council shall be deposited in the state treasury and credited to an account of the legislative special revenue fund: *And provided further*, That no expenditures shall be made from this fund for any meeting of any joint committee, or of any subcommittee of any joint committee, during fiscal year 2020 unless such meeting is approved by the legislative coordinating council: *And provided further*, That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2020: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of complete sets of the Kansas Statutes Annotated to each member of the legislature in excess of one complete set of the Kansas Statutes Annotated to each member at the commencement of the member's first term as legislator during fiscal

year 2020: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the legislator's name to be printed on one complete set of the Kansas Statutes Annotated during fiscal year 2020: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-165, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and delivering of a set of the cumulative supplements of the Kansas Statutes Annotated to each member of the legislature in excess of one cumulative supplement set of the Kansas Statutes Annotated to each member of the legislature during fiscal year 2020.

Capitol restoration – gifts and

donations fund (428-00-7348-7000)..... No limit

(c) As used in this section, “joint committee” includes the joint committee on administrative rules and regulations, health care stabilization fund oversight committee, joint committee on special claims against the state, legislative budget committee, joint committee on state building construction, joint committee on information technology, joint committee on pensions, investments and benefits, joint committee on state-tribal relations, confirmation oversight committee, joint committee on corrections and juvenile justice oversight, compensation commission, joint committee on Kansas security, Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight, capitol restoration commission, capitol preservation committee and any other committee, commission or other body for which expenditures are to be paid from moneys appropriated for the legislature for the expenses of any meeting of any such body or for the expenses of any member thereof.

Sec. 38.

#### DIVISION OF POST AUDIT

(a) On the effective date of this act, of the \$2,499,604 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 34(a) of chapter 104 of the 2017 Session Laws of Kansas from the state general fund in the operations (including legislative post audit committee) account (540-00-1000-0100), the sum of \$244,600 is hereby lapsed.

Sec. 39.

#### DIVISION OF POST AUDIT

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

Operations (including legislative post

audit committee) (540-00-1000-0100).....\$2,589,522

*Provided*, That any unencumbered balance in the operations (including legislative post audit committee) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys for the legislative post audit committee to direct the legislative division of post audit to compare the salaries, compensation and allowances paid by the state to members of the legislature, state officers elected on a statewide basis, justices of the supreme court, judges of the court of appeals, district court judges and district magistrate judges to salaries, compensation and allowances paid to such positions in other states: *Provided*, That such comparison shall be presented to the legislative budget committee during the 2019 legislative interim.

Sec. 40.

GOVERNOR’S DEPARTMENT

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

Governor’s department (252-00-1000-0503).....\$2,432,821

*Provided*, That any unencumbered balance in the governor’s department account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures may be made from this account for official hospitality and contingencies without limitation at the discretion of the governor.

Domestic violence

prevention grants (252-00-1000-0600) .....\$4,617,656

*Provided*, That any unencumbered balance in the domestic violence prevention grants account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures may be made from the domestic violence prevention grants account for official hospitality and contingencies without limitation at the discretion of the governor.

Child advocacy centers (252-00-1000-0610).....\$801,934

*Provided*, That any unencumbered balance in the child advocacy centers account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures may be made from the child advocacy centers account for official hospitality and contingencies without limitation at the discretion of the governor.

(b) Expenditures may be made by the above agency for travel expenses of the governor’s spouse when accompanying the governor or when representing the governor on official state business, for travel and subsistence expenditures for security personnel when traveling with the governor and for entertainment of officials and other persons as guests from the

amount appropriated for the fiscal year ending June 30, 2020, by subsection (a) from the state general fund in the governor's department account (252-00-1000-0503).

(c) Expenditures may be made by the above agency for travel expenses of the lieutenant governor's spouse when accompanying the lieutenant governor or when representing the lieutenant governor on official state business, for travel and subsistence expenditures for security personnel when traveling with the lieutenant governor and for entertainment of officials and other persons as guests from the amount appropriated for the fiscal year ending June 30, 2020, by subsection (a) from the state general fund in the governor's department account (252-00-1000-0503).

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Special programs fund (252-00-2149-2000).....No limit

*Provided*, That expenditures may be made from the special programs fund for operating expenditures for the governor's department, including conferences and official hospitality: *Provided further*, That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the special programs fund.

Miscellaneous projects fund (252-00-6168-6050).....No limit

*Provided*, That expenditures may be made from the miscellaneous projects fund for operating expenditures for the governor's department, including conferences and official hospitality: *Provided further*, That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences and all fees received by the governor's department under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the miscellaneous projects fund.

Intragovernmental

service fund (252-00-6161-6000) .....No limit

*Provided*, That expenditures may be made from the intragovernmental service fund for operating expenditures for the governor’s department, including conferences and official hospitality: *Provided further*, That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the intragovernmental service fund.

Conversion of materials and equipment fund (252-00-2409-0400).....	No limit
Hispanic and Latino American affairs commission – donations fund (252-00-7236-7200).....	No limit
Advisory commission on African-American affairs – donations fund (252-00-7242-7210).....	No limit
Kansas commission on disability concerns fee fund (252-00-2767-2705) .....	No limit
Domestic violence grants fund (252-00-2014-2014) .....	No limit
<i>Provided</i> , That grants made for domestic violence prevention shall be made after consideration of the recommendation of an entity that has been designated by the United States department of health and human services and by the centers for disease control and prevention as the official domestic violence or sexual assault coalition.	
Child advocacy centers grant fund (252-00-2024-2024) .....	No limit
Residential substance abuse – federal fund (252-00-3006-3013) .....	No limit
Arrest grant – federal fund (252-00-3082-3040) .....	No limit
National criminal history improvement program – federal fund (252-00-3189-3195) .....	No limit
Violence against women grant – federal fund (252-00-3214-3211) .....	No limit
Coverdell forensic science improvement – federal fund (252-00-3227-3234) .....	No limit
State victim assistance – federal fund (252-00-3250-3250) .....	No limit

Crime victim assistance – federal fund (252-00-3260-3260) .....	No limit
Access visitation grant – federal fund (252-00-3460-3460) .....	No limit
Battered women/family violence prevention – federal fund (252-00-3461-3461) .....	No limit
Sexual assault services program – federal fund (252-00-3465-3465) .....	No limit
Edward Byrne justice assistance grants – federal fund (252-00-3757-3763) .....	No limit
Prison rape elimination act – federal fund (252-00-3758-3755) .....	No limit
John R Justice grant – federal fund (252-00-3802-3802) .....	No limit
Project safe neighborhood grant federal fund (252-00-3252-3252) .....	No limit

Sec. 41.

#### ATTORNEY GENERAL

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

Operating expenditures (082-00-1000) .....	\$4,913,613
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: <i>Provided, however</i> , That expenditures from this account for official hospitality shall not exceed \$2,000.	
Litigation costs (082-00-1000-0040) .....	\$78,000
<i>Provided</i> , That any unencumbered balance in the litigation costs account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	
Abuse, neglect and exploitation unit (082-00-1000-0500) .....	\$326,628
<i>Provided</i> , That any unencumbered balance in the abuse, neglect and exploitation unit account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: <i>Provided further</i> , That expenditures may be made by the attorney general from the abuse, neglect and exploitation unit account pursuant to contracts with other agencies or organizations to provide services related to the investigation or litigation of findings related to abuse, neglect or exploitation.	
Child abuse grants (082-00-1000-0400) .....	\$75,000

Child exchange and visitation centers (082-00-1000-0450) .....	\$128,000
<i>Provided</i> , That notwithstanding the provisions of K.S.A. 74-7334, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2020, the above agency may use moneys in the child exchange and visitation centers account for matching funds.	
Protection from abuse (082-00-1000-0900) .....	\$519,000
Office of inspector general.....	\$464,282
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:	
Private detective fee fund (082-00-2029-2029) .....	No limit
Court cost fund (082-00-2012-2000) .....	No limit
Bond transcript review fee fund (082-00-2254-2300) .....	No limit
Conversion of materials and equipment fund (082-00-2405-2040).....	No limit
Attorney general's antitrust special revenue fund (082-00-2506-2050) .....	No limit
Private gifts fund (082-00-7300-7000).....	No limit
Medicaid fraud reimbursement fund (082-00-9034-9040) .....	No limit
Medicaid fraud control unit (082-00-3060-3080) .....	No limit
Attorney general's antitrust suspense fund (082-00-9002-9000).....	No limit
Attorney general's consumer protection clearing fund (082-00-9003-9010) .....	No limit
Attorney general's committee on crime prevention fee fund (082-00-2113-2090).....	No limit
<i>Provided</i> , That expenditures may be made from the attorney general's committee on crime prevention fee fund for operating expenditures di- rectly or indirectly related to conducting training seminars organized by the attorney general's committee on crime prevention, including official hospitality: <i>Provided further</i> , That the attorney general is hereby autho- rized to fix, charge and collect fees for conducting training seminars or- ganized by the attorney general's committee on crime prevention: <i>And provided further</i> , That such fees shall be fixed in order to recover all or	



part of the direct and indirect operating expenses incurred for conducting such seminars, including official hospitality: *And provided further*, That all fees received for conducting such seminars shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the attorney general's committee on crime prevention fee fund.

Tort claims fund (082-00-2613-2080) ..... No limit

Crime victims

compensation fund (082-00-2563-2060) ..... No limit

*Provided*, That expenditures from the crime victims compensation fund for state operations shall not exceed \$463,276: *Provided further*, That any expenditures for payment of compensation to crime victims are authorized to be made from this fund regardless of when the claim was awarded.

Crime victims assistance fund (082-00-2598-2070) ..... No limit

Protection from abuse fund (082-00-2239-2030) ..... No limit

Crime victims grants and

gifts fund (082-00-7340-7010) ..... No limit

*Provided*, That all private grants and gifts received by the crime victims compensation board shall be deposited to the credit of the crime victims grants and gifts fund.

Kansas attorney general batterer

intervention program

certification fund (082-00-2103-2103) ..... No limit

Debt collection administration cost

recovery fund (082-00-2305-2240) ..... No limit

*Provided*, That the attorney general shall deposit in the state treasury to the credit of the debt collection administration cost recovery fund all moneys remitted to the attorney general as administrative costs under contracts entered into pursuant to K.S.A. 75-719, and amendments thereto.

Medicaid fraud prosecution

revolving fund (082-00-2641-2280) ..... No limit

*Provided*, That all moneys recovered by the medicaid fraud and abuse division of the attorney general's office in the enforcement of state and federal law which are in excess of any restitution for overcharges and interest, including all moneys recovered as recoupment of expenses of investigation and prosecution, shall be deposited in the state treasury to the credit of the medicaid fraud prosecution revolving fund: *Provided further*, That, notwithstanding the provisions of K.S.A. 2018 Supp. 21-5933, and amendments thereto, or any other statute, expenditures may be made from the medicaid fraud prosecution revolving fund for other operating expenditures of the attorney general's office other than for medicaid fraud prosecution costs.

Interstate water	
litigation fund (082-00-2311-2295) .....	No limit
<i>Provided</i> , That, in addition to the other purposes authorized by K.S.A. 82a-1802, and amendments thereto, expenditures may be made from the interstate water litigation fund for: (1) Litigation costs for the case of Kansas v. Colorado No. 105, Original in the Supreme Court of the United States, including repayment of past contributions; (2) expenses related to the appointment of a river master or such other official as may be appointed by the Supreme Court to administer, implement or enforce its decree or other orders of the Supreme Court related to this case; and (3) expenses incurred by agencies of the state of Kansas to monitor actions of the state of Colorado and its water users and to enforce any settlement, decree or order of the Supreme Court related to this case.	
Suspense fund (082-00-9112-9030) .....	No limit
Children’s advocacy	
center fund (082-00-2654-2610) .....	No limit
Abuse, neglect and exploitation of	
people with disabilities unit grant	
acceptance fund (082-00-2482-2500) .....	No limit
Concealed weapon	
licensure fund (082-00-2450-2400) .....	No limit
Tobacco master settlement agreement	
compliance fund (082-00-2383-2320) .....	No limit
Sexually violent predator	
expense fund (082-00-2379-2310) .....	No limit
County law enforcement	
equipment fund (082-00-2470-2470) .....	No limit
Child exchange and visiting	
centers fund (082-00-2579-2250) .....	No limit
Roofing contractor	
registration fund (082-00-2774-2774) .....	No limit
State medicaid fraud control unit –	
federal fund (082-00-3060-3060) .....	No limit
Com def sol – violence against women	
federal fund (082-00-3082-3082) .....	No limit
Crime victims compensation	
federal fund (082-00-3133-3020) .....	No limit
Ed Byrne state/local law enforcement	
federal fund (082-00-3213-3213) .....	No limit

Violence against women – ARRA federal fund (082-00-3214-3212) .....	No limit
Comm prsct/project safe neighborhood federal fund (082-00-3217-3217) .....	No limit
Public safety prtnt/comm pol fund (082-00-3218-3218). ....	No limit
Anti-gang initiative federal fund (082-00-3229-3229) .....	No limit
Alcohol impaired driving cntrmsr federal fund (082-00-3247-3247) .....	No limit
Children’s justice grant federal fund (082-00-3381-3381) .....	No limit
Sexual assault kit initiative federal fund (082-00-3416-3416) .....	No limit
Ed Byrne memorial JAG – ARRA federal fund (082-00-3455-3455) .....	No limit
Medicaid indirect cost federal fund (082-00-3919-3919) .....	No limit
Federal forfeiture fund (082-00-3940-3940).....	No limit
SSA fraud prevention federal fund (082-00-2174-2175) .....	No limit
False claims litigation revolving fund (082-00-2650-2600) .....	No limit
<i>Provided, That expenditures may be made from the false claims litigation revolving fund for costs associated with litigation under the Kansas false claims act, K.S.A. 2018 Supp. 75-7501 et seq., and amendments thereto.</i>	
GTEAP federal fund (252-00-3050-3065) .....	No limit
Ed Byrne memorial justice assistance grant federal fund (352-00-3057-3057) .....	No limit
911 state maintenance fund (082-00-2747-2447) .....	No limit
DOT prohibit racial profiling (082-00-3566-3566) .....	No limit
Human trafficking victim assistance fund (082-00-2775-2775) .....	No limit
Criminal appeals cost fund (082-00-2779-2779).....	No limit
Attorney general’s open government fund (082-00-2497-2497).....	No limit

Scrap metal theft reduction	
fee fund (082-00-2085-2100) .....	No limit
Bail enforcement agents	
fee fund (082-00-2259-2259) .....	No limit
Fraud and abuse criminal	
prosecution fund (082-00-2262-2262) .....	No limit
Attorney general's state agency	
representation fund (082-00-2261-2261) .....	No limit
State medicaid fraud forfeiture fund .....	No limit

(c) During the fiscal year ending June 30, 2020, grants made pursuant to K.S.A. 74-7325, and amendments thereto, from the protection from abuse fund (082-00-2239-2030) and grants made pursuant to K.S.A. 74-7334, and amendments thereto, from the crime victims assistance fund (082-00-2598-2070) shall be made after consideration of the recommendation of an entity that has been designated by the United States department of health and human services and by the centers for disease control as the official domestic violence or sexual assault coalition.

(d) During the fiscal year ending June 30, 2020, the attorney general, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2020 from the state general fund for the attorney general to another item of appropriation for fiscal year 2020 from the state general fund for the attorney general. The attorney general shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$460,593 from the Kansas endowment for youth fund to the tobacco master settlement agreement compliance fund (082-00-2383-2320) of the attorney general.

(f) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$50,000 from the state general fund to the sexually violent predator expense fund (082-00-2379-2310) of the attorney general.

(g) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$600,000 from the state general fund to the medicaid fraud prosecution revolving fund (082-00-2641-2280).

Sec. 42.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Help America vote act matching funds .....	\$109,590
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## Sec. 43.

## SECRETARY OF STATE

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

Help America vote act matching funds .....\$109,590

*Provided*, That any unencumbered balance in the help America vote act matching funds account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Cemetery and funeral audit

fee fund (622-00-2225-2100) ..... No limit

HAVA ELVIS fund (622-00-2353-2150)..... No limit

Conversion of materials and

equipment fund (622-00-2418-2200)..... No limit

Information and services

fee fund (622-00-2430-2300) ..... No limit

*Provided*, That expenditures from the information and services fee fund for official hospitality shall not exceed \$2,533.

State register fee fund (622-00-2619-2500) ..... No limit

Uniform commercial code

fee fund (622-00-2664-2600) ..... No limit

State flag and banner fund (622-00-5130-4600) ..... No limit

Secretary of state fee

refund fund (622-00-9047-9100) ..... No limit

Electronic voting machine

examination fund (622-00-9101-9200)..... No limit

Credit card clearing fund (622-00-9434-9400) ..... No limit

Suspense fund (622-00-9046-9000)..... No limit

Prepaid services fund (622-00-9114-9300) ..... No limit

Athlete agent registration

fee fund (622-00-2674-2700) ..... No limit

Democracy fund (622-00-2702-2400) ..... No limit

*Provided*, That all expenditures from the democracy fund shall be to provide matching funds to implement Title II of the federal help America vote act of 2002, public law 107-252, as prescribed under that act.

Technology communication fee fund (622-00-2672-2900) .....	No limit
Help America Vote Act federal fund (622-00-3091) .....	No limit
HAVA Title I federal fund (622-00-3283-3283) .....	No limit

(c) During the fiscal year ending June 30, 2020, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from any special revenue fund or funds for fiscal year 2020 by the above agency by this or other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such special revenue fund or funds to provide a report to the house appropriations committee and the senate ways and means committee detailing the costs of publication in a newspaper in each county pursuant to K.S.A. 64-103, and amendments thereto, of any constitutional amendment that is introduced by the legislature during the 2020 regular session of the legislature and detailing costs to local units of governments for conducting elections that include proposed constitutional amendments.

Sec. 44.

STATE TREASURER

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the state treasurer operating fund (670-00-2374-2300) of the state treasurer is hereby decreased from \$1,710,088 to \$1,680,886: *Provided*, That, notwithstanding the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, or any other statute, of all the moneys received under the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, during fiscal year 2019, the state treasurer is hereby authorized and directed to credit the first \$1,680,886 received and deposited in the state treasury to the state treasurer operating fund: *Provided further*, That, after such aggregate amount has been credited to the state treasurer operating fund, then all of the moneys received under the uniform unclaimed property act during fiscal year 2019 shall be credited as prescribed under the unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto: *And provided further*, That all moneys credited to the state treasurer operating fund during fiscal year 2019 are to reimburse the state treasurer for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed to administer the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, that are not otherwise reimbursed under any other provision of law.

## Sec. 45.

## 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, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

## State treasurer

operating fund (670-00-2374-2300).....\$1,683,705

*Provided*, That, notwithstanding the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, or any other statute, of all the moneys received under the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, during fiscal year 2020, the state treasurer is hereby authorized and directed to credit the first \$1,683,705 received and deposited in the state treasury to the state treasurer operating fund: *Provided further*, That, after such aggregate amount has been credited to the state treasurer operating fund, then all of the moneys received under the uniform unclaimed property act during fiscal year 2020 shall be credited as prescribed under the unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto: *And provided further*, That all moneys credited to the state treasurer operating fund during fiscal year 2020 are to reimburse the state treasurer for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed to administer the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, that are not otherwise reimbursed under any other provision of law.

Fiscal agency fund (670-00-7754-6400) ..... No limit

Bond services fee fund (670-00-2061-2500) ..... No limit

City bond finance fund (670-00-7654) ..... No limit

## Local ad valorem tax

reduction fund (670-00-7394-4800)..... No limit

## County and city revenue

sharing fund (670-00-7395-4900)..... No limit

Suspense fund (670-00-9054-9000)..... No limit

## County and city retailers'

sales tax fund (670-00-7608-6000) ..... No limit

## County and city compensating use

tax fund (670-00-7667-6200) ..... No limit

Local alcoholic liquor fund (670-00-7665-6100)..... No limit

## Local alcoholic liquor

equalization fund (670-00-7759-6500)..... No limit

Unclaimed property claims fund (670-00-7758-7700) .....	No limit
Unclaimed property expense fund (670-00-2362-2200) .....	No limit
<i>Provided</i> , That expenditures from the unclaimed property expense fund for official hospitality shall not exceed \$2,000.	
County and city transient guest tax fund (670-00-7602-6600) .....	No limit
Racing admissions tax fund (670-00-7670-6300) .....	No limit
Rental motor vehicle excise tax fund (670-00-7681-6800) .....	No limit
Transportation development district sales tax fund (670-00-7601-7000) .....	No limit
Redevelopment bond fund (670-00-7683-6900).....	No limit
Special qualified industrial manufacturer fund (670-00-9525-9525) .....	No limit
<i>Provided</i> , That, notwithstanding the provisions of K.S.A. 74-50,122, and amendments thereto, or any other statute, the special qualified industrial manufacturer fund shall be maintained in the state treasury and shall be administered by the state treasurer for the purposes of the qualified industrial manufacturer act: <i>Provided further</i> , That, on the 15th day of each month that commences during fiscal year 2020, the secretary of commerce and the secretary of revenue shall consult and determine the amount of revenue received by the state from withholding taxes paid by each taxpayer that is a qualified industrial manufacturer during the preceding month and then, jointly, shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: <i>And provided further</i> , That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the special qualified industrial manufacturer fund established by this subsection: <i>And provided further</i> , That, on or before the 10th day of each month commencing during fiscal year 2020, the director of accounts and reports shall transfer from the state general fund to the special qualified industrial manufacturer fund interest earnings based on: (1) The average daily balance of moneys in the special qualified industrial manufacturer fund established by this subsection for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: <i>And provided further</i> , That the moneys credited to the special	



qualified industrial manufacturer fund from the withholding taxes paid by a qualified industrial manufacturer shall be paid by the state treasurer to such qualified industrial manufacturer on such dates as are mutually agreed to by the secretary of commerce and the state treasurer, serving as paying agent in accordance with the terms of the agreement entered into pursuant to K.S.A. 74-50,122, and amendments thereto, by the secretary of commerce and such qualified industrial manufacturer: *And provided further*, That not more than \$2,000,000 shall be paid from the special qualified industrial manufacturer fund established by this subsection by the state treasurer to a qualified industrial manufacturer: *And provided further*, That the words and phrases used in these provisos to the appropriation of moneys in the special qualified industrial manufacturer fund shall have the meanings respectively ascribed thereto by K.S.A. 74-50,121, and amendments thereto, unless the context requires otherwise.

Kansas postsecondary education savings  
program trust fund (670-00-7241-7100)..... No limit

Kansas postsecondary education savings  
expense fund (670-00-2096-2000) ..... No limit

Conversion of materials and  
equipment fund (670-00-2461-2700)..... No limit

Tax increment financing revenue  
replacement fund (670-00-7391-4700)..... No limit

Spirit bonds fund (670-00-9515-9515) ..... No limit

*Provided*, That, on the 15th day of each month that commences during fiscal year 2020, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 74-50,136, and amendments thereto, and for which the Spirit bonds fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: *Provided further*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the Spirit bonds fund: *And provided further*, That, on or before the 10th day of each month commencing during fiscal year 2020, the director of accounts and reports shall transfer from the state general fund to the Spirit bonds fund interest earnings based on: (1) The average daily balance of moneys in the Spirit bonds fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: *And provided further*, That

the moneys credited to the Spirit bonds fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the Spirit bonds fund to the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 74-50,136, and amendments thereto.

Learjet bond fund (670-00-9545-9545)..... No limit  
*Provided*, That, on the 15th day of each month that commences during fiscal year 2020, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 74-50,136, and amendments thereto, and for which the Learjet bond fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: *Provided further*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the Learjet bond fund: *And provided further*, That, on or before the 10th day of each month commencing during fiscal year 2020, the director of accounts and reports shall transfer from the state general fund to the Learjet bond fund interest earnings based on: (1) The average daily balance of moneys in the Learjet bond fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: *And provided further*, That the moneys credited to the Learjet bond fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the Learjet bond fund to the appropriate account of the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 74-50,136, and amendments thereto.

Siemens bond fund (670-00-9540-9540)..... No limit  
*Provided*, That, on the 15th day of each month that commences during fiscal year 2020, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 74-50,136, and amendments thereto, and for which the Siemens bond fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: *Provided further*, That, upon receipt of each

such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the Siemens bond fund: *And provided further*, That, on or before the 10th day of each month commencing during fiscal year 2020, the director of accounts and reports shall transfer from the state general fund to the Siemens bond fund interest earnings based on: (1) The average daily balance of moneys in the Siemens bond fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: *And provided further*, That the moneys credited to the Siemens bond fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the Siemens bond fund to the appropriate account of the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 74-50,136, and amendments thereto.

Business machinery and equipment tax reduction  
assistance fund (670-00-7684-7680) .....\$0

Telecommunications and railroad  
machinery and equipment tax reduction  
assistance fund (670-00-7685-7690) .....\$0

Community improvement district sales  
tax fund (670-00-7610-7650) ..... No limit

Special economic  
revitalization fund (670-00-9520-9520) ..... No limit

Bioscience development and  
investment fund (670-00-9510-9510) ..... No limit

KS ABLE savings  
expense fund (670-00-2177-2177) ..... No limit

(b) During the fiscal year ending June 30, 2020, notwithstanding the provisions of K.S.A. 75-1514, and amendments thereto, or any other statute, the commissioner of insurance shall remit all moneys received by the commissioner under K.S.A. 75-1508, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: *Provided*, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury: *Provided, however*, That, for each such remittance deposited in the state treasury during fiscal year 2020, the state treasurer shall not credit such deposit pursuant to K.S.A. 75-1514, and amendments thereto, but shall credit such deposit in accordance with the provisions of this subsection: *Provided further*, That the state treasurer shall credit 10% of each such deposit to the state general fund and the state treasurer shall credit the remainder of each such deposit as follows: (1) The amount equal to 64% of the remainder of such

deposit shall be credited to the fire marshal fee fund (234-00-2330-2000) of the state fire marshal; (2) the amount equal to 20% of the remainder of such deposit shall be credited to the emergency medical services board operating fund (206-00-2326-4000) of the emergency medical services board; and (3) the amount equal to 16% of the remainder of such deposit shall be credited to the fire service training program fund (682-00-2123-2170) of the university of Kansas: *And provided further*, That the amount of each such deposit that is credited to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state fire marshal, the emergency medical services board, and the fire service training program of the university of Kansas by other state agencies which receive appropriations from the state general fund to provide such services: *And provided further*, That, whenever in fiscal year 2020 the aggregate amount that the 10% credit to the state general fund prescribed by this subsection is equal to \$100,000, then: (1) The provisions of this subsection prescribing the 10% credit to the state general fund no longer shall apply to moneys received pursuant to K.S.A. 75-1508, and amendments thereto; and (2) for the remainder of fiscal year 2020, the state treasurer shall credit the full 100% so received of each such deposit as follows: (A) The amount equal to 64% of such deposit shall be credited to the fire marshal fee fund of the state fire marshal; (B) the amount equal to 20% of such deposit shall be credited to the emergency medical services board operating fund of the emergency medical services board; and (C) the amount equal to 16% of such deposit shall be credited to the fire service training program fund of the university of Kansas.

(c) Notwithstanding the provisions of K.S.A. 2018 Supp. 75-648, and amendments thereto, or any other statute, on July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$50,000 from the Kansas postsecondary education savings expense fund (670-00-2096-2000) of the state treasurer to the KS ABLE savings expense fund (670-00-2177-2177) of the state treasurer.

Sec. 46.

#### INSURANCE DEPARTMENT

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the securities act fee fund (331-00-2162-0100) of the insurance department is hereby decreased from \$2,969,162 to \$2,839,224.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,375,000 from the state general fund to the insurance department service regula-

tion fund (331-00-2270-2400) of the insurance department for repayment of previous transfers to the state general fund in prior fiscal years.

Sec. 47.

# INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Insurance department service

regulation fund (331-00-2270-2400).....No limit

*Provided*, That expenditures from the insurance department service regulation fund for official hospitality shall not exceed \$2,500: *Provided further*, That transfers may be made from this fund to the insurance department rehabilitation and repair fund of the insurance department.

Insurance company

examination fund (331-00-2055-2000).....No limit

*Provided*, That transfers may be made from the insurance company examination fund to the insurance department rehabilitation and repair fund of the insurance department.

Insurance company annual statement

examination fund (331-00-2056-2100).....No limit

Insurance company examiner

training fund (331-00-2057-2200).....No limit

Workers compensation fund (331-00-7354-7000) .....No limit

*Provided*, That expenditures from the workers compensation fund for attorney fees and other costs and benefit payments may be made regardless of when services were rendered or when the initial award of benefits was made.

State firefighters relief fund (331-00-7652-7130) .....No limit

*Provided*, That, notwithstanding the provisions of K.S.A. 40-1706, and amendments thereto, or any other statute, transfers may be made from the state firefighters relief fund to the insurance department rehabilitation and repair fund of the insurance department.

Insurance company tax and fee

refund fund (331-00-9017-9100) .....No limit

Group-funded workers' compensation pools

fee fund (331-00-7374-7120) .....No limit

*Provided*, That transfers may be made from the group-funded workers' compensation pools fee fund to the insurance department rehabilitation and repair fund of the insurance department.

## Municipal group-funded pools

fee fund (331-00-7356-7100) ..... No limit

*Provided*, That transfers may be made from the municipal group-funded pools fee fund to the insurance department rehabilitation and repair fund of the insurance department.

## Uninsurable health insurance

plan fund (331-00-2328-2500) ..... No limit

## Private grants and

gifts fund (331-00-7301-7301) ..... No limit

## Insurance education and

training fund (331-00-2367-2600) ..... No limit

*Provided*, That expenditures may be made from the insurance education and training fund for training programs and official hospitality: *Provided further*, That the insurance commissioner is hereby authorized to fix, charge and collect fees for such training programs: *And provided further*, That fees for such training programs shall be fixed in order to collect all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*, That all fees received for such training programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the insurance education and training fund.

## Monumental life

settlement fund (331-00-7360-7360) ..... No limit

*Provided*, That all expenditures from the monumental life settlement fund shall be made for scholarship purposes: *Provided further*, That the scholarship recipients shall be African-American students who are currently enrolled and are attending an accredited higher education institution in the state of Kansas and who have designated a major in mathematics, computer science or business.

Fines and penalties fund (331-00-2351-2510) ..... No limit

*Provided*, That, notwithstanding the provisions of K.S.A. 40-2606, and amendments thereto, or any other statute, all moneys received during fiscal year 2020 for penalties imposed pursuant to K.S.A. 40-2606, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the fines and penalties fund.

Settlements fund (331-00-2523-2520) ..... No limit

*Provided*, That moneys may be transferred or otherwise credited to the settlements fund as the result of or pursuant to court orders under K.S.A. 40-3644, and amendments thereto, court-ordered settlements, or legislative authority: *Provided further*, That expenditures from the settlements

fund shall be made for the purpose of providing consumer education and outreach or for costs that the insurance department may incur in closeout of any troubled insurance company matters.

HHS consumer assistance grant –

federal fund (331-00-3555-3555) ..... No limit

HHS exchange planning & establishment grant –

federal fund (331-00-3556-3556) ..... No limit

HHS rate review grant –

federal fund (331-00-3505-3505) ..... No limit

Professional employer organization

fee fund (331-00-2678-2678) ..... No limit

Pharmacy benefit manager

registration fund (331-00-2665-2665) ..... No limit

Securities act fee fund (331-00-2162-0100) ..... \$3,065,869

*Provided*, That expenditures from the securities act fee fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$2,000.

Investor education and

protection fund (331-00-2242-2240) ..... No limit

*Provided*, That expenditures from the investor education and protection fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$5,000.

Captive insurance regulatory and

supervision fund ..... No limit

(b) In addition to the other purposes for which expenditures may be made by the insurance department from the insurance company examination fund (331-00-2055-2000) for fiscal year 2020 as authorized by K.S.A. 40-223, and amendments thereto, notwithstanding the provisions of K.S.A. 40-223, and amendments thereto, or any other statute, expenditures may be made by the insurance department from the insurance company examination fund for fiscal year 2020 for the examination of annual statements filed with the commissioner of insurance, regardless of when the services were rendered, when the expenses were incurred or when any claim was submitted or processed for payment and regardless of whether or not the services were rendered or the expenses were incurred prior to the effective date of this act.

(c) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,375,000 from the state general fund to the insurance department service regulation fund (331-00-2270-2400) of the insurance department for repayment of previous transfers to the state general fund in prior fiscal years.

Sec. 48.

#### INSURANCE DEPARTMENT

(a) On July 1, 2020, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,375,000 from the state general fund to the insurance department service regulation fund (331-00-2270-2400) of the insurance department for repayment of previous transfers to the state general fund in prior fiscal years.

Sec. 49.

#### HEALTH CARE STABILIZATION FUND BOARD OF GOVERNORS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, 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:

Health care stabilization fund (270-00-7404-2000) ..... No limit  
Conference fee fund (270-00-2453-2453) ..... No limit

(b) Expenditures from the health care stabilization fund for the fiscal year ending June 30, 2020, other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Operating expenditures (270-00-7404-2100) ..... No limit  
*Provided*, That expenditures may be made from the operating expenditures account for official hospitality.

Legal services and other  
claims expenses (270-00-7404-2300) ..... No limit  
Claims and benefits (270-00-7404-2400) ..... No limit

Sec. 50.

#### POOLED MONEY INVESTMENT BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Municipal investment  
pool fund (671-00-7537-7000) ..... No limit  
Pooled money investment portfolio  
fee fund (671-00-2319-2000) ..... No limit

*Provided*, That, on or before the fifth day of each month of the fiscal year ending June 30, 2020, the state treasurer shall certify to the pooled money investment board an accounting of the banking fees incurred by



the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during such month: *Provided further*, That, prior to the 10th day of each month during the fiscal year ending June 30, 2020, the pooled money investment board shall review the certification from the state treasurer and shall make expenditures from the pooled money investment portfolio fee fund (671-00-2319-2000) to pay the amount of banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during the second preceding month, as determined by the pooled money investment board: *And provided further*, That expenditures from the pooled money investment portfolio fee fund for official hospitality shall not exceed \$800.

Sec. 51.

#### JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Judicial council fund (349-00-2127-2100) .....	No limit
Grants and gifts fund (349-00-7326-7000) .....	No limit
<i>Provided</i> , That all private grants and gifts received by the judicial council, other than moneys received as grants, gifts or donations for the preparation, publication or distribution of legal publications, shall be deposited to the credit of the grants and gifts fund.	
Publications fee fund (349-00-2297-2000) .....	No limit

Sec. 52.

#### STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Assigned counsel expenditures (328-00-1000-0700) .....	\$800,000
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Sec. 53.

#### STATE BOARD OF INDIGENTS' DEFENSE SERVICES

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

Operating expenditures (328-00-1000-0603) .....	\$13,646,479
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: <i>Provided, however</i> , That expenditures for indigents' de-	

fense services are authorized to be made from the operating expenditures account regardless of when services were rendered: *Provided further*, That expenditures may be made from the operating expenditures account for negotiated contracts for malpractice insurance for public defenders and deputy or assistant public defenders: *And provided further*, That all contracts for malpractice insurance for public defenders and deputy or assistant public defenders shall be negotiated and purchased by the state board of indigents' defense services, shall not be subject to approval or purchase by the committee on surety bonds and insurance under K.S.A. 75-4114 and 75-6111, and amendments thereto, and shall not be subject to the provisions of K.S.A. 75-3739, and amendments thereto.

Assigned counsel

expenditures (328-00-1000-0700) .....\$13,139,335

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the assigned counsel expenditures account is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures for indigents' defense services are authorized to be made from the assigned counsel expenditures account regardless of when services were rendered.

Capital defense operations (328-00-1000-0800) .....\$3,167,081

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the capital defense operations account is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures for indigents' defense services are authorized to be made from the capital defense operations account regardless of when services were rendered.

Legal services for prisoners (328-00-1000-0500) .....\$289,592

Indigents' defense

services operations (328-00-1000-0610) .....\$156,847

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the indigents' defense services operations account is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures may be made from the indigents' defense services operations account for the purpose of assigned counsel and other professional services related to contract cases.

Litigation support (328-00-1000-0510) .....\$2,760,665

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Capital litigation training  
grant fund (328-00-3211-3211) ..... No limit

Indigents' defense  
services fund (328-00-2119-2000) ..... No limit

*Provided*, That expenditures may be made from the indigents' defense services fund for the purpose of assigned counsel and other professional services related to contract cases.

Inservice education workshop  
fee fund (328-00-2186-2100) ..... No limit

*Provided*, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospital-ity, incurred for inservice workshops and conferences: *Provided further*, That the state board of indigents' defense services is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: *And provided further*, That all fees received for inservice workshops and conferences shall be deposited in the state treasury in ac-cordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

(c) During the fiscal year ending June 30, 2020, the executive director of the state board of indigents' defense services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2020, from the state general fund for the state board of indigents' defense services to any other item of approp-riation for fiscal year 2020 from the state general fund for the state board of indigents' defense services. The executive director shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) In addition to the other purposes for which expenditures may be made by the state board of indigents' defense services from the mon-ey's appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 as authorized by this act or other approp-riation act of the 2019 regular session of the legislature, expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 to classify public defenders based on the level of cases such public defenders are assigned.

Sec. 54.

#### JUDICIAL BRANCH

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

Judiciary operations (677-00-1000) .....\$109,052,817

*Provided*, That any unencumbered balance in the judiciary operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That contracts for computer input of judicial opinions and all purchases thereunder shall not be subject to the provisions of K.S.A. 75-3739, and amendments thereto: *And provided further*, That expenditures may be made from the judiciary operations account for contingencies without limitation at the discretion of the chief justice: *And provided further*, That expenditures from the judiciary operations account for such contingencies shall not exceed \$25,000: *And provided further*, That expenditures from the judiciary operations account for official hospitality shall not exceed \$4,000: *And provided further*, That expenditures shall be made from the judiciary operations account for the travel expenses of panels of the court of appeals for travel to cities across the state to hear appealed cases.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Library report fee fund (677-00-2106-2000) ..... No limit
- Judiciary technology fund (677-00-2272-1800)..... No limit
- Dispute resolution fund (677-00-2126-3500) ..... No limit

Judicial branch

education fund (677-00-2324-1900) ..... No limit

*Provided*, That expenditures may be made from the judicial branch education fund to provide services and programs for the purpose of educating and training judicial branch officers and employees, administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto, educating and training municipal judges and municipal court support staff, and for the planning and implementation of a family court system, as provided by law, including official hospitality: *Provided further*, That the judicial administrator is hereby authorized to fix, charge and collect fees for such services and programs: *And provided further*, That such fees may be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: *And provided further*, That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the judicial branch education fund.

Child welfare federal

- grant fund (677-00-3942-3300) ..... No limit

Child support enforcement contractual agreement fund (677-00-2681-2400) .....	No limit
SJI grant fund (677-00-2714-2714) .....	No limit
Bar admission fee fund (677-00-2724-2500) .....	No limit
Permanent families account – family and children investment fund (677-00-7317-7000) .....	No limit
Duplicate law book fund (677-00-2543-2300) .....	No limit
Court reporter fund (677-00-2725-2600) .....	No limit
Access to justice fund (677-00-2169-2100) .....	No limit
Judicial branch nonjudicial salary initiative fund (677-00-2229-2800) .....	No limit
Judicial branch nonjudicial salary adjustment fund (677-00-2389-3200) .....	No limit
Federal grants fund (677-00-3082-3100) .....	No limit
District magistrate judge supplemental compensation fund (677-00-2398-2390) .....	No limit
Correctional supervision fund (677-00-2465-2465) .....	No limit
Violence against women grant fund – ARRA (677-00-3214-3214) .....	No limit
Judicial branch docket fee fund (677-00-2158-2158) .....	No limit
Electronic filing and management fund (677-00-2791-2791) .....	No limit
(c) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the Kansas endowment for youth fund to the permanent families account – family and children investment fund (677-00-7317-7000) of the judicial branch.	

Sec. 55.

#### 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 \$280,680 from the MSA compliance fund (565-00-2274-2274) of the department of revenue to the Kansas endowment for youth fund (365-00-7000-2000) of the Kansas public employees retirement system.

(b) On the effective date of this act, the provisions of section 47(d) of

chapter 109 of the 2018 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 56.

KANSAS PUBLIC EMPLOYEES  
RETIREMENT SYSTEM

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas public employees retirement fund (365-00-7002-7000)	No limit
<i>Provided</i> , That no expenditures may be made from the Kansas public employees retirement fund other than for benefits, investments, refunds authorized by law, and other purposes specifically authorized by this or other appropriation act.	
Kansas public employees deferred compensation fees fund (365-00-2376)	No limit
Group insurance reserve fund (365-00-7358-9200)	No limit
Optional death benefit plan reserve fund (365-00-7357-9100)	No limit
Kansas endowment for youth fund (365-00-7000-2000)	No limit
Senior services trust fund (365-00-7550-7600)	No limit
Family and children endowment account – family and children investment fund (365-00-7010-4000)	No limit
Non-retirement administration fund (365-00-2277)	No limit
<i>Provided</i> , That the executive officer of the Kansas public employees retirement system shall certify to the director of accounts and reports the amount of moneys to transfer from the Kansas endowment for youth fund (365-00-7000-2000), the senior services trust fund (365-00-7550-7600), the family and children endowment account – family and children investment fund (365-00-7010-4000) and the unclaimed property account (670-00-7758-7700) of the state general fund for the purpose of reimbursing the costs of non-retirement-related administrative activities and investment-related expenses for managing such funds in accordance with K.S.A. 74-4909b, and amendments thereto.	
KDFA series 2003H bond debt service fund (365-00-7001-2100)	No limit

*Provided*, That, notwithstanding the provisions of K.S.A. 74-4921 et seq., and amendments thereto, any employer contributions remitted in accordance with the provisions of K.S.A. 20-2605, and amendments thereto, K.S.A. 74-4920, and amendments thereto, K.S.A. 74-4939, and amendments thereto, and K.S.A. 74-4967, and amendments thereto, for the purpose of paying the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be credited in the KDFA series 2003H bond debt service fund: *Provided further*, That the executive director of the Kansas public employees retirement system shall certify to the director of accounts and reports an amount to reimburse the state general fund for bond debt service payments authorized in fiscal year 2020: *And provided further*, That the director of accounts and reports shall transfer to the state general fund such amount certified as provided by the executive director no later than June 30, 2020.

(b) Expenditures may be made from the expense reserve of the Kansas public employees retirement fund (365-00-7002-7000) for the fiscal year ending June 30, 2020, for the following specified purposes:

Agency operations (365-00-7002-7400) .....\$12,649,411

*Provided*, That expenditures from the agency operations account may be made for official hospitality.

Investment-related expenses (365-00-7002-8000).....No limit

KPERS technology project (365-00-7002-7800) .....No limit

(c) Expenditures may be made from the non-retirement administration fund (365-00-2277) for the fiscal year ending June 30, 2020, for the following specified purposes:

Agency operations (365-00-2277-2210) .....\$100,000

Investment-related expenses (365-00-2277-2220).....No limit

(d) On July 1, 2019, notwithstanding the provisions of K.S.A. 38-2102, and amendments thereto, the amount prescribed by K.S.A. 38-2102(d)(4), and amendments thereto, to be transferred on July 1, 2019, by the director of accounts and reports from the Kansas endowment for youth fund to the children's initiatives fund is hereby increased to \$43,267,487.

(e) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$51,000,000 from the state general fund to the Kansas public employees retirement fund (365-00-7002-7000) of the Kansas public employees retirement system.

Sec. 57.

#### KANSAS HUMAN RIGHTS COMMISSION

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

Operating expenditures (058-00-1000-0103) .....\$1,115,298  
*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$200: *Provided further*, That expenditures for mediation services contracted with Kansas legal services shall be made only upon certification by the executive director of the human rights commission to the director of accounts and reports that private moneys are available to match the expenditure of state moneys on a \$1 of private moneys to \$3 of state moneys basis.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State and local fair employment practices –  
federal fund (058-00-3016-3000) ..... No limit

Conversion of materials and  
equipment fund (058-00-2404-1300)..... No limit

Education and training fund (058-00-2282-2000) ..... No limit  
*Provided*, That expenditures may be made from the education and training fund for operating expenditures for the commission’s education and training programs for the general public, including official hospitality: *Provided further*, That the executive director is hereby authorized to fix, charge and collect fees for such programs: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*, That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the education and training fund.

Database conversion fund..... No limit

Sec. 58.

STATE CORPORATION COMMISSION

(a) On the effective date of this act, the expenditure limitation for official hospitality established for the fiscal year ending June 30, 2019, by section 61(e) of chapter 104 of the 2017 Session Laws of Kansas on the public service regulation fund (143-00-2019-0100), the motor carrier license fees fund (143-00-2812-5500) and the conservation fee fund (143-00-2130-2000) of the state corporation commission is hereby increased, in the aggregate, from \$2,000 to \$2,500.



## Sec. 59.

## STATE CORPORATION COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

## Public service

regulation fund (143-00-2019-0100) ..... No limit

## Motor carrier license

fees fund (143-00-2812-5500) ..... No limit

Conservation fee fund (143-00-2130-2000) ..... No limit

*Provided*, That any expenditure made from the conservation fee fund for plugging abandoned wells, cleanup of pollution from oil and gas activities and testing of wells shall be in addition to any expenditure limitation imposed on this fund: *Provided further*, That expenditures may be made from this fund for debt collection and set-off administration: *And provided further*, That a percentage of the fees collected, not to exceed 27%, shall be transferred from the conservation fee fund to the accounting services recovery fund (173-00-6105-4010) of the department of administration for services rendered in collection efforts: *And provided further*, That all expenditures made from the conservation fee fund for debt collection and set-off administration shall be in addition to any expenditure limitation imposed on this fund: *And provided further*, That the state corporation commission shall include as part of the fiscal year 2020 budget estimates for the state corporation commission submitted pursuant to K.S.A. 75-3717, and amendments thereto, a three-year projection of receipts to and expenditures from the conservation fee fund for fiscal years 2020, 2021 and 2022.

## Natural gas underground storage

fee fund (143-00-2181-2120) ..... No limit

## Gas pipeline inspection

fee fund (143-00-2023-1100) ..... No limit

## Special one-call –

federal fund (143-00-3477-3477) ..... No limit

## Compressed air energy storage

fee fund (143-00-2454-2410) ..... No limit

## Abandoned oil and gas

well fund (143-00-2143-2100) ..... No limit

## Facility conservation improvement

program fund (143-00-2432-2400) ..... No limit

Gas pipeline safety program – federal fund (143-00-3632-3000) .....	No limit
Carbon dioxide injection well and underground storage fund (143-00-2358-2500) .....	No limit
Energy conservation plan – federal fund (143-00-3682-3500) .....	No limit
Energy efficiency revolving loan program – ARRA federal fund (143-00-3161-3160) .....	No limit
<i>Provided</i> , That expenditures may be made from the energy efficiency revolving loan program – ARRA federal fund for the energy efficiency revolving loan program pursuant to vouchers approved by the chairperson of the state corporation commission or by a person or persons designated by the chairperson: <i>Provided further</i> , That the state corporation commission is hereby authorized to establish the energy efficiency revolving loan program for the purpose of making loans for energy conservation and other energy-related activities: <i>And provided further</i> , That loans under such program shall be made at an interest rate established by the state corporation commission: <i>And provided further</i> , That the state corporation commission is hereby authorized to enter into contracts with other state agencies and with persons as may be necessary to administer the energy efficiency revolving loan program: <i>And provided further</i> , That any person who agrees to receive money from the energy efficiency revolving loan program – ARRA federal fund shall enter into an agreement requiring such person to submit a written report to the state corporation commission detailing and accounting for all expenditures and receipts related to the use of the moneys received from the energy efficiency revolving loan program – ARRA federal fund: <i>And provided further</i> , That moneys repaid to the energy efficiency revolving loan program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the energy efficiency revolving loan program – ARRA federal fund: <i>And provided further</i> , That, on or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the energy efficiency revolving loan program – ARRA federal fund interest earnings based on: (1) The average daily balance of repaid moneys in the energy efficiency revolving loan program – ARRA federal fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.	
Vehicle information systems network – federal fund (143-00-3244-3244) .....	No limit
Underground injection control class II – federal fund (143-00-3768-3700) .....	No limit

One call – federal fund (143-00-3633-3120) ..... No limit

Inservice education workshop

fee fund (143-00-2316-2300) ..... No limit

*Provided*, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences conducted by the state corporation commission for staff and members of the state corporation commission: *Provided further*, That the state corporation commission is hereby authorized to fix, charge and collect fees for such inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for conducting such inservice workshops and conferences: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

Unified carrier registration

clearing fund (143-00-9062-9100) ..... No limit

Credit card clearing fund (143-00-9401-9400) ..... No limit

Suspense fund (143-00-9007-9000) ..... No limit

Well plugging

assurance fund (143-00-2180-2110) ..... No limit

Energy grants

management fund (143-00-2667-4000) ..... No limit

Energy efficiency program – federal fund ..... No limit

(b) Expenditures for the fiscal year ending June 30, 2020, by the state corporation commission from the conservation fee fund (143-00-2130-2000) or the abandoned oil and gas well fund (143-00-2143-2100) may be made for the service of independent on-site supervision of well plugging contracts: *Provided*, That all such expenditures from the conservation fee fund or the abandoned oil and gas well fund for the purpose of plugging of abandoned oil and gas wells during fiscal year 2020 shall be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto, and shall not be exempt from such competitive bidding requirements on the basis of the estimated amount of such purchases.

(c) During the fiscal year ending June 30, 2020, the chairperson of the state corporation commission, with the approval of the director of the budget, may transfer additional moneys from the conservation fee fund (143-00-2130-2000) of the state corporation commission that are in excess of \$800,000 as prescribed by K.S.A. 55-193, and amendments thereto, to the abandoned oil and gas well plugging fund (143-00-2143-2100) of

the state corporation commission: *Provided*, That the chairperson of the state corporation commission shall certify each such transfer of additional moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) During the fiscal year ending June 30, 2020, notwithstanding the provisions of any other statute, the chairperson of the state corporation commission, with the approval of the director of the budget, may transfer funds from any special revenue fund or funds of the state corporation commission to any other special revenue fund or funds of the state corporation commission. The chairperson of the state corporation commission shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) Expenditures for the fiscal year ending June 30, 2020, by the state corporation commission from the public service regulation fund (143-00-2019-0100), the motor carrier license fees fund (143-00-2812-5500) and the conservation fee fund (143-00-2130-2000) for official hospitality shall not exceed, in the aggregate, \$2,500.

(f) During the fiscal year ending June 30, 2020, notwithstanding the provisions of K.S.A. 55-164, 66-138 or 66-1,142b, and amendments thereto, or any other statute, all moneys received from civil fines and penalties charged and collected by the state corporation commission under K.S.A. 55-164, 66-138 or 66-1,142b, and amendments thereto, in the conservation fee fund (143-00-2130-2000), the public service regulation fund (143-00-2019-0100) and the motor carrier license fees fund (143-00-2812-5500) shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and deposited in the state treasury and credited to the state general fund.

(g) On July 1, 2019, notwithstanding the provisions of K.S.A. 55-166, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$500,000 from the well plugging assurance fund (143-00-2180-2110) of the state corporation commission to the abandoned oil and gas well fund (143-00-2143-2100) of the state corporation commission.

(h) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$100,000 from the public service regulation fund (143-00-2019-0100) of the state corporation commission to the state general fund.

(i) During the fiscal year ending June 30, 2020, the chairperson of the state corporation commission, with the approval of the director of the budget, may transfer moneys from the energy efficiency revolving loan program – ARRA federal fund (143-00-3161-3160) to the energy efficiency program – federal fund of the state corporation commission: *Provided*, That the chairperson of the state corporation commission shall certify each

such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research: *Provided further*, That the state corporation commission is hereby authorized to establish the energy efficiency program for the purpose of energy conservation and other energy-related activities: *And provided further*, That the state corporation commission is hereby authorized to enter into contracts with other state agencies and with persons as may be necessary to administer the energy efficiency program: *And provided further*, That any person who agrees to receive money from the energy efficiency program – federal fund shall enter into an agreement requiring such person to submit a written report to the state corporation commission detailing and accounting for all expenditures and receipts related to the use of the moneys received from the energy efficiency program – federal fund: *And provided further*, That, on or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the energy efficiency program – federal fund interest earnings based on: (1) The average daily balance of moneys in the energy efficiency program – federal fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 60.

#### CITIZENS' UTILITY RATEPAYER BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Utility regulatory fee fund (122-00-2030-2000).....\$999,785

(b) During the fiscal year ending June 30, 2020, in addition to other purposes for which expenditures may be made by the citizens' utility ratepayer board from the utility regulatory fee fund (122-00-2030-2000) for fiscal year 2020 for the citizens' utility ratepayer board as authorized by this or other appropriation act of the 2019 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, if the total expenditures authorized to be expended on contracts for professional services by the citizens' utility ratepayer board by the expenditure limitation prescribed by subsection (a) are not expended or encumbered for fiscal year 2019, then the amount equal to the remaining amount of such expenditure authority for fiscal year 2019 may be expended from the utility regulatory fee fund for fiscal year 2020 pursuant to contracts for professional services and any such expenditure for fiscal year 2020 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2020.

(c) On and after the effective date of this act, during the fiscal year ending June 30, 2020, no expenditures shall be made by the above agency from the utility regulatory fee fund (122-00-2030-2000) for the review or other oversight of proposed administrative rules and regulations or any other duties pursuant to executive order no. 11-02.

Sec. 61.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Debt setoff settlement ..... \$9,291,945

(b) On the effective date of this act, of the \$250,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 66(k) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the SIBF – state building insurance account (173-00-8100-8920), the sum of \$56,227 is hereby lapsed.

(c) On the effective date of this act, of the \$270,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 66(l) of chapter 104 of the 2017 Session Laws of Kansas from the correctional institutions building fund in the CIBF – state building insurance account (173-00-8600-8930), the sum of \$2,578 is hereby lapsed.

(d) On the effective date of this act, the provisions of section 66(q) of chapter 104 of the 2017 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 62.

DEPARTMENT OF ADMINISTRATION

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

Operating expenditures (173-00-1000-0200) .....\$4,581,294

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,000: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the operating expenditures account for three employees in the unclassified service under the Kansas civil service act.

Budget analysis (173-00-1000-0520) .....\$1,546,035

*Provided*, That any unencumbered balance in the budget analysis account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, in ad-

dition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the budget analysis account for eight employees in the unclassified service under the Kansas civil service act: *And provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

Long-term care ombudsman (173-00-1000-0580).....\$287,351

*Provided*, That any unencumbered balance in the long-term care ombudsman account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

KPERS bonds debt service (173-00-1000-0440) .....\$64,001,866

(b) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2020, the following:

KPERS bond debt service (173-00-1700-1704).....\$36,126,992

Public broadcasting digital conversion

debt service (173-00-1700-1703) .....\$434,125

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds or indirect cost recoveries authorized by law shall not exceed the following:

Federal cash

management fund (173-00-2001-2200) .....No limit

State leave payment

reserve fund (173-00-7730-7350).....No limit

Building and ground fund (173-00-2028-2000) .....No limit

General fees fund (173-00-2197-2020) .....No limit

*Provided*, That expenditures may be made from the general fees fund for operating expenditures for the division of personnel services, including human resources programs and official hospitality: *Provided further*, That the director of personnel services is hereby authorized to fix, charge and collect fees: *And provided further*, That fees shall be fixed in order to recover all or part of the operating expenses incurred, including official hospitality: *And provided further*, That all fees received, including fees received under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Human resource information systems cost

recovery fund (173-00-6103-5700) .....No limit



Budget fees fund (173-00-2191-2100).....No limit  
*Provided*, That expenditures may be made from the budget fees fund for operating expenditures for the division of the budget, including training programs, special projects and official hospitality: *Provided further*, That the director of the budget is hereby authorized to fix, charge and collect fees for such training programs: *And provided further*, That fees for such training programs and special projects shall be fixed in order to recover all or part of the operating expenses incurred for such training programs and special projects, including official hospitality: *And provided further*, That all fees received for such training programs and special projects and all fees received by the division of the budget under the open records act for providing access to or furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the budget fees fund.

Purchasing fees fund (173-00-2017-2130) .....No limit  
*Provided*, That expenditures may be made from the purchasing fees fund for operating expenditures of the division of purchases, including training seminars and official hospitality: *Provided further*, That the director of purchases is hereby authorized to fix, charge and collect fees for operating expenditures incurred to reproduce and disseminate purchasing information, administer vendor applications, administer state contracts and conduct training seminars, including official hospitality: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenses: *And provided further*, That all fees received for such operating expenses shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the purchasing fees fund.

Architectural services  
fee fund (173-00-2075-2110) .....No limit  
*Provided*, That expenditures may be made from the architectural services fee fund for operating expenditures for distribution of architectural information: *Provided further*, That the director of facilities management is hereby authorized to fix, charge and collect fees for reproduction and distribution of architectural information: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for reproducing and distributing architectural information: *And provided further*, That all fees received for such reproduction and distribution of architectural information shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services fee fund.

Budget equipment  
conversion fund (173-00-2434-2090).....No limit



Conversion of materials and equipment fund (173-00-2408-2030).....	No limit
Architectural services equipment conversion fund (173-00-2401-2170).....	No limit
Property contingency fund (173-00-2640-2060).....	No limit
Flood control emergency – federal fund (173-00-3024-3020) .....	No limit
INK special revenue fund (173-00-2764-2702) .....	No limit
FICA reimbursements medical residents fund (173-00-7599-7500).....	No limit
State buildings operating fund (173-00-6148-4100).....	No limit

*Provided*, That the secretary of administration is hereby authorized to fix, charge and collect a real estate property leasing services fee at a reasonable rate per square foot of space leased by state agencies as approved by the secretary of administration under K.S.A. 75-3765, and amendments thereto, to recover the costs incurred by the department of administration in providing services to state agencies relating to leases of real property: *Provided further*, That each state agency that is party to a lease of real property that is approved by the secretary of administration under K.S.A. 75-3765, and amendments thereto, shall remit to the secretary of administration the real estate property leasing services fee upon receipt of the billing therefor: *And provided further*, That all moneys received for real estate property leasing services fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund (173-00-2028-2000), as determined and directed by the secretary of administration: *And provided further*, That the net proceeds from the sale of all or any part of the Topeka state hospital property, as defined by K.S.A. 2018 Supp. 75-37,123(a), and amendments thereto, shall be deposited in the state treasury and credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*, That the secretary of administration is hereby authorized to fix, charge and collect a surcharge against all state agency leased square footage in Shawnee county, including both state-owned and privately owned buildings: *And provided further*, That all moneys received for such surcharge shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration.

Accounting services	
recovery fund (173-00-6105-4010) .....	No limit
<i>Provided</i> , That expenditures may be made from the accounting services recovery fund for the operating expenditures, including official hospitality, of the department of administration: <i>Provided further</i> , That the secretary of administration is hereby authorized to fix, charge and collect fees for services or sales provided by the department of administration that are not specifically authorized by any other statute: <i>And provided further</i> , That all fees received for such services or sales shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the accounting services recovery fund.	
Architectural services	
recovery fund (173-00-6151-5500) .....	No limit
<i>Provided</i> , That expenditures may be made from the architectural services recovery fund for operating expenditures for the division of facilities management: <i>Provided further</i> , That the director of facilities management is hereby authorized to fix, charge and collect fees for services provided to other state agencies not directly related to the construction of a capital improvement project: <i>And provided further</i> , That all fees received for all such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services recovery fund.	
Motor pool service fund (173-00-6109-4020) .....	No limit
Intragovernmental printing	
service fund (173-00-6165-9800) .....	No limit
Intragovernmental printing service depreciation	
reserve fund (173-00-6167-9810).....	No limit
Municipal accounting and training services	
recovery fund (173-00-2033-1850) .....	No limit
<i>Provided</i> , That expenditures may be made from the municipal accounting and training services recovery fund to provide general ledger, payroll reporting, utilities billing, data processing, and accounting services to municipalities and to provide training programs conducted for municipal government personnel, including official hospitality: <i>Provided further</i> , That the director of accounts and reports is hereby authorized to fix, charge and collect fees for such services and programs: <i>And provided further</i> , That such fees shall be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: <i>And provided further</i> , That all fees received for such services and programs, including official hospitality, shall be deposited in	

the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the municipal accounting and training services recovery fund.

Canceled warrants

payment fund (173-00-2645-2070) ..... No limit

State emergency fund (173-00-2581-2150)..... No limit

Bid and contract

deposit fund (173-00-7609-7060)..... No limit

Federal withholding tax

clearing fund (173-00-7701-7080) ..... No limit

Financial management system

development fund (173-00-6135-6130) ..... No limit

*Provided*, That the secretary of administration may establish fees and make special assessments in order to finance the costs of developing the financial management system: *Provided further*, That all moneys received for such fees and special assessments shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the financial management system development fund.

State gaming revenues fund (173-00-9011-9100) ..... No limit

Financial management system development

fund – on budget (173-00-2689-2689) ..... No limit

Construction defects

recovery fund (173-00-2632-2615) ..... No limit

Facilities conservation

improvement fund (173-00-8745-4912) ..... No limit

State revolving fund services

fee fund (173-00-2038-2700) ..... No limit

Conversion of materials and equipment – recycling

program fund (173-00-2435-2031)..... No limit

Curtis office building maintenance

reserve fund (173-00-2010-2190)..... No limit

Equipment lease purchase program administration

clearing fund (173-00-8701-8000) ..... No limit

Suspense fund (173-00-9075-9220)..... No limit

Electronic funds transfer

suspense fund (173-00-9175-9490)..... No limit

Surplus property program fund –

on budget (173-00-2323-2300)..... No limit

Surplus property program fund – off budget (173-00-6150-6150) .....	No limit
Older Americans act title IIIB long-term care ombudsman federal fund (173-00-3287-3287) .....	No limit
Older Americans act title VII long-term care ombudsman federal fund (173-00-3358-3140) .....	No limit
Long-term care ombudsman gift and grant fund (173-00-7258-7280) .....	No limit
Title XIX – long-term care ombudsman medical assistance program federal fund (173-00-3414-3414) .....	No limit
Wireless enhanced 911 grant fund (173-00-2577-2570) .....	No limit
Bioscience development fund (173-00-2765-2703) .....	No limit
Dwight D Eisenhower statue fund.....	No limit
Digital imaging program fund .....	No limit

*Provided*, That expenditures may be made from the digital imaging program fund for grants to state agencies for digital document imaging projects.

(d) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2020 by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2020, for the secretary of administration, as part of the system of payroll accounting formulated under K.S.A. 75-5501, and amendments thereto, to establish a payroll deduction plan, for the purpose of allowing insurers, who are authorized to do business in the state of Kansas, to offer to state employees accident, disability, specified disease and hospital indemnity products, which may be purchased by such employees: *Provided, however*, That any such insurer and indemnity product shall be approved by the Kansas state employees health care commission prior to the establishment of such payroll deduction: *Provided*, That upon notification of an employing agency's receipt of written authorization by any state employee, the director of accounts and reports shall make periodic deductions of amounts as specified in such authorization from the salary or wages of such state employee

for the purpose of purchasing such indemnity products: *Provided further*, That, subject to the approval of the secretary of administration, the director of accounts and reports may prescribe procedures, limitations and conditions for making payroll deductions pursuant to this section.

(e) On July 1, 2019, the director of accounts and reports shall transfer \$210,000 from the state highway fund to the state general fund for the purpose of reimbursing the state general fund for the cost of providing purchasing services to the department of transportation.

(f) During the fiscal year ending June 30, 2020, the secretary of administration is hereby authorized to approve refinancing of equipment being financed by state agencies through the department's equipment financing program. Such refinancing project is hereby approved for the purposes of K.S.A. 74-8905(b), and amendments thereto.

(g) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated in any capital improvement account of any special revenue fund or funds or in any capital improvement account of the state general fund for the above agency for fiscal year 2020 by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the above agency from any such capital improvement account of any special revenue fund or funds or any such capital improvement account of the state general fund for fiscal year 2020 for the purpose of making emergency repairs to any facility that is under the charge, care, management or control of the department of administration as provided by law: *Provided*, That the secretary of administration shall make a full report on such repairs and expenditures to the director of the budget and the director of legislative research.

(h) (1) On July 1, 2019, the director of accounts and reports shall record a debit to the state treasurer's receivables for the state economic development initiatives fund and shall record a corresponding credit to the state economic development initiatives fund in an amount certified by the director of the budget that shall be equal to 75% of the amount estimated by the director of the budget to be transferred and credited to the state economic development initiatives fund during the fiscal year ending June 30, 2020, except that such amount shall be proportionally adjusted during fiscal year 2020 with respect to any change in the moneys to be transferred and credited to the state economic development initiatives fund during fiscal year 2020. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2020 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection.

(2) On June 30, 2020, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the state economic development initiatives fund pursuant to this sub-

section, to reflect all moneys actually transferred and credited to the state economic development initiatives fund during fiscal year 2020.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the state economic development initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the state economic development initiatives fund by the state treasurer in accordance with the notice thereof.

(i) (1) On July 1, 2019, the director of accounts and reports shall record a debit to the state treasurer's receivables for the correctional institutions building fund and shall record a corresponding credit to the correctional institutions building fund in an amount certified by the director of the budget that shall be equal to 80% of the amount estimated by the director of the budget to be transferred and credited to the correctional institutions building fund during the fiscal year ending June 30, 2020, except that such amount shall be proportionally adjusted during fiscal year 2020 with respect to any change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2020. All moneys transferred and credited to the correctional institutions building fund during fiscal year 2020 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.

(2) On June 30, 2020, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the correctional institutions building fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the correctional institutions building fund during fiscal year 2020.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the correctional institutions building fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the correctional institutions building fund by the state treasurer in accordance with the notice thereof.

(j) During the fiscal year ending June 30, 2020, the secretary of administration, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2020, from the state general fund for the department of administration to another item of appropriation for fiscal year 2020 from the state general fund for the department of administration. The secretary of administration shall certify each such transfer to the director of accounts and reports

and shall transmit a copy of each such certification to the director of legislative research.

(k) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2020, the following:  
SIBF – state

building insurance (173-00-8100-8920).....\$160,000

*Provided*, That, notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, expenditures may be made by the above agency from the SIBF – state building insurance account of the state institutions building fund for state building insurance premiums.

(l) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2020, the following:

CIBF – state

building insurance (173-00-8600-8930).....\$175,000

*Provided*, That, notwithstanding the provisions of K.S.A. 76-6b09, and amendments thereto, expenditures may be made by the above agency from the CIBF – state building insurance account of the correctional institutions building fund for state building insurance premiums.

(m) On July 1, 2019, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2020, the director of accounts and reports shall transfer an amount or amounts from the appropriate federal fund or funds of the Kansas department for aging and disability services to the older Americans act title IIIB long-term care ombudsman federal fund (173-00-3287-3287) of the department of administration: *Provided*, That the aggregate of such amount or amounts transferred during fiscal year 2020 shall be equal to and shall not exceed the older Americans act title VII: ombudsman award and 4.38% of the Kansas older Americans act title III: part B supportive services award.

(n) (1) (A) Prior to August 15, 2019, the state board of regents shall determine and certify to the director of the budget each of the specific amounts from the amounts appropriated from the state general fund or from the moneys appropriated and available in the special revenue funds for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection: *Provided*, That the aggregate of all such amounts certified to the director of the budget shall be an amount that is equal to or more than \$1,184,054. The certification by the state board of regents shall specify the amount in each account of the state general fund or in each special revenue fund, or account thereof, that is designated by the state board of regents pursuant to this subsection for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account in the state general fund by the director

of accounts and reports pursuant to this subsection. At the same time as such certification is transmitted to the director of the budget, the state board of regents shall transmit a copy of such certification to the director of legislative research.

(B) The director of the budget shall review each such certification from the state board of regents and shall certify a copy of each such certification from the state board of regents to the director of accounts and reports. At the same time as such certification is transmitted to the director of accounts and reports, the director of the budget shall transmit a copy of each such certification to the director of legislative research.

(C) On August 15, 2019, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under this subsection, the appropriation for fiscal year 2020 for each account of the state general fund, state economic development initiatives fund, state water plan fund and children's initiatives fund that is appropriated or reappropriated for the fiscal year ending June 30, 2020, by this or other appropriation act of the 2019 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under this subsection.

(2) In determining the amounts to be certified to the director of accounts and reports in accordance with this subsection, the director of the budget and the state board of regents shall consider any changed circumstances and unanticipated reductions in expenditures or unanticipated and required expenditures by the regents agencies for fiscal year 2020.

(3) As used in this subsection, "regents agency" means the state board of regents, Fort Hays state university, Kansas state university, Kansas state university extension systems and agriculture research programs, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, the university of Kansas, the university of Kansas medical center and Wichita state university.

(4) The provisions of this subsection shall not apply to:

(A) Any money held in trust in a trust fund or held in trust in any other special revenue fund or funds of any regents agency;

(B) any moneys received from any agency or authority of the federal government or from any other federal source, other than any such federal moneys that are credited to or may be received and credited to special revenue funds of a regents agency and that are determined by the state board of regents to be federal moneys that may be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection;

(C) any account of the Kansas educational building fund; or

(D) any fund of any regents agency in the state treasury, as determined by the director of the budget, that would experience financial or



administrative difficulties as a result of executing the provisions of this subsection, including, but not limited to, cash-flow problems, the inability to meet ordinary expenditure obligations, or any conflicts with prevailing contracts, compacts or other provisions of law.

(5) Each amount transferred from any special revenue fund of any regents agency to the state general fund pursuant to this subsection is transferred to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed on behalf of the regents agency involved by other state agencies that receive appropriations from the state general fund to provide such services.

(o) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2020 by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2020, for the secretary of administration to fix, charge and collect fees for architectural, engineering and management services provided for capital improvement projects of the state board of regents or any state educational institution, as defined by K.S.A. 76-711, and amendments thereto, for which the department of administration provides such services and which are financed in whole or in part by gifts, bequests or donations made by one or more private individuals or other private entities: *Provided*, That such fees for such services are hereby authorized to be fixed, charged and collected in accordance with the provisions of K.S.A. 75-1269, and amendments thereto, notwithstanding any provisions of K.S.A. 75-1269, and amendments thereto, to the contrary: *Provided further*, That all such fees received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services recovery fund.

(p) (1) On July 1, 2019, the director of accounts and reports shall record a debit to the state treasurer's receivables for the expanded lottery act revenues fund and shall record a corresponding credit to the expanded lottery act revenues fund in an amount certified by the director of the budget that shall be equal to the amount estimated by the director of the budget to be transferred and credited to the expanded lottery act revenues fund during the fiscal year ending June 30, 2020, except that such amount shall be proportionally adjusted during fiscal year 2020 with respect to any change in the moneys to be transferred and credited to the expanded lottery act revenues fund during fiscal year 2020. All moneys transferred and credited to the expanded lottery act revenues fund during

fiscal year 2020 shall reduce the amount debited and credited to the expanded lottery act revenues fund under this subsection.

(2) On June 30, 2020, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the expanded lottery act revenues fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the expanded lottery act revenues fund during fiscal year 2020.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the expanded lottery act revenues fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the expanded lottery act revenues fund by the state treasurer in accordance with the notice thereof.

(q) (1) On July 1, 2019, the director of accounts and reports shall record a debit to the state treasurer's receivables for the children's initiatives fund and shall record a corresponding credit to the children's initiatives fund in an amount certified by the director of the budget that shall be equal to 50% of the amount estimated by the director of the budget to be transferred and credited to the children's initiatives fund during the fiscal year ending June 30, 2020, except that such amount shall be proportionally adjusted during fiscal year 2020 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2020. Among other appropriate factors, the director of the budget shall take into consideration the estimated and actual receipts and interest earnings of the Kansas endowment for youth fund for fiscal year 2019 and fiscal year 2020 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2020 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.

(2) On June 30, 2020, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the children's initiatives fund pursuant to this subsection to reflect all moneys actually transferred and credited to the children's initiatives fund during fiscal year 2020.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the children's initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the children's initiatives fund by the state treasurer in accordance with the notice thereof.

(4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection for the children's initiatives fund to account for moneys actually received that are to be transferred and credited to the children's initiatives fund shall be made after the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (r) for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund.

(r) (1) On July 1, 2019, the director of accounts and reports shall record a debit to the state treasurer's receivables for the Kansas endowment for youth fund and shall record a corresponding credit to the Kansas endowment for youth fund in an amount certified by the director of the budget that shall be equal to 75% of the amount approved for expenditure by the children's cabinet during the fiscal year ending June 30, 2020, as certified by the director of the budget. All moneys received and credited to the Kansas endowment for youth fund during fiscal year 2020 shall reduce the amount debited and credited to the Kansas endowment for youth fund under this subsection.

(2) On June 30, 2020, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the Kansas endowment for youth fund pursuant to this subsection to reflect all moneys actually transferred and credited to the Kansas endowment for youth fund during fiscal year 2020.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the Kansas endowment for youth fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the Kansas endowment for youth fund by the state treasurer in accordance with the notice thereof.

(4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund shall be made before the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (q) for the children's initiatives fund to account for moneys actually received that are to be transferred and credited to the children's initiatives fund.

Sec. 63.

OFFICE OF INFORMATION  
TECHNOLOGY SERVICES

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

Office 365 cloud email services (335-00-1000-0020).....\$826,378

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Information technology fund (335-00-6110-4030) ..... No limit  
*Provided*, That any moneys collected from a fee increase for information services recommended by the governor shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the information technology fund.

Information technology  
reserve fund (335-00-6147-4080)..... No limit

Public safety broadband  
services fund (335-00-2125-2125)..... No limit

GIS contracting  
services fund (335-00-2163-2163)..... No limit

GIS contracting  
services fund (335-00-6009-6009)..... No limit

State and local implementation grant –  
federal fund (335-00-3576-3576)..... No limit

Sec. 64.

KANSAS INFORMATION SECURITY OFFICE

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Information technology fund (335-00-6110-4030) ..... No limit  
*Provided*, That any moneys collected from a fee increase for information services recommended by the governor shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the information technology fund.

Information technology  
reserve fund (335-00-6147-4080)..... No limit

## Sec. 65.

## OFFICE OF ADMINISTRATIVE HEARINGS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Administrative hearings

office fund (178-00-2582).....No limit

*Provided*, That expenditures from the administrative hearings office fund for official hospitality shall not exceed \$100.

## Sec. 66.

## STATE BOARD OF TAX APPEALS

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

Operating expenditures (562-00-1000-0103).....\$795,643

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Duplicating fees fund (562-00-2219-2200).....\$3,000

BOTA filing fee fund (562-00-2240-2240).....\$1,090,888

## Sec. 67.

## DEPARTMENT OF REVENUE

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the division of vehicles operating fund (565-00-2089-2020) of the department of revenue is hereby decreased from \$48,770,738 to \$48,689,925.

## Sec. 68.

## DEPARTMENT OF REVENUE

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

Operating expenditures (565-00-1000-0303).....\$15,668,081

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for

fiscal year 2020: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,500.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sand royalty fund (565-00-2087-2010)..... No limit

Division of vehicles

operating fund (565-00-2089-2020).....\$50,100,251

*Provided*, That all receipts collected under authority of K.S.A. 74-2012, and amendments thereto, shall be credited to the division of vehicles operating fund: *Provided further*, That any expenditure from the division of vehicles operating fund of the department of revenue to reimburse the audit services fund (540-00-9204-9000) of the division of post audit for a financial-compliance audit in an amount certified by the legislative post auditor shall be in addition to any expenditure limitation imposed on the division of vehicles operating fund for the fiscal year ending June 30, 2020: *And provided further*, That, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, expenditures may be made from this fund for the administration and operation of the department of revenue.

Vehicle dealers and manufacturers

fee fund (565-00-2189-2030) ..... No limit

Kansas qualified agricultural ethyl alcohol

producer incentive fund (565-00-2215)..... No limit

Division of vehicles

modernization fund (565-00-2390-2390)..... No limit

Kansas retail dealer

incentive fund (565-00-2387-2380)..... No limit

Local report fee fund (565-00-2249-2160)..... No limit

Conversion of materials and

equipment fund (565-00-2417-2050)..... No limit

Forfeited property fee fund (565-00-2428-2200) ..... No limit

Setoff services revenue fund (565-00-2617-2080)..... No limit

Publications fee fund (565-00-2663-2090)..... No limit

Child support enforcement contractual

agreement fund (565-00-2683-2110)..... No limit

County treasurers' vehicle licensing

fee fund (565-00-2687-2120) ..... No limit

Tax amnesty recovery fund (565-00-2462-2462) .....	No limit
Reappraisal reimbursement fund (565-00-2693-2130) .....	No limit
<i>Provided</i> , That all moneys received for the costs incurred for conducting appraisals for any county shall be deposited in the state treasury and credited to the reappraisal reimbursement fund: <i>Provided further</i> , That expenditures may be made from this fund for the purpose of conducting appraisals pursuant to orders of the state board of tax appeals under K.S.A. 79-1479, and amendments thereto.	
Special training fund (565-00-2016-2000) .....	No limit
<i>Provided</i> , That expenditures may be made from the special training fund for operating expenditures, including official hospitality, incurred for conferences, training seminars, workshops and examinations: <i>Provided further</i> , That the secretary of revenue is hereby authorized to fix, charge and collect fees for conferences, training seminars, workshops and examinations sponsored or cosponsored by the department of revenue: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for such conferences, training seminars, workshops and examinations or for qualifying applicants for such conferences, training seminars, workshops and examinations: <i>And provided further</i> , That all fees received for conferences, training seminars, workshops and examinations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the special training fund.	
Recovery fund for enforcement actions and attorney fees (565-00-2021-2060) .....	No limit
Earned income tax credits – TANF – federal fund (565-00-3345-3340) .....	No limit
Commercial vehicle information systems/network federal fund (565-00-3244-3244) .....	No limit
Temporary assistance – needy families federal fund (565-00-3323-3323) .....	No limit
Highway planning construction federal fund (565-00-3333-3333) .....	No limit
Immigration MOU federal fund (565-00-3497-3497) .....	No limit
Commercial drivers licensing state program federal fund (565-00-3515-3515) .....	No limit
DL security grant program fund (565-00-3780-3150) .....	No limit

State and community highway safety fund (565-00-3815-3815) .....	No limit
Microfilming fund (565-00-2281-2270).....	No limit
<i>Provided</i> , That expenditures may be made from the microfilming fund to operate and maintain a microfilming activity to sell microfilming services to other state agencies: <i>Provided further</i> , That all moneys received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the microfilming fund.	
Miscellaneous trust	
bonds fund (565-00-7556-5180).....	No limit
Liquor excise tax guarantee	
bond fund (565-00-7604-5190) .....	No limit
Non-resident contractors cash	
bond fund (565-00-7605-5200) .....	No limit
Bond guaranty fund (565-00-7606-5210).....	No limit
Interstate motor fuel user cash	
bond fund (565-00-7616-5220) .....	No limit
Motor fuel distributor cash	
bond fund (565-00-7617-5230) .....	No limit
Special county mineral production	
tax fund (565-00-7668-5280) .....	No limit
County drug tax fund (565-00-7680-5310).....	No limit
Escheat proceeds	
suspense fund (565-00-7753-5290).....	No limit
Privilege tax refund fund (565-00-9031-9300).....	No limit
Suspense fund (565-00-9032-9310).....	No limit
Cigarette tax refund fund (565-00-9033-9330).....	No limit
Motor-vehicle fuel tax	
refund fund (565-00-9035-9350) .....	No limit
Cereal malt beverage tax	
refund fund (565-00-9036-9360) .....	No limit
Income tax refund fund (565-00-9038-9370).....	No limit
Sales tax refund fund (565-00-9039-9380).....	No limit
Compensating tax	
refund fund (565-00-9040-9390) .....	No limit
Alcoholic liquor tax	
refund fund (565-00-9041-9400) .....	No limit



Cigarette/tobacco products regulation fund (565-00-2294-2190) .....	No limit
Motor carrier tax refund fund (565-00-9042-9410) .....	No limit
Car company tax fund (565-00-9043-9420).....	No limit
Protested motor carrier taxes fund (565-00-9044-9430).....	No limit
Tobacco products refund fund (565-00-9045-9440) .....	No limit
Transient guest tax refund fund (established by K.S.A. 12-1694a) (565-00-9066-9450) .....	No limit
Interstate motor fuel taxes clearing fund (565-00-9070-9710) .....	No limit
Motor carrier permits escrow clearing fund (565-00-7581-5400) .....	No limit
Transient guest tax refund fund established by K.S.A. 12-16,100 (565-00-9074-9480) .....	No limit
Interstate motor fuel taxes refund fund (565-00-9069-9010) .....	No limit
Interfund clearing fund (565-00-9096-9510) .....	No limit
Local alcoholic liquor clearing fund (565-00-9100-9700) .....	No limit
International registration plan distribution clearing fund (565-00-9103-9520) .....	No limit
Rental motor vehicle excise tax refund fund (565-00-9106-9730) .....	No limit
International fuel tax agreement clearing fund (565-00-9072-9015) .....	No limit
Mineral production tax refund fund (565-00-9121-9540) .....	No limit
Special fuels tax refund fund (565-00-9122-9550).....	No limit
LP-gas motor fuels refund fund (565-00-9123-9560) .....	No limit
Local alcoholic liquor refund fund (565-00-9124-9570) .....	No limit
Sales tax clearing fund (565-00-9148-9580) .....	No limit

Rental motor vehicle excise tax clearing fund (565-00-9187-9640) .....	No limit
VIPS/CAMA technology hardware fund (565-00-2244-2170) .....	No limit
<i>Provided</i> , That, notwithstanding the provisions of K.S.A. 74-2021, and amendments thereto, or of any other statute, expenditures may be made from the VIPS/CAMA technology hardware fund (565-00-2244-2170) for the purposes of upgrading the VIPS/CAMA computer hardware and software for the state or for the counties and for administration and operation of the department of revenue.	
County and city retailers sales tax clearing fund – county and city sales tax (565-00-9190-9610) .....	No limit
City and county compensating use tax clearing fund (565-00-9191-9620) .....	No limit
County and city transient guest tax clearing fund (565-00-9192-9630) .....	No limit
Automated tax systems fund (565-00-2265-2265) .....	No limit
Dyed diesel fuel fee fund (565-00-2286-2280) .....	No limit
Electronic databases fee fund (565-00-2287-2180) .....	No limit
<i>Provided</i> , That, notwithstanding the provisions of K.S.A. 74-2022, and amendments thereto, or of any other statute, expenditures may be made from the electronic databases fee fund (565-00-2287-2180) for the purposes of operating expenditures, including expenditures for capital outlay; of operating, maintaining or improving the vehicle information processing system (VIPS), the Kansas computer assisted mass appraisal system (CAMA) and other electronic database systems of the department of revenue, including the costs incurred to provide access to or to furnish copies of public records in such database systems and for the administration and operation of the department of revenue.	
Photo fee fund (565-00-2084-2140) .....	No limit
<i>Provided</i> , That, notwithstanding the provisions of K.S.A. 2018 Supp. 8-299, and amendments thereto, or any other statute, expenditures may be made from the photo fee fund for administration and operation of the driver license program and related support operations in the division of administration of the department of revenue, including costs of administering the provisions of K.S.A. 8-240, 8-243, 8-267, 8-1324 and 8-1325, and amendments thereto, relating to drivers licenses, instruction permits and identification cards.	
Estate tax abatement refund fund (565-00-9082-9501) .....	No limit

Distinctive license plate fund (565-00-2232-2230) .....	No limit
Repossessed certificates of title fee fund (565-00-2015-2070) .....	No limit
Hazmat fee fund (565-00-2365-2300) .....	No limit
Intra-governmental service fund (565-00-6132-6101) .....	No limit
Community improvement district sales tax administration fund (565-00-7675-5300) .....	No limit
Community improvement district sales tax refund fund (565-00-9049-9455) .....	No limit
Community improvement district sales tax clearing fund (565-00-9189-9655) .....	No limit
Drivers license first responders indicator federal fund (565-00-3179-3179) .....	No limit
Enforcing underage drinking federal fund (565-00-3219-3219) .....	No limit
FDA tobacco program federal fund (565-00-3330-3330) .....	No limit
Commercial vehicle administrative system fund (565-00-2098-2098) .....	No limit
State charitable gaming regulation fund (565-00-2381-2385) .....	No limit
Charitable gaming refund fund (565-00-9001-9001) .....	No limit
Commercial driver's license drive test fee fund (565-00-2816-2816) .....	No limit
DUI-IID designation fund (565-00-2380-2370) .....	No limit
MSA compliance fund (565-00-2274-2274) .....	No limit
Alcoholic beverage control modernization fund (565-00-2299-2299) .....	No limit
Native American veterans' income tax refund fund .....	No limit
(c) On July 1, 2019, October 1, 2019, January 1, 2020, and April 1, 2020, the director of accounts and reports shall transfer \$11,901,365 from the state highway fund (276-00-4100-4100) of the department of transportation to the division of vehicles operating fund (565-00-2089-2020) of the department of revenue for the purpose of financing the cost of operation and general expense of the division of vehicles and related operations of the department of revenue.	

(d) On August 1, 2019, the director of accounts and reports shall transfer \$77,250 from the accounting services recovery fund (173-00-6105-4010) of the department of administration to the setoff services revenue fund (565-00-2617-2080) of the department of revenue for reimbursing costs of recovering amounts owed to state agencies under K.S.A. 75-6201 et seq., and amendments thereto.

(e) On August 1, 2019, the director of accounts and reports shall transfer \$20,400 from the social welfare fund (629-00-2195-0110) and \$39,600 from the federal child support enforcement fund (629-00-3316-9100) of the Kansas department for children and families to the child support enforcement contractual agreement fund (565-00-2683-2110) of the department of revenue to reimburse costs of administrative expenses of child support enforcement activities under the agreement.

(f) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or any other statute, for the fiscal year ending June 30, 2020, the state treasurer shall credit \$1 of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue in an amount not to exceed \$500,000 to the digital imaging program fund (173-00-6121-6121) of the department of administration.

(g) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or any other statute, for the fiscal year ending June 30, 2020, the state treasurer shall credit \$1 of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue in an amount not to exceed \$1,000,000 to the criminal justice information system line fund (083-00-2457-2400) of the attorney general – Kansas bureau of investigation.

(h) Notwithstanding the provisions of K.S.A. 8-145, and amendments thereto, or any other statute, for the fiscal year ending June 30, 2020, the state treasurer shall credit \$1 of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue in an amount not to exceed \$1,000,000 to the division of vehicles modernization fund (565-00-2390-2390) of the department of revenue.

(i) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,135,382 from the Kansas endowment for youth fund (365-00-7000-2000) to the MSA compliance fund (565-00-2274-2274) of the department of revenue.

(j) On July 1, 2019, and on the first day of each month thereafter during fiscal year 2020, the secretary of revenue shall report to the director of the budget and the director of the legislative research department: (1) The amount of any increase in the amount of taxes, interest and penalties collected in the immediately preceding month that is attributable to the implementation of the automated tax systems authorized by K.S.A. 75-5147, and amendments thereto; and (2) that portion of such monthly

increase in the amount of taxes, interest and penalties that is currently necessary to pay one or more vendors pursuant to contracts entered into under K.S.A. 75-5147, and amendments thereto, for the acquisition or implementation of such automated tax systems. Upon receipt of each such report from the secretary of revenue, the director of the budget shall certify to the director of accounts and reports the amount reported that is necessary to be paid to such vendors and the director of accounts and reports shall transfer the amount certified from the state general fund to the automated tax systems fund (565-00-2265-2265) of the department of revenue.

Sec. 69.

#### KANSAS LOTTERY

(a) On the effective date of this act, the aggregate amount authorized by section 78(b) of chapter 104 of the 2017 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, 2019, is hereby decreased from \$76,000,000 to \$73,700,000.

(b) Notwithstanding the provisions of K.S.A. 74-8724, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2019, the director of accounts and reports shall transfer from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund (173-00-9011-9100) the amount of total profit attributed to the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto, during fiscal year 2019: *Provided further*, That, the transfer to the veterans benefit lottery game fund for the fiscal year ending June 30, 2019, authorized by section 63(e) of chapter 109 of the 2018 Session Laws of Kansas represents and includes the profits derived from the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto: *Provided further*, That, on or before August 1, 2019, the executive director of the lottery shall report the amount of total profit attributed to the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto, during fiscal year 2019 to the director of the budget and the director of legislative research.

Sec. 70.

#### KANSAS LOTTERY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Lottery prize payment fund (450-00-7381).....	No limit
Lottery operating fund (450-00-5123).....	No limit

*Provided*, That expenditures from the lottery operating fund for official hospitality shall not exceed \$5,000.

Expanded lottery receipts fund (450-00-5128) ..... No limit

Lottery gaming facility

manager fund (450-00-5129-5150) ..... No limit

Expanded lottery act

revenues fund (450-00-5127-5120) ..... \$0

(b) Notwithstanding the provisions of K.S.A. 74-8711, and amendments thereto, and subject to the provisions of this subsection: (1) An amount of not less than \$2,300,000 shall be certified by the executive director of the Kansas lottery to the director of accounts and reports on or before July 15, 2019; and (2) an amount of not less than \$4,700,000 shall be certified by the executive director of the Kansas lottery to the director of accounts and reports on or before August 15, 2019, and on or before the 15th of each month thereafter through June 15, 2020: *Provided*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund (173-00-9011-9100) and shall credit such amount to the state gaming revenues fund (173-00-9011-9100) for the fiscal year ending June 30, 2020: *Provided*, *however*, That, after the date that an amount of \$54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2020 pursuant to this subsection, the executive director of the Kansas lottery shall continue to certify amounts to the director of accounts and reports on or before the 15th of each month through June 15, 2020, except that the amounts certified after such date shall not be subject to the minimum amount of \$4,700,000: *Provided further*, That the amounts certified by the executive director of the Kansas lottery to the director of accounts and reports, after the date an amount of \$54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2020 pursuant to this subsection, shall be determined by the executive director so that an aggregate of all amounts certified pursuant to this subsection for fiscal year 2020 is equal to or more than \$68,040,000: *And provided further*, That the aggregate of all amounts transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2020 pursuant to this subsection shall be equal to or more than \$68,040,000: *And provided further*, That the transfers prescribed by this subsection shall be the maximum amount possible while maintaining an adequate cash balance necessary to make expenditures for prize payments and operating costs: *And provided further*, That the transfers prescribed in this subsection shall include the total profit attributed to the special veterans benefit game under K.S.A. 74-8724,

and amendments thereto: *And provided further*, That the transfers prescribed by this subsection shall be made in lieu of transfers under K.S.A. 74-8711(d), and amendments thereto, for fiscal year 2020.

(c) In addition to the purposes for which expenditures of moneys in the lottery operating fund (450-00-5123-5100) may be made, as authorized by provisions of K.S.A. 74-8711, and amendments thereto, in fiscal year 2020, moneys in the lottery operating fund may be used for payment of all costs incurred in the operation and administration of the Kansas lottery, the Kansas lottery act and the Kansas expanded lottery act.

(d) Notwithstanding the provisions of K.S.A. 74-8724, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2020, the director of accounts and reports shall transfer from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund (173-00-9011-9100) the amount of total profit attributed to the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto, during fiscal year 2020: *Provided*, That, the transfer to the veterans benefit lottery game fund for the fiscal year ending June 30, 2020, authorized by section 64(b) of chapter 109 of the 2018 Session Laws of Kansas represents and includes the profits derived from the veterans benefit game pursuant to K.S.A. 74-8724, and amendments thereto: *Provided further*, That, on or before August 1, 2020, the executive director of the lottery shall report the amount of total profit attributed to the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto, during fiscal year 2020 to the director of the budget and the director of legislative research.

Sec. 71.

#### KANSAS RACING AND GAMING COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State racing fund (553-00-5131-5000).....No limit

*Provided*, That expenditures from the state racing fund for official hospitality shall not exceed \$2,500.

Racing reimbursable

expense fund (553-00-2616-2600) .....No limit

Racing applicant

deposit fund (553-00-7383-7000).....No limit

Kansas horse breeding

development fund (553-00-2516-2300) .....No limit

Kansas greyhound breeding

development fund (553-00-2601-2500) ..... No limit  
*Provided*, That notwithstanding K.S.A. 74-8831, and amendments thereto, all moneys transferred into this fund pursuant to K.S.A. 74-8767(b), and amendments thereto, shall be deposited to a separate account established for the purpose described in this proviso and moneys in this account shall be expended only to supplement special stake races and to enhance the amount per point paid to owners of Kansas-whelped greyhounds that win live races at Kansas greyhound tracks and pursuant to rules and regulations adopted by the Kansas racing and gaming commission: *Provided further*, That transfers from this account to the live greyhound racing purse supplement fund may be made in accordance with K.S.A. 74-8767(b), and amendments thereto.

Racing investigative

expense fund (553-00-2570-2400) ..... No limit

Horse fair racing

benefit fund (553-00-2296-3000) ..... No limit

Tribal gaming fund (553-00-2320-3700) ..... No limit

*Provided*, That expenditures from the tribal gaming fund for official hospitality shall not exceed \$1,000.

Expanded lottery regulation fund (553-00-2535) ..... No limit

*Provided*, That expenditures from the expanded lottery regulation fund for official hospitality shall not exceed \$1,500.

Live horse racing purse

supplement fund (553-00-2546-2800) ..... No limit

Live greyhound racing purse

supplement fund (553-00-2557-2900) ..... No limit

Greyhound promotion and

development fund (553-00-2561-3100) ..... No limit

Gaming background

investigation fund (553-00-2682-2680) ..... No limit

Gaming machine

examination fund (553-00-2998-2990) ..... No limit

Education and training fund (553-00-2459-2450) ..... No limit

*Provided*, That expenditures may be made from the education and training fund for operating expenditures, including official hospitality, incurred for hosting or providing training, in-service workshops and conferences: *Provided further*, That the Kansas racing and gaming commission is hereby authorized to fix, charge and collect fees for hosting or providing training, in-service workshops and conferences: *And provided further*, That such



fees shall be fixed in order to recover all or part of the operating expenditures incurred for hosting or providing such training, in-service workshops and conferences: *And provided further*, That all fees received for hosting or providing such training, in-service workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the education and training fund.

Illegal gambling

enforcement fund (553-00-2734-2690) ..... No limit

*Provided*, That expenditures may be made from the illegal gambling enforcement fund for direct or indirect operating expenditures incurred for investigatory seizure and forfeiture activities, including, but not limited to: (1) Conducting investigations of illegal gambling operations or activities; (2) participating in illegal gaming in order to collect or purchase evidence as part of an undercover investigation into illegal gambling operations; and (3) acquiring information or making contacts leading to illegal gaming activities: *Provided, however*, That all moneys that are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and that are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the illegal gambling enforcement fund: *Provided further*, That any moneys received or awarded to the Kansas racing and gaming commission for such enforcement activities shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the illegal gambling enforcement fund.

(b) On July 1, 2019, the director of accounts and reports shall transfer \$450,000 from the state general fund to the tribal gaming fund (553-00-2320-3700) of the Kansas racing and gaming commission.

(c) During the fiscal year ending June 30, 2020, the director of accounts and reports shall transfer one or more amounts certified by the executive director of the state gaming agency from the tribal gaming fund to the state general fund: *Provided*, That all such transfers shall be for the purpose of reimbursing the state general fund for the amount equal to the net amount obtained by subtracting (1) the aggregate of any costs incurred by the state gaming agency during fiscal year 2020 for any arbitration or litigation in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act, from (2) the aggregate of the amounts transferred to the tribal gaming fund (553-00-2320-3700) of the Kansas racing and gaming commission during fiscal year 2020 for the operating expenditures for the state gaming agency and any other expenses incurred in connection with

the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act.

(d) During the fiscal year ending June 30, 2020, all payments for services provided by the Kansas bureau of investigation shall be paid by the Kansas racing and gaming commission in accordance with K.S.A. 75-5516(b), and amendments thereto, pursuant to bills that are presented in a timely manner by the Kansas bureau of investigation for services rendered.

(e) In addition to the other purposes for which expenditures may be made from the moneys appropriated in the tribal gaming fund (553-00-2320-3700) for fiscal year 2020 for the Kansas racing and gaming commission by this or other appropriation act of the 2019 regular session of the legislature, expenditures, which are hereby authorized, may be made from the tribal gaming fund for fiscal year 2020 for the state gaming agency regulatory oversight of class III gaming, including, but not limited to, the regulatory oversight and law enforcement activities of monitoring compliance with tribal-state gaming compacts and conducting investigations of violations of tribal-state gaming compacts, investigations of criminal violations of the laws of this state at tribal gaming facilities, criminal violations of the tribal gaming oversight act, background investigations of applicants and vendors and investigations of other criminal activities related to tribal gaming.

(f) Notwithstanding the provisions of K.S.A. 74-8831, and amendments thereto, or any other statute, the director of accounts and reports shall not make the transfer from the Kansas greyhound breeding development fund (553-00-2601-2500) of the Kansas racing and gaming commission to the greyhound tourism fund of the Kansas department of wildlife, parks and tourism that is directed to be made on or before June 30, 2020, by K.S.A. 74-8831(b)(1), and amendments thereto, and shall transfer on or before June 30, 2020, the amount equal to 15% of all moneys credited to the Kansas greyhound breeding development fund during the fiscal year ending June 30, 2020, from the Kansas greyhound breeding development fund to the greyhound promotion and development fund (553-00-2561-3100) of the Kansas racing and gaming commission.

(g) During the fiscal year ending June 30, 2020, notwithstanding the provisions of any other statute, the Kansas racing and gaming commission is hereby authorized to fix, charge and collect additional fees to recover all or part of the direct and indirect costs or operating expenses incurred or expected to be incurred by the Kansas racing and gaming commission for the regulation of racing activities that are not otherwise recovered from a parimutuel facility licensee under authority of any other statute: *Provided*, That such fees shall be in addition to all taxes and other fees otherwise authorized by law: *Provided further*, That such costs or operating expenses shall include all or part of any auditing, drug testing, ac-

counting, security and law enforcement, licensing of any office or other facility for use by a parimutuel facility licensee or projects to update and upgrade information technology software or facilities of the commission and shall specifically include any general operating expenses that are associated with regulatory activities attributable to the entity upon which any such fee is imposed and all expenses related to reopening any race track or other racing facility: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state racing fund (553-00-5131-5000).

(h) On July 1, 2019, during the fiscal year ending June 30, 2020, notwithstanding the provisions of K.S.A. 74-8803, and amendments thereto, or any other statute, expenditures shall be made by the above agency from any special revenue fund or funds for the purposes of compensating the members of the Kansas racing and gaming commission for performing the duties and functions of the commission, based on the daily rate of \$88.66 as provided in K.S.A. 46-137a, and amendments thereto. The members of the commission shall continue to be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

Sec. 72.

DEPARTMENT OF COMMERCE

(a) On the effective date of this act, of the \$2,053,457 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 83(b) of chapter 104 of the 2017 Session Laws of Kansas from the state economic development initiatives fund in the rural opportunity zones program account (300-00-1900-1150), the sum of \$213,214 is hereby lapsed.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2019, the following:

Build up Kansas.....\$125,000

(c) On the effective date of this act, the amount of \$18,700,000 authorized by section 59(d) of chapter 109 of the 2018 Session Laws of Kansas to be transferred by the director of accounts and reports from the state economic development initiatives fund (300-00-1900-1100) of the department of commerce to the state general fund is hereby decreased to \$18,575,000.

Sec. 73.

DEPARTMENT OF COMMERCE

(a) Any unencumbered balance in excess of \$100 as of June 30, 2019, in the KBA grant commitments account of the state general fund is hereby reappropriated for fiscal year 2020.

(b)

There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2020, the following:

Main street program .....

\$250,000

Older Kansans

employment program (300-00-1900-1140) .....

\$502,636

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the older Kansans employment program account is hereby reappropriated for fiscal year 2020.

Rural opportunity

zones program (300-00-1900-1150).....

\$1,002,732

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the rural opportunity zones program account is hereby reappropriated for fiscal year 2020.

Senior community service

employment program (300-00-1900-1160) .....

\$7,743

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the senior community service employment program account is hereby reappropriated for fiscal year 2020.

Strong military

bases program (300-00-1900-1170) .....

\$195,452

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the strong military bases program account is hereby reappropriated for fiscal year 2020.

Governor’s council of

economic advisors (300-00-1900-1185) .....

\$193,795

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the governor’s council of economic advisors account is hereby reappropriated for fiscal year 2020.

Creative arts industries

commission (300-00-1900-1188).....

\$500,000

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the creative arts industries commission account is hereby reappropriated for fiscal year 2020.

Operating grant (including

official hospitality) (300-00-1900-1110) .....

\$9,451,292

*Provided*, That any unencumbered balance in the operating grant (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures may be made from the operating grant (including official hospitality) account for certified development companies that have been

determined to be qualified for grants by the secretary of commerce, except that expenditures for such grants shall not be made for grants to more than 10 certified development companies that have been determined to be qualified for grants by the secretary of commerce.

Public broadcasting grants (300-00-1900-1190) .....\$500,000

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

Global trade services (300-00-1900-1200) .....\$250,000

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

Any unencumbered balance in excess of \$100 as of June 30, 2019, in each of the following accounts is hereby reappropriated for fiscal year 2020: Build up Kansas.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Job creation program fund (300-00-2467-2467) ..... No limit

Kan-grow engineering

fund – KU (300-00-2494-2494) .....\$3,500,000

Kan-grow engineering

fund – KSU (300-00-2494-2495) .....\$3,500,000

Kan-grow engineering

fund – WSU (300-00-2494-2496) .....\$3,500,000

Kansas creative arts industries commission special

gifts fund (300-00-7004-7004) ..... No limit

Governor's council of economic advisors private

operations fund (300-00-2761-2701) ..... No limit

Publication and other sales fund (300-00-2048) ..... No limit

Conversion of equipment and

materials fund (300-00-2411-2220) ..... No limit

Conference registration and

disbursement fund (300-00-2049) ..... No limit

Reimbursement and recovery fund (300-00-2275) ..... No limit

Community development block grant –

federal fund (300-00-3669) ..... No limit

National main street center fund (300-00-7325-7000) .....	No limit
IMPACT program services fund (300-00-2176) .....	No limit
IMPACT program repayment fund (300-00-7388) .....	No limit
Kansas partnership fund (300-00-7525-7020).....	No limit
General fees fund (300-00-2310).....	No limit
<i>Provided</i> , That expenditures may be made from the general fees fund for loans pursuant to loan agreements, which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under programs of the department.	
Athletic fee fund (300-00-2599-2500) .....	No limit
WIOA adult – federal fund (300-00-3270).....	No limit
WIOA youth activities – federal fund (300-00-3039) .....	No limit
WIOA dislocated workers – federal fund (300-00-3428) .....	No limit
Trade adjustment assistance – federal fund (300-00-3273) .....	No limit
Disabled veterans outreach program – federal fund (300-00-3274-3242) .....	No limit
Local veterans employment representative program – federal fund (300-00-3274-3240) .....	No limit
Wagner Peyser employment services – federal fund (300-00-3275) .....	No limit
Senior community service employment program – federal fund (300-00-3100-3510) .....	No limit
Indirect cost – federal fund (300-00-2340-2300).....	No limit
Temporary labor certification foreign workers – federal fund (300-00-3448) .....	No limit
Work opportunity tax credit – federal fund (300-00-3447-3447) .....	No limit
American job link alliance – federal fund (300-00-3100-3516) .....	No limit
American job link alliance job corps – federal fund (300-00-3100-3512) .....	No limit
Child care/development block grant – federal fund (300-00-3028-3028) .....	No limit

Enterprise facilitation fund (300-00-2378-2710) .....	No limit
Unemployment insurance – federal fund (300-00-3335) .....	No limit
State small business credit initiative – federal fund (300-00-3567) .....	No limit
Creative arts industries commission gifts, grants and bequests – federal fund (300-00-3210-3218) .....	No limit
Kansas creative arts industries commission checkoff fund (300-00-2031-2031) .....	No limit
Workforce data quality initiative – federal fund (300-00-3237-3237) .....	No limit
AJLA special revenue fund (300-00-2190-2190) .....	No limit
Workforce innovation – federal fund (300-00-3581) .....	No limit
Reemployment connections initiative – federal fund (300-00-3585) .....	No limit
SBA STEP grant – federal fund (300-00-3573-3573) .....	No limit
Apprenticeship USA state – federal fund (300-00-3949) .....	No limit
Kansas health profession opportunity project – federal fund (300-00-3951) .....	No limit
Second chance grant – federal fund (300-00-3895) .....	No limit
H-1B technical skills training grant – federal fund (300-00-3400) .....	No limit
State broadband data development grant – federal fund (300-00-3782-3700) .....	No limit
Transition assistance program grant – federal fund (300-00-3451-3451) .....	No limit

(d) The secretary of commerce is hereby authorized to fix, charge and collect fees during the fiscal year ending June 30, 2020, for: (1) The provision and administration of conferences held for the purposes of programs and activities of the department of commerce and for which fees are not specifically prescribed by statute; (2) sale of publications of the department of commerce and for sale of educational and other promotional items and for which fees are not specifically prescribed by statute; and (3) promotion-

al and other advertising and related economic development activities and services provided under economic development programs and activities of the department of commerce: *Provided*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services, conferences, publications and items, advertising and other economic development activities and services provided under economic development programs and activities of the department of commerce for which fees are not specifically prescribed by statute: *Provided further*, That all such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to one or more special revenue fund or funds of the department of commerce as specified by the secretary of commerce: *And provided further*, That expenditures may be made from such special revenue fund or funds of the department of commerce for fiscal year 2020, in accordance with the provisions of this or other appropriation act of the 2019 regular session of the legislature, for operating expenses incurred in providing such services, conferences, publications and items, advertising, programs and activities and for operating expenses incurred in providing similar economic development activities and services provided under economic development programs and activities of the department of commerce.

(e) In addition to the other purposes for which expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund or funds for fiscal year 2020 for the department of commerce as authorized by this or other appropriation act of the 2019 regular session of the legislature, notwithstanding the provisions of any other statute, expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund or funds for fiscal year 2020 for official hospitality.

(f) During the fiscal year ending June 30, 2020, the secretary of commerce, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2020, from the state economic development initiatives fund for the department of commerce to another item of appropriation for fiscal year 2020 from the state economic development initiatives fund for the department of commerce. The secretary of commerce shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(g) On July 1, 2019, the director of accounts and reports shall transfer \$17,589,963 from the state economic development initiatives fund (300-00-1900-1100) to the state general fund.

Sec. 74.

#### KANSAS HOUSING RESOURCES CORPORATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all



moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State housing trust fund (175-00-7370-7000) .....No limit  
*Provided*, That all expenditures from the state housing trust fund shall be made by the Kansas housing resources corporation for the purposes of administering and supporting housing programs of the Kansas housing resources corporation.

Sec. 75.

# DEPARTMENT OF LABOR

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

Operating expenditures (296-00-1000-0503) .....\$699,710

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That in addition to the other purposes for which expenditures may be made by the above agency from this account for the fiscal year ending June 30, 2020, expenditures may be made from this account for the costs incurred for court reporting under K.S.A. 72-2218 et seq. and 75-4321 et seq., and amendments thereto: *And provided further*, That expenditures from this account for official hospitality by the secretary of labor shall not exceed \$2,000.

Amusement ride safety (296-00-1000-0513) .....\$252,336

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Workmen's compensation  
 fee fund (296-00-2124-2220) .....\$13,613,676

Occupational health and safety –  
 federal fund (296-00-3339-3210) .....No limit

Employment security interest  
 assessment fund (296-00-2771-2700) .....No limit

Special employment  
 security fund (296-00-2120-2080) .....No limit

Employment security	
administration fund (296-00-3335-3100).....	No limit
Wage claims assignment	
fee fund (296-00-2204-2240) .....	No limit
Department of labor special	
projects fund (296-00-2041-2105) .....	No limit
Federal indirect cost	
offset fund (296-00-2302-2280) .....	No limit
<i>Provided</i> , That, notwithstanding the provisions of K.S.A. 44-716a, and amendments thereto, or any statute to the contrary, during fiscal year 2020, the secretary of labor, with the approval of the director of the budget, may transfer from the special employment security fund of the Kansas department of labor to the department of labor federal indirect cost offset fund the portion of such amount that is determined necessary to be in compliance with the employment security law: <i>Provided further</i> , That, upon approval of any such transfer by the director of the budget, notification will be provided to the Kansas legislative research department.	
Employment security fund (296-00-7056-7200).....	No limit
Labor force statistics	
federal fund (296-00-3742-3742) .....	No limit
Compensation and working conditions	
federal fund (296-00-3743-3743) .....	No limit
Employment services Wagner-Peyser funded	
activities federal fund (296-00-3275-3275).....	No limit
Dispute resolution fund (296-00-2587-2270) .....	No limit
<i>Provided</i> , That all moneys received by the secretary of labor for reimbursement of expenditures for the costs incurred for mediation under K.S.A. 72-2232, and amendments thereto, and for fact-finding under K.S.A. 72-2233, and amendments thereto, shall be deposited in the state treasury and credited to the dispute resolution fund: <i>Provided further</i> , That expenditures may be made from this fund to pay the costs incurred for mediation under K.S.A. 72-2232, and amendments thereto, and for fact-finding under K.S.A. 72-2233, and amendments thereto, subject to full reimbursement therefor by the board of education and the professional employees' organization involved in such mediation and fact-finding procedures.	
Indirect cost fund (296-00-2781-2781) .....	No limit
Workforce data quality initiative –	
federal fund (296-00-3237-3237) .....	No limit

Employment security fund clearing account (296-00-7055-7100) .....	No limit
Employment security fund benefit account (296-00-7054-7000) .....	No limit
Employment security fund – special suspense account (296-00-7057-7300) .....	No limit
Special wage payment clearing trust fund (296-00-7362-7500) .....	No limit
Economic adjustment assistance – federal fund (296-00-3415-3415) .....	No limit
Social security administration disability – federal fund (296-00-3309-3309) .....	No limit
Amusement ride safety fund (296-00-2224-2250) .....	No limit
KDOL off-budget fund (296-00-6112-6100) .....	No limit
Renovation bond fund (296-00-8432-8411) .....	No limit
SNAP employment and training pilot – federal fund (296-00-3321-3350) .....	No limit

Sec. 76.

#### KANSAS COMMISSION ON VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2019, for the capital improvements project or projects specified, the following:

Veterans' home rehabilitation and repair projects (694-00-8100-8250) .....	\$87,632
Halsey hall kitchen (694-00-8100-8281) .....	\$265,275

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 63(d) of chapter 109 of the 2018 Session Laws of Kansas on the veterans benefit lottery game fund (694-00-2303-2303) of the Kansas commission on veterans affairs office is hereby increased from \$1,200,000 to no limit.

Sec. 77.

#### 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, 2020, the following:

Operating expenditures – administration (694-00-1000-0103) .....	\$611,333
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*Provided*, That any unencumbered balance in the operating expenditures – administration account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Operating expenditures –

veteran services (694-00-1000-0203) .....\$1,575,179

*Provided*, That any unencumbered balance in the operating expenditures – veteran services account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,500.

Operations – state

veterans cemeteries (694-00-1000-0703) .....\$598,066

*Provided*, That any unencumbered balance in the operations – state veterans cemeteries account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,200.

Operating expenditures – Kansas

soldiers' home (694-00-1000-0403) .....\$1,787,803

*Provided*, That any unencumbered balance in the operating expenditures – Kansas soldiers' home account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Operating expenditures – Kansas

veterans' home (694-00-1000-0503) .....\$542,843

*Provided*, That any unencumbered balance in the operating expenditures – Kansas veterans' home account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Veterans claim assistance program –

service grants (694-00-1000-0903) .....\$650,000

*Provided*, That any unencumbered balance in the veterans claim assistance program – service grants account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures from the veterans claim assistance program – service grants account shall be made only for the purpose of awarding service grants to veterans service organizations for the purpose of aiding veterans in obtaining federal benefits: *Provided, however*, That no expenditures shall be made by the Kansas commission on veterans affairs office from the veterans claim assistance program – service grants account for operating expenditures or overhead for administering the grants in accordance with the provisions of K.S.A. 73-1234, and amendments thereto.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund

or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Soldiers' home fee fund (694-00-2241-2100).....	No limit
Soldiers' home benefit fund (694-00-7903-5400) .....	No limit
Soldiers' home work therapy fund (694-00-7951-5600) .....	No limit
Soldiers' home medicare fund (694-00-3168-3100) .....	No limit
Soldiers' home medicaid fund (694-00-2464-2464) .....	No limit
Veterans' home medicare fund (694-00-3893-3893) .....	No limit
Veterans' home medicaid fund (694-00-2469-2469) .....	No limit
Veterans' home fee fund (694-00-2236-2200).....	No limit
Veterans' home canteen fund (694-00-7809-5300).....	No limit
Veterans' home benefit fund (694-00-7904-5500) .....	No limit
Soldiers' home outpatient clinic fund (694-00-2258-2300).....	No limit
State veterans cemeteries fee fund (694-00-2332-2600) .....	No limit
State veterans cemeteries donations and contributions fund (694-00-7308-5200).....	No limit
Outpatient clinic patient federal reimbursement fund – federal (694-00-3205-3300) .....	No limit
VA burial reimbursement fund – federal (694-00-3212-3310) .....	No limit
Federal domiciliary per diem fund (694-00-3220) .....	No limit
Federal long term care per diem fund (694-00-3232).....	No limit
Commission on veterans affairs federal fund (694-00-3241-3340) .....	No limit
Kansas veterans memorials fund (694-00-7332-5210) .....	No limit
Vietnam war era veterans' recognition award fund (694-00-7017-7000).....	No limit

## Kansas hometown

heroes fund (694-00-7003-7001)..... No limit

## Persian gulf war veterans health

initiatives fund (694-00-2304-2500)..... No limit

## Construction state home

facilities fund (694-00-3018-3000)..... No limit

State cemetery grants fund (694-00-3048-3200) ..... No limit

## Kansas soldier home construction

grant fund (694-00-3075-3400)..... No limit

## Winfield veterans home acquisition

construction fund (694-00-8806-8200)..... No limit

(c) (1) During the fiscal year ending June 30, 2020, notwithstanding the provisions of K.S.A. 73-1231, 73-1233, 75-3728g, 76-1906 or 76-1953, and amendments thereto, or any other statute, the director of the Kansas commission on veterans affairs office, with the approval of the director of the budget, may transfer moneys that are credited to a special revenue fund of the Kansas commission on veterans affairs office to another special revenue fund of the Kansas commission on veterans affairs office. The director of the Kansas commission on veterans affairs office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(2) As used in this subsection, “special revenue fund” means the soldiers’ home fee fund (694-00-2241-2100), veterans’ home fee fund (694-00-2236-2200), soldiers’ home outpatient clinic fund (694-00-2258-2300), soldiers’ home benefit fund (694-00-7903-5400), soldiers’ home work therapy fund (694-00-7951-5600), veterans’ home canteen fund (694-00-7809-5300), veterans’ home benefit fund (694-00-7904-5500), Persian Gulf War veterans health initiative fund (694-00-2304-2500), state veterans cemeteries fee fund (694-00-2332-2600), state veterans cemeteries donations and contributions fund (694-00-7308-5200) and Kansas veterans memorials fund (694-00-7332-5210).

(d) During the fiscal year ending June 30, 2020, the director of the Kansas commission on veterans affairs office, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2020, from the state general fund for the Kansas commission on veterans affairs office or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs office to another item of appropriation for fiscal year 2020 from the state general fund for the Kansas commission on veterans affairs office or any institution or facility under the gen-

eral supervision and management of the Kansas commission on veterans affairs office. The director of the Kansas commission on veterans affairs office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) During the fiscal year ending June 30, 2020, the director of the Kansas commission on veterans affairs office, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2020, from the state general fund for the Kansas commission on veterans affairs office to the Vietnam war era veterans' recognition award fund (694-00-7017-7000). The director of the Kansas commission on veterans affairs office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2020, by section 64(a) of chapter 109 of the 2018 Session Laws of Kansas on the veterans benefit lottery game fund (694-00-2303-2303) of the Kansas commission on veterans affairs office is hereby increased from \$1,260,000 to no limit.

Sec. 78.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF PUBLIC HEALTH

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, 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:

Alzheimer's association inclusion –

federal fund..... No limit

ESSA preschool development

grants birth through five

federal fund..... No limit

Right-to-know fee fund (264-00-2325-2325) ..... No limit

(b) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health from moneys appropriated from the cerebral palsy posture seating account (264-00-1000-1500) of the state general fund for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, this or any other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the above agency for posture seating for adults.

Sec. 79.

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, 2020, the following:

Operating expenditures (including official  
hospitality) (264-00-1000-0202) .....\$4,426,300

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Operating expenditures (including official  
hospitality) – health (264-00-1000-0270).....\$2,296,059

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) – health account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Vaccine purchases (264-00-1000-0900).....\$329,607

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

Aid to local units (264-00-1000-0350) .....\$4,805,709

*Provided*, That any unencumbered balance in the aid to local units account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all expenditures from this account for state financial assistance to local health departments shall be in accordance with the formula prescribed by K.S.A. 65-241 through 65-246, and amendments thereto.

Aid to local units – primary  
health projects (264-00-1000-0460).....\$10,570,690

*Provided*, That any unencumbered balance in the aid to local units – primary health projects account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That prescription support expenditures shall be made from the aid to local units – primary health projects account for: (1) Purchasing drug inventory under section 340B of the federal public health service act for community health center grantees and federally qualified health center look-alikes who qualify; (2) increasing access to prescription drugs by subsidizing a portion of the costs for the benefit of patients at section 340B participating clinics on a sliding fee scale; and (3) expanding access to prescription medication assistance programs by making expenditures to support operating costs of assistance programs: *And provided further*, That funded clinics shall be not-for-profit or publicly funded primary care clinics or dental clinics, including federally qualified community health centers and federally qualified community health center



look-alikes, as defined by 42 U.S.C. § 330, that provide comprehensive primary health care or dental services, offer sliding fee discounts based upon household income and serve any person regardless of ability to pay and have a unique patient panel that, at a minimum, represents the income-based disparities of the community: *And provided further*, That policies determining patient eligibility due to income or insurance status may be determined by each community but must be clearly documented and posted: *And provided further*, That of the moneys appropriated in the aid to local units – primary health projects account, not less than \$10,420,690 shall be distributed for community-based primary care grants and services provided by the community care network of Kansas.

Infant and toddler program (264-00-1000-0570).....\$2,000,000

Aid to local units –

women’s wellness (264-00-1000-0610) .....\$94,296

*Provided*, That any unencumbered balance in the aid to local units – women’s wellness account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all expenditures from the aid to local units – women’s wellness account shall be in accordance with grant agreements entered into by the secretary of health and environment and grant recipients.

Immunization programs (264-00-1000-1400).....\$397,418

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

Breast cancer

screening program (264-00-1000-1300) .....\$219,336

*Provided*, That any unencumbered balance in the breast cancer screening program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Pregnancy maintenance

initiative (264-00-1000-1100).....\$338,846

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

Cerebral palsy

posture seating (264-00-1000-1500) .....\$303,537

*Provided*, That any unencumbered balance in the cerebral palsy posture seating account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures may be made by the above agency from the cerebral palsy posture seating account for posture seating for adults.

PKU treatment (264-00-1000-1710) .....\$199,274

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

Teen pregnancy

prevention activities (264-00-1000-0650) .....\$338,846

*Provided*, That any unencumbered balance in the teen pregnancy prevention activities account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, 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:

Breast and cervical cancer program and detection –

federal fund (264-00-3150-3350) .....No limit

Health and environment training

fee fund – health (264-00-2183-2160) .....No limit

*Provided*, That expenditures may be made from the health and environment training fee fund – health for acquisition and distribution of division of public health program literature and films and for participation in or conducting training seminars for training employees of the division of public health of the department of health and environment, for training recipients of state aid from the division of public health of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of public health: *Provided further*, That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: *And provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the health and environment training fee fund – health: *And provided further*, That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of public health from moneys appropriated from the health and environment training fee fund – health for fiscal year 2020, expenditures may be made by the department of health and environment from the health and environment training fee fund – health for fiscal year 2020 for agency operations for the division of public health.

Health facilities review fund (264-00-2505-2250) .....	No limit
Insurance statistical plan fund (264-00-2243-2840) .....	No limit
Health and environment publication fee fund – health (264-00-2541-2190) .....	No limit
<i>Provided</i> , That expenditures from the health and environment publica- tion fee fund – health shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662, and amendments thereto.	
District coroners fund (264-00-2653-2320) .....	No limit
Sponsored project overhead fund – health (264-00-2912-2710) .....	No limit
Tuberculosis elimination and laboratory – federal fund (264-00-17-3559-3559) .....	No limit
Maternity centers and child care facilities licensing fee fund (264-00-2731-2731) .....	No limit
Child care and development block grant – federal fund (264-00-3028-3450) .....	No limit
Federal supplemental funding for tobacco prevention and control – federal fund (264-00-3574-3574) .....	No limit
Coordinated chronic disease prevention and health promotion program – federal fund (264-00-3575-3575) .....	No limit
Office of rural health – federal fund (264-00-3031-3640) .....	No limit
Emergency medical services for children – federal fund (264-00-3292-3292) .....	No limit
Primary care offices – federal fund (264-00-3293-3293) .....	No limit
Injury intervention – federal fund (264-00-3294-3294) .....	No limit
Oral health workforce activities – federal fund (264-00-3297-3297) .....	No limit
Rural hospital flex program – federal fund (264-00-3298-3298) .....	No limit
Hospital bioterrorism preparedness – federal fund (264-00-3398-3398) .....	No limit

Kansas coalition against sexual and domestic violence – federal fund (264-00-17-3907-3907) .....	No limit
Migrant health – federal fund (264-00-3069-3070) .....	No limit
ARRA collaborative component I – federal fund (264-00-3890-3891) .....	No limit
ARRA collaborative component III – federal fund (264-00-17-3890-3892) .....	No limit
ARRA ambulatory surgical center ASC/HAI medicare – federal fund (264-00-3486-3486) .....	No limit
Medicare – federal fund (264-00-3064-3062) .....	No limit
<i>Provided</i> , That transfers of moneys from the medicare – federal fund to the state fire marshal may be made during fiscal year 2020 pursuant to a contract, which is hereby authorized to be entered into by the secretary of health and environment and the state fire marshal to provide fire and safety inspections for hospitals.	
Migrant health program – federal fund (264-00-3069-3070) .....	No limit
Tuberculosis prevention – federal fund (264-00-3071-4610) .....	No limit
Strengthen public health immunization infrastructure – federal fund (264-00-3568-3568) .....	No limit
Healthy homes and lead poisoning prevention – federal fund (264-00-3572-3572) .....	No limit
Children’s mercy hospital lead program – federal fund (264-00-3152-3154) .....	No limit
Women, infants and children health program – federal fund (264-00-3077-3103) .....	No limit
Immunization and vaccines for children grants – federal fund (264-00-3747-3741) .....	No limit
Home visiting grant – federal fund (264-00-3503-3503) .....	No limit
Preventive health block grant – federal fund (264-00-3614-3200) .....	No limit
Maternal and child health block grant – federal fund (264-00-3616-3210) .....	No limit
National center for health statistics – federal fund (264-00-3617-3220) .....	No limit

Title X family planning services program – federal fund (264-00-3622-3270) .....	No limit
Comprehensive STD prevention systems – federal fund (264-00-3070-3080) .....	No limit
Make a difference information network – federal fund (264-00-3234-3234) .....	No limit
Ryan White title II – federal fund (264-00-3328-3310) .....	No limit
Bicycle helmet distribution – federal fund (264-00-3815-3815) .....	No limit
Bicycle helmet revolving fund (264-00-2575-2630).....	No limit
SSA fee fund (264-00-2269-2030) .....	No limit
Childhood lead poisoning prevention program – federal fund (264-00-3296-3296) .....	No limit
State implementation projects for prevention of secondary conditions – federal fund (264-00-3087-4405) .....	No limit
Title IV-E – federal fund (264-00-3326-3900) .....	No limit
HIV prevention projects – federal fund (264-00-3740-3521) .....	No limit
HIV/AIDS surveillance – federal fund (264-00-3399-3399) .....	No limit
Infants & toddlers Prt C – federal fund (264-00-3516-3171) .....	No limit
Universal newborn hearing screening – federal fund (264-00-3459-3459) .....	No limit
State loan repayment program – federal fund (264-00-3760-3755) .....	No limit
Opt-out testing initiative – federal fund (264-00-3801-3801) .....	No limit
Adult lead surveillance data – federal fund (264-00-3496-3496) .....	No limit
Medical reserve corps contract – federal fund (264-00-3502-3502) .....	No limit
Trauma fund (264-00-2513-2230).....	No limit
<i>Provided</i> , That expenditures may be made by the department of health and environment for fiscal year 2020 from the trauma fund of the depart- ment of health and environment – division of public health for the stroke	

prevention project: *Provided further*, That expenditures from the trauma fund for official hospitality shall not exceed \$3,000.

Homeland security –

federal fund (264-00-3329-3319) ..... No limit

Refugee assistance –

federal fund (264-00-3378-3346) ..... No limit

Personal responsibility education program –

federal fund (264-00-3494-3494) ..... No limit

Kansas vital records for quality improvement –

federal fund (264-00-3098-3098) ..... No limit

Kansas early detection works breast & cervical cancer screening

services – federal fund (264-00-3099-3099) ..... No limit

Kansas public health approaches for ensuring quitline capacity –

federal fund (264-00-3097-3097) ..... No limit

Diagnostic x-ray program –

federal fund (264-00-3511-3160) ..... No limit

HRSA small hospital improvement grant program –

federal fund (264-00-3371-3371) ..... No limit

State indoor radon grant –

federal fund (264-00-3884-3930) ..... No limit

Gifts, grants and donations

fund – health (264-00-7311-7090) ..... No limit

Special bequest fund – health (264-00-7366-7050) ..... No limit

Civil registration and health statistics

fee fund (264-00-2291-2295) ..... No limit

Power generating facility

fee fund (264-00-2131-2130) ..... No limit

Nuclear safety emergency preparedness special

revenue fund (264-00-2415-2280) ..... No limit

*Provided*, That all moneys received by the department of health and environment – division of public health from the nuclear safety emergency management fee fund (034-00-2081-2200) of the adjutant general shall be credited to the nuclear safety emergency preparedness special revenue fund of the department of health and environment – division of public health: *Provided further*, That expenditures from the nuclear safety emergency preparedness special revenue fund for official hospitality shall not exceed \$2,500.

Radiation control operations

fee fund (264-00-2531-2530) ..... No limit

*Provided*, That expenditures from the radiation control operations fee fund for official hospitality shall not exceed \$2,000.

Lead-based paint hazard

fee fund (264-00-2289-2140) ..... No limit

Strengthening public health infrastructure –

federal fund (264-00-3547-3547) ..... No limit

Improving minority health –

federal fund (264-00-3548-3548) ..... No limit

Abstinence education –

federal fund (264-00-3549-3549) ..... No limit

Affordable care act – federal fund (264-00-3546-3546) ..... No limit

Carbon monoxide detector/fire injury prevention –

federal fund (264-00-3508-3508) ..... No limit

Health information exchange –

federal fund (264-00-3493-3493) ..... No limit

Kansas newborn

screening fund (264-00-2027-2027) ..... No limit

Actions to prevent and control diabetes, heart disease, and obesity –

federal fund (264-00-3749-3742) ..... No limit

Healthy start initiative –

federal fund (264-00-3751-3751) ..... No limit

Immunization capacity building assistance –

federal fund (264-00-3744-3744) ..... No limit

Hospital preparedness and response program for Ebola –

federal fund (264-00-3033-3033) ..... No limit

CDC multipurpose grant

federal fund (264-00-3243-3243) ..... No limit

Kansas newborn screening information system

maintenance and enhancement

federal fund (264-00-3612-3612) ..... No limit

Lifting young families toward excellence

federal fund (264-00-3627-3627) ..... No limit

Cancer registry federal fund (264-00-3008-3040) ..... No limit

Hospital preparedness ebola –

federal fund (264-00-3093-3093) ..... No limit

Kansas survivor care quality initiative –

federal fund (264-00-3101-3610) ..... No limit

Zika birth defects surveillance & referral – federal fund (264-00-3102-3620) .....	No limit
IDEA infant toddler-part C-ARRA – federal fund (264-00-3282-3282) .....	No limit
SAMHSA project launch intv. – federal fund (264-00-3284-3284) .....	No limit
Immunization grant – federal fund (264-00-3372-3150) .....	No limit
Small hospital improvement program – federal fund (264-00-3392-3392) .....	No limit
Cardiovascular health program – federal fund (264-00-3401-3407) .....	No limit
Kansas senior farmers market nutrition program – federal fund (264-00-3406-3406) .....	No limit
Lead poisoning preventive health – federal fund (264-00-3626-4132) .....	No limit
ARRA – WIC grants to states – federal fund (264-00-3750-3750) .....	No limit
Census of trauma occp fatal. – federal fund (264-00-3797-3670) .....	No limit
Homeland security grant-KHP – federal fund (264-00-3199-3199) .....	No limit
Refugee health – federal fund (264-00-3393-3393) .....	No limit
ARRA – migrant – federal fund (264-00-3396-3396) .....	No limit
ARRA – transfer from SRS – federal fund (264-00-3471-3471) .....	No limit
Public health crisis response – federal fund (264-00-3602-3602) .....	No limit
Diabetes & heart disease & stroke prevention programs – federal fund (264-00-3603-3603) .....	No limit
Innovative state & local public health strategies to prevent & manage diabetes and heart disease and stroke – federal fund (264-00-3604-3604) .....	No limit
Kansas actions to improve oral health outcomes – federal fund (264-00-3921-3921) .....	No limit



ARRA – survey, licensure and epidemiology – federal fund (264-00-3746-3746) .....	No limit
Campus sexual assault prevention grant – federal fund (264-00-3035-3035) .....	No limit
Alzheimer’s association inclusion – federal fund.....	No limit
ESSA preschool development grants birth through five – federal fund.....	No limit
Right-to-know fee fund (264-00-2325-2325) .....	No limit
Child care criminal background and fingerprint fund (264-00-2313-2313).....	No limit

(c) On July 1, 2019, and on other occasions during fiscal year 2020, when necessary as determined by the secretary of health and environment, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment that constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs from specified special revenue funds of the department of health and environment – division of public health or of the department of health and environment – division of environment to the sponsored project overhead fund – health (264-00-2912-2715) of the department of health and environment – division of public health.

(d) During the fiscal year ending June 30, 2020, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue funds of the department of health and environment – division of public health that have available moneys to the sponsored project overhead fund – health (264-00-2912-2710) of the department of health and environment – division of public health for expenditures, as the case may be, for administrative expenses.

(e) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the department of health and environment – division of public health from such moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 for up to four full-time equivalent positions in the unclassified ser-

vice under the Kansas civil service act in the division of public health: *Provided*, That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, all such additional full-time equivalent positions in the unclassified service under the Kansas civil service act shall be in addition to other positions within the department of health and environment in the unclassified service, as prescribed by law, and shall be established by the secretary of health and environment within the position limitation established for the department of health and environment on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 2020 made by this or other appropriation act of the 2019 regular session of the legislature: *Provided, however*, That the authority to establish such additional positions in the unclassified service shall not affect the classified service status of any person who is an employee of the department of health and environment in the classified service under the Kansas civil service act.

(f) During the fiscal year ending June 30, 2020, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment – division of public health to the sponsored project overhead fund – health (264-00-2912-2710) of the department of health and environment – division of public health pursuant to this section may include amounts not to exceed 25% of the expenditures from such special revenue fund or funds, excepting expenditures for contractual services.

(g) During the fiscal year ending June 30, 2020, the secretary of health and environment, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2020 from the state general fund for the department of health and environment – division of public health or the department of health and environment – division of environment to another item of appropriation for fiscal year 2020 from the state general fund for the department of health and environment – division of public health or the department of health and environment – division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(h) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health from moneys appropriated from the district coroners fund for fiscal year 2020, as authorized by this or other appropriation act of the 2019 regular session of the legislature, and notwithstanding the provisions of K.S.A. 22a-245, and amendments thereto, or any other statute, expenditures may be made by the department of health and environment – di-

vision of public health from such moneys appropriated from the district coroners fund (264-00-2653-2320) of the department of health and environment – division of public health for fiscal year 2020 pursuant to K.S.A. 22a-242, and amendments thereto.

(i) On July 1, 2019, the director of accounts and reports shall transfer \$200,000 from the health care stabilization fund (270-00-7404-2100) of the health care stabilization fund board of governors to the health facilities review fund (264-00-2505-2250) of the department of health and environment – division of public health for the purpose of financing a review of records of licensed medical care facilities and an analysis of quality of health care services provided to assist in correcting substandard services and to reduce the incidence of liability resulting from the rendering of health care services and implementing the risk management provisions of K.S.A. 65-4922 et seq., and amendments thereto.

(j) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2020, the following:

Healthy start (264-00-2000-2105) .....\$250,000

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

Infants and toddlers program (264-00-2000-2107).....\$5,800,000

*Provided*, That any unencumbered balance in the infants and toddlers program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Smoking prevention (264-00-2000-2109).....\$1,001,960

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

Newborn hearing aid

loaner program (264-00-2000-2113).....\$50,773

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

SIDS network grant (264-00-2000-2115).....\$96,374

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

(k) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health during fiscal year 2020 from moneys appropriated from the state general fund or any special revenue fund or funds by this or any other appropriation act of the 2019 regular session of the legislature, expen-

ditures shall be made from such moneys to contract for the services of one or more persons to survey and certify dialysis treatment facilities located in the state of Kansas: *Provided*, That, if the above agency has not surveyed a newly constructed dialysis treatment facility within one year after the operator of the facility notifies the above agency that the facility is operational, then the above agency may charge the cost of any survey performed on the facility to the operator of such facility: *Provided further*, That any expenditure of moneys and any survey conducted pursuant to this subsection shall comply with requirements imposed by federal law.

(l) On July 1, 2019, the ARRA migrant health – federal fund (264-00-3069-3070) of the department of health and environment – division of public health is hereby redesignated as the migrant health – federal fund of the department of health and environment – division of public health.

Sec. 80.  
DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF HEALTH CARE FINANCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Health policy  
operating expenditures (264-00-1000-0010) .....\$2,222,103

(b) On the effective date of this act, of the \$162,197,716 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 68(a) of chapter 109 of the 2018 Session Laws of Kansas from the state general fund in the other medical assistance account (264-00-1000-3026), the sum of \$23,303,110 is hereby lapsed.

(c) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue funds or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to implement, and require any managed care organization providing state medicaid services under the Kansas medical assistance program to implement, a policy to provide at least a 60-day admission for individuals requiring inpatient treatment in a psychiatric residential treatment facility, as determined by a managed care organization providing state medicaid services under the Kansas medical assistance program, without imposing any prior authorization requirements to receive such admission or treatment.

(d) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys ap-

appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to report to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight the details of a contract or contract amendment with Maximus or any other eligibility processing contractor during fiscal year 2019.

(e) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to provide a quarterly report to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight at each committee meeting during fiscal year 2019 on the progress by the agency on the eligibility backlog processing.

(f) On the effective date of this act, during the fiscal year ending June 30, 2019, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to pay hospitals and physicians at the medicaid rate established in fiscal year 2019: *Provided further*, That such rate shall not be adjusted prior to the first day of the first calendar quarter following approval by the United States centers for medicare and medicaid services of the health care access improvement program hospital provider assessment rate passed by the legislature during the 2019 regular session and enacted into law.

(g) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or any other appropriation act of the 2019 regular session of the legislature,

expenditures shall be made by the above agency from such moneys to provide a quarterly report to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight at each committee meeting during fiscal year 2019, detailing the following: (1) The total number of members waiting for a psychiatric residential treatment facility (PRTF) placement; (2) the average, minimum, and maximum number of days MCO members have been waiting for the PRTF placement; (3) the average, minimum, and maximum information regarding the length of stay for MCO members in PRTF placements; and (4) the number and reasons for denials of PRTF placement in fiscal year 2019; *Provided*, That such quarterly report shall be provided to the house of representatives committee on appropriations and the senate committee on ways and means.

(h) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to implement analytical and publicly available reporting that is compliant with the privacy rule of the administrative simplification subtitle of the health insurance portability and accountability act of 1996 (Pub. L. No. 104-191), and any federal regulations adopted thereunder, to measure outcomes and effectiveness of the health homes program known as onecare Kansas and to assist providers with the provisions of the health homes program.

(i) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to submit to the United States centers for medicare and medicaid services a waiver request to allow for medicaid reimbursement for inpatient psychiatric acute care.

(j) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of

Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to facilitate a detailed review of the costs and reimbursement rates for behavioral health services in the state of Kansas, including mental health and substance use disorder treatment, during fiscal year 2019.

(k) On the effective date of this act, the \$6,000,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 68(a) of chapter 109 of the 2018 Session Laws of Kansas from the state general fund in the evidence based juvenile programs account, is hereby lapsed.

(l) During the fiscal years ending June 30, 2019, and June 30, 2020, notwithstanding the provisions of K.S.A. 65-6208, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years 2019 and 2020 as authorized by chapter 104 of the 2017 Session Laws of Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by such agency from such moneys during fiscal years 2019 and 2020 to submit to the United States centers for medicare and medicaid services an approval request to increase the hospital provider assessment rate to 3%, to include hospital outpatient operating revenue in the hospital provider assessment and to base such assessment on each hospital's fiscal year 2016: *Provided further*, That the department of health and environment shall cause notice of such approval by the United States centers for medicare and medicaid services to be published in the Kansas register: *And provided further*, That the changes to the hospital provider assessment described in this subsection shall take effect on and after January 1 or July 1 immediately following such publication: *And provided further*, That, after such date, no additional moneys appropriated from the state general fund shall be expended to support rate enhancements under the hospital provider assessment.

Sec. 81.

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, 2020, the following:

Health policy operating

expenditures (264-00-1000-0010) .....\$15,557,071

*Provided*, That any unencumbered balance in the health policy operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures



shall be made from the health policy operating expenditures account of the above agency for the drug utilization review board to perform an annual review of the approved exemptions to the current single source limit by program.

Children’s health insurance program (264-00-1000-0060).....\$22,388,662

*Provided*, That any unencumbered balance in the children’s health insurance program in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Other medical assistance (264-00-1000-3026) .....\$691,755,078

*Provided*, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures may be made from the other medical assistance account by the above agency for the purpose of implementing or expanding any prior authorization project: *And provided further*, That an evaluation of the automated implementation, savings obtained from implementation, and other outcomes of the implementation or expansion shall be submitted to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight prior to the start of the regular session of the legislature in 2020.

Wichita center for graduate

medical education (264-00-1000-3027) .....\$2,950,000

*Provided*, That any unencumbered balance in the Wichita center for graduate medical education account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Graduated medical education (264-00-1000-3028) .....\$1,300,000

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Preventive health care

program fund (264-00-2556-2550).....\$497,249

Cafeteria benefits fund (264-00-7720-9002) .....No limit

*Provided*, That expenditures from the cafeteria benefits fund for the fiscal year ending June 30, 2020, for salaries and wages and other operating expenditures shall not exceed \$2,546,915.

State workers compensation

self-insurance fund (264-00-6170-6170).....No limit



*Provided*, That expenditures from the state workers compensation self-insurance fund for the fiscal year ending June 30, 2020, for salaries and wages and other operating expenditures shall not exceed \$4,680,644.

Dependent care assistance

program fund (264-00-7740-7799).....No limit

*Provided*, That expenditures from the dependent care assistance program fund for the fiscal year ending June 30, 2020, for salaries and wages and other operating expenditures shall not exceed \$626,909.

Non-state employer group

benefit fund (264-00-7707-7710) .....\$143,539

Division of health care finance special

revenue fund (264-00-2360-2350) .....No limit

*Provided*, That expenditures from the division of health care finance special revenue fund for the fiscal year ending June 30, 2020, for official hospitality shall not exceed \$1,000.

Health committee

insurance fund (264-00-2569-2500).....No limit

Health care database

fee fund (264-00-2578-2570) .....No limit

Association assistance

plan fund (264-00-2391-2391) .....No limit

Medical programs fee fund (264-00-2395-0110) .....\$75,776,935

Medical assistance fee fund (264-00-2185-2185).....No limit

Health benefits administration clearing fund – remit admin

service org (264-00-7746-7746) .....No limit

*Provided*, That expenditures from the health benefits administration clearing fund – remit admin service org for the fiscal year ending June 30, 2020, for salaries and wages and other operating expenditures shall not exceed \$11,005,000.

Health insurance premium

reserve fund (264-00-7350-7350).....No limit

Other state fees fund (264-00-2440-0100).....No limit

Health care access

improvement fund (264-00-2443-2215) .....No limit

Children's health insurance program

federal fund (264-00-3424-0540) .....No limit

State planning – health care –

uninsured fund (264-00-3483-3483) .....No limit

HIV care formula grant	
federal fund (264-00-3328-3311) .....	No limit
Medical assistance program	
federal fund (264-00-3414-0440) .....	No limit
Quality based community	
assessment fund (264-00-2760-2760) .....	No limit
KEES interagency	
transfer fund (264-00-17-6001-6001) .....	No limit
Energy assistance	
block grant (264-00-3305-3305) .....	No limit
Temporary assistance for	
needy families (264-00-3323-3530) .....	No limit
Title IV-E – adoption	
assistance (264-00-3357-3357) .....	No limit

(c) During the fiscal year ending June 30, 2020, any moneys donated or granted to the division of health care finance of the department of health and environment and any federal funds received as match to such donations or grants by the division of health care finance of the department of health and environment for the fiscal year ending June 30, 2020, shall only be expended by the division of health care finance of the department of health and environment to assist the clearinghouse in reducing any backlogs or waiting lists, unless otherwise specified by the donor or grantor: *Provided*, That any donated or granted moneys, and the matching moneys received therefor from the federal centers for medicare and medicaid services, shall not be used to supplant or replace funds already budgeted for the clearinghouse or to restore any other reductions in funding to the clearinghouse or the agency, unless otherwise specified by the donor or grantor.

(d) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to implement and require any managed care organization providing state medicaid services under the Kansas medical assistance program to implement a policy to provide at least a 60-day admission for individuals requiring inpatient treatment in a psychiatric residential treatment facility, as determined by a managed care organization providing state medicaid services under the Kansas medical assistance program, without imposing any prior authorization requirements to receive such admission or treatment.

(e) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to report to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight the details of a contract or contract amendment with Maximus or any other eligibility processing contractor during fiscal year 2020.

(f) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to provide a quarterly report to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight at each committee meeting during fiscal year 2020 on the progress by the agency on the eligibility backlog processing.

(g) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to pay hospitals and physicians at the medicaid rate established in fiscal year 2020: *Provided further*, That such rate shall not be adjusted prior to the first day of the first calendar quarter following approval by the United States centers for medicare and medicaid services of the health care access improvement program hospital provider assessment rate passed by the legislature during the 2020 regular session and enacted into law.

(h) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to set the monthly protected income level for purposes of determining the person's client obligation at an amount of \$1,177 per month in fiscal year 2020 for any person in Kansas receiving home and community-based services administered under section 1915(c)

of the federal social security act and any person in Kansas receiving services from a program of all-inclusive care for the elderly administered by the Kansas department for aging and disability services.

(i) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to provide a quarterly report to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight at each committee meeting during fiscal year 2020, detailing the following: (1) The total number of members waiting for a psychiatric residential treatment facility (PRTF) placement; (2) the average, minimum, and maximum number of days MCO members have been waiting for the PRTF placement; (3) the average, minimum, and maximum information regarding the length of stay for MCO members in PRTF placements; and (4) the number and reasons for denials of PRTF placement in fiscal year 2020: *Provided*, That such quarterly report shall be provided to the house of representatives committee on appropriations and the senate committee on ways and means.

(j) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to implement analytical and publicly available reporting that is compliant with the privacy rule of the administrative simplification subtitle of the health insurance portability and accountability act of 1996 (Pub. L. No. 104-191), and any federal regulations adopted thereunder, to measure outcomes and effectiveness of the health homes program known as onecare Kansas and to assist providers with the provisions of the health homes program.

(k) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to facilitate a detailed review of the costs and reimbursement rates for behavioral health services in the state of Kansas, including mental health and substance use disorder treatment,

during fiscal year 2020: *Provided*, That the above agency shall submit a report of such review, including review of fiscal years 2019 and 2020, to the house of representatives committee on social services budget and the social services subcommittee of the senate committee on ways and means during January 2020.

(l) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to submit to the United States centers for medicare and medicaid services a waiver request to allow for medicaid reimbursement for inpatient psychiatric acute care.

Sec. 82.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, 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:

Volkswagen environmental  
fund (264-00-7269-7269)..... No limit

Sec. 83.

DEPARTMENT OF HEALTH AND ENVIRONMENT –  
DIVISION OF ENVIRONMENT

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

Operating expenditures (including official  
hospitality) (264-00-1000-0300) .....\$4,280,523

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Mined-land conservation and reclamation  
fee fund (264-00-2233-2220) ..... No limit

Solid waste	
management fund (264-00-2271-2075) .....	No limit
<i>Provided</i> , That expenditures may be made from the solid waste management fund during the fiscal year ending June 30, 2020, for official hospitality: <i>Provided further</i> , That such expenditures for official hospitality shall not exceed \$2,500.	
Public water supply	
fee fund (264-00-2284-2085) .....	No limit
Voluntary cleanup fund (264-00-2288-2120) .....	No limit
Storage tank fee fund (264-00-2293-2090) .....	No limit
Air quality fee fund (264-00-2020-2830) .....	No limit
Hazardous waste	
collection fund (264-00-2099-2010) .....	No limit
Health and environment training fee fund –	
environment (264-00-2175-2170) .....	No limit
<i>Provided</i> , That expenditures may be made from the health and environment training fee fund – environment for acquisition and distribution of division of environment program literature and films and for participation in or conducting training seminars for training employees of the division of environment of the department of health and environment, for training recipients of state aid from the division of environment of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of environment: <i>Provided further</i> , That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: <i>And provided further</i> , That such fees may be fixed in order to recover all or part of such costs: <i>And provided further</i> , That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the health and environment training fee fund – environment: <i>And provided further</i> , That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of environment from moneys appropriated from the health and environment training fee fund – environment for fiscal year 2020, expenditures may be made by the department of health and environment from the health and environment training fee fund – environment for fiscal year 2020 for agency operations for the division of environment.	
Driving under the	
influence fund (264-00-2101-2020) .....	No limit

Waste tire management fund (264-00-2635-2820) .....	No limit
Health and environment publication fee fund – environment (264-00-2544-2195) .....	No limit
<i>Provided</i> , That expenditures from the health and environment publica- tion fee fund – environment shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662, and amendments thereto.	
Local air quality control authority regulation services fund (264-00-2657-2330) .....	No limit
Environmental response fund (264-00-2662-2400) .....	No limit
Sponsored project overhead fund – environment (264-00-2911-2720) .....	No limit
Chemical control fee fund (264-00-2212-2360) .....	No limit
QuantiFERON TB laboratory fund (264-00-2458-2460) .....	No limit
Resource conservation and recovery act – federal fund (264-00-3586-3190) .....	No limit
Water supply – federal fund (264-00-3295-3130) .....	No limit
Air quality section 103 – federal fund (264-00-3248-3246) .....	No limit
EPA – core support – federal fund (264-00-3040-3000) .....	No limit
Network exchange grant – federal fund (264-00-3267-3267) .....	No limit
Kansas clean diesel grant – federal fund (264-00-3249-3250) .....	No limit
Air quality program – federal fund (264-00-3072-3090) .....	No limit
Section 106 monitoring initiative – federal fund (264-00-3619-3240) .....	No limit
Air quality section 105 – federal fund (264-00-3249-3249) .....	No limit
Leaking underground storage tank trust – federal fund (264-00-3812-3700) .....	No limit
Surface mining control and reclamation act – federal fund (264-00-3820-3760) .....	No limit

Abandoned mined-land – federal fund (264-00-3821-3770) .....	No limit
Department of defense and state cooperative agreement – federal fund (264-00-3067-3031) .....	No limit
EPA non-point source – federal fund (264-00-3889-3940) .....	No limit
Pollution prevention program – federal fund (264-00-3908-3990) .....	No limit
EPA water monitoring – federal fund (264-00-3086-4200) .....	No limit
Gifts, grants and donations fund – environment (264-00-7314-7095) .....	No limit
Special bequest fund – environment (264-00-7367-7040) .....	No limit
Aboveground petroleum storage tank release trust fund (264-00-7398-7070) .....	No limit
Underground petroleum storage tank release trust fund (264-00-7399-7060) .....	No limit
Drycleaning facility release trust fund (264-00-7407-7250) .....	No limit
Public water supply loan fund (264-00-7539-7800) .....	No limit
Public water supply loan operations fund (264-00-3295-3295) .....	No limit
Kansas water pollution control revolving fund (264-00-7530-7400) .....	No limit
<i>Provided</i> , That the proceeds from revenue bonds issued by the Kansas development finance authority to provide matching grant payments under the federal clean water act of 1987 (P.L. 92-500) shall be credited to the Kansas water pollution control revolving fund: <i>Provided further</i> , That expenditures from this fund shall be made to provide for the payment of such matching grants.	
Kansas water pollution control operations fund (264-00-7960-8300) .....	No limit
Cost of issuance fund for Kansas water pollution control revolving fund revenue bonds (264-00-7531-7600) .....	No limit
Surcharge fund for Kansas water pollution control revolving fund revenue bonds (264-00-7539-7805) .....	No limit



Surcharge operations fund for Kansas water pollution control revolving fund revenue bonds (264-00-7531-7620) .....	No limit
Subsurface hydrocarbon storage fund (264-00-2228-2380) .....	No limit
Natural resources damages trust fund (264-00-7265-7265) .....	No limit
Hazardous waste management fund (264-00-2519-2290) .....	No limit
Brownfields revolving loan program – federal fund (264-00-3278-3278) .....	No limit
Mined-land reclamation fund (264-00-2685-2560) .....	No limit
Operator outreach training program – federal fund (264-00-3259-3259) .....	No limit
Underground storage tank – federal fund (264-00-3732-3510) .....	No limit
EPA underground injection control – federal fund (264-00-3295-3288) .....	No limit
Laboratory medicaid cost recovery fund – environment (264-00-2092-2060) .....	No limit
EPA state response program – federal fund (264-00-3370-3915) .....	No limit
Environmental use control fund (264-00-2292-2310) .....	No limit
Environmental response remedial activity specific sites – federal fund (264-00-3040-3003) .....	No limit
Emergency environmental response – nonspecific sites federal fund (264-00-3067-3030) .....	No limit
Medicare program – environment – federal fund (264-00-3096-3050) .....	No limit
EPA pollution prevention – federal fund (264-00-3619-3240) .....	No limit
Inspections Kansas infrastructure projects – federal fund (264-00-3910-3950) .....	No limit
Salt solution mining well plugging fund (264-00-2247-2390) .....	No limit
Water program management fund (264-00-2798-2798) .....	No limit

UST redevelopment fund (264-00-7397-7080).....	No limit
Office of laboratory services operating fund (264-00-2161-2161).....	No limit
Risk management fund (264-00-7402-7402).....	No limit
Intoxilyzer replacement – federal fund (264-00-3092-3092).....	No limit
Environmental stewardship fund (264-00-17-7396-7096).....	No limit
EPA multi-purpose grant – federal fund (264-00-3103-3630).....	No limit
Volkswagen environmental fund (264-00-7269-7269).....	No limit
USDA conservation partnership – federal fund (264-00-3022-3022).....	No limit
Environmental response – federal fund (264-00-3066-3010).....	No limit
Other federal grants – federal fund (264-00-3095-5450).....	No limit
Other federal grants – federal fund (264-00-3095-5450).....	No limit
Alcohol impaired driving countermeasures incentive grants – federal fund (264-00-3247-3247).....	No limit
Air quality program – federal fund (264-00-3253-3253).....	No limit
Water related grants – federal fund (264-00-3254-3260).....	No limit
EPA nonpoint source implementation – federal fund (264-00-3915-3915).....	No limit
Water protection state grants – federal fund (264-00-3264-3264).....	No limit
Multi-media capacity building – federal fund (264-00-3277-3277).....	No limit
Health watershed initiative – federal fund (264-00-3558-3558).....	No limit
Small employer cafeteria plan development program (264-00-2386-2382).....	No limit
Environmental response RMDL act – federal fund (264-00-3005-3010).....	No limit

Ticket to work grant – federal fund (264-00-3417-4367) .....	No limit
Demo to maintenance-indep. employer – federal fund (264-00-3419-3419) .....	No limit
EPA underground injection control – federal fund (264-00-3618-3230) .....	No limit
104G outreach training program – federal fund (264-00-3722-3500) .....	No limit
Brownfields revolving loan program fund (264-00-7526-7103) .....	No limit
Certification of environmental liability fund (264-00-7527-7230) .....	No limit
P/C safety net clinic loan guarantee fund (264-00-7551-7595) .....	No limit
KWPC surcharge services fees (264-00-7961-8400) .....	No limit
KPWS Revolving Fund (264-00-7968-8500) .....	No limit
KPWS surcharge service fees (264-00-7969-8600) .....	No limit
(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2020, for the state water plan project or projects specified as follows:	
Contamination remediation (264-00-1800-1802) .....	\$1,088,301
<i>Provided</i> , That any unencumbered balance in the contamination remedi- ation account in excess of \$100 as of June 30, 2019, is hereby reappropri- ated for fiscal year 2020.	
TMDL initiatives and use attainability analysis (264-00-1800-1805) .....	\$278,029
<i>Provided</i> , That any unencumbered balance in the TMDL initiatives and use attainability analysis account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	
Watershed restoration and protection plan (264-00-1800-1808) .....	\$730,884
<i>Provided</i> , That any unencumbered balance in the watershed restoration and protection plan account in excess of \$100 as of June 30, 2019, is here- by reappropriated for fiscal year 2020.	
Nonpoint source program (264-00-1800-1804) .....	\$303,208
<i>Provided</i> , That any unencumbered balance in the nonpoint source pro- gram account in excess of \$100 as of June 30, 2019, is hereby reappropri- ated for fiscal year 2020.	

Milford and Marion reservoirs harmful algae  
bloom pilot (264-00-1800-1810) .....\$450,000  
*Provided*, That any unencumbered balance in the Milford and Marion  
reservoirs harmful algae bloom pilot account in excess of \$100 as of June  
30, 2019, is hereby reappropriated for fiscal year 2020.  
Drinking water protection .....\$350,000

(d) During the fiscal year ending June 30, 2020, the secretary of  
health and environment, with the approval of the director of the budget,  
may transfer any part of any item of appropriation for fiscal year 2020  
from the state water plan fund for the department of health and environ-  
ment – division of environment to another item of appropriation for fiscal  
year 2020 from the state water plan fund for the department of health and  
environment – division of environment: *Provided*, That the secretary of  
health and environment shall certify each such transfer to the director of  
accounts and reports and shall transmit a copy of each such certification  
to the director of legislative research, the chairperson of the house of  
representatives agriculture and natural resources budget committee and  
the chairperson of the subcommittee on health and environment/human  
resources of the senate committee on ways and means.

(e) During the fiscal year ending June 30, 2020, notwithstanding the  
provisions of K.S.A. 65-3024, and amendments thereto, the director of  
accounts and reports shall not make the transfers of amounts of inter-  
est earnings from the state general fund to the air quality fee fund (264-  
00-2020-2830) of the department of health and environment, which are  
directed to be made on or before the 10<sup>th</sup> day of each month by K.S.A.  
65-3024, and amendments thereto.

(f) On July 1, 2019, and on other occasions during fiscal year 2020  
when necessary, the director of accounts and reports shall transfer  
amounts specified by the secretary of health and environment that consti-  
tute reimbursements, credits and other amounts received by the depart-  
ment of health and environment for activities related to federal programs,  
from specified special revenue fund or funds of the department of health  
and environment – division of public health or of the department of  
health and environment – division of environment, to the sponsored proj-  
ect overhead fund – environment (264-00-2911-2720) of the department  
of health and environment – division of environment.

(g) During the fiscal year ending June 30, 2020, the director of ac-  
counts and reports shall transfer an amount or amounts specified by the  
secretary of health and environment from any one or more special reve-  
nue fund or funds of the department of health and environment – divi-  
sion of environment that have available moneys to the sponsored project  
overhead fund – environment (264-00-2911-2720) of the department of  
health and environment – division of environment or to the sponsored

project overhead fund – health (264-00-2912-2710) of the department of health and environment – division of public health, as the case may be, for expenditures for administrative expenses.

(h) During the fiscal year ending June 30, 2020, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2020 from the state general fund for the department of health and environment – division of public health or the department of health and environment – division of environment to another item of appropriation for fiscal year 2020 from the state general fund for the department of health and environment – division of public health or the department of health and environment – division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(i) During the fiscal year ending June 30, 2020, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment – division of environment to the sponsored project overhead fund – environment (264-00-2911-2720) of the department of health and environment – division of environment pursuant to this section may include amounts equal to not more than 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

Sec. 84.

#### KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

LTC – medicaid

assistance – NF (039-00-1000-0520) .....\$33,935,484

*Provided*, That expenditures shall be made from the LTC – medicaid assistance – NF account of the above agency for the Kansas department for aging and disability services and the department of health and environment to make applications and modifications, no later than July 1, 2019, to the current traumatic brain injury home and community-based services medicaid waiver program in accordance with the provisions of section 117 of chapter 109 of the 2018 Session Laws of Kansas and also to restore the unduplicated waiver slot count to 723 and lower such waiver's entry age to birth and add acquired brain injuries to such waiver while setting the financial eligibility requirements for children under 18 to be the same as the Kansas serious emotional disturbance waiver.

Kansas neurological institute –

operating expenditures (363-00-1000-0303) .....\$853,494

Larned state hospital –	
operating expenditures (410-00-1000-0103) .....	\$871,031
Osawatomie state hospital –	
operating expenditures (494-00-1000-0100) .....	\$4,314,366
Osawatomie state hospital – certified	
care expenditures (494-00-1000-0101) .....	\$1,122,529
Parsons state hospital and training center –	
operating expenditures (507-00-1000-0100) .....	\$951,224
Administration–assessments (039-00-1000-0210).....	\$38,646
Community mental health centers	
supplemental funding (039-00-1000-3001) .....	\$1,885,000
Community aid (039-00-1000-3004) .....	\$646,304

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2019, for the capital improvements project or projects specified, the following:

Isaac Ray UPS .....\$54,405

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the Larned state hospital fee fund (410-00-2073-2100) of the Kansas department for aging and disability services is hereby decreased from \$3,961,931 to \$3,946,301.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 72(k) of chapter 109 of the 2018 Session Laws of Kansas on the Osawatomie state hospital fee fund (494-00-2079-4200) of the Kansas department for aging and disability services is hereby decreased from \$840,706 to \$716,362.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the Osawatomie state hospital certified care fund (494-00-2079-4201) of the Kansas department for aging and disability services is hereby decreased from \$2,664,025 to \$2,207,525.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability services is hereby decreased from \$6,829,101 to \$6,825,996.

(g) Notwithstanding the provisions of K.S.A. 2018 Supp. 75-5958, and amendments thereto, or any other statute, and subject to appropriations,

the secretary for aging and disability services may provide rate increases for nursing facilities for fiscal year 2019.

(h) On the effective date of this act, of the \$3,845,751 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 186(a) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the debt service – new state security hospital account (039-00-8100-8320), the sum of \$3,878 is hereby lapsed.

(i) On the effective date of this act, of the \$2,602,200 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 186(a) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the debt service – state hospitals rehabilitation and repair account (039-00-8100-8325), the sum of \$106 is hereby lapsed.

(j) On the effective date of this act, any unencumbered balance in each of the following capital improvement accounts of the state institutions building fund is hereby lapsed: Kansas neurological institute – energy conservation improvement debt service (363-00-8100-8000).

Sec. 85.

#### 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, 2020, the following:

RSI crisis center base services (039-00-1000-0110) .....\$3,576,100

Comcare crisis center

base services (039-00-1000-0120) .....\$1,300,000

Valeo crisis center base services (039-00-1000-0130) .....\$500,000

Salina crisis center base services (039-00-1000-0140) .....\$85,000

Administration official hospitality (039-00-1000-0204) .....\$1,748

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

Administration – assessments (039-00-1000-0210) .....\$458,164

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

Senior care act (039-00-1000-0260) .....\$2,515,000

*Provided*, That any unencumbered balance in the senior care act account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That each grant agreement with an area agency on aging for a grant from the senior care act account shall require the area agency on aging to submit to the secretary for aging and disability services a report for fiscal year 2019 by the area agency on aging, which

shall include information about the kinds of services provided and the number of persons receiving each kind of service during fiscal year 2019: *And provided further*, That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2020 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for fiscal year 2019: *And provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services that are determined to be the most economical services available with regard to state general fund expenditures.

Program grants – nutrition –  
state match (039-00-1000-0280) .....\$4,045,725

*Provided*, That any unencumbered balance in the program grants – nutrition – state match account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That each grant agreement with an area agency on aging for a grant from the program grants – nutrition – state match account shall require the area agency on aging to submit to the secretary for aging and disability services a report for federal fiscal year 2019 by the area agency on aging, which shall include information about the kinds of services provided and the number of persons receiving each kind of service during federal fiscal year 2019: *And provided further*, That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2020 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for federal fiscal year 2019: *And provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services that are determined to be the most economical services available with regard to state general fund expenditures.

LTC – medicaid assistance –  
NF (039-00-1000-0520).....\$8,290,926

*Provided*, That any unencumbered balance in the LTC – medicaid assistance – NF account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Nursing facilities regulation (039-00-1000-0710) .....\$1,157,528

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



## Nursing facilities regulation –

title XIX (039-00-1000-0712) .....\$1,534,675

*Provided*, That any unencumbered balance in the nursing facilities regulation – title XIX account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

State operations (039-00-1000-0801) .....\$13,924,173

*Provided*, That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures may be made from this account for the purchase of professional liability insurance for physicians and dentists at any institution, as defined by K.S.A. 76-12a01, and amendments thereto.

## Alcohol and drug abuse

services grants (039-00-1000-1010) .....\$2,814,285

*Provided*, That any unencumbered balance in the alcohol and drug abuse services grants account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

## Mental health and intellectual disabilities aid

and assistance (039-00-1000-4001) .....\$8,474,923

*Provided*, That any unencumbered balance in the mental health and intellectual disabilities aid and assistance account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

## Community mental health centers supplemental

funding (039-00-1000-3001) .....\$28,995,993

*Provided*, That any unencumbered balance in the community mental health centers supplemental funding account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Community aid (039-00-1000-3004) .....\$20,872,061

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

KanCare caseloads .....\$363,807,237

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

Non-KanCare caseloads.....\$39,261,056

*Provided*, That any unencumbered balance in the non-KanCare caseloads account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all people receiving or applying for services that are funded, either partially or entirely, from the non-KanCare caseloads account shall be placed in appropriate services that

are determined to be the most economical services available with regard to state general fund expenditures.

KanCare non-caseloads.....\$309,211,233

*Provided*, That any unencumbered balance in the KanCare non-caseloads account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures shall be made from the KanCare non-caseloads account of the above agency for the Kansas department for aging and disability services and the department of health and environment to make applications and modifications, no later than July 1, 2019, to the current traumatic brain injury home and community-based services medicaid waiver program in accordance with the provisions of section 117 of chapter 109 of the 2018 Session Laws of Kansas and also to restore the unduplicated waiver slot count to 723 and lower such waiver’s entry age to birth and add acquired brain injuries to such waiver while setting the financial eligibility requirements for children under 18 to be the same as the Kansas serious emotional disturbance waiver.

Kansas neurological institute – operating  
expenditures (363-00-1000-0303) .....\$10,991,318

*Provided*, That any unencumbered balance in the Kansas neurological institute – operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from the Kansas neurological institute – operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *Provided further*, That expenditures shall be made from this account to assist residents of the institution to take personally used items that are constructed for use by such residents and which are hereby authorized to be transferred to such residents from the institution to communities when such residents leave the institution to reside in the communities.

Larned state hospital – operating  
expenditures (410-00-1000-0103) .....\$38,940,206

*Provided*, That any unencumbered balance in the Larned state hospital – operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from the Larned state hospital – operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *Provided further*, That expenditures may be made from this account for educational services contracts, which are hereby authorized to be negotiated and entered into by Larned state hospital with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and

amendments thereto: *And provided further*, That expenditures shall be made from the Larned state hospital – operating expenditures account to submit a report to the legislative budget committee during the 2019 legislative interim detailing the impact on staff vacancy rates and turn-over due to expenditures of moneys from such account to raise wages for current and future employees.

Larned state hospital – sexual predator treatment  
program (410-00-1000-0200) .....\$23,801,444

*Provided*, That any unencumbered balance in the Larned state hospital – sexual predator treatment program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Osawatomie state hospital – operating  
expenditures (494-00-1000-0100) .....\$25,644,691

*Provided*, That any unencumbered balance in the Osawatomie state hospital – operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from the Osawatomie state hospital – operating expenditures account for official hospitality by the superintendent shall not exceed \$150.

Osawatomie state hospital – certified  
care expenditures (494-00-1000-0101) .....\$8,992,488

*Provided*, That any unencumbered balance in the Osawatomie state hospital – certified care expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Parsons state hospital and  
training center – operating  
expenditures (507-00-1000-0100) .....\$12,036,550

*Provided*, That any unencumbered balance in the Parsons state hospital and training center – operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from the Parsons state hospital and training center – operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts, which are hereby authorized to be negotiated and entered into by Parsons state hospital and training center with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto: *And provided further*, That expenditures shall be made from this account to assist residents of the institution to take personally used items that are constructed for use by such residents and which are

hereby authorized to be transferred to such residents from the institution to communities when such residents leave the institution to reside in the communities.

Parsons state hospital and  
training center – sexual predator  
treatment program (507-00-1000-0200).....\$1,969,803

*Provided*, That any unencumbered balance in the Parsons state hospital and training center – sexual predator treatment program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Larned state hospital – SPTP new crimes  
reimbursement (410-00-1000-0110).....\$250,000

*Provided*, That any unencumbered balance in the Larned state hospital – SPTP new crimes reimbursement account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Title XIX fund (039-00-2595-4130).....No limit

*Provided*, That all receipts resulting from payments under title XIX of the federal social security act to any of the institutions under mental health and intellectual disabilities may be credited to the title XIX fund:  
*Provided further*, That moneys in the title XIX fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act and for expenditures for premiums and surcharges required to be paid for physicians’ malpractice insurance.

Kansas neurological institute title XIX  
reimbursements fund (363-00-2060-2200).....No limit

Larned state hospital title XIX  
reimbursements fund (410-00-2074-2200).....No limit

Osawatomie state hospital title XIX  
reimbursements fund (494-00-2080-4300).....No limit

Osawatomie state hospital certified care title XIX  
reimbursements fund (494-00-2080-4301).....No limit

Parsons state hospital title XIX  
reimbursements fund (507-00-2083-2300).....No limit

Kansas neurological institute  
fee fund (363-00-2059-2000) .....\$1,324,436

Kansas neurological institute – foster grandparents program – federal fund (363-00-3115-3200) .....	No limit
Kansas neurological institute – FGP gifts, grants, donations fund (363-00-7125-7400) .....	No limit
Kansas neurological institute – patient benefit fund (363-00-7910-7100) .....	No limit
Kansas neurological institute – work therapy patient benefit fund (363-00-7940-7200) .....	No limit
Larned state hospital fee fund (410-00-2073-2100) .....	\$4,025,227
Larned state hospital – work therapy patient benefit fund (410-00-7938-7200) .....	No limit
Larned state hospital – canteen fund (410-00-7806-7000) .....	No limit
Larned state hospital – patient benefit fund (410-00-7912-7100) .....	No limit
Osawatomie state hospital – canteen fund (494-00-7807-5600) .....	No limit
Osawatomie state hospital – patient benefit fund (494-00-7914-5700) .....	No limit
Osawatomie state hospital – work therapy patient benefit fund (494-00-7939-5800) .....	No limit
Osawatomie state hospital – motor pool revolving fund (494-00-6164-5200) .....	No limit
Osawatomie state hospital – cottage revenue and expenditures fund (494-00-2159-2159) .....	No limit
Osawatomie state hospital – training fee revolving fund (494-00-2602-2000) .....	No limit

*Provided*, That all moneys received as fees for training activities for Osawatomie state hospital shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Osawatomie state hospital – training fee revolving fund: *Provided further*, That the superintendent of Osawatomie state hospital is hereby authorized to fix, charge and collect fees for training activities at Osawatomie state hospital: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses of such training activities for Osawatomie state hospital.

Osawatomie state hospital fee fund (494-00-2079-4200) .....	\$378,781
<i>Provided</i> , That all moneys received as fees for the use of video teleconferencing equipment at Osawatomie state hospital shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the video teleconferencing fee account of the Osawatomie state hospital fee fund: <i>Provided further</i> , That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, technical and program support, maintenance and replacement of associated equipment at Osawatomie state hospital: <i>And provided further</i> , That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Osawatomie state hospital fee fund.	
Osawatomie state hospital certified care fund (494-00-2079-4201) .....	\$1,992,223
Parsons state hospital and training center – canteen fund (507-00-7808-5500) .....	No limit
Parsons state hospital and training center – patient benefit fund (507-00-7916-5600) .....	No limit
Parsons state hospital and training center – work therapy patient benefit fund (507-00-7941-5700) .....	No limit
Parsons state hospital and training center fee fund (507-00-2082-2200) .....	\$1,206,440
<i>Provided</i> , That all moneys received as fees for the use of video teleconferencing equipment at Parsons state hospital and training center shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the video teleconferencing fee account of the Parsons state hospital and training center fee fund: <i>Provided further</i> , That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, maintenance and replacement of video teleconferencing equipment at Parsons state hospital and training center: <i>And provided further</i> , That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Parsons state hospital and training center fee fund.	
Special program for aging IIIB – federal fund (039-00-3287-3281) .....	No limit
Special program for aging IIIC – federal fund (039-00-3425-3423) .....	No limit
Special program for aging IIID – federal fund (039-00-3286-3285) .....	No limit

National family caregiver support program IIIIE – federal fund (039-00-3289-3201) .....	No limit
Special program for aging IV & II – federal fund (039-00-3288-3297) .....	No limit
Special program for aging VII-2 – federal fund (039-00-3358-3072) .....	No limit
Special program for aging VII-3 – federal fund (039-00-3402-3000) .....	No limit
Survey & certification – federal fund (039-00-3064-3064) .....	No limit
<i>Provided</i> , That transfers of moneys from the survey & certification – federal fund to the state fire marshal may be made during fiscal year 2020 pursuant to a contract, which is hereby authorized to be entered into by the secretary for aging and disability services with the state fire marshal to provide fire and safety inspections for adult care homes and hospitals.	
Center for medicare/medicaid service – federal fund (039-00-3408-3300) .....	No limit
Money follows the person grant – federal fund (039-00-3054-4000) .....	No limit
Medicaid assistance program – federal fund (039-00-1000-0500) .....	No limit
Social service block grant fund (039-00-3307-3371) .....	\$4,501,000
<i>Provided</i> , That each grant agreement with an area agency on aging for a grant from the social service block grant fund shall require the area agency on aging to submit to the secretary for aging and disability services a report for fiscal year 2019 by the area agency on aging, which shall include information about the kinds of services provided and the number of persons receiving each kind of service during fiscal year 2019: <i>Provided further</i> , That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2020 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for fiscal year 2019: <i>And provided further</i> , That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this fund shall be placed in appropriate services that are determined to be the most economical services available.	
Nutrition service incentive program fund – federal (039-00-3552-3552) .....	No limit

National bioterrorism hospital preparedness program – federal fund (039-00-3398-4386) .....	No limit
Senior citizen nutrition check-off fund (039-00-2660-2610) .....	No limit
Quality care services fund (039-00-2999-2902) .....	No limit
<i>Provided</i> , That the secretary for aging and disability services, acting as the agent of the secretary of health and environment, is hereby authorized to collect the quality care assessment under K.S.A. 2018 Supp. 75-7435, and amendments thereto, and notwithstanding the provisions of K.S.A. 2018 Supp. 75-7435, and amendments thereto, all moneys received for such quality care assessments shall be deposited in the state treasury to the credit of the quality care services fund: <i>Provided further</i> , That all mon- eys in the quality care services fund shall be used to finance initiatives to maintain or improve the quantity and quality of skilled nursing care in skilled nursing care facilities in Kansas in accordance with K.S.A. 2018 Supp. 75-7435, and amendments thereto.	
State licensure fee fund (039-00-2373-2370) .....	No limit
General fees fund (039-00-2524-2500) .....	No limit
<i>Provided</i> , That the secretary for aging and disability services is hereby autho- rized to collect: (1) Fees from the sale of surplus property; (2) fees charged for searching, copying and transmitting copies of public records; (3) fees paid by employees for personal long distance calls, postage, faxed messages, cop- ies and other authorized uses of state property; and (4) other miscellaneous fees: <i>Provided further</i> , That such fees shall be deposited in the state trea- sury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: <i>And provided further</i> , That expenditures shall be made from this fund to meet the obligations of the Kansas department for aging and disability services or to benefit and meet the mission of the Kansas department for aging and disability services.	
Gifts and donations fund (039-00-7309-7000) .....	No limit
<i>Provided</i> , That the secretary for aging and disability services is hereby authorized to receive gifts and donations of money for services to senior citizens or purposes related thereto: <i>Provided further</i> , That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the gifts and donations fund.	
Medical resources and collection fund (039-00-2363-2100) .....	No limit
<i>Provided</i> , That all moneys received or collected by the secretary for aging and disability services due to medicaid overpayments shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215,	



and amendments thereto, and shall be credited to the medical resources and collection fund: *Provided further*, That expenditures from such fund shall be made for medicaid program-related expenses and used to reduce state general fund outlays for the medicaid program: *And provided further*, That all moneys received or collected by the secretary for aging and disability services due to civil monetary penalty assessments against adult care homes shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the medical resources and collection fund: *And provided further*, That expenditures from such fund shall be made to protect the health or property of adult care home residents as required by federal law.

SHICK fund –

grants – federal (039-00-3913-3800)..... No limit

Long-term care loan and

grant fund (039-00-5110-5100)..... No limit

Health facilities

review fund (039-00-2308-2400)..... No limit

Medicare enrollment assistance program

fund – federal (039-00-3468-3450)..... No limit

Medical assistance program –

federal fund (039-00-3414-0442)..... No limit

DADS social welfare fund (039-00-2141-2195)..... No limit

Other state fees fund – community

alcohol treatment (039-00-2661-0000)..... No limit

Substance abuse/mental health

services – partnership for success –

federal fund (039-00-3284-1327)..... No limit

Substance abuse/mental

health supported employment –

federal fund (039-00-3284-1329)..... No limit

Community mental health block grant

federal fund (039-00-3310-0460)..... No limit

Prevention/treatment substance abuse

federal fund (039-00-3301-0310)..... No limit

Problem gambling and addictions

grant fund (039-00-2371-2371).....\$6,825,996

Alternatives to psych. resid.

treatment facilities for children

federal fund (039-00-3384-4495)..... No limit

Substance abuse performance outcome grant federal fund (039-00-3881-3881) .....	No limit
ADAS data collection grant federal fund (039-00-3887-3887) .....	No limit
Money follows the person rebalancing demonstration federal fund (039-00-3054-4041) .....	No limit
Temporary assistance for needy families – fed funds (039-00-3323-3323) .....	No limit
Coop agreement to benefit homeless – federal fund (039-00-3284-1321) .....	No limit
Assistance in transition from homelessness federal fund (039-00-3347-4316) .....	No limit
Developmental disabilities basic support federal fund (039-00-3380-3380) .....	No limit
Olmstead fellowship program (039-00-3885-3885) .....	No limit
Medicare fund – SHICK (039-00-3408-3400) .....	No limit
Medicare fund – oasis (039-00-3408-3350) .....	No limit
<i>Provided</i> , That all nonfederal reimbursements received by the Kansas department for aging and disability services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and credited to the nonfederal reimbursements fund.	
Mental health grants – state highway fund (039-00-2160-2160) .....	\$9,750,000
<i>Provided</i> , That on July 1, 2019, October 1, 2019, January 1, 2020, and April 1, 2020, or as soon after each date as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$2,437,500 from the state highway fund of the department of transportation to the mental health grants – state highway fund of the Kansas department for aging and disability services.	
Indirect cost fund (039-00-2193-2193) .....	No limit
Kansas national background check program – federal fund (039-00-3032-3132) .....	No limit
Systems of care grant – federal fund (039-00-3595-3595) .....	No limit
Community mental health center improvement fund (039-00-2336-2336) .....	No limit

Community crisis stabilization centers fund (039-00-2337-2337) .....	No limit
Clubhouse model program fund (039-00-2338-2338) .....	No limit
Opioid abuse treatment & prevention federal fund (039-00-3023-3024) .....	No limit
Health occupations credentialing fee fund (039-00-2315-2315) .....	No limit
TBI partnership program fund .....	No limit
Non-government grant fund (039-00-2740-2740) .....	No limit
Safe and supportive schools fund (039-00-2788-2788) .....	No limit
Nutrition services incentives federal fund (039-00-3291-3305) .....	No limit
Assist transition from homelessness federal fund (039-00-3347-4316) .....	No limit
Mental health research grant federal fund (039-00-3377-4321) .....	No limit
Senior farmer market nutrition program federal fund (039-00-3406-3205) .....	No limit
Children's health insurance federal fund (039-00-3424-3420) .....	No limit
Home delivery nutrition services federal fund (039-00-3469-3309) .....	No limit
Congregate nutrition federal fund (039-00-3470-3311) .....	No limit
Communities putting prevention to work federal fund (039-00-3488-3488) .....	No limit
Mental health client level reporting federal fund (039-00-3882-3882) .....	No limit
Transformation transfer initiatives federal fund (039-00-3888-3888) .....	No limit
KDFA refunding revenue bond 2013B fund (039-00-7111) .....	No limit
Trust fund (039-00-7299) .....	No limit
Larned state security hospital KDFA 02N-1 fund (039-00-8703) .....	No limit

SRS state of Kansas KDFA 04A-1 project fund (039-00-8704) .....	No limit
State of Kansas projects KDFA 2010E-F fund (039-00-8705) .....	No limit
Parking deduction clearing fund (039-00-9233-9200) .....	No limit
Medical assistance recovery clearing fund (039-00-9300) .....	No limit
Credit card clearing fund (039-00-9400) .....	No limit

(c) On July 1, 2019, and on other occasions during fiscal year 2020, when necessary as determined by the secretary for aging and disability services, the director of accounts and reports shall transfer amounts specified by the secretary for aging and disability services, which amounts constitute reimbursements, credits and other amounts received by the Kansas department for aging and disability services for activities related to federal programs from specified special revenue funds of the Kansas department for aging and disability services to the indirect cost fund of the Kansas department for aging and disability services.

(d) On July 1, 2019, the superintendent of Osawatomie state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Osawatomie state hospital – canteen fund (494-00-7807-5600) to the Osawatomie state hospital – patient benefit fund (494-00-7914-5700).

(e) On July 1, 2019, the superintendent of Parsons state hospital, upon approval from the director of accounts and reports, shall transfer an amount specified by the superintendent from the Parsons state hospital and training center – canteen fund (507-00-7808-5500) to the Parsons state hospital and training center – patient benefit fund (507-00-7916-5600).

(f) On July 1, 2019, the superintendent of Larned state hospital, upon approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Larned state hospital – canteen fund (410-00-7806-7000) to the Larned state hospital – patient benefit fund (410-00-7912-7100).

(g) During the fiscal year ending June 30, 2020, no moneys paid by the Kansas department for aging and disability services from the mental health and intellectual disabilities aid and assistance account (039-00-1000-4001) of the state general fund shall be expended by the entity receiving such moneys to pay membership dues and fees to any entity that does not provide the Kansas department for aging and disability services, the legislative division of post audit, or another state agency, access to its financial records upon request for such access.

(h) During the fiscal year ending June 30, 2020, the secretary for aging and disability services, with the approval of the director of the budget,

may transfer any part of any item of appropriation for fiscal year 2020 from the state general fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services to another item of appropriation for fiscal year 2020 from the state general fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services. The secretary for aging and disability services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(i) During the fiscal year ending June 30, 2020, the secretary for aging and disability services, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2020 from the state institutions building fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services to another item of appropriation for fiscal year 2020 from the state institutions building fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services. The secretary for aging and disability services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(j) In addition to the other purposes for which expenditures may be made by the Kansas department for children and families from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2020 for the Kansas department for children and families and in addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2020 for the department of health and environment – division of public health, as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the secretary for children and families and the secretary of health and environment for fiscal year 2020 to enter into a contract with the secretary for aging and disability services, which is hereby authorized and directed to be entered into by such secretaries, to provide for the secretary for aging and disability services to perform the powers, duties, functions and responsibilities prescribed by and to conduct investigations pursuant to K.S.A. 39-1404, and amendments thereto, in conjunction with the performance of such powers, duties, functions, responsibilities and investigations by the secretary for children and fami-

lies and the secretary of health and environment under such statute, with respect to reports of abuse, neglect or exploitation of residents or reports of residents in need of protective services on behalf of the secretary for children and families or the secretary of health and environment, as the case may be, in accordance with and pursuant to K.S.A. 39-1404, and amendments thereto, during fiscal year 2020: *Provided*, That, in addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2020 for the Kansas department for aging and disability services, as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the secretary for aging and disability services for fiscal year 2020 to provide for the performance of such powers, duties, functions and responsibilities and to conduct such investigations: *Provided further*, That, the words and phrases used in this subsection shall have the meanings respectively ascribed thereto by K.S.A. 39-1401, and amendments thereto.

(k) On October 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$550,000 from the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability services to the domestic violence grant fund (252-00-2014-2014) of the governor's department.

(l) On October 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$150,000 from the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability services to the child advocacy center grants fund (252-00-2024-2024) of the governor's department.

(m) On October 1, 2019, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 79-4805, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$500,000 from the problem gambling and addictions grant fund (039-00-2371-2371) of the Kansas department for aging and disability services to the community corrections special revenue fund (521-00-2447-2447) of the department of corrections.

(n) During the fiscal year ending June 30, 2020, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by the above agency by this or any other appropriation act of the 2019 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 2020 to prepare and submit reports concerning medicaid home and community based services waivers on or before July 1, 2019, October

1, 2019, January 1, 2020, and April 1, 2020, to the director of legislative research and the director of the budget: *Provided*, That the above agency shall submit a separate report for each home and community based services waiver: *Provided further*, That such reports shall include the actual and projected expenditures for such waiver, actual and projected numbers of individuals provided services under such waiver and average cost per individual served: *And provided further*, That such reports shall include summarized encounter data by waiver population or comparable data to allow for review of such data at the program level.

(o) There is appropriated from the above agency from the children's initiatives fund for the fiscal year ending June 30, 2020, the following:

Children's mental

health waiver (039-00-2000-2403) .....\$3,800,000

*Provided*, That any unencumbered balance in the children's mental health waiver account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(p) During the fiscal year ending June 30, 2020, the secretary for aging and disability services, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2020 from the title XIX fund (039-00-2595-4130) of the Kansas department for aging and disability services to any institution or facility under the general supervision and management of the secretary for aging and disability services. The secretary for aging and disability services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(q) Notwithstanding the provisions of K.S.A. 2018 Supp. 75-5958, and amendments thereto, or any other statute, and subject to appropriations, the secretary for aging and disability services may provide rate increases for nursing facilities for fiscal year 2020.

(r) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 as authorized by this act or other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 for the creation of a plan for Osawatimie state hospital to end the moratorium on voluntary admissions and increase the limit of involuntary patients above the current limit of 166 patients: *Provided*, That the above agency shall submit such report on or before January 13, 2020, to the house of representatives committee on health and human services, the house of representatives committee on social services budget and the senate committee on public health and welfare.

Sec. 86.

KANSAS DEPARTMENT  
FOR CHILDREN AND FAMILIES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

State operations (including official hospitality) (629-00-1000-0013) .....	\$2,435,277
Youth services aid and assistance (629-00-1000-7020) .....	\$5,870,777

(b) During the fiscal year ending June 30, 2019, in addition to the other purposes for which expenditures may be made by the Kansas department for children and families from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017 Session Laws of Kansas, chapter 109 of the 2018 Session Laws of Kansas, this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to establish a working group to gather data and issue a report on or before June 30, 2019, related to the impact of 2016 Senate Bill No. 367 on youth with offender behaviors entering into a foster care placement or already in a foster care placement: *Provided*, That the working group shall evaluate the services being offered and identify needed services: *Provided further*, That the working group shall include representatives from the above agency, the Kansas department of corrections, child welfare organizations, mental health organizations, the judicial branch, law enforcement and any other organizations with information on services, as determined by the secretary of children and families.

Sec. 87.

KANSAS DEPARTMENT  
FOR CHILDREN AND FAMILIES

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

State operations (including official hospitality) (629-00-1000-0013) .....	\$117,127,263
<i>Provided</i> , That any unencumbered balance in the state operations (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	
Youth services aid and assistance (629-00-1000-7020) .....	\$197,490,760

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



## Vocational rehabilitation aid

and assistance (629-00-1000-5010) .....\$4,704,705

*Provided*, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures may be made from this account for the acquisition of durable medical equipment and assistive technology devices: *And provided further*, That expenditures may be made from this account by the secretary for children and families for the purchase of worker's compensation insurance for consumers of vocational rehabilitation services and assessments at work sites and job tryout sites throughout the state.

Cash assistance (629-00-1000-2010).....\$10,497,350

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

## Nonfederal reimbursements

fund (629-00-2585-4125).....No limit

*Provided*, That all nonfederal reimbursements received by the Kansas department for children and families shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and credited to the nonfederal reimbursements fund.

## Receipt suspense

clearing fund (629-00-9212-0910) .....No limit

## Client assistance payment

clearing fund (629-00-9214-0930) .....No limit

## Child support collections

clearing fund (629-00-9218-0970) .....No limit

EBT settlement fund (629-00-9219-0980).....No limit

CAP settlement fund (629-00-9219-0990).....No limit

Credit card clearing fund (629-00-9405-9400) .....No limit

Social welfare fund (629-00-2195-0110) .....No limit

Other state fees fund (629-00-2220) .....No limit

## Child welfare services state grants

federal fund (629-00-3306-0341) .....No limit

## Social services block grant –

federal fund (629-00-3307-0370) .....No limit

Temporary assistance to needy families federal fund (629-00-3323-0530) .....	No limit
Title IV-B promoting safe/stable families federal fund (629-00-3302) .....	No limit
Title IV-B enhance safety of children federal fund (629-00-3304) .....	No limit
Title IV-E foster care federal fund (629-00-3337-0419) .....	No limit
Medical assistance program federal fund (629-00-3414) .....	No limit
Rehabilitation services – vocational rehabilitation federal fund (629-00-3315) .....	No limit
SRS enterprise fund (629-00-5105) .....	No limit
Child support enforcement federal fund (629-00-3316) .....	No limit
Low-income home energy assistance federal fund (629-00-3305-0350) .....	No limit
Refugee targeted assistance federal fund (629-00-3375) .....	No limit
Children’s health insurance program federal fund (629-00-3424-0541) .....	No limit
SNAP employment and training exchange federal fund (629-00-3452-3452) .....	No limit
Commodity supp food program federal fund (629-00-3308-3215) .....	No limit
Social security – disability insurance federal fund (629-00-3309-0390) .....	No limit
Supplemental nutrition assistance program federal fund (629-00-3311) .....	No limit
Emergency food assistance program federal fund (629-00-3313-2310) .....	No limit
Child care and development mandatory and matching federal fund (629-00-3318-0523) .....	No limit
Community-based child abuse prevention grants federal fund (629-00-3319-7400) .....	No limit

Chafee education and training vouchers program federal fund (629-00-3338-0425) .....	No limit
Adoption incentive payments federal fund (629-00-3343-0426) .....	No limit
State sexual assault and domestic violence coalitions grants federal fund (629-00-3344-7345) .....	No limit
Adoption assistance federal fund (629-00-3357-0418) .....	No limit
Chafee foster care independence program federal fund (629-00-3365-0417) .....	No limit
Refugee and entrant assistance federal fund (629-00-3378) .....	No limit
Head start federal fund (629-00-3379-6323) .....	No limit
Developmental disabilities basic support federal fund (629-00-3380-4360) .....	No limit
Children's justice grants to states federal fund (629-00-3381-7320) .....	No limit
Child abuse and neglect state grants federal fund (629-00-3382-7210) .....	No limit
Independent living state grants federal fund (629-00-3387) .....	No limit
Independent living services for older blind federal fund (629-00-3388-5313) .....	No limit
Supported employment for individuals with severe disabilities federal fund (629-00-3389) .....	No limit
Independent living older blind – ARRA federal fund (629-00-3474-0454) .....	No limit
Child care discretionary federal fund (629-00-3028-0522) .....	No limit
SNAP employment and training pilot federal fund (629-00-3321-3321) .....	No limit
SNAP technology project for success federal fund (629-00-3327-3327) .....	No limit
Project maintenance reserve fund (629-00-2214-0150) .....	No limit

(c) During the fiscal year ending June 30, 2020, the secretary for children and families, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2020, from the state general fund for the Kansas department for children and families to another item of appropriation for fiscal year 2020 from the state general fund for the Kansas department for children and families. The secretary for children and families shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) During the fiscal year ending June 30, 2020, the secretary for children and families, with the approval of the director of the budget and subject to the provisions of federal grant agreements, may transfer moneys received under a federal grant that are credited to a federal fund of the Kansas department for children and families to another federal fund of the Kansas department for children and families. The secretary for children and families shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports may transfer, in one or more amounts, from the nonfederal reimbursements fund (629-00-2585-4125) to the social welfare fund (629-00-2195-0110) the amount specified by the secretary for children and families.

(f) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2020, the following:

Child care (629-00-2000-2406).....\$5,033,679

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

Family preservation (629-00-2000-2413).....\$3,241,062

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

(g) In addition to the other purposes for which expenditures may be made by the Kansas department for children and families from moneys appropriated from the temporary assistance to needy families federal fund (629-00-3323-0530) for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the Kansas department for children and families from such moneys appropriated for fiscal year 2020 in an amount not to exceed \$3,000,000 for the purpose of funding early childhood home visitation programs provided by any organization that promotes child wellbeing and prevents the abuse and neglect of children through intensive home visits:

*Provided, however,* That any such program shall: (1) Be offered to families whose income is less than 200% of the federal poverty level; (2) comply with requirements of the temporary assistance to needy families block grant; and (3) meet any other programmatic requirements of the federal guidelines for the temporary assistance to needy families program.

(h) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the Kansas department for children and families from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from such moneys to study the impact of 2016 Senate Bill No. 367 on “crossover youth,” specifically youth at risk of being placed in foster care due in whole or in part to conduct that has resulted or could result in juvenile offender allegations, and youth placed in foster care engaging in conduct that has resulted or could result in juvenile offender allegations: *Provided,* That the department shall study the following topics: numbers and demographics of crossover youth compared to the broader juvenile offender population; types and nature of calls to law enforcement related to crossover youth compared to the broader juvenile offender population; numbers and nature of alleged offender behaviors of crossover youth taken into custody by law enforcement pursuant to K.S.A. 38-2330(d)(1), and amendments thereto; numbers and nature of alleged offender behaviors of crossover youth taken for intake and assessment pursuant to K.S.A. 38-2330(c)(1)(B), and amendments thereto; release and referral determinations, including rates of detention, from intake and assessment process for crossover youth alleged to have engaged in behavior that may cause injury to self or others or damage to property and youth who pose a risk to public safety; use of detention risk assessment override for crossover youth; numbers of crossover youth receiving immediate intervention services, evidence-based services, or other corrections interventions designed to reduce the likelihood of reoffending, and the nature of the programs and services offered and outcomes achieved; any other juvenile offender information routinely captured by the department of corrections as defined in K.S.A. 38-2325(c), and amendments thereto, disaggregated for the crossover youth population; information on the types and classifications of placements used by crossover youth placed in foster care; information on placement stability of crossover youth placed in foster care; use of psychiatric residential treatment facilities by crossover youth including waitlist data; any other reportable event information routinely captured by the department of corrections as defined in K.S.A. 38-2325(e), and amendments thereto, disaggregated for the crossover youth population; gaps in available corrections interventions for crossover youth who are

placed at home; gaps in available corrections interventions for crossover youth placed in foster care; and other matters relating to the impact of 2016 Senate Bill No. 367 on youth at risk of being placed or placed foster care; and any other topics designated by the working group: *Provided further*, That the Kansas department for children and families shall establish a working group to assist with the production, data collection, and analysis of the report that shall consist of the following members, each to be appointed by the respective appointing authority on or before July 15, 2019: (1) the secretary of corrections or the secretary's designee; (2) the secretary for children and families or the secretary's designee; (3) one member appointed by Saint Francis ministries; (4) one member appointed by KVC health systems; (5) one member appointed by the association of community mental health centers of Kansas; (6) one member appointed by the Kansas sheriffs' association; (7) one member appointed by the Kansas district judges association; (8) one member appointed by the Kansas association of court services officers; (9) one member appointed by the Kansas county and district attorneys association; (10) one member appointed by the office of judicial administration with the Kansas judicial branch; and (11) one member appointed by the Kansas association of chiefs of police: *And provided further*, That the Kansas department for children and families shall submit a report on the findings of the study to the senate committees on ways and means and judiciary, the house of representatives committees on appropriations, corrections and juvenile justice, and judiciary, and the joint committee on corrections and juvenile justice oversight on or before November 1, 2019.

Sec. 88.

KANSAS GUARDIANSHIP PROGRAM

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

Kansas guardianship  
program (261-00-1000-0300) .....\$1,307,946

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

Sec. 89.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Supplemental general  
state aid (652-00-1000-0840).....\$10,383,000

(b) On the effective date of this act, of the \$520,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 76(a)

of chapter 109 of the 2018 Session Laws of Kansas from the state general fund in the teach for America pilot program account (652-00-1000-0200) the sum of \$250,000 is hereby lapsed.

(c) On the effective date of this act, of the \$4,771,500 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 2(a) of chapter 95 of the 2017 Session Laws of Kansas from the state general fund in the school district juvenile detention facilities and Flint Hills job corps center grants account (652-00-1000-0290) the sum of \$927,439 is hereby lapsed.

(d) On the effective date of this act, of the \$327,500 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 2(a) of chapter 95 of the 2017 Session Laws of Kansas from the state general fund in the governor's teaching excellence scholarships and awards account (652-00-1000-0770) the sum of \$142,326 is hereby lapsed.

(e) On the effective date of this act, of the \$2,046,657,545 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 2(a) of chapter 95 of the 2017 Session Laws of Kansas from the state general fund in the state foundation aid account (652-00-1000-0820) the sum of \$39,326,035 is hereby lapsed.

(f) On the effective date of this act, the director of accounts and reports shall transfer \$105,894 from the school district extraordinary declining enrollment fund (652-00-2290-2290) of the department of education to the state general fund.

(g) During the fiscal year ending June 30, 2019, 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 2019 from the state general fund for the department of education to another item of appropriation for fiscal year 2019 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.

(h) On the effective date of this act, of the \$5,632,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 76(a) of chapter 109 of the 2018 Session Laws of Kansas from the state general fund in the KPERS – employer contributions account (652-00-1000-0100), the sum of \$2,045,850 is hereby lapsed.

Sec. 90.

#### DEPARTMENT OF EDUCATION

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

Operating expenditures (including  
     official hospitality) (652-00-1000-0053) .....\$13,534,862

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Special education  
services aid (652-00-1000-0700) .....\$497,880,818

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

State foundation aid (652-00-1000-0820).....\$2,225,115,906

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

Supplemental state aid (652-00-1000-0840) .....\$503,300,000

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

Mentor teacher (652-00-1000-0440) .....\$1,300,000

Professional development (652-00-1000-0860) .....\$1,700,000

Information technology education  
opportunities (652-00-1000-0600) .....\$500,000

Discretionary grants (652-00-1000-0400) .....\$322,457

*Provided*, That the above agency shall make expenditures from the discretionary grants account during the fiscal year 2020, in the amount not less than \$125,000 for after school programs for middle school students in the sixth, seventh and eighth grades: *Provided further*, That the after school programs may also include fifth and ninth grade students, if they attend a junior high: *And provided further*, That such discretionary grants shall be awarded to after school programs that operate for a minimum of two hours a day, every day that school is in session, and a minimum of six hours



a day for a minimum of five weeks during the summer: *And provided further*, That the discretionary grants awarded to after school programs shall require a \$1 for \$1 local match: *And provided further*, That the aggregate amount of discretionary grants awarded to any one after school program shall not exceed \$25,000.

School food assistance (652-00-1000-0320) .....\$2,510,486

School safety hotline (652-00-1000-0230) .....\$10,000

KPERS – employer contributions (652-00-1000-0100) .....\$37,875,372

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

KPERS – employer

contributions – USDs (652-00-1000-0110) .....\$507,888,174

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

KPERS employer contribution

layering payment #1 (652-00-1000-0120) .....\$6,400,000

KPERS employer contribution

layering payment #2 .....\$19,400,000

Career and technical education

transportation (652-00-1000-0190) .....\$650,000

Education super highway (652-00-1000-0180) .....\$512,882

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

Juvenile transitional crisis center  
pilot project (652-00-1000-0210) .....\$300,000

*Provided*, That expenditures from the juvenile transitional crisis center pilot project account shall be used by the above agency during fiscal year 2020 to develop a regional crisis center pilot project at the Beloit special education cooperative, founded on research and evidence-based practices designed to meet the unique social and emotional needs of students identified as at-risk or with disabilities: *Provided further*, That such project shall provide individualized programming to attain such student's high school diploma and job skills while working through the social skills program: *And provided further*, That the commissioner of education shall provide an update on the implementation of the pilot project developed by this proviso to the legislature on or before the first day of the 2020 regular legislative session.

ACT and workkeys assessments  
program (652-00-1000-0140) .....\$2,800,000

*Provided*, That expenditures shall be made by the above agency from the ACT and workkeys assessments program account to provide the ACT college entrance exam and the three ACT workkeys assessments that are required to earn a national career readiness certificate to each student enrolled in grades nine through 12: *Provided further*, That expenditures may be made by the above agency from the account to provide for the pre-ACT exam for students enrolled in ninth grade: *And provided further*, That no student enrolled in grades nine through 12 of any school district shall be required to pay any fees or costs to take such exam and assessments: *And provided further*, That in no event shall any school district be required to provide for more than one exam and three assessments per student: *And provided further*, That the state board of education may enter into any contracts that are necessary to promote statewide cost savings to administer such exams and assessments.

Mental health intervention team  
pilot program (652-00-1000-0150).....\$4,190,776

*Provided*, That any unencumbered balance in the mental health intervention team pilot program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures shall be made by the above agency to implement the mental health intervention team pilot program so as to improve social-emotional wellness and outcomes for students by increasing schools' access to counselors, social workers and psychologists statewide: *And provided further*, That school districts participating in such program shall enter into the necessary memorandums of understanding and other necessary agreements with participating community mental health centers and the appropriate state agencies to implement the pilot program: *And provided further*, That mental health inter-

vention teams shall consist of school liaisons employed by the participating school district, and clinical therapists and case managers employed by the participating community mental health center: *And provided further*, That the following shall participate in the pilot program for fiscal year 2020: (1) 23 schools in the Wichita school district (U.S.D. no. 259); (2) 28 schools in the Topeka school district (U.S.D. no. 501); (3) 10 schools in the Kansas City school district (U.S.D. no. 500); (4) 5 schools in the Parsons school district (U.S.D. no. 503); (5) 4 schools in the Garden City school district (U.S.D. no. 457); and (6) 9 schools served by the fiscal agent, Abilene school district (U.S.D. no. 435): *And provided further*, That additional pilot programs may be added as determined by the state board of education: *And provided further*, That on or before June 30, 2020, the director of the division of health care finance of the department of health and environment shall certify to the director of the budget and the director of the legislative research department the aggregate amount of expenditures for fiscal year 2020 for treatment and services for students provided under the mental health intervention team pilot program, or provided based on a referral from such program.

MHIT pilot program – online

database (652-00-1000-0160) .....\$500,000

*Provided*, That any unencumbered balance in the MHIT pilot program – online database account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

MHIT school liaisons (652-00-1000-0170) .....\$3,263,110

*Provided*, That any unencumbered balance in the MHIT school liaisons account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *And provided further*, That expenditures shall be made by the above agency 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.

Educable deaf-blind and

severely handicapped children's

programs aid (652-00-1000-0630) .....\$110,000

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, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures shall be made from the school district juvenile detention facilities and Flint Hills job corps cen-

ter 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.

Governor’s teaching excellence scholarships  
and awards (652-00-1000-0770).....\$360,693

*Provided*, That any unencumbered balance in the governor’s teaching excellence scholarships and awards account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all expenditures from the governor’s teaching excellence scholarships and awards account for teaching excellence scholarships shall be made in accordance with K.S.A. 72-2166, and amendments thereto: *And 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 for governor’s teaching excellence scholarships shall be deposited in the state treasury and credited to the governor’s teaching excellence scholarships program repayment fund (652-00-7221-7200).

Governor’s scholars program  
scholarship and awards.....\$20,000

Evidence- or research-based  
reading programs.....\$1,200,000

*Provided*, That the above agency shall make expenditures from the evidence- or research-based reading programs account during fiscal year 2020 for any school district that has an evidence- or research-based reading program to help ensure achievement on grade level in reading approved by the state board of education: *Provided further*, That the school district shall submit to the state board of education the number of students participating in the evidence- or research-based reading program on September 20, 2019, in grades Pre-K through 3: *And provided further*, That all moneys in the evidence- or research-based reading programs account expended for fiscal year 2020 shall be matched by participating school districts on a \$3 of state moneys for \$1 of school district moneys basis: *And provided further*, That the state shall reimburse the school district from this account for actual expenses on a per pupil basis based on the number of students in the evidence- or research-based reading program: *And provided further*, That existing, approved Kansas reading success reading programs will continue to be supported, and additional reading programs may be added as determined by the state board of education.

Incentive for technical education (652-00-1000-0130) .....\$80,000  
*Provided*, That, notwithstanding the provisions of K.S.A. 72-3819, and amendments thereto, or any other statute, expenditures shall be made from the incentive for technical education account for grants to school districts to pay for the cost of tests or exams required for pupils to earn an industry-recognized credential in a high-need occupation as identified by the secretary of labor, in consultation with the state board of regents and the state board of education.

Teach for America (652-00-1000-0200) .....\$261,000

School safety and security grants .....\$5,000,000

*Provided*, That all moneys in the school safety and security grants account expended for fiscal year 2020 shall be matched by the receiving school district on a \$1-for-\$1 basis from other moneys of the district: *Provided further*, That expenditures shall be made by the above agency from such account for fiscal year 2020 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.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, 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 (652-00-7393-7000).....No limit

School district capital

improvements fund (652-00-2880-2880).....No limit

*Provided*, That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72-5457, and amendments thereto.

Mineral production

education fund (652-00-7669-7669) .....No limit

School district capital outlay

state aid fund.....No limit

Conversion of materials and

equipment fund (652-00-2420-2020).....No limit

State safety fund (652-00-2538-2030) .....No limit

*Provided*, That notwithstanding the provisions of K.S.A. 8-272, and amendments thereto, or any other statute, funds shall be distributed during fiscal year 2020 as soon as moneys are available.

School bus safety fund (652-00-2532-2300)..... No limit

Motorcycle safety fund (652-00-2633-2050) ..... No limit

Federal indirect cost

reimbursement fund (652-00-2312-2200) ..... No limit

Teacher and administrator

fee fund (652-00-2723-2060) ..... No limit

Food assistance –

federal fund (652-00-3230-3020) ..... No limit

Food assistance – school

breakfast program –

federal fund (652-00-3529-3490) ..... No limit

Food assistance – national

school lunch program –

federal fund (652-00-3530-3500) ..... No limit

Food assistance – child

and adult care food program –

federal fund (652-00-3531-3510) ..... No limit

Community-based

child abuse prevention –

federal fund (652-00-3319-7400) ..... No limit

Family and children

investment fund (652-00-7375)..... No limit

Elementary and secondary school aid –

federal fund (652-00-3233-3040) ..... No limit

Educationally deprived

children – state operations –

federal fund (652-00-3131-3130) ..... No limit

Elementary and secondary school –

educationally deprived children –

LEA's fund (652-00-3532-3520) ..... No limit

Education of handicapped children

fund – federal (652-00-3234-3050) ..... No limit

Education of handicapped

children fund – state operations –

federal fund (652-00-3534-3540) ..... No limit

Education of handicapped children fund – preschool – federal fund (652-00-3535-3550) .....	No limit
Education of handicapped children fund – preschool state operations – federal (652-00-3536-3560) .....	No limit
Elementary and secondary school aid – federal fund – migrant education fund (652-00-3537-3570) .....	No limit
Elementary and secondary school aid – federal fund – migrant education – state operations (652-00-3538-3580) .....	No limit
Vocational education title I – federal fund (652-00-3539-3590) .....	No limit
Vocational education title I – federal fund – state operations (652-00-3540-3600) .....	No limit
Educational research grants and projects fund (652-00-3592-3070) .....	No limit
Inservice education workshop fee fund (652-00-2230-2010) .....	No limit
<i>Provided</i> , That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospital-ity, incurred for inservice workshops and conferences: <i>Provided further</i> , That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: <i>And provided further</i> , 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.	
Private donations, gifts, grants and bequests fund (652-00-7307-5000) .....	No limit
Reimbursement for services fund (652-00-3056-3200).....	No limit
Communities in schools program fund (652-00-2221-2400).....	No limit
Governor's teaching excellence scholarships program repayment fund (652-00-7221-7200).....	No limit

*Provided*, That all expenditures from the governor’s teaching excellence scholarships program repayment fund shall be made in accordance with K.S.A. 72-2166, and amendments thereto: *Provided further*, That each such grant shall be required to be matched on a \$1 for \$1 basis from nonstate sources: *And provided further*, That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: *And provided further*, That all moneys received by the department of education for repayment of grants made under the governor’s teaching excellence scholarships program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the governor’s teaching excellence scholarships program repayment fund.

State grants for improving teacher quality –	
federal fund (652-00-3526-3860) .....	No limit
State grants for improving	
teacher quality – federal fund –	
state operations (652-00-3527-3870) .....	No limit
21st century community learning centers –	
federal fund (652-00-3519-3890) .....	No limit
State assessments –	
federal fund (652-00-3520-3800) .....	No limit
Rural and low-income schools program –	
federal fund (652-00-3521-3810) .....	No limit
TANF children’s programs –	
federal fund (652-00-3323-0531) .....	No limit
ESSA – student support academic enrichment –	
federal fund (652-00-3113-3113) .....	No limit
Language assistance state grants –	
federal fund (652-00-3522-3820) .....	No limit
Service clearing fund (652-00-2869-2800) .....	No limit
Local school district contribution program	
checkoff fund (652-00-7005-7005) .....	No limit
Educational technology	
coordinator fund (652-00-2157-2157) .....	No limit

*Provided*, That expenditures shall be made by the above agency for the fiscal year ending June 30, 2020, from the educational technology coordinator fund of the department of education to provide data on the number



of school districts served and cost savings for those districts in fiscal year 2020 in order to assess the cost effectiveness of the position of educational technology coordinator.

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2020, the following:

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, 2019, is hereby reappropriated for fiscal year 2020: *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.

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, 2019, is hereby reappropriated for fiscal year 2020.

CIF grants (652-00-2000-2408).....\$18,127,914

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

Quality initiative infants

and toddlers (652-00-2000-2420).....\$500,000

*Provided*, That any unencumbered balance in the quality initiative infants and toddlers account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Early childhood block grant

autism diagnosis (652-00-2000-2422) .....\$50,000

*Provided*, That any unencumbered balance in the early childhood block grant autism diagnosis account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Communities aligned in early development

and education (652-00-2000-2550) .....\$1,000,000

Pre-K pilot (652-00-2000-2535) .....\$4,200,000

(d) On July 1, 2019, 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, 2020, and June 30, 2020, 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, 2019, and quarterly thereafter, the director of accounts and reports shall transfer \$72,500 from the state highway fund of the department of transportation to the school bus safety fund (652-00-2532-2300) of the department of education.

(g) On July 1, 2019, 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) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2020, the following:

KPERS – school employer	
contribution (652-00-1700-1700).....	\$41,632,883

(i) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$97,250 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: *Provided*, That the department of education shall provide information and data regarding the number of school districts served and cost savings attained by such school districts in order to assess the cost effectiveness of having this education technology coordinator position: *Provided further*, That such information and data shall be available by the department of education by the end of the fiscal year 2020.

(j) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2020, the following:

Children's cabinet administration (652-00-7000-7001) .....\$256,234  
*Provided*, That any unencumbered balance in the children's cabinet administration account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(k) During the fiscal year ending June 30, 2020, 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 2020 from the state general fund for the department of education to another item of appropriation for fiscal year 2020 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.

Sec. 91.

#### DEPARTMENT OF EDUCATION

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

State foundation aid (652-00-1000-0820).....\$2,305,700,929

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

Supplemental state aid (652-00-1000-0840) .....\$519,300,000

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

KPERS – employer

contributions (652-00-1000-0100) .....\$38,417,749

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

KPERS – employer

contributions – USDs (652-00-1000-0110) .....\$514,524,907

*Provided*, That any unencumbered balance in the KPERS – employer contributions – USDs account in excess of \$100 as of June 30, 2020, is hereby reappropriated for fiscal year 2021: *Provided further*, That all ex-

penditures from the KPERS – employer contributions – USDs account shall be for payment of participating employers’ contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further,* That expenditures from this account for the payment of participating employers’ contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2021, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Mineral production	
education fund (652-00-7669-7669) .....	No limit
State school district	
finance fund (652-00-7393-7000).....	No limit

(c) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2021, the following:

KPERS – school employer	
contribution (652-00-1700-1700).....	\$41,640,023

Sec. 92.

STATE LIBRARY

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

Operating expenditures (434-00-1000-0300) .....	\$1,269,471
<i>Provided,</i> That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: <i>Provided, however,</i> That expenditures from the operating expenditures account for official hospitality shall not exceed \$755.	

Grants to libraries and library systems – grants	
in aid (434-00-1000-0410) .....	\$1,067,914
<i>Provided,</i> That any unencumbered balance in the grants to libraries and library systems – grants in aid account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	

Grants to libraries and library systems – interlibrary	
loan development (434-00-1000-0420).....	\$1,135,467
<i>Provided,</i> That any unencumbered balance in the grants to libraries and library systems – interlibrary loan development account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	

Grants to libraries and library systems – talking	
book services (434-00-1000-0430) .....	\$422,783

*Provided*, That any unencumbered balance in the grants to libraries and library systems – talking book services account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State library fund (434-00-2076-2500) .....	No limit
Federal library services and technology act – fund (434-00-3257-3000) .....	No limit
Grants and gifts fund (434-00-7304-7000) .....	No limit
Statewide database contribution (434-00-7304-7003) .....	No limit

Sec. 93.

#### KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (604-00-1000-0303) .....	\$7,528
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Sec. 94.

#### KANSAS STATE SCHOOL FOR THE BLIND

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

Operating expenditures (604-00-1000-0303) .....	\$5,508,897
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*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from the operating expenditures for official hospitality shall not exceed \$2,000.

Arts for the handicapped (604-00-1000-0502) .....	\$133,847
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund (604-00-2093-2000) .....	No limit
--	----------

Local services

reimbursement fund (604-00-2088-2500) .....	No limit
---	----------

*Provided*, That the Kansas state school for the blind is hereby authorized to assess and collect a fee of 20% of the total cost of services provided

to local school districts: *Provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local services reimbursement fund.

Student activity	
fees fund (604-00-2146-2100) .....	No limit
Special bequest fund (604-00-7333-5001) .....	No limit
Gift fund (604-00-7329-5100).....	No limit
Nine month payroll	
clearing fund (604-00-7714-5200) .....	No limit
Education improvement –	
federal fund (604-00-3898-3750) .....	No limit
Preparation and mentoring of teachers of the	
blind and visually impaired –	
federal fund (604-00-3184-3180) .....	No limit
Special education state grants –	
federal fund (604-00-3234-3234) .....	No limit
Federal school lunch –	
federal fund (604-00-3530-3528) .....	No limit
School breakfast program –	
federal fund (604-00-3529-3529) .....	No limit
Deaf-blind project –	
federal fund (604-00-3583-3583) .....	No limit
Safe schools – federal fund (604-00-3569-3569).....	No limit
Child and adult care food program –	
federal fund (604-00-3531-3531) .....	No limit
Summer food service program –	
federal fund (604-00-3591-3591) .....	No limit

Sec. 95.

KANSAS STATE SCHOOL FOR THE DEAF

- (a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:
- |   |          |
|---|----------|
| Operating expenditures (610-00-1000-0303) ..... | \$84,553 |
|---|----------|

Sec. 96.

KANSAS STATE SCHOOL FOR THE DEAF

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

Operating expenditures (610-00-1000-0303) .....\$9,248,303  
*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund (610-00-2094-2000) ..... No limit

Local services

reimbursement fund (610-00-2091-2200) ..... No limit  
*Provided*, That the Kansas state school for the deaf is hereby authorized to assess and collect a fee of 20% of the total cost of services provided to local school districts: *Provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local services reimbursement fund.

Student activity fees fund (610-00-2147-2100) ..... No limit

Special bequest fund (610-00-7321-5500) ..... No limit

Special workshop fund (610-00-7504-5800) ..... No limit

Gift fund (610-00-7330-5600) ..... No limit

Nine month payroll

clearing fund (610-00-7715-5700) ..... No limit

Special education state grants –

federal fund (610-00-3234-3234) ..... No limit

School breakfast program –

federal fund (610-00-3529-3529) ..... No limit

School lunch program

federal fund (610-00-3530-3528) ..... No limit

Special education preschool grants –

federal fund (610-00-3535-3535) ..... No limit

Universal newborn screening –

federal fund (610-00-3459-3459) ..... No limit

Summer food service program –

federal fund (610-00-3591-3591) ..... No limit

Sec. 97.

STATE HISTORICAL SOCIETY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the heritage trust fund (288-00-7379-7600) of the state historical society for state operations is hereby increased from \$57,992 to \$59,284.

Sec. 98.

STATE HISTORICAL SOCIETY

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

Operating expenditures (288-00-1000-0083) .....\$4,110,152  
*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.  
Kansas humanities council (288-00-1000-0600) .....\$50,501

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Credit card clearing fund (288-00-9455-9400) .....No limit  
Vehicle repair and  
replacement fund (288-00-6166-6000) .....No limit  
General fees fund (288-00-2047-2300) .....No limit  
Archeology fee fund (288-00-2638-2350) .....No limit  
*Provided*, That expenditures may be made from the archeology fee fund for operating expenses for providing archeological services by contract: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing archeological services by contract: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the archeology fee fund.  
Conversion of materials and  
equipment fund (288-00-2436-2700).....No limit  
Soil/water conservation fund (288-00-3083-3110).....No limit  
Microfilm fees fund (288-00-2246-2370) .....No limit



*Provided*, That expenditures may be made from the microfilm fees fund for operating expenses for providing imaging services: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing imaging services: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the microfilm fees fund.

Records center fee fund (288-00-2132-2100).....No limit

*Provided*, That expenditures may be made from the records center fee fund for operating expenses for state records and for the trusted digital repository for electronic government records.

Historic properties fee fund (288-00-2164-2310).....No limit

Historic preservation grants in  
aid fund (288-00-3089-3700).....No limit

Historic preservation overhead  
fees fund (288-00-2916-2380).....No limit

National historic preservation act  
fund – local (288-00-3089-3000).....No limit

Private gifts, grants and  
bequests fund (288-00-7302-7000).....No limit

Museum and historic sites visitor  
donation fund (288-00-2142-2250).....No limit

Insurance collection replacement/  
reimbursement fund (288-00-2182-2320).....No limit

Heritage trust fund (288-00-7379-7600).....No limit

*Provided*, That expenditures from the heritage trust fund for state operations shall not exceed \$64,820.

Land survey fee fund (288-00-2234-2330).....No limit

*Provided*, That, notwithstanding the provisions of K.S.A. 58-2011, and amendments thereto, expenditures may be made by the above agency from the land survey fee fund for the fiscal year 2020 for operating expenditures that are not related to administering the land survey program.

National trails fund (288-00-3553-3353).....No limit

State historical society  
facilities fund (288-00-2192-2420).....No limit

Historic properties fund (288-00-2144-2400).....No limit

Law enforcement  
memorial fund (288-00-7344-7300).....No limit

Highway planning/ construction fund (288-00-3333-3333) .....	No limit
Save America's treasures fund (288-00-3923-4000) .....	No limit
Archeology federal fund (288-00-2638-2350) .....	No limit
Property sale proceeds fund (288-00-2414-2500) .....	No limit
<i>Provided</i> , That proceeds from the sale of property pursuant to K.S.A. 75-2701, and amendments thereto, shall be deposited in the state treasury and credited to the property sale proceeds fund.	

(c) Notwithstanding the provisions of K.S.A. 75-2721, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2020, 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 2020, as authorized by this or other appropriation act of the 2019 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 2020 to fix admission fees at constitution hall in Lecompton, Kansas, at \$3 per adult single admission, \$1 per student single admission, \$2 per student for guided tours and \$3 per adult for guided tours: *Provided, however*, That such admission fees may be increased by the above agency during fiscal year 2020 if all moneys from such admission fees are invested in constitution hall and the total amount of such admission fees exceeds the amount of the Lecompton historical society's constitution hall promotional expenses as determined by the average of such promotional expenses for the preceding three calendar years: *Provided further*, That the state historical society may request annual financial statements from the Lecompton historical society for the purpose of calculating such three-year average of promotional expenses.

Sec. 99.

FORT HAYS STATE UNIVERSITY

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

Operating expenditures (including official hospitality) (246-00-1000-0013) .....	\$32,830,406
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	
Master's-level nursing capacity (246-00-1000-0100) .....	\$130,881
Kansas wetlands education center at Cheyenne bottoms (246-00-1000-0200) .....	\$257,224

*Provided*, That any unencumbered balance in the Kansas wetlands education center at Cheyenne bottoms account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Kansas academy of math

and science (246-00-1000-0300) .....\$719,946

*Provided*, That any unencumbered balance in the Kansas academy of math and science account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (246-00-5185-5050) ..... No limit

*Provided*, That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.

General fees fund (246-00-2035-2000) ..... No limit

*Provided*, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund (246-00-2510-2040) ..... No limit

*Provided*, That restricted fees shall be limited to receipts for the following accounts: Special events; technology equipment; Gross coliseum services; capital improvements; performing arts center services; farm income; choral music clinic; yearbook; off-campus tours; memorial union activities; student activity (unallocated); tiger media; conferences, clinics and workshops – noncredit; summer laboratory school; little theater; library services; student affairs; speech and debate; student government; counseling center services; interest on local funds; student identification cards; nurse education programs; athletics; placement fees; virtual college classes; speech and hearing; child care services for dependent students; computer services; interactive television contributions; midwestern student exchange; departmental receipts for all sales, refunds and other collections not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures

may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the midwestern student exchange account of the restricted fees fund: *And provided further*, That expenditures may be made from the restricted fees fund for official hospitality.

Education opportunity act –	
federal fund (246-00-3394-3500) .....	No limit
Service clearing fund (246-00-6000) .....	No limit
<i>Provided</i> , That the service clearing fund shall be used for the following service activities: Computer services, storeroom for official supplies including office supplies, paper products, janitorial supplies, printing and duplicating, car pool, postage, copy center, and telecommunications and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.	
Commencement fees fund (246-00-2511-2050) .....	No limit
Health fees fund (246-00-5101-5000) .....	No limit
<i>Provided</i> , That expenditures from the health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.	
Student union fees fund (246-00-5102-5010) .....	No limit
<i>Provided</i> , That expenditures may be made from the student union fees fund for official hospitality.	
Kansas career work study	
program fund (246-00-2548-2060) .....	No limit
Economic opportunity act –	
federal fund (246-00-3034-3000) .....	No limit
Faculty of distinction	
matching fund (246-00-2471-2400) .....	No limit
Nine month payroll clearing	
account fund (246-00-7709-7060) .....	No limit
Federal Perkins student	
loan fund (246-00-7501-7050) .....	No limit
Housing system	
revenue fund (246-00-5103-5020) .....	No limit

*Provided*, That expenditures may be made from the housing system revenue fund for official hospitality.

Institutional overhead fund (246-00-2900-2070)..... No limit

Oil and gas royalties fund (246-00-2036-2010)..... No limit

Housing system

suspense fund (246-00-5707-5090)..... No limit

Sponsored research

overhead fund (246-00-2914-2080) ..... No limit

Kansas distinguished

scholarship fund (246-00-7204-7000) ..... No limit

Temporary deposit fund (246-00-9013-9400)..... No limit

Federal receipts

suspense fund (246-00-9105-9410)..... No limit

Suspense fund (246-00-9134-9420)..... No limit

Mandatory retirement annuity

clearing fund (246-00-9136-9430) ..... No limit

Voluntary tax shelter annuity

clearing fund (246-00-9163-9440) ..... No limit

Agency payroll deduction

clearing fund (246-00-9197-9450) ..... No limit

Pre-tax parking

clearing fund (246-00-9220-9200) ..... No limit

University payroll fund (246-00-9800) ..... No limit

University federal fund (246-00-3141-3140)..... No limit

*Provided*, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *Provided further*, That expenditures may be made by the above agency from this fund to procure a policy of accident, personal liability and excess automobile liability insurance insuring volunteers participating in the senior companion program against loss in accordance with specifications of federal grant guidelines as provided in K.S.A. 75-4101, and amendments thereto.

Lewis field stadium revenue fund (246-00-5150-5180)..... No limit

(c) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Fort Hays state university of not to exceed \$125,000 from the general fees fund (246-00-2035-2000) to the federal Perkins student loan fund (246-00-7501-7050).

Sec. 100.

KANSAS STATE UNIVERSITY

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

Operating expenditures (including  
official hospitality) (367-00-1000-0003) .....\$94,287,403

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Midwest institute for comparative stem  
cell biology (367-00-1000-0170).....\$129,833

*Provided*, That any unencumbered balance in the midwest institute for comparative stem cell biology account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Global food systems (367-00-1000-0190).....\$5,000,000

*Provided*, That unencumbered balance in the global food systems account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020; *Provided further*, That all moneys in the global food systems account expended for fiscal year 2020 shall be matched by Kansas state university on a \$1 for \$1 basis from other moneys of Kansas state university; *And provided further*, That Kansas state university shall submit a plan to the house committee on appropriations, the senate committee on ways and means and the governor as to how the global food systems-related activities create additional jobs in the state and other economic value, particularly for and with the private sector, for fiscal year 2020.

Kansas state university  
polytechnic campus (including  
official hospitality) (367-00-1000-0150) .....\$6,658,717

*Provided*, That any unencumbered balance in the Kansas state university polytechnic campus (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (367-00-5181) .....No limit

*Provided*, That expenditures may be made from the parking fees fund for capital improvement projects for parking improvements.

Faculty of distinction  
matching fund (367-00-2472-2500) .....No limit

General fees fund (367-00-2062-2000) .....No limit

*Provided*, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Interest on endowment fund (367-00-7100-7200) ..... No limit

Restricted fees fund (367-00-2520-2080)..... No limit

*Provided*, That restricted fees shall be limited to receipts for the following accounts: Technology equipment; flight services; communications and marketing; computer services; copy centers; standardized test fees; placement center; recreational services; college of technology and aviation; motor pool; music; professorships; student activities fees; army and aerospace uniforms; aerospace uniform augmentation; biology sales and services; chemistry; field camps; state department of education; physics storeroom; sponsored research, instruction, public service, equipment and facility grants; chemical engineering; nuclear engineering; contract-post office; library collections; civil engineering; continuing education; sponsored construction or improvement projects; attorney, educational and personal development, human capital resources; student financial assistance; application for undergraduate programs; speech and hearing fees; gifts; human development and family research and training; college of education – publications and services; guaranteed student loan application processing; student identification card; auditorium receipts; catalog sales; emission spectroscopy fees; interagency consulting; sales and services of educational programs; transcript fees; facility use fees; human ecology storeroom; college of human ecology sales; family resource center fees; human movement performance; application for post baccalaureate programs; art exhibit fees; college of education – Kansas careers; foreign student application fee; student union repair and replacement reserve; departmental receipts for all sales, refunds and other collections; institutional support fee; miscellaneous renovations – construction; speech receipts; art museum; exchange program; flight training lab fees; administrative reimbursements; parking fees; postage center; printing; short courses and conferences; student government association receipts; regents educational communications center; late registration fee; engineering equipment fee; architecture equipment fee; biotechnology facility; English language program; international programs; Bramlage coliseum; planning and analysis; telecommunications; comparative medicine; Marlatt memorial park; departmental student organization receipts; other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A.

75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures from the restricted fees fund may be made for the purchase of insurance for operation and testing of completed project aircraft and for operation of aircraft used in professional pilot training, including coverage for public liability, physical damage, medical payments and voluntary settlement coverages: *And provided further*, That expenditures may be made from this fund for official hospitality.

Kansas career work study	
program fund (367-00-2540-2090).....	No limit
Service clearing fund (367-00-6003-7000).....	
<i>Provided</i> , That the service clearing fund shall be used for the following service activities: Supplies stores; telecommunications services; photographic services; K-State printing services; postage; facilities services; facilities carpool; public safety services; facility planning services; facilities storeroom; computing services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.	
Sponsored research	
overhead fund (367-00-2901-2160) .....	No limit
<i>Provided</i> , That expenditures may be made from the sponsored research overhead fund for official hospitality.	
Housing system	
suspense fund (367-00-5708-4830).....	No limit
Housing system operations fund (367-00-5163) .....	
<i>Provided</i> , That expenditures may be made from the housing system operations fund for official hospitality.	
State emergency fund –	
building repair (367-00-2451-2451).....	No limit
Housing system repair, equipment and	
improvement fund (367-00-5641-4740) .....	No limit
Coliseum system repair, equipment and	
improvement fund (367-00-5642-4750) .....	No limit
Mandatory retirement annuity	
clearing fund (367-00-9137-9310) .....	No limit
Student health fees fund (367-00-5109-4410) .....	
No limit	



*Provided*, That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Scholarship funds fund (367-00-7201-7210) .....	No limit
Perkins student loan fund (367-00-7506-7260) .....	No limit
Federal award advance payment – U.S. department of education awards fund (367-00-3855-3350) .....	No limit
State agricultural university fund (367-00-7400-7250) .....	No limit
Salina – student union fees fund (367-00-5114-4420) .....	No limit
Salina – housing system revenue fund (367-00-5117-4430) .....	No limit
Salina – housing system suspense fund (367-00-5724-4890) .....	No limit
Kansas comprehensive grant fund (367-00-7223-7300) .....	No limit
Temporary deposit fund (367-00-9020-9300) .....	No limit
Business procurement card clearing fund (367-00-9102-9400) .....	No limit
Suspense fund (367-00-9146-9320) .....	No limit
Voluntary tax shelter annuity clearing fund (367-00-9164-9330) .....	No limit
Agency payroll deduction clearing fund (367-00-9186-9360) .....	No limit
Pre-tax parking clearing fund (367-00-9221-9200) .....	No limit
Salina student life center revenue fund (367-00-5111-5120) .....	No limit
Child care facility revenue fund (367-00-5125-5101) .....	No limit
University federal fund (367-00-3142) .....	No limit

*Provided*, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Animal health  
research fund (367-00-2053-2053)..... No limit

National bio agro-defense  
facility fund (367-00-2058-2058)..... No limit

*Provided, That all expenditures from the national bio agro-defense facility fund shall be expended in accordance with the governor’s national bio agro-defense facility steering committee’s plan and shall be approved by the president of Kansas state university.*

Kan-grow engineering  
fund – KSU (367-00-2154-2154)..... No limit

Payroll clearing fund (367-00-9801-9000)..... No limit

Fed ext emp clearing fund –  
employee deduct (367-00-9182-9340)..... No limit

Fed ext emp clearing fund –  
employer deduct (367-00-9183-9350) ..... No limit

Temp dep fund  
external source (367-00-9065-9305) ..... No limit

Nine month payroll  
clearing fund (367-00-7710-7270) ..... No limit

Interest bearing grants fund (367-00-2630-2630)..... No limit

*Provided, That, on or before the 10th day of each month commencing during fiscal year 2020, the director of accounts and reports shall transfer from the state general fund to the interest bearing grants fund interest earnings based on: (1) The average daily balance in the interest bearing grants fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.*

Student union renovation expansion  
revenue fund (367-00-5191-4650) ..... No limit

(c) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed \$100,000 from the general fees fund (367-00-2062-2000) to the Perkins student loan fund (367-00-7506-7260).

Sec. 101.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS  
AND AGRICULTURE RESEARCH PROGRAMS

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

Cooperative extension service (including  
official hospitality) (369-00-1000-1020) .....\$18,165,563

*Provided*, That any unencumbered balance in the cooperative extension service (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Agricultural experiment stations (including  
official hospitality) (369-00-1000-1030) .....\$29,085,091

*Provided*, That any unencumbered balance in the agricultural experiment stations (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Wildfire suppression/state forest service .....\$650,000

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Restricted fees fund (369-00-2697-1100).....No limit

*Provided*, That restricted fees shall be limited to receipts for the following accounts: Plant pathology; Kansas artificial breeding service unit; technology equipment; professorships; agricultural experiment station, director's office; agronomy – Ashland farm; KSU agricultural research center – Hays; KSU southeast agricultural research center; KSU southwest research extension center; agronomy – general; agronomy – experimental field crop sales; entomology sales; grain science and industry – Kansas state university; food and nutrition research; extension services and publication; sponsored construction or improvement projects; gifts; comparative medicine; sales and services of educational programs; animal sciences and industry livestock and product sales; horticulture greenhouse and farm products sales; Konza prairie operations; departmental receipts for all sales, refunds and other collections; institutional support fee; KSU northwest research extension center operations; sponsored research, public service, equipment and facility grants; statistical laboratory; equipment/pesticide storage building; miscellaneous renovation – construction; other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and

shall be used solely for the specific purpose or purposes for which collected: *And provided further,* That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further,* That expenditures may be made from the Kansas agricultural mediation service account of the restricted fees fund during fiscal year 2020: *And provided further,* That expenditures may be made from this fund for official hospitality.

Fertilizer research fund (369-00-2263-1150).....No limit  
Sponsored research

    overhead fund (369-00-2921-1200) .....No limit  
*Provided,* That expenditures may be made from the sponsored research overhead fund for official hospitality.

Federal awards – advance  
    payment fund (369-00-3872-1360) .....No limit

Smith-Lever special program grant –  
    federal fund (369-00-3047-1330) .....No limit

Faculty of distinction  
    matching fund (369-00-2479-1190) .....No limit

Agricultural land  
    use-value fund (369-00-2364-1180) .....No limit

University federal fund (369-00-3144) .....No limit  
*Provided,* That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

    (c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2020, the following:

Agricultural experiment  
    stations (369-00-1900-1900).....\$295,046

Sec. 102.

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, 2020, the following:

Operating expenditures (including  
    official hospitality) (368-00-1000-5003) .....\$9,576,408

*Provided,* That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Operating enhancement (368-00-1000-5023).....\$5,005,170  
*Provided*, That any unencumbered balance in the operating enhancement account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all expenditures from the operating enhancement account shall be expended in accordance with the plan submitted by the board of regents for improving the rankings of the Kansas state university veterinary medical center and shall be approved by the president of Kansas state university.

Veterinary training program for  
rural Kansas (368-00-1000-5013).....\$400,000

*Provided*, That any unencumbered balance in the veterinary training program for rural Kansas account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund (368-00-2129-5500) .....No limit

*Provided*, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Vet health center revenue fund (including  
official hospitality) (368-00-5160-5300) .....No limit

Faculty of distinction  
matching fund (368-00-2478-5220) .....No limit

Restricted fees fund (368-00-2590-5530).....No limit

*Provided*, That restricted fees shall be limited to receipts for the following accounts: Sponsored research, instruction, public service, equipment and facility grants; sponsored construction or improvement projects; technology equipment; pathology fees; laboratory test fees; miscellaneous renovations or construction; dean of veterinary medicine receipts; gifts; application for postbaccalaureate programs; professorship; embryo transfer unit; swine serology; rapid focal fluorescent inhibition test; comparative medicine; store-rooms; departmental receipts for all sales, refunds and other collections; departmental student organization receipts; other specifically designated receipts not available for general operation of the Kansas state university veterinary medical center: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*,

That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures may be made from this fund for official hospitality.

Health professions student  
loan fund (368-00-7521-5710).....No limit

University federal fund (368-00-3143-5140).....No limit

*Provided*, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

(c) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed a total of \$15,000 from the general fees fund (368-00-2129-5500) to the health professions student loan fund (368-00-7521-5710).

Sec. 103.

EMPORIA STATE UNIVERSITY

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

Operating expenditures (including  
official hospitality) (379-00-1000-0083) .....\$31,614,781

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Reading recovery program (379-00-1000-0100) .....\$212,552

*Provided*, That expenditures may be made from the reading recovery program account for official hospitality.

Nat'l board cert/future  
teacher academy (379-00-1000-0200) .....\$129,050

*Provided*, That expenditures may be made from the nat'l board cert/future teacher academy account for official hospitality.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (379-00-5186) ..... No limit

*Provided*, That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.

General fees fund (379-00-2069-2010) ..... No limit

*Provided*, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Interest on state normal

school fund (379-00-7101-7000) ..... No limit

Restricted fees fund (379-00-2526-2040) ..... No limit

*Provided*, That restricted fees shall be limited to receipts for the following accounts: Computer services, student activity; technology equipment; student union; sponsored research; computer services; extension classes; gifts and grants (for teaching, research and capital improvements); capital improvements; business school contributions; state department of education (vocational); library services; library collections; interest on local funds; receipts from conferences, clinics, and workshops held on campus for which no college credit is given; physical plant reimbursements from auxiliary enterprises; midwestern student exchange; departmental receipts – for all sales, refunds and other collections or receipts not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the midwestern student exchange account of the restricted fees fund: *And provided further*, That expenditures may be made from the restricted fees fund for official hospitality.

Service clearing fund (379-00-6004) ..... No limit

*Provided*, That the service clearing fund shall be used for the following service activities: Telecommunications services; state car operation; ESU press including duplicating and reproducing; postage; physical plant

storeroom including motor fuel inventory; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Commencement fees fund (379-00-2527-2050) ..... No limit

Kansas career work study

program fund (379-00-2549-2060) ..... No limit

Student health fees fund (379-00-5115-5010) ..... No limit

*Provided*, That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Faculty of distinction

matching fund (379-00-2473-2400) ..... No limit

Bureau of educational

measurements fund (379-00-5118-5020) ..... No limit

National direct student

loan fund (379-00-7507-7040) ..... No limit

Economic opportunity act – work study –

federal fund (379-00-3128-3000) ..... No limit

Educational opportunity grants –

federal fund (379-00-3129-3010) ..... No limit

Basic opportunity grant program –

federal fund (379-00-3130-3020) ..... No limit

Research and institutional

overhead fund (379-00-2902-2070) ..... No limit

Kansas comprehensive

grant fund (379-00-7224-7060) ..... No limit

Housing system

suspense fund (379-00-5701-5130) ..... No limit

Housing system

operations fund (379-00-5169-5050) ..... No limit

Kansas distinguished

scholarship fund (379-00-2762-2700) ..... No limit

University federal fund (379-00-3145) ..... No limit

*Provided*, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.



Twin towers project	
revenue fund (379-00-5120-5030) .....	No limit
Nine month payroll	
clearing fund (379-00-7712-7050) .....	No limit
Temporary deposit fund (379-00-9022-9510) .....	No limit
Federal receipts	
suspense fund (379-00-9085-9520) .....	No limit
Suspense fund (379-00-9021) .....	No limit
Mandatory retirement annuity	
clearing fund (379-00-9138-9530) .....	No limit
Voluntary tax shelter annuity	
clearing fund (379-00-9165-9540) .....	No limit
Agency payroll deduction	
clearing fund (379-00-9196-9550) .....	No limit
Pre-tax parking	
clearing fund (379-00-9222-9200) .....	No limit
University payroll fund (379-00-9802) .....	No limit
Leveraging educational assistance partnership	
federal fund (379-00-3224-3200) .....	No limit
National direct student	
loan fund (379-00-7507-7040) .....	No limit
Student union refurbishing fund (379-00-5161-5040) .....	No limit
Housing system repairs, equipment and	
improvement fund (379-00-5650-5120) .....	No limit
(c) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Emporia state university of not to exceed \$30,000 from the general fees fund (379-00-2069-2010) to the national direct student loan fund (379-00-7507-7040).	

Sec. 104.

#### PITTSBURG STATE UNIVERSITY

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

Operating expenditures (including  
    official hospitality) (385-00-1000-0063) .....\$34,124,230

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

School of construction (385-00-1000-0200) .....\$746,787  
*Provided*, That any unencumbered balance in the school of construction account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Polymer science program (385-00-1000-0300) .....\$1,001,741  
*Provided*, That any unencumbered balance in the polymer science program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (385-00-5187-5060) .....No limit  
*Provided*, That expenditures may be made from the parking fees fund for capital improvement projects for parking lot improvements.

General fees fund (385-00-2070-2010) .....No limit  
*Provided*, That all moneys received for tuition received from students participating in the gorilla advantage program or the midwestern student exchange program shall be deposited in the state treasury to the credit of the general fees fund: *Provided further*, That expenditures may be made from the general fees fund to match federal grant moneys: *And provided further*, That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund (385-00-2529-2040).....No limit  
*Provided*, That restricted fees shall be limited to receipts for the following accounts: Computer services; capital improvements; instructional technology fee; technology equipment; student activity fee accounts; commencement fees; ROTC activities; continuing education receipts; vocational auto parts and service fees; receipts from camps, conferences and meetings held on campus; library service collections and fines; grants from other state agencies; *Midwest Quarterly*; chamber music series; contract – post office; gifts and grants; intensive English program; business and technology institute; public sector radio station activities; economic opportunity – state match; Kansas career work study; regents supplemental grants; departmental receipts, and other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A.

75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That surplus restricted fees moneys generated by the music department may be transferred to the Pittsburg state university foundation, inc., for the express purpose of awarding music scholarships: *And provided further*, That expenditures may be made from this fund for official hospitality.

Service clearing fund (385-00-6005) ..... No limit  
*Provided*, That the service clearing fund shall be used for the following service activities: Duplicating and printing services; instructional media division; office stationery and supplies; motor carpool; postage services; photo services; telephone services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

#### Hospital and student health

fees fund (385-00-5126-5010) ..... No limit  
*Provided*, That expenditures from the hospital and student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center: *Provided further*, That expenditures may be made from this fund for capital improvement projects for hospital and student health center improvements.

Suspense fund (385-00-9024-9510) ..... No limit

#### Faculty of distinction

matching fund (385-00-2474-2400) ..... No limit

Perkins student loan fund (385-00-7509-7020) ..... No limit

#### Sponsored research

overhead fund (385-00-2903-2903) ..... No limit

#### College work study

federal fund (385-00-3498-3030) ..... No limit

Nursing student loan fund (385-00-7508-7010) ..... No limit

#### Housing system

suspense fund (385-00-5703-5170) ..... No limit

#### Housing system

operations fund (385-00-5165-5050) ..... No limit

#### Housing system repairs, equipment and

improvement fund (385-00-5646-5160) ..... No limit

Kansas comprehensive grant fund (385-00-7227-7200)	No limit
Kansas career work study program fund (385-00-2552-2060)	No limit
Nine month payroll clearing fund (385-00-7713-7030)	No limit
Payroll clearing fund (385-00-9023-9500)	No limit
Temporary deposit fund (385-00-9025-9520)	No limit
Federal receipts suspense fund (385-00-9104-9530)	No limit
BPC clearing fund (385-00-9109-9570)	No limit
Mandatory retirement annuity clearing fund (385-00-9139-9540)	No limit
Voluntary tax shelter annuity clearing fund (385-00-9166-9550)	No limit
Agency payroll deduction clearing fund (385-00-9195-9560)	No limit
Pre-tax parking clearing fund (385-00-9223-9200)	No limit
University payroll fund (385-00-9803)	No limit
University federal fund (385-00-3146)	No limit
<i>Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.</i>	
Overman student center renovation fund (385-00-2820-2820)	No limit
Student health center revenue fund (385-00-2828-2851)	No limit
Horace Mann building renovation fund (385-00-2833)	No limit
Revenue 2014A fund (385-00-5106-5105)	No limit
(c) During the fiscal year ending June 30, 2020, the director of accounts and reports shall transfer amounts specified by the president of Pittsburg state university of not to exceed a total of \$125,000 for all such amounts, from the general fees fund (385-00-2070-2010) to the following specified funds and accounts of funds: Perkins student loan fund (385-00-7509-7020); nursing student loan fund (385-00-7508-7010).	

## Sec. 105.

## UNIVERSITY OF KANSAS

(a) On the effective date of this act, or as soon thereafter as monies are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$325,000 for all such amounts, from the general fees fund (682-00-2107-2000) to the following specified funds and accounts of funds: Federal Perkins loan fund (682-00-7512-7040); educational opportunity act – federal fund (682-00-3842-3020); university federal fund (682-00-3147-3140); health professions student loan fund (682-00-7513-7050); loans for disadvantaged students fund (682-00-7510-7100).

(b) On the effective date of this act, the provisions of section 130(c) of chapter 104 of the 2017 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

## Sec. 106.

## UNIVERSITY OF KANSAS

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

Operating expenditures (including  
official hospitality) (682-00-1000-0023) .....\$128,239,467

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Geological survey (682-00-1000-0170) .....\$5,963,998

*Provided*, That any unencumbered balance in the geological survey account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That in addition to the other purposes for which expenditures may be made by the above agency from the geological survey account of the state general fund for fiscal year 2020, expenditures shall be made by the above agency from the geological survey account of the state general fund for fiscal year 2020 for seismic surveys in an amount not less than \$100,000.

Umbilical cord

matrix project (682-00-1000-0370) .....\$130,376

*Provided*, That any unencumbered balance in the umbilical cord matrix project account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking facilities  
    revenue fund (682-00-5175-5070) ..... No limit  
*Provided*, That expenditures may be made from the parking facilities revenue fund for capital improvement projects for parking improvements.

Faculty of distinction  
    matching fund (682-00-2475-2500) ..... No limit

General fees fund (682-00-2107-2000) ..... No limit  
*Provided*, That expenditures may be made from the general fees fund to match federal grant moneys.

Interest fund (682-00-7103-7000) ..... No limit

Sponsored research  
    overhead fund (682-00-2905-2160) ..... No limit

Law enforcement training  
    center fund (682-00-2133-2020) ..... No limit  
*Provided*, That expenditures may be made from the law enforcement training center fund to cover the costs of tuition for students enrolled in the law enforcement training program in addition to the costs of salaries and wages and other operating expenditures for the program: *Provided further*, That expenditures may be made from the law enforcement training center fund for the acquisition of tracts of land.

Law enforcement training center  
    fees fund (682-00-2763-2700) ..... No limit  
*Provided*, That all moneys received for tuition from students enrolling in the basic law enforcement training program for undergraduate or graduate credit shall be deposited in the state treasury and credited to the law enforcement training center fees fund.

Restricted fees fund (682-00-2545) ..... No limit  
*Provided*, That restricted fees shall be limited to receipts for the following accounts: Institute for policy and social research; technology equipment; capital improvements; concert course; speech, language and hearing clinic; perceptual motor clinic; application for admission fees; named professorships; summer institutes and workshops; dramatics; economic opportunity act; executive management; continuing education programs; geology field trips; gifts and grants; extension services; counseling center; investment income from bequests; reimbursable salaries; music and art camp; child development lab preschools; orientation center; educational placement; press publications; Rice estate educational project; sponsored research; student activities; sale of surplus books and art objects; building use charges; Kansas applied remote sensing program; executive master's degree in business administration; applied English center; cartographic services; economic education; study abroad programs; computer services; recreational activities;

animal care activities; geological survey; midwestern student exchange; department commercial receipts for all sales, refunds, and all other collections or receipts not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That moneys received for student fees in any account of the restricted fees fund may be transferred to one or more other accounts of the restricted fees fund.

Service clearing fund (682-00-6006) ..... No limit

*Provided*, That the service clearing fund shall be used for the following service activities: Residence hall food stores; university motor pool; military uniforms; telecommunications service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Health service fund (682-00-5136-5030) ..... No limit

Kansas career work study

program fund (682-00-2534-2050)..... No limit

Student union fund (682-00-5137-5040)..... No limit

Federal Perkins loan fund (682-00-7512-7040) ..... No limit

Health professions student

loan fund (682-00-7513-7050)..... No limit

Housing system

suspense fund (682-00-5704-5150)..... No limit

Housing system

operations fund (682-00-5142-5050) ..... No limit

Housing system repairs, equipment and

improvement fund (682-00-5621-5110) ..... No limit

Educational opportunity act –

federal fund (682-00-3842-3020) ..... No limit

Loans for disadvantaged

students fund (682-00-7510-7100)..... No limit

Prepaid tuition fees

clearing fund (682-00-7765)..... No limit

Kansas comprehensive grant fund (682-00-7226-7110)	No limit
Fire service training fund (682-00-2123-2170)	No limit
University federal fund (682-00-3147)	No limit
Johnson county education research triangle fund (682-00-2393-2390)	No limit
Temporary deposit fund (682-00-9061-9020)	No limit
Suspense fund (682-00-9060-9010)	No limit
BPC clearing fund (682-00-9119-9050)	No limit
Mandatory retirement annuity clearing fund (682-00-9142-9030)	No limit
Voluntary tax shelter annuity clearing fund (682-00-9167-9040)	No limit
Agency payroll deduction clearing fund (682-00-9193-9060)	No limit
Pre-tax parking clearing fund (682-00-9224-9200)	No limit
University payroll fund (682-00-9806)	No limit
GTA/GRA emp health insurance clearing fund (682-00-9063-9070)	No limit
Standard water data repository fund (682-00-2463-2463)	No limit
Multicultural rescr center construction fund (682-00-2890-2890)	No limit
Kan-grow engineering fund – KU (682-00-2153-2153)	No limit
Child care facility revenue bond fund (682-00-2372)	No limit
Student recreation fitness center KDFA fund (682-00-2864-2860)	No limit
Student union renovation revenue fund (682-00-5171-5060)	No limit
Parking facility KDFA 1993G revenue fund (682-00-5175-5070)	No limit
Student health facility maintenance, repair and equipment fee fund (682-00-5640-5120)	No limit



(c) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$325,000 for all such amounts, from the general fees fund (682-00-2107-2000) to the following specified funds and accounts of funds: Federal Perkins loan fund (682-00-7512-7040); educational opportunity act – federal fund (682-00-3842-3020); university federal fund (682-00-3147-3140); health professions student loan fund (682-00-7513-7050); loans for disadvantaged students fund (682-00-7510-7100).

(d) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2020, for the water plan project or projects specified, the following:

Geological survey (682-00-1800-1810).....\$26,841

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

#### Sec. 107.

#### UNIVERSITY OF KANSAS MEDICAL CENTER

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

Operating expenditures (including

official hospitality) (683-00-1000-0503).....\$99,571,692

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures from this account may be used to reimburse medical residents in residency programs located in Kansas City at the university of Kansas medical center for the purchase of health insurance for residents' dependents.

Medical scholarships

and loans (683-00-1000-0600).....\$4,488,171

*Provided*, That any unencumbered balance in the medical scholarships and loans account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Midwest stem cell

therapy center (683-00-1000-0800).....\$749,822

*Provided*, That any unencumbered balance in the midwest stem cell therapy center account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Rural health bridging (683-00-1000-1010).....\$140,000

Cancer center research (683-00-1000-0700) .....\$4,957,327

*Provided*, That any unencumbered balance in the cancer center research account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all moneys in the cancer center research account expended for fiscal year 2020 shall be matched by the university of Kansas medical center on a \$1 for \$1 basis from other mon-  
eys of the university of Kansas medical center: *And provided further*, That the university of Kansas medical center shall submit a plan to the house committee on appropriations, the senate committee on ways and means and the governor as to how cancer center research-related activities cre-  
ate additional jobs in the state and other economic value, particularly for and with the private sector, for fiscal year 2020.

Medical scholarships and  
loans psychiatry (683-00-1000).....\$970,000

*Provided*, That any unencumbered balance in the medical scholarships and loans psychiatry account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Rural health bridging psychiatry (683-00-1000) .....\$30,000

*Provided*, That any unencumbered balance in the rural health bridging psychiatry account in excess of \$100 as of June 30, 2019, is hereby reap-  
propriated for fiscal year 2020.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund (683-00-2108-2500) .....No limit

*Provided*, That expenditures may be made from the general fees fund to match federal grant moneys.

Midwest stem cell therapy  
center fund (683-00-2072-2072) .....\$0

Faculty of distinction  
matching fund (683-00-2476-2400) .....No limit

Restricted fees fund (683-00-2551) .....No limit

*Provided*, That restricted fees shall be limited to the following accounts: Technology equipment; capital improvements; computer services; ex-  
penses reimbursed by the Kansas university endowment association; postgraduate fees; pathology fees; student health insurance premiums; gift receipts; designated research collaboration; facilities use; photogra-  
phy; continuing education; student activity fees; student application fees; department duplicating; student health services; student identification badges; student transcript fees; loan administration fees; fitness center fees; occupational health fees; employee health; telekid care fees; area

outreach fees; police fees; endowment payroll reimbursement; rental property; e-learning fees; surplus property sales; outreach air travel; student loan legal fees; hospital authority salary reimbursements; graduate medical education contracts; Kansas university physicians inc., salaries reimbursements; housestaff activity fees; anatomy cadavers; biotechnology services; energy center funded depreciation; biostatistics; electron microscope services; Wichita faculty contracts; physical therapy services; legal fee reimbursements; sponsored research; departmental commercial receipts for all sales, refunds and all other collections of receipts not specifically enumerated above; Kansas department for children and families cost-sharing; *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees; *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected; *And provided further*, That expenditures may be made from this fund to purchase health insurance coverage for all students enrolled in the school of allied health, school of nursing and school of medicine.

Scientific research and development – special

revenue fund (683-00-2926)..... No limit

Kansas breast cancer

research fund (683-00-2671-2660)..... No limit

Sponsored research

overhead fund (683-00-2907-2800) ..... No limit

Parking facility revenue fund –

KC campus (683-00-5176-5550)..... No limit

*Provided*, That expenditures may be made from the parking facility revenue fund – KC campus for capital improvement projects for parking improvements.

Parking fee fund –

Wichita campus (683-00-5180-5590)..... No limit

*Provided*, That expenditures may be made from the parking fee fund – Wichita campus for capital improvement projects for parking improvements.

Services to hospital

authority fund (683-00-2915-2900)..... No limit

Direct medical education

reimbursement fund (683-00-2918-3000) ..... No limit

Service clearing fund (683-00-6007) .....	No limit
<i>Provided</i> , That the service clearing fund shall be used for the following service activities: Printing services; purchasing storeroom; university motor pool; physical plant storeroom; photo services; telecommunications services; facilities operations discretionary repairs; animal care; instructional services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.	
Educational nurse faculty loan	
program fund (683-00-7505-7540).....	No limit
Federal college work	
study fund (683-00-3256-3520).....	No limit
AMA education and	
research grant fund (683-00-7207-7500) .....	No limit
Federal health professions/	
primary care student	
loan fund (683-00-7516-7560).....	No limit
Federal nursing student	
loan fund (683-00-7517-7570).....	No limit
Suspense fund (683-00-9057-9500).....	No limit
Federal student educational opportunity	
grant fund (683-00-3255-3510) .....	No limit
Federal Pell grant fund (683-00-3252-3500) .....	No limit
Federal Perkins student	
loan fund (683-00-7515-7550).....	No limit
Medical loan repayment fund (683-00-7214-7520) .....	No limit
<i>Provided</i> , That expenditures from the medical loan repayment fund for attorney fees and litigation costs associated with the administration of the medical scholarship and loan program shall be in addition to any expenditure limitation imposed on the operating expenditures account of the medical loan repayment fund.	
Medical student loan programs provider	
assessment fund (683-00-2625-2650) .....	No limit
Graduate medical education administration	
reserve fund (683-00-5652-5640).....	No limit
University of Kansas medical center	
private practice foundation	
reserve fund (683-00-5659-5660).....	No limit

Robert Wood Johnson award fund (683-00-7328-7530).....	No limit
Federal scholarship for disadvantaged students fund (683-00-3094-3100).....	No limit
Temporary deposit fund (683-00-9058-9510) .....	No limit
Mandatory retirement annuity clearing fund (683-00-9143-9520) .....	No limit
Voluntary tax shelter annuity clearing fund (683-00-9168-9530) .....	No limit
Agency payroll deduction clearing fund (683-00-9194-9600) .....	No limit
Pre-tax parking clearing fund (683-00-9225-9200).....	No limit
University payroll fund (683-00-9807) .....	No limit
University federal fund (683-00-3148) .....	No limit
Leveraging educational assistance partnership federal fund (683-00-3223-3200) .....	No limit
Graduate medical education support fund (683-00-5653-5650).....	No limit
Johnson county education research triangle fund (683-00-2394-2390).....	No limit
Psychiatry medical loan repayment fund (683-00-7233-7233).....	No limit
Rural health bridging psychiatry fund (683-00-2218-2218).....	No limit
Cancer center research (683-00-2551-2700) .....	No limit
Graduate medical education reimbursement fund (683-00-2918-3050) .....	No limit
(c) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$125,000 for all such amounts, from the general fees fund (683-00-2108-2500) to the following funds: Federal nursing student loan fund (683-00-7517-7570); federal student education opportunity grant fund (683-00-3255-3510); federal college work study fund (683-00-3256-3520); educational nurse faculty loan program fund (683-00-7505-7540); federal health professions/primary care student loan fund (683-00-7516-7560).	
(d) During the fiscal year ending June 30, 2020, and within the limits of appropriations therefor, the university of Kansas medical center may enter into contracts to purchase additional malpractice insurance	

for medical students enrolled at the university of Kansas medical center while in clinical training at the university of Kansas medical center or at other health care institutions.

Sec. 108.

WICHITA STATE UNIVERSITY

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

Operating expenditures (including  
official hospitality) (715-00-1000-0003) .....\$63,611,941

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Aviation research (715-00-1000-0015) .....\$10,000,000

*Provided*, That any unencumbered balance in the aviation research account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all moneys in the aviation research account expended for fiscal year 2020 shall be matched by Wichita state university on a \$1 for \$1 basis from other moneys of Wichita state university: *And provided further*, That Wichita state university shall submit a plan to the house committee on appropriations, the senate committee on ways and means and the governor as to how aviation research-related activities create additional jobs in the state and other economic value, particularly for and with the private sector, for fiscal year 2020.

Technology transfer facility (715-00-1000-0005) .....\$2,000,000

Aviation infrastructure (715-00-1000-0010).....\$5,200,000

*Provided*, That during the fiscal year ending June 30, 2020, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the aviation infrastructure account for fiscal year 2020 by Wichita state university by this or other appropriation act of the 2019 regular session of the legislature, the moneys appropriated in the aviation infrastructure account for fiscal year 2020 may only be expended for training and equipment expenditures of the national center for aviation training.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund (715-00-2112).....No limit

*Provided*, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund (715-00-2558) ..... No limit  
*Provided*, That restricted fees shall be limited to receipts for the following accounts: Summer school workshops; technology equipment; concert course; dramatics; continuing education; flight training; gifts and grants (for teaching, research, and capital improvements); capital improvements; testing service; state department of education (vocational); investment income from bequests; sale of surplus books and art objects; public service; veterans counseling and educational benefits; sponsored research; campus privilege fee; student activities; national defense education programs; engineering equipment fee; midwestern student exchange; departmental receipts – for all sales, refunds and other collections or receipts not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures from this fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff at the student health center: *And provided further*, That expenditures may be made from this fund for official hospitality.

Service clearing fund (715-00-6008) ..... No limit  
*Provided*, That the service clearing fund shall be used for the following service activities: Central service duplicating and reproducing bureau; automobiles; furniture stores; postal clearing; telecommunications; computer services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Faculty of distinction

matching fund (715-00-2477-2400) ..... No limit

Kansas career work study

program fund (715-00-2536-2020) ..... No limit

Scholarship funds fund (715-00-7211-7000) ..... No limit

Sponsored research

overhead fund (715-00-2908-2080) ..... No limit

Economic opportunity act – federal fund (715-00-3265-3100) .....	No limit
Educational opportunity grant – federal fund (715-00-3266-3110) .....	No limit
Nine month payroll clearing account fund (715-00-7717-7030).....	No limit
Pell grants federal fund (715-00-3366-3120) .....	No limit
Housing system suspense fund (715-00-5705-5160).....	No limit
WSU housing system depreciation and replacement fund (715-00-5800-5260).....	No limit
National direct student loan fund (715-00-7519-7010).....	No limit
WSU housing systems revenue fund (715-00-5100-5250) .....	No limit
WSU housing system surplus fund (715-00-5620-5270).....	No limit
University federal fund (715-00-3149-3140).....	No limit
<i>Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.</i>	
Center of innovation for biomaterials in orthopaedic research – Wichita state university fund (715-00-2750-2700).....	No limit
Kan-grow engineering fund – WSU (715-00-2155-2155).....	No limit
Aviation research fund (715-00-2052-2052).....	No limit
Temporary deposit fund (715-00-9059-9500) .....	No limit
Suspense fund (715-00-9077) .....	No limit
Mandatory retirement annuity clearing fund (715-00-9144-9520) .....	No limit
Voluntary tax shelter annuity clearing fund (715-00-9169-9530) .....	No limit
Agency payroll deduction clearing fund (715-00-9198-9400) .....	No limit
Pre-tax parking clearing fund (715-00-9226-9200) .....	No limit



Parking system project KDFA bond  
revenue fund (715-00-5148-5000) ..... No limit

Parking system project  
maintenance KDFA revenue  
bond fund (715-00-5159-5040) ..... No limit

Sec. 109.

#### STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Tuition for

technical education (561-00-1000-0120) .....\$4,500,000

(b) The appropriation to the national guard educational assistance account (561-00-1000-1300) for the fiscal year ending June 30, 2019, authorized by section 93(a) of chapter 109 of the 2018 Session Laws of Kansas represents and includes the profits derived from the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto.

Sec. 110.

#### STATE BOARD OF REGENTS

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

Operating expenditures (including

official hospitality) (561-00-1000-0103) .....\$4,433,600

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That, during fiscal year 2020, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2020 by the state board of regents as authorized by this or other appropriation act of the 2019 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2020 for attendance at an in-state meeting by members of the state board of regents for participation in matters of educational interest to the state of Kansas, upon approval of such attendance and participation by the state board of regents: *And provided further*, That each member of the state board of regents attending an in-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature: *And provided further*, That, during fiscal year 2020, notwithstanding the provisions of any other statute and in ad-

dition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2020 by the state board of regents as authorized by this or other appropriation act of the 2019 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2020 for attendance at an out-of-state meeting by members of the state board of regents whenever under any provision of law such members of the state board of regents are authorized to attend the out-of-state meeting or whenever the state board of regents authorizes such members to attend the out-of-state meeting for participation in matters of educational interest to the state of Kansas: *And provided further*, That each member of the state board of regents attending an out-of-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature.

Midwest higher education  
commission (561-00-1000-0250).....\$95,000

State scholarship program (561-00-1000-4300).....\$1,035,919

*Provided*, That any unencumbered balance in the state scholarship program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures may be made from the state scholarship program account for the state scholarship program under K.S.A. 74-32,239, and amendments thereto, and for the Kansas distinguished scholarship program under K.S.A. 74-3278 through 74-3283, and amendments thereto: *And provided further*, That, of the total amount appropriated in the state scholarship program account, the amount dedicated for the Kansas distinguished scholarship program shall not exceed \$25,000.

Postsecondary education operating.....\$15,735,298

Comprehensive grant  
program (561-00-1000-4500) .....\$16,258,338

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

Ethnic minority  
scholarship program (561-00-1000-2410).....\$296,498

*Provided*, That any unencumbered balance in the ethnic minority scholarship program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Kansas work-study program (561-00-1000-2000) .....\$546,813

*Provided*, That any unencumbered balance in the Kansas work-study program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That the state board of regents is hereby authorized to transfer moneys from the Kansas work-study program account to the Kansas career work-study program fund of any institution under its jurisdiction participating in the Kansas work-study program established by K.S.A. 74-3274 et seq., and amendments thereto: *And provided further*, That all moneys transferred from this account to the Kansas career work-study program fund of any such institution shall be expended for and in accordance with the Kansas work-study program.

ROTC service scholarships (561-00-1000-4600) .....\$175,335

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

Military service scholarships (561-00-1000-1310) .....\$500,314

*Provided*, That any unencumbered balance in the military service scholarships account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all expenditures from the military service scholarships account shall be made for scholarships awarded under the military service scholarship program act, K.S.A. 74-32,227 through 74-32,232, and amendments thereto.

Teachers scholarship

program (561-00-1000-0800) .....\$1,547,023

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

National guard educational

assistance (561-00-1000-1300) .....\$3,000,434

*Provided*, That any unencumbered balance in the national guard educational assistance account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That moneys in the national guard educational assistance account represent and include the profits derived from the veterans benefit game pursuant to K.S.A. 74-8724, and amendments thereto.

Career technical

workforce grant (561-00-1000-2200) .....\$114,075

*Provided*, That any unencumbered balance in the career technical workforce grant account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Nursing student scholarship

program (561-00-1000-4100) .....\$417,255

*Provided*, That any unencumbered balance in the nursing student scholarship program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Optometry education  
program (561-00-1000-1100) .....\$107,089

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

Municipal university  
operating grant (561-00-1000-1010) .....\$12,213,922

Adult basic education (561-00-1000-0900) .....\$1,457,031

Postsecondary tiered technical education  
state aid (561-00-1000-0760).....\$59,830,665

*Provided*, That if the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2020, by this or other appropriation act of the 2019 regular session of the legislature, in the postsecondary tiered technical education state aid account (561-00-1000-0760) is \$58,300,000 or greater, then the difference between the amount of moneys appropriated for the fiscal year 2020 and \$58,300,000 shall be distributed based on each eligible institution’s calculated gap, according to the postsecondary tiered technical education state aid act, K.S.A. 71-1801 through 71-1810, and amendments thereto, as determined by the state board of regents:  
*Provided further*, That if the amount of moneys appropriated for the above agency for fiscal year 2020 is less than \$58,300,000, then each eligible institution shall receive an amount of moneys proportionally adjusted to equal the amount of moneys such eligible institution received in fiscal year 2016.

Non-tiered course credit  
hour grant (561-00-1000-0550) .....\$78,503,473

*Provided*, That if the amount of moneys appropriated for the above agency for the fiscal year ending June 30, 2020, by this or other appropriation act of the 2019 regular session of the legislature, in the non-tiered course credit hour grant account is \$76,496,329 or greater, then the difference between the amount of moneys appropriated for the fiscal year 2020 and \$76,496,329 shall be distributed based on each eligible institution’s calculated gap, as determined by the state board of regents.

Technology equipment at community colleges and  
Washburn university (561-00-1000-0500) .....\$398,475

*Provided*, That the state board of regents is hereby authorized to make expenditures from the technology equipment at community colleges and Washburn university account for grants to community colleges and Wash-

burn university pursuant to grant applications for the purchase of technology equipment, in accordance with guidelines established by the state board of regents.

Vocational education capital

outlay aid (561-00-1000-0310) .....\$71,585

Tuition waivers (561-00-1000-1650).....\$134,657

Nurse educator

grant program (561-00-1000-4120).....\$188,126

*Provided*, That any unencumbered balance in the nurse educator grant program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all expenditures from the nurse educator grant program account shall be made for scholarships awarded under the nurse educator service scholarship program act.

Nursing faculty and supplies

grant program (561-00-1000-4130).....\$1,787,193

*Provided*, That any unencumbered balance in the nursing faculty and supplies grant program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That the state board of regents is hereby authorized to make grants to Kansas postsecondary educational institutions with accredited nursing programs from the nursing faculty and supplies grant program account for expansion of nursing faculty and laboratory supplies: *And provided further*, That such grants shall be either need-based or competitive and shall be matched on the basis of \$1 from the nursing faculty and supplies grant program account for \$1 from the postsecondary educational institution receiving the grant.

Postsecondary technical

education authority (561-00-1000-0750) .....\$19,871

Tuition for

technical education (561-00-1000-0120) .....\$29,050,000

*Provided*, That, any unencumbered balance in the tuition for technical education account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made by the above agency from the tuition for technical education account of the state general fund for fiscal year 2020, expenditures shall be made by the above agency from the tuition for technical education account of the state general fund for fiscal year 2020 for the payment of technical education tuition for adult students who are enrolled in technical education classes while obtaining a GED using the Accelerating Opportunity program: *And provided further*, That, such expenditures shall be in an amount not less than \$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, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Osteopathic medical service scholarship repayment fund (561-00-7216-6300).....	No limit
KAN-ED services fee fund (561-00-2814-2814) .....	No limit
Earned indirect costs fund – federal (561-00-3642-3600) .....	No limit
Faculty of distinction program fund (561-00-7200-7050).....	No limit
Paul Douglas teacher scholarship fund – federal (561-00-3879-3950) .....	No limit
GED credentials processing fees fund (561-00-2151-2100) .....	No limit
Tuition waiver gifts, grants and reimbursements fund (561-00-7230-7230).....	No limit
Adult basic education – federal fund (561-00-3042-3000) .....	No limit
Adult basic education – federal fund (561-00-3042) .....	No limit
Truck driver training fund (561-00-2172-4900) .....	No limit
Improving teacher quality grant federal fund (561-00-3526-3526) .....	No limit
State scholarship discontinued attendance fund (561-00-7213-6100) .....	No limit
Kansas ethnic minority fellowship program fund (561-00-7238-7600).....	No limit
Private postsecondary educational institution degree authorization expense reimbursement fee fund (561-00-2643-3300) .....	No limit
Substance abuse education fund – federal (561-00-3805-4000) .....	No limit
Nursing service scholarship program fund (561-00-7220-6800).....	No limit
Clearing fund (561-00-9029-9100).....	No limit
Conversion of materials and equipment fund (561-00-2433-3200).....	No limit

Motorcycle safety fund (561-00-2366-2360) .....	No limit
Financial aid services fee fund (561-00-2280-2800) .....	No limit
<i>Provided</i> , That expenditures may be made from the financial aid services fee fund for operating expenditures directly or indirectly related to the operating costs associated with student financial assistance programs administered by the state board of regents: <i>Provided further</i> , That the chief executive officer of the state board of regents is hereby authorized to fix, charge and collect fees for the processing of applications and other activities related to student financial assistance programs administered by the state board of regents: <i>And provided further</i> , That such fees shall be fixed in order to recover all or a part of the direct and indirect operating expenses incurred for administering such programs: <i>And provided further</i> , That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the financial aid services fee fund.	
Inservice education workshop fee fund (561-00-2266) .....	No limit
Optometry education repayment fund (561-00-7203-7100) .....	No limit
Teacher scholarship repayment fund (561-00-7205-7200) .....	No limit
Nursing service scholarship repayment fund (561-00-7210-7400) .....	No limit
Nurse educator service scholarship repayment fund (561-00-7231-7300) .....	No limit
ROTC service scholarship repayment fund (561-00-7232-7232) .....	No limit
Carl D. Perkins vocational and technical education – federal fund (561-00-3539-3539) .....	No limit
College access challenge grant program (561-00-3880-3955) .....	No limit
Kansas national guard educational assistance program repayment fund (561-00-7228-7000) .....	No limit
Grants fund (561-00-2525-2500) .....	No limit
Workforce development loan fund (561-00-7518-7900) .....	No limit

Regents clearing fund (561-00-9052-9200).....	No limit
Private and out-of-state postsecondary educational institution fee fund (561-00-2614-2610) .....	No limit
KanTRAIN federal fund (561-00-3578-3578) .....	No limit
USAC E-rate program federal fund (561-00-3920-3920) .....	No limit
WIOA youth activities federal fund (561-00-3039) .....	No limit
WIOA adult set-aside federal fund (561-00-3270) .....	No limit
WIOA dislocated workers set-aside federal fund (561-00-3428) .....	No limit
Temporary assistance for needy families federal fund (561-00-3323-3323) .....	No limit
Workforce data quality initiative federal fund (561-00-3237-3237) .....	No limit
Postsecondary education performance-based incentives fund (561-00-2777-2777) .....	\$125,000
Private donations, gifts, grants bequest fund (561-00-7262-7700).....	No limit
WIOA pilot demonstration research project (561-00-3237-3237).....	No limit

(c) During the fiscal year ending June 30, 2020, the chief executive officer of the state board of regents, with the approval of the director of the budget, may transfer any part of any item of appropriation in an account of the state general fund for the fiscal year ending June 30, 2020, to another item of appropriation in an account of the state general fund for fiscal year 2020. The chief executive officer of the state board of regents shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research. As used in this subsection, “account”: (1) Means the operating expenditures (including official hospitality) account of the state board of regents (561-00-1000-0103), the university of Kansas (682-00-1000-0023), the university of Kansas medical center (683-00-1000-0503), Kansas state university (367-00-1000-0003), Kansas state university veterinary medical center (368-00-1000-5003), Kansas state university extension systems and agriculture research programs (369-00-1000-1020) and (369-00-1000-1030), Wichita state university (715-00-1000-0003), Emporia state university (379-00-1000-0083), Pittsburg state university (385-00-1000-0063) and Fort Hays state university (246-00-1000-0013);



and (2) includes each other account of the state general fund of the state board of regents.

(d) (1) In addition to the other purposes for which expenditures may be made by any state educational institution from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 for such state educational institution as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by such state educational institution from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 for the purposes of capital improvement projects making energy and other conservation improvements: *Provided*, That such capital improvement projects are hereby approved for such state educational institution for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of issuance of one or more series of bonds by the Kansas development finance authority in accordance with that statute from time to time during fiscal year 2020: *Provided, however*, That no such bonds shall be issued until the state board of regents has first advised and consulted on any such project with the joint committee on state building construction: *Provided further*, That the amount of the bond proceeds that may be utilized for any such capital improvement project shall be subject to approval by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that such approval also may be given while the legislature is in session: *And provided further*, That, in addition to such project costs, any such amount of bond proceeds may include costs of issuance, capitalized interest and any required reserves for the payment of principal and interest on such bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That payments relating to principal and interest on such bonds shall be subject to and dependent upon annual appropriations therefor to the state educational institution for which the bonds are issued: *And provided further*, That each energy conservation capital improvement project for which bonds are issued for financing under this subsection shall be designed and completed in order to have cost savings sufficient to be equal to or greater than the cost of debt service on such bonds: *And provided further*, That the state board of regents shall prepare and submit a report to the committee on appropriations of the house of representatives and the committee on ways and means of the senate on the savings attributable to energy conservation capital improvements for which bonds are issued for financing under this subsection (d) (1) at the beginning of the 2020 regular session of the legislature.

(2) As used in this subsection, “state educational institution” includes each state educational institution as defined in K.S.A. 76-711, and amendments thereto.

(e) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2020, the following:

SEDIF – vocational education capital  
outlay aid (561-00-1900-1950) .....\$2,547,726

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the SEDIF – vocational education capital outlay aid account is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures from the SEDIF – vocational education capital outlay aid account for each grant of vocational education capital outlay aid shall be matched by the postsecondary institution awarded such grant in an amount which is equal to 50% of the grant.

SEDIF – technology innovation and  
internship program (561-00-1900-1960) .....\$179,284

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2019, in the SEDIF – technology innovation and internship program account is hereby reappropriated for fiscal year 2020.

SEDIF – EPSCOR (561-00-1900-1970).....\$993,265

Community and technical college  
competitive grants (561-00-1900-1980) .....\$500,000

*Provided*, That all moneys in the community and technical college competitive grants account shall be for grants awarded to community and technical colleges under a competitive grant program administered by the secretary of commerce: *Provided further*, That all expenditures from such account shall be for competitive grants to community and technical colleges that require a local match of nonstate moneys on a \$1 for \$1 basis, from either the college or private industry partner, and that will develop innovative programs with private companies needing specific job skills or will meet other industry needs that cannot be addressed with current funding streams.

(f) (1) On July 1, 2019, the WIA adult set-aside federal fund (561-00-3270) of the state board of regents is hereby redesignated as the WIOA adult set-aside federal fund of the state board of regents.

(2) On July 1, 2019, the WIA youth activities federal fund (561-00-3039) of the state board of regents is hereby redesignated as the WIOA youth activities federal fund of the state board of regents.

(3) On July 1, 2019, the WIA dislocated workers federal fund (561-00-3428) of the state board of regents is hereby redesignated as the WIOA dislocated workers set-aside federal fund of the state board of regents.

(4) On July 1, 2019, the WIA pilot demonstration research project (561-00-3237-3237) of the state board of regents is hereby redesignated as the WIOA pilot demonstration research project of the state board of regents.

Sec. 111.

#### DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (521-00-1000-0603) .....	\$897,168
Treatment and programs – medical and mental (521-00-1000-0152) .....	\$2,850,944
Evidence-based programs (521-00-1000-0050) .....	\$6,000,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, 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:

WIOA adult activities –

federal fund (352-00-3270-3270) .....	No limit
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WIOA youth activities –

federal fund (352-00-3039-3039) .....	No limit
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WIOA dislocated worker activities –

federal fund (352-00-3428-3428) .....	No limit
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(c) On the effective date of this act, of the \$3,994,250 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 215(c) of chapter 104 of the 2017 Session Laws of Kansas from the state institutions building fund in the debt service – Topeka complex and Larned juvenile correctional facility account (521-00-8100-8119), the sum of \$162 is hereby lapsed.

Sec. 112.

#### DEPARTMENT OF CORRECTIONS

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

Operating expenditures (521-00-1000-0603) .....	\$33,363,871
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*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Operating expenditures –

juvenile services (521-00-1000-0103) .....	\$2,457,754
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*Provided*, That any unencumbered balance in the operating expenditures – juvenile services account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Evidence-based programs (521-00-1000-0050) .....\$12,485,102

*Provided*, That any unencumbered balance in the evidence-based programs account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That, notwithstanding the provisions of K.S.A. 2018 Supp. 75-52,164, and amendments thereto, or any other statute, expenditures may be made from this account to conduct research into, and development of, evidence-based practices to reduce offender behavior and recidivism among juveniles: *Provided, however*, That the expenditures for such research and development shall not exceed \$1,000,000.

Community corrections (521-00-1000-0220) .....\$20,246,526

*Provided*, That any unencumbered balance in the community corrections account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That no expenditures may be made by any county from any grant made to such county from the community corrections account for either half of state fiscal year 2020 that supplant any amount of local public or private funding of existing programs as determined in accordance with rules and regulations adopted by the secretary of corrections.

Local jail payments (521-00-1000-0510) .....\$800,000

*Provided*, That any unencumbered balance in the local jail payments account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That, notwithstanding the provisions of K.S.A. 19-1930, and amendments thereto, payments by the department of corrections under K.S.A. 19-1930(b), and amendments thereto, for the cost of maintenance of prisoners shall not exceed the per capita daily operating cost, not including inmate programs, for the department of corrections.

Treatment and programs –

offender programs (521-00-1000-0151).....\$4,990,523

*Provided*, That any unencumbered balance in the treatment and programs – offender programs account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Treatment and programs – medical

and mental (521-00-1000-0152).....\$70,184,824

*Provided*, That any unencumbered balance in the treatment and programs – medical and mental account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

## Treatment and programs –

KUMC contract (521-00-1000-0154) .....\$1,919,916

*Provided*, That any unencumbered balance in the treatment and programs – KUMC contract account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Purchase of services (521-00-1000-0300).....\$6,422,209

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

## Prevention and graduated sanctions

community grants (521-00-1000-0221).....\$19,388,026

*Provided*, That any unencumbered balance in the prevention and graduated sanctions community grants account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That money awarded as grants from the prevention and graduated sanctions community grants account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes.

## Topeka correctional facility –

facilities operations (660-00-1000-0303) .....\$16,033,887

*Provided*, That any unencumbered balance in the Topeka correctional facility – facilities operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from the Topeka correctional facility – facilities operations account for official hospitality shall not exceed \$500.

## Hutchinson correctional facility –

facilities operations (313-00-1000-0303) .....\$33,388,912

*Provided*, That any unencumbered balance in the Hutchinson correctional facility – facilities operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from the Hutchinson correctional facility – facilities operations account for official hospitality shall not exceed \$500.

## Lansing correctional facility –

facilities operations (400-00-1000-0303) .....\$36,091,162

*Provided*, That any unencumbered balance in the Lansing correctional facility – facilities operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from the Lansing correctional facility – facilities operations account for official hospitality shall not exceed \$500.

## Ellsworth correctional facility –

facilities operations (177-00-1000-0303) .....\$15,450,320

*Provided*, That any unencumbered balance in the Ellsworth correctional facility – facilities operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from the Ellsworth correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Winfield correctional facility –  
    facilities operations (712-00-1000-0303) .....\$13,974,888

*Provided*, That any unencumbered balance in the Winfield correctional facility – facilities operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from the Winfield correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Norton correctional facility –  
    facilities operations (581-00-1000-0303) .....\$16,759,613

*Provided*, That any unencumbered balance in the Norton correctional facility – facilities operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from the Norton correctional facility – facilities operations account for official hospitality shall not exceed \$500.

El Dorado correctional facility –  
    facilities operations (195-00-1000-0303) .....\$38,858,706

*Provided*, That any unencumbered balance in the El Dorado correctional facility – facilities operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from the El Dorado correctional facility – facilities operations account for official hospitality shall not exceed \$500: *Provided further*, That expenditures shall be made by the above agency from the El Dorado correctional facility – facilities operations account for the following salary increases: 15.9% for corrections officers I(A), corrections officers I(B), juvenile corrections officers I(A), juvenile corrections officers I(B), corrections officers II and juvenile corrections officers II; and 5.0% for employee classifications, as determined by the secretary of corrections, who routinely work with offenders: *And provided further*, That expenditures shall be made by the above agency from the El Dorado correctional facility – facilities operations account to operate and maintain full capacity at the El Dorado correctional facility with all existing cell blocks open and in service; *Provided further*, That expenditures shall be made from this account in an amount of not less than \$5,475,000 to outsource adult male offenders.

Larned correctional mental health facility –  
    facilities operations (408-00-1000-0303) .....\$11,748,424

*Provided*, That any unencumbered balance in the Larned correctional mental health facility – facilities operations account in excess of \$100 as

of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however,* That expenditures from the Larned correctional mental health facility – facilities operations account for official hospitality shall not exceed \$500.

Kansas juvenile correctional complex –

facilities operations (352-00-1000-0303) .....\$20,532,243

*Provided,* That any unencumbered balance in the Kansas juvenile correctional complex – facilities operations account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however,* That expenditures from the Kansas juvenile correctional complex – facilities operations account for official hospitality shall not exceed \$500: *Provided further,* That expenditures may be made from this account for educational services contracts, which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other accredited educational services providers.

Facilities operations (521-00-1000-0303).....\$15,866,555

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

Facilities shrinkage (521-00-1000) .....\$3,000,000

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

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Supervision fees fund (521-00-2116-2100) ..... No limit

Justice reinvestment technical assistance

for state governments project –

federal fund (521-00-3758-3758) ..... No limit

Residential substance abuse treatment –

federal fund (521-00-3006-3101) ..... No limit

Department of corrections forensic

psychologist fund (521-00-2492-2492)..... No limit

*Provided,* That expenditures may be made from the department of corrections forensic psychologist fund for general health care contract expenses.

Ed Byrne memorial

justice assistance grants –

federal fund (521-00-3057) ..... No limit

Violence against women – federal fund (521-00-3214) .....	No limit
Sex offender management grant – federal fund (521-00-3206-3206) .....	No limit
Department of corrections state asset forfeiture fund (521-00-2460-2400) .....	No limit
Prisoner reentry intv demo – federal fund (521-00-3063) .....	No limit
Victims of crime act – federal fund (521-00-3260) .....	No limit
Correctional industries fund (522-00-6126-7300) .....	No limit
<i>Provided</i> , That expenditures may be made from the correctional industries fund for official hospitality.	
Ed Byrne state and local law assistance – federal fund (521-00-3213-3213) .....	No limit
Bulletproof vest partnership – federal fund (521-00-3216-3216) .....	No limit
Safeguard community grants – federal fund (521-00-3225) .....	No limit
Workforce investment act – federal fund (521-00-3237-3237) .....	No limit
Workplace and community transition training – federal fund (521-00-3281-3281) .....	No limit
USMS reimbursement – federal fund (521-00-3562-3562) .....	No limit
Community awareness project – federal fund (521-00-3250-3250) .....	No limit
Corrections training and staff development – federal fund (521-00-3413-3413) .....	No limit
Second chance act – federal fund (521-00-3895-3895) .....	No limit
Alcohol and drug abuse treatment fund (521-00-2339-2110) .....	No limit
<i>Provided</i> , That expenditures may be made from the alcohol and drug abuse treatment fund for payments associated with providing treatment services to offenders who were driving under the influence of alcohol or drugs regardless of when the services were rendered.	
Juvenile delinquency prevention trust fund (521-00-7322-7000) .....	No limit



State of Kansas – department of corrections inmate benefit fund (521-00-7950-5350) .....	No limit
Department of corrections – alien incarceration grant fund – federal (521-00-3943-3800) .....	No limit
Department of corrections – general fees fund (521-00-2427-2450) .....	No limit
<i>Provided</i> , That expenditures may be made from the department of corrections – general fees fund for operating expenditures for training programs for correctional personnel, including official hospitality: <i>Provided further</i> , That the secretary of corrections is hereby authorized to fix, charge and collect fees for such programs: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: <i>And provided further</i> , That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the department of corrections – general fees fund.	
Topeka correctional facility – community development block grant – federal fund (660-00-3581-3100) .....	No limit
Topeka correctional facility – bureau of prisons contract – federal fund (660-00-3582-3200) .....	No limit
Topeka correctional facility – general fees fund (660-00-2090-2090) .....	No limit
Hutchinson correctional facility – general fees fund (313-00-2051-2000) .....	No limit
Lansing correctional facility – general fees fund (400-00-2040-2040) .....	No limit
Ellsworth correctional facility – general fees fund (177-00-2227-2000) .....	No limit
Winfield correctional facility – general fees fund (712-00-2237-2000) .....	No limit
Norton correctional facility – general fees fund (581-00-2238-2000) .....	No limit
El Dorado correctional facility – general fees fund (195-00-2252-2000) .....	No limit

Larned correctional mental health facility – general fees fund (408-00-2145-2000) .....	No limit
Community corrections supervision fund (521-00-2748-2748) .....	No limit
Community corrections special revenue fund (521-00-2447-2447) .....	No limit
Medical assistance program – federal fund (521-00-3414) .....	No limit
Title IV-E fund (521-00-3337) .....	No limit
Juvenile accountability incentive block grant – federal fund (521-00-3002) .....	No limit
Juvenile justice delinquency prevention – federal fund (521-00-3351) .....	No limit
Juvenile justice fee fund – central office (521-00-2257) .....	No limit
Juvenile justice federal fund – Kansas juvenile correctional complex (352-00-3359-3100) .....	No limit
Byrne grant – federal fund – Kansas juvenile correctional complex (352-00-3057-3057) .....	No limit
Byrne grant – federal fund (521-00-3353-3200) .....	No limit
Title V – delinquency prevention program – federal fund (521-00-3208) .....	No limit
Title VI-B special education federal fund .....	No limit
Title I program for neglected and delinquent children – federal fund (521-00-3009) .....	No limit
Improving teacher quality state grants – federal fund (521-00-3526-3526) .....	No limit
Kansas juvenile correctional complex – juvenile accountability block grant – federal fund (352-00-3002-3540) .....	No limit
National school lunch program – federal fund – Kansas juvenile correctional complex (352-00-3530-3530) .....	No limit
Kansas juvenile correctional complex fee fund (352-00-2321-2300) .....	No limit

Kansas juvenile correctional complex – Title I neglected and delinquent children – federal fund (352-00-3009-3009) .....	No limit
National school breakfast program – federal fund – Kansas juvenile correctional complex (352-00-3529-3529) .....	No limit
WIOA – adult activities – federal fund (352-00-3270-3270) .....	No limit
WIOA youth activities – federal fund (352-00-3039-3039) .....	No limit
WIOA – dislocated worker activities – federal fund (352-00-3428-3428) .....	No limit
Kansas juvenile correctional complex – gifts, grants and donations fund (352-00-7016-7000) .....	No limit
Dev/test/demo new prgs – Kansas juvenile correctional complex – federal fund (352-00-3207-3207) .....	No limit
Kansas juvenile correctional complex – improvement fund (352-00-2481-2400) .....	No limit
Comprehensive approach to sex offender management discretionary grant – Kansas juvenile correctional complex – federal fund (352-00-3206-3206) .....	No limit
Kansas juvenile justice improvement fund (521-00-2205-2205) .....	No limit
Juvenile alternatives to detention fund (521-00-2250) .....	No limit
<i>Provided</i> , That notwithstanding the provisions of K.S.A. 79-4803, and amendments thereto, or any other statute, expenditures may be made by the above agency from the juvenile alternatives to detention fund for per diem payments to detention centers: <i>Provided, however</i> , That expendi- tures from the juvenile alternatives to detention fund for per diem pay- ments to detention centers shall not exceed \$2,258,988.	
Title VI-B special education fund .....	No limit
(c) During the fiscal year ending June 30, 2020, the secretary of correc- tions, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2020, from the state general fund for the department of corrections or any correctional	

institution, correctional facility or juvenile facility under the general supervision and management of the secretary of corrections to another item of appropriation for fiscal year 2020 from the state general fund for the department of corrections or any correctional institution, correctional facility or juvenile facility under the general supervision and management of the secretary of corrections. The secretary of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) Notwithstanding the provisions of K.S.A. 75-3731, and amendments thereto, or any other statute, the director of accounts and reports shall accept for payment from the secretary of corrections any duly authorized claim to be paid from the local jail payments account (521-00-1000-0510) of the state general fund during fiscal year 2020 for costs pursuant to K.S.A. 19-1930(b), and amendments thereto, even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act.

(e) Notwithstanding the provisions of K.S.A. 75-3731, and amendments thereto, or any other statute, the director of accounts and reports shall accept for payment from the director of Kansas correctional industries any duly authorized claim to be paid from the correctional industries fund (522-00-6126-7300) during fiscal year 2020 for operating or manufacturing costs even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act. The director of Kansas correctional industries shall provide to the director of the budget on or before September 15, 2019, a detailed accounting of all such payments made from the correctional industries fund during fiscal year 2019.

(f) During the fiscal year ending June 30, 2020, the secretary of corrections, with the approval of the director of the budget, may make transfers from the correctional industries fund (522-00-6126-7300) to the department of corrections – general fees fund (521-00-2427-2450). The secretary of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(g) During the fiscal year ending June 30, 2020, all expenditures made by the department of corrections from the correctional industries fund (522-00-6126-7300) shall be made on budget for all purposes of state accounting and budgeting for the department of corrections.

(h) In addition to the other purposes for which expenditures may be made by the department of corrections from the juvenile alternatives to detention fund (521-00-2250) for fiscal year 2020, notwithstanding the

provisions of K.S.A. 79-4803, and amendments thereto, the department of corrections is hereby authorized and directed to make expenditures from the juvenile alternatives to detention fund for fiscal year 2020 for purchase of services.

(i) Notwithstanding the provisions of K.S.A. 2018 Supp. 75-52,164, and amendments thereto, or any other statute, during fiscal year 2020, the director of accounts and reports shall transfer the amount certified pursuant to K.S.A. 2018 Supp. 75-52,164(b), and amendments thereto, from each account of the state general fund of a state agency that has been determined by the secretary of corrections to be actual or projected cost savings to the evidence-based juvenile program account of the state general fund of the department of corrections: *Provided*, That the secretary of corrections shall transmit a copy of each such certification to the director of legislative research.

Sec. 113.

#### ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (034-00-1000-0053) .....	\$84,417
Rehabilitation and	
repair projects (034-00-1000-8000) .....	\$1,698,118
Disaster relief (034-00-1000-0200) .....	\$250,000

(b) On the effective date of this act, the expenditure limitation for official hospitality established for the fiscal year ending June 30, 2019, by section 141(a) of chapter 104 of the 2017 Session Laws of Kansas on the operating expenditures account (034-00-1000-0053) of the state general fund of the adjutant general is hereby increased from \$1,250 to \$2,500.

(c) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$120,000 from the state highway fund of the department of transportation to the office of emergency communications fund (034-00-2496-2496) of the adjutant general.

Sec. 114.

#### ADJUTANT GENERAL

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

Operating expenditures (034-00-1000-0053) .....	\$5,452,089
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*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,500.

Incident management team (034-00-1000-0105) .....\$15,554  
*Provided*, That any unencumbered balance in the incident management team account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Civil air patrol – operating  
expenditures (034-00-1000-0103) .....\$41,431

Disaster relief (034-00-1000-0200).....\$6,027,787  
*Provided*, That any unencumbered balance in the disaster relief account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Military activation payments (034-00-1000-0300) .....\$6,000  
*Provided*, That any unencumbered balance in the military activation payments account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020; *Provided further*, That all expenditures from the military activation payments account shall be for military activation payments authorized by and subject to the provisions of K.S.A. 2018 Supp. 75-3228, and amendments thereto.

Kansas military  
emergency relief (034-00-1000-0400) .....\$9,881

*Provided*, That expenditures may be made from the Kansas military emergency relief account for grants and interest-free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and members and families of the reserve forces of the United States of America who are Kansas residents, during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: *Provided further*, That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies: *And provided further*, That any moneys received by the adjutant general in repayment of any grants or interest-free loans made from the Kansas military emergency relief account shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas military emergency relief account.

Kansas air national guard mission  
support personnel .....\$62,000

*Provided*, That expenditures shall be made from the Kansas air national guard mission support personnel account during fiscal year 2020 by the above agency to pay the state’s match of the salaries and wages for four

additional positions at McConnell air force base 184th intelligence wing: *Provided further*, That such positions shall perform such duties as the adjutant general shall assign, and serve in the unclassified service under the Kansas civil service act.

Any unencumbered balance in excess of \$100 as of June 30, 2019, in each of the following accounts is hereby reappropriated for fiscal year 2020: Force protection, calibrators decommission and replacement, environmental clean-up projects.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas intelligence fusion center fund..... No limit

General fees fund (034-00-2102) ..... No limit

*Provided*, That the adjutant general is hereby authorized to fix, charge and collect fees agreed upon in memorandums of understanding with other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *Provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred under the provisions of the memorandums of understanding with other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further*, That all fees received pursuant to such memorandums of understanding shall be deposited in the state treasury in accordance with the provisions of K.S.A.75-4215, and amendments thereto, and shall be credited to the general fees fund.

Office of emergency communications

fund (034-00-2496-2496) ..... No limit

*Provided*, That the adjutant general is hereby authorized to fix, charge and collect fees for recovery of costs associated with the use of the above agency's communication equipment by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *Provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the above agency's communication equipment by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further*, That all fees received for use of the above agency's communication equipment by other state agencies, local government agencies, for-profit organizations or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the office of emergency communications fund.

Conversion of materials and equipment fund – military division (034-00-2400-2030) .....	No limit
Adjutant general expense fund (034-00-2357).....	No limit
State asset forfeiture fund (034-00-2498-2498) .....	No limit
State emergency fund (034-00-2437) .....	No limit
State emergency fund weather disasters 5/4/2007 (034-00-2441) .....	No limit
State emergency fund weather disasters 12/06, 7/07 (034-00-2445) .....	No limit
Disaster grants – public assistance federal fund (034-00-3005) .....	No limit
National guard military operations/maintenance federal fund (034-00-3055-3300) .....	No limit
Econ adjustment/military installation federal fund (034-00-3196-3196) .....	No limit
Disaster assistance to individual/household federal fund (034-00-3405-3405) .....	No limit
Interoperability communication equipment fund (034-00-3449-3449).....	No limit
Pre-disaster mitigation – federal fund (034-00-3268-3269) .....	No limit
Hazard material training and planning – federal fund (034-00-3121-3310) .....	No limit
State homeland security program federal fund (034-00-3629-3629) .....	No limit
Nuclear safety emergency management fee fund (034-00-2081-2200) .....	No limit
<i>Provided, That, notwithstanding the provisions of any other statute, the adjutant general may make transfers of moneys from the nuclear safety emergency management fee fund to other state agencies for fiscal year 2020 pursuant to agreements, which are hereby authorized to be entered into by the adjutant general with other state agencies to provide appropriate emergency management plans to administer the Kansas nuclear safety emergency management act, K.S.A. 48-940 et seq., and amendments thereto.</i>	
Military fees fund – federal (034-00-2152) .....	No limit
<i>Provided, That all moneys received by the adjutant general from the federal government for reimbursement for expenditures made under agree-</i>	



ments with the federal government shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the military fees fund – federal.

Armories and units general

fees fund (034-00-2171-2010) ..... No limit

Emergency systems for advanced registration

for volunteer health professionals –

federal fund (034-00-3748-3748) ..... No limit

Civil air patrol – grants and contributions –

federal fund (034-00-7315-7000) ..... No limit

Emergency management performance grant –

federal fund (034-00-3342-3342) ..... No limit

NG – federal forfeiture fund (034-00-2184-2100) ..... No limit

Inaugural expense fund (034-00-2003-2300) ..... No limit

Kansas military emergency

relief fund (034-00-2658-2650) ..... No limit

*Provided*, That expenditures may be made from the Kansas military emergency relief fund for grants and interest-free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and members and families of the reserve forces of the United States of America who are Kansas residents, during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: *Provided further*, That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies: *And provided further*, That any moneys received by the adjutant general in repayment of any grants or interest-free loans made from the Kansas military emergency relief fund shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas military emergency relief fund.

Emergency management assistance compact

federal fund (034-00-3609-3605) ..... No limit

Public safety interoperable

communications grant program

federal fund (034-00-3340-3340) ..... No limit

Military construction national guard

federal fund (034-00-3192-3192) ..... No limit

National guard civilian youth opportunities federal fund (034-00-3193-3193) .....	No limit
Hazard mitigation grant federal fund (034-00-3019) .....	No limit
Citizen corps federal fund (034-00-3341-3341) .....	No limit
Law enforcement terrorism prevention program federal fund (034-00-3613-3600) .....	No limit
Safe and drug-free schools and communities national programs federal fund (034-00-3569-3569) .....	No limit
National guard museum assistance fund (034-00-8306-8300) .....	No limit
<i>Provided</i> , That all expenditures from the national guard museum assistance fund shall be made for an expansion of the 35th infantry division museum and education center facility.	
Great plains joint regional training center fee fund (034-00-2688-2688) .....	No limit
<i>Provided</i> , That expenditures may be made from the great plains joint regional training center fee fund for use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: <i>Provided further</i> , That the adjutant general is hereby authorized to fix, charge and collect fees for recovery of costs associated with the use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: <i>And provided further</i> , That all fees received for use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the great plains joint regional training center fee fund.	
State and local implementation grant program – federal fund (034-00-3576-3576) .....	No limit
Military honors funeral fund (034-00-2789-2789) .....	No limit
<i>Provided</i> , That the adjutant general is hereby authorized to accept gifts and donations of money during fiscal year 2020 for military funeral honors	

or purposes related thereto: *Provided further*, That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the military honors funeral fund.

Fire management assistance grant –

federal fund (034-00-3320-3320) ..... No limit

Kansas national guard counter drug state

forfeiture fund ..... No limit

(c) In addition to the other purposes for which expenditures may be made by the adjutant general from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the adjutant general from such moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020, notwithstanding the provisions of K.S.A. 48-205, and amendments thereto, or any other statute, in addition to other positions within the adjutant general's department in the unclassified service as prescribed by law for additional positions in the unclassified service under the Kansas civil service act: *Provided*, That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, the adjutant general may appoint a deputy adjutant general, who shall have no military command authority, and who may be a civilian and shall have served at least five years as a commissioned officer with the Kansas national guard, who will perform such duties as the adjutant general shall assign, and who will serve in the unclassified service under the Kansas civil service act: *Provided further*, That the position of such deputy adjutant general in the unclassified service under the Kansas civil service act shall be established by the adjutant general within the position limitation established for the adjutant general on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 2020 made by this or other appropriation act of the 2019 regular session of the legislature.

(d) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$320,000 from the state highway fund of the department of transportation to the office of emergency communications fund (034-00-2496-2496) of the adjutant general.

(e) During the fiscal year ending June 30, 2020, the adjutant general, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2020, from the state general fund for the adjutant general to another item of appropriation for fiscal year 2020 from the state general fund for the adjutant general: *Provided*, That

the adjutant general shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 115.

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, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law, purchases of nationally recognized adopted codes for resale and federally reimbursed overtime, shall not exceed the following:

Fire marshal fee fund (234-00-2330-2000) .....	\$5,963,108
<i>Provided</i> , That expenditures from the fire marshal fee fund for official hospitality shall not exceed \$1,000.	
Boiler inspection fee fund (234-00-2128-2128) .....	No limit
Gifts, grants and donations fund (234-00-7405-7400) .....	No limit
Intragovernmental service fund (234-00-6160-6000) .....	No limit
Explosives regulatory and training fund (234-00-2361-2361) .....	No limit
State fire marshal liquefied petroleum gas fee fund (234-00-2608-2600) .....	No limit
Emergency response fund (234-00-2589) .....	No limit
<i>Provided</i> , That expenditures may be made by the state fire marshal from the emergency response fund for fiscal year 2020 for the purposes of responding to specific incidences of emergencies related to hazardous materials or search and rescue incidents without prior approval of the state finance council: <i>Provided, however</i> , That expenditures from the emergency response fund during fiscal year 2020 for the purposes of responding to any specific incidence of an emergency related to hazardous materials or search and rescue incidents without prior approval by the state finance council shall not exceed \$25,000, except upon approval by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that such approval also may be given while the legislature is in session.	
Fire safety standard and firefighter protection act enforcement fund (234-00-2694-2620) .....	No limit

Cigarette fire safety standard and firefighter protection act fund (234-00-2696-2630).....	No limit
Non-fuel flammable or combustible liquid aboveground storage tank system fund (234-00-2626-2610) .....	No limit
Homeland security grant – federal fund (234-00-3199) .....	No limit
FFY12 HMEP grant – federal fund (234-00-3121-3121) .....	No limit
Contract inspections fund (234-00-6122-6122) .....	No limit

(b) During the fiscal year ending June 30, 2020, notwithstanding the provisions of any other statute, the state fire marshal, with the approval of the director of the budget, may transfer funds from the fire marshal fee fund (234-00-2330-2000) to the emergency response fund (234-00-2589) of the state fire marshal. The state fire marshal shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research and the director of the budget: *Provided*, That the aggregate amount of such transfers for the fiscal year ending June 30, 2020, shall not exceed \$500,000.

(c) During the fiscal year ending June 30, 2020, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund (234-00-2330-2000) during fiscal year 2020, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2020 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2020 in accordance with the provisions of appropriation acts, the director of the budget shall certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the emergency response fund (234-00-2589) to the fire marshal fee fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the fire marshal fee fund for the remainder of fiscal year 2020 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(d) During the fiscal year ending June 30, 2020, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited

to the fire marshal fee fund (234-00-2330-2000) and any other resources available to the fire marshal fee fund during the fiscal year 2020, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2020 are insufficient to meet in full the estimated expenditures for fiscal year 2020 as they become due to meet the financial obligations imposed by law on the fire marshal fee fund as a result of a cash flow shortfall, within the authorized budgeted expenditures in accordance with the provisions of appropriation acts, the director of the budget is authorized and directed to certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of money specified in such certification from the state general fund to the fire marshal fee fund in order to maintain the cash flow of the fire marshal fee fund for such purposes for fiscal year 2020: *Provided*, That the aggregate amount of such transfers during fiscal year 2020 pursuant to this subsection shall not exceed \$500,000. Within one year from the date of each such transfer to the fire marshal fee fund pursuant to this subsection, the director of accounts and reports shall transfer the amount equal to the amount transferred from the state general fund to the fire marshal fee fund from the fire marshal fee fund to the state general fund in accordance with a certification for such purpose by the director of the budget. At the same time as the director of the budget transmits any certification under this subsection to the director of accounts and reports during fiscal year 2019, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 116.

#### 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 \$46,741 from the Kansas highway patrol operations fund (280-00-2034-1100) to the state highway fund of the department of transportation.

(b) During the fiscal year ending June 30, 2019 or June 30, 2020, in addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2019 or 2020 by the above agency by this or other appropriation act of the 2018 or 2019 regular session of the legislature, expenditures shall be made by the above agency from such fund to purchase three new statehouse x-ray machines for statehouse security in an amount not to exceed \$150,133.

Sec. 117.

#### 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, 2020, all

moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund (280-00-2179-2200) ..... No limit

*Provided*, That all moneys received from the sale of used equipment, recovery of and reimbursements for expenditures and any other source of revenue shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund, except as otherwise provided by law: *Provided further*, That notwithstanding the provisions of article 66 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto, in addition to the other purposes for which expenditures may be made by the above agency from the general fees fund, expenditures shall be made by the above agency from such fund to sell the personal sidearm, with a trigger lock, of a part-time state law enforcement officer to such officer, subject to the following: (1) Such officer is resigning; (2) the sale of such personal sidearm shall be for the amount equal to the total of the fair market value of the sidearm, as fixed by the superintendent, plus the cost of the trigger lock; and (3) no sale of a personal sidearm shall be made to any resigning officer unless the superintendent determines that the employment record and performance evaluations of each such officer are satisfactory: *And provided further*, That all proceeds from the sale of personal sidearms and trigger locks shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

For patrol of Kansas

turnpike fund (280-00-2514-2500) ..... No limit

*Provided*, That expenditures shall be made from the for patrol of Kansas turnpike fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

Highway patrol motor

vehicle fund (280-00-2317-2800) ..... No limit

State forfeiture

fund – pending (280-00-2264-2264) ..... No limit

Kansas highway patrol state

forfeiture fund (280-00-2413-2100) ..... No limit

*Provided*, That, notwithstanding the provisions of K.S.A. 60-4117, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2020, expenditures may be made from the Kansas highway patrol state forfeiture fund for salaries and wages, and associated fringe benefits of non-supervisory personnel.

Disaster grants – public assistance – federal fund (280-00-3005-3005) .....	No limit
Edward Byrne memorial assistance grant – state and local law enforcement – federal fund (280-00-3213-3213) .....	No limit
Bulletproof vest partner – federal fund (280-00-3216-3216) .....	No limit
Performance registration information system management – federal fund (280-00-3239-3239) .....	No limit
Commercial vehicle information system network – federal fund (280-00-3244-3244) .....	No limit
Highway planning and construction – federal fund (280-00-3333-3333) .....	No limit
KHP federal forfeiture – federal fund (280-00-3545) .....	No limit
<i>Provided</i> , That expenditures may be made from the KHP federal forfeiture – federal fund by the above agency for the capital improvement project or projects for troop F headquarters.	
High intensity drug trafficking areas – federal fund (280-00-3615-3000) .....	No limit
Homeland security program – federal fund (280-00-3629) .....	No limit
Edward Byrne memorial justice assistance grant – federal fund (280-00-3057) .....	No limit
Emergency ops cntr – federal fund (280-00-3808-3808) .....	No limit
State and community highway safety – federal fund (280-00-3815-3815) .....	No limit
Gifts and donations fund (280-00-7331) .....	No limit
<i>Provided</i> , That expenditures from the gifts and donations fund for official hospitality shall not exceed \$1,000.	
Motor carrier safety assistance program state fund (280-00-2208) .....	No limit
<i>Provided</i> , That expenditures shall be made from the motor carrier safety assistance program state fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.	



National motor carrier safety assistance program –

federal fund (280-00-3073) ..... No limit

*Provided*, That expenditures shall be made from the national motor carrier safety assistance program – federal fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

Aircraft fund – on budget (280-00-2368-2360) ..... No limit

Highway safety fund (280-00-2217-2250) ..... No limit

Capitol area security fund (280-00-6143-6100) ..... No limit

Vehicle identification number

fee fund (280-00-2213) ..... No limit

Motor vehicle fuel and storeroom

sales fund (280-00-6155-6200) ..... No limit

*Provided*, That expenditures may be made from the motor vehicle fuel and storeroom sales fund to acquire and sell commodities and to provide services to local governments and other state agencies: *Provided further*, That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for such commodities and services: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in acquiring or providing and selling such commodities and services: *And provided further*, That all fees received for such commodities and services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the motor vehicle fuel and storeroom sales fund.

Kansas highway patrol

operations fund (280-00-2034-1100) ..... \$52,692,000

*Provided*, That expenditures from the Kansas highway patrol operations fund for official hospitality shall not exceed \$3,000: *Provided further*, That expenditures may be made from the Kansas highway patrol operations fund for the purchase of civilian clothing for members of the Kansas highway patrol assigned to duties pursuant to K.S.A. 74-2105, and amendments thereto: *And provided further*, That the superintendent shall make expenditures from the Kansas highway patrol operations fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

Highway patrol training

center fund (280-00-2306) ..... No limit

*Provided*, That expenditures may be made from the highway patrol training center fund for use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: *Provided further*, That the superintendent of the Kansas highway patrol

is hereby authorized to fix, charge and collect fees for recovery of costs associated with use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the highway patrol training center by other state or local government agencies: *And provided further*, That all fees received for use of the highway patrol training center by other state agencies, local government agencies or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the highway patrol training center fund.

Executive aircraft fund (280-00-6144-6120) ..... No limit  
*Provided*, That expenditures may be made from the executive aircraft fund to provide aircraft services to other state agencies and to purchase liability and property damage insurance for state aircraft: *Provided further*, That the superintendent of the highway patrol is hereby authorized to fix, charge and collect fees for such aircraft services to other state agencies: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the executive aircraft fund.

1122 program clearing fund (280-00-7280) ..... No limit  
Kansas highway patrol staffing and  
training fund (280-00-2211-2211)..... No limit  
BAU fund..... No limit  
Homeland sec grant prog fund..... No limit

(b) On or before the 10th of each month during the fiscal year ending June 30, 2020, the director of accounts and reports shall transfer from the state general fund to the 1122 program clearing fund (280-00-7280-7280) interest earnings based on: (1) The average daily balance of moneys in the 1122 program clearing fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(c) On July 1, 2019, and January 1, 2020, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer an amount specified by the executive director of the state corporation commission, with the approval of the director of the budget, of not more than \$650,000 from the motor carrier license fees fund (143-00-2812-5500) of the state corporation commission to the motor carrier safety assistance program state fund (280-00-2208) of the Kansas highway patrol.

(d) On July 1, 2019, October 1, 2019, January 1, 2020, and April 1, 2020, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer \$13,173,000 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund (280-00-2034-1100) of the Kansas highway patrol for the purpose of financing the Kansas highway patrol operations. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2020 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2020 for support and maintenance of the Kansas highway patrol.

(e) On July 1, 2019, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$295,000 from the state highway fund of the department of transportation to the highway safety fund (280-00-2217-2250) of the Kansas highway patrol for the purpose of financing the motorist assistance program of the Kansas highway patrol.

(f) On July 1, 2019, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$250,000 from the state highway fund of the department of transportation to the general fees fund (280-00-2179-2200) of the Kansas highway patrol for the purpose of financing operating expenditures of the Kansas highway patrol.

(g) On July 1, 2019, and January 1, 2020, or as soon thereafter each such date as moneys are available, notwithstanding the provisions of K.S.A. 74-2136, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$300,000 from the highway patrol motor vehicle fund (280-00-2317-2800) of the Kansas highway patrol to the aircraft fund – on budget (280-00-2368-2360) of the Kansas highway patrol.

Sec. 118.

**ATTORNEY GENERAL – KANSAS  
BUREAU OF INVESTIGATION**

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, 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:

Opioid summit fund.....No limit

Sec. 119.

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, 2020, the following:

Operating expenditures (083-00-1000) .....\$23,147,971

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated to the operating expenditures account for fiscal year 2020: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$750: *Provided further*, That, if 2019 Substitute for Senate Bill No. 219, or any other legislation that requires the Kansas bureau of investigation to establish and maintain a database which shall be a central repository for the information required to be provided under K.S.A. 2018 Supp. 50-6,110, and amendments thereto, is not passed by the legislature during the 2019 regular session and enacted into law, then on July 1, 2019, of the amount appropriated for the above agency for the fiscal year ending June 30, 2020, by this section from the state general fund in the operating expenditures account, the sum of \$180,000 is hereby lapsed.

Meth lab cleanup (083-00-1000-0200) .....\$50,000

*Provided*, That any unencumbered balance in the meth lab cleanup account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That the above agency is hereby authorized to make expenditures from the meth lab cleanup account to contract for services for remediation of sites determined by law enforcement as hazardous resulting from the production of methamphetamine.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas bureau of investigation state  
forfeiture fund (083-00-2283) .....No limit

*Provided*, That expenditures made from the Kansas bureau of investigation state forfeiture fund shall not be considered a source of revenue to meet normal operating expenses, but for such special, additional law enforcement purposes including direct or indirect operating expenditures incurred for conducting educational classes and training for special agents and other personnel, including official hospitality.

Federal forfeiture fund (083-00-3940) .....No limit

*Provided*, That expenditures made from the federal forfeiture fund shall not be considered a source of revenue to meet normal operating expenses.

es, but for such special, additional law enforcement purposes including direct or indirect operating expenditures incurred for conducting educational classes and training for special agents and other personnel, including official hospitality.

High intensity drug trafficking area –  
federal fund (083-00-3349-3100) ..... No limit

Federal grants – marijuana eradication –  
federal fund (083-00-3350) ..... No limit

eCitation national priority safety program –  
federal fund (083-00-3092) ..... No limit

Ncs-x grant – federal fund (083-00-3580-3580) ..... No limit

Criminal justice information system  
line fund (083-00-2457) ..... No limit

*Provided*, That in addition to the other purposes for which expenditures may be made from the criminal justice information system line fund pursuant to K.S.A. 74-5707, and amendments thereto, expenditures may be made from the criminal justice information system line fund for salaries and wages, contractual services, commodities and capital outlay for the maintenance and support of the Kansas criminal justice information system.

DNA database fund (083-00-2676-2700) ..... No limit

Kansas bureau of investigation motor  
vehicle fund (083-00-2344-2050) ..... No limit

*Provided*, That expenditures may be made from the Kansas bureau of investigation motor vehicle fund to acquire and sell motor vehicles for the Kansas bureau of investigation: *Provided further*, That all moneys received for sale of motor vehicles of the Kansas bureau of investigation shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas bureau of investigation motor vehicle fund.

Forensic laboratory and materials  
fee fund (083-00-2077) ..... No limit

*Provided*, That expenditures may be made from the forensic laboratory and materials fee fund for the acquisition of laboratory equipment and materials and for other direct or indirect operating expenditures for the forensic laboratory of the Kansas bureau of investigation: *Provided, however*, That all expenditures from this fund of moneys received as Kansas bureau of investigation laboratory analysis fees pursuant to K.S.A. 28-176, and amendments thereto, shall be for the purposes authorized by K.S.A. 28-176(e), and amendments thereto: *Provided further*, That all fees received for such laboratory tests, including all moneys received pursuant to K.S.A. 28-176(a), and amendments thereto, shall be deposited in the

state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the forensic laboratory and materials fee fund.

General fees fund (083-00-2140)..... No limit  
*Provided*, That expenditures may be made from the general fees fund for direct or indirect operating expenditures incurred for the following activities: (1) Conducting education and training classes for special agents and other personnel, including official hospitality; (2) purchasing illegal drugs, making contacts and acquiring information leading to illegal drug outlets, contraband and stolen property, and conducting other activities for similar investigatory purposes; (3) conducting investigations and related activities for the Kansas lottery or the Kansas racing and gaming commission; (4) conducting DNA forensic laboratory tests and related activities; (5) preparing, publishing and distributing crime prevention materials; and (6) conducting agency operations: *Provided, however*, That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses incurred, except as otherwise hereinafter provided, for the following: (1) Education and training services made available to local law enforcement personnel in classes conducted for special agents and other personnel of the Kansas bureau of investigation; (2) investigations and related activities conducted for the Kansas lottery or the Kansas racing and gaming commission, except that the fees fixed for these activities shall be fixed in order to recover all of the direct and indirect expenses incurred for such investigations and related activities; (3) DNA forensic laboratory tests and related activities; and (4) sale and distribution of crime prevention materials: *Provided further*, That all fees received for such activities shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further*, That all moneys that are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and that are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further*, That all moneys received as gifts, grants or donations for the preparation, publication or distribution of crime prevention materials shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further*, That expenditures from any moneys received from the division of alcoholic beverage control and credited to the general fees fund may be made by the Kansas bureau of investigation for all purposes for which expenditures may be made for operating expenditures: *And*

*provided further*, That expenditures from any moneys received from the Kansas criminal justice information system committee and credited to the general fees fund may be made by the Kansas bureau of investigation for all purposes for which expenditures may be made for training activities and official hospitality.

Record check fee fund (083-00-2044-2010) ..... No limit

*Provided*, That the director of the Kansas bureau of investigation is authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses for criminal history record checks conducted for noncriminal justice entities including government agencies and private organizations: *Provided, however*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the record check fee fund: *Provided further*, That expenditures may be made from the record check fee fund for operating expenditures of the Kansas bureau of investigation.

Intergovernmental

service fund (083-00-6119-6100) ..... No limit

Agency motor pool fund (083-00-6117) ..... No limit

National criminal history improvement program

federal fund (083-00-3189-3189) ..... No limit

Public safety partnership

and community policing

federal fund (083-00-3218-3218) ..... No limit

Forensic DNA backlog reduction

federal fund (083-00-3226-3226) ..... No limit

Coverdell forensic sciences improvement

federal fund (083-00-3227-3227) ..... No limit

Anti-gang initiative

federal fund (083-00-3229-3229) ..... No limit

Homeland security federal fund (083-00-3199)..... No limit

State homeland security program

federal fund (083-00-3629-3629) ..... No limit

Convicted/arrestee DNA backlog reduction

federal fund (083-00-3489-3489) ..... No limit

Disaster grants – public assistance

federal fund (083-00-3005-3005) ..... No limit

Ed Byrne memorial justice assistance

federal fund (083-00-3057) ..... No limit

Ed Byrne state/local law enforcement	
federal fund (083-00-3213-3213) .....	No limit
Violence against women – ARRA	
federal fund (083-00-3214) .....	No limit
AWA implementation grant program	
federal fund (083-00-3228-3228) .....	No limit
Ed Byrne memorial JAG – ARRA	
federal fund (083-00-3455-3455) .....	No limit
Convicted offender/arrestee	
DNA backlog reduction	
federal fund (083-00-3489-3489) .....	No limit
KBI-FBI reimbursement	
federal fund (083-00-3506-3506) .....	No limit
Project safe	
neighborhoods fund (083-00-3217-3217) .....	No limit
Social security administration reimbursement –	
federal fund (083-00-3560-3560) .....	No limit
Bulletproof vest partnership –	
federal fund (083-00-3216-3211) .....	No limit
Sexual assault kit grant –	
federal fund (083-00-3146-3146) .....	No limit
Opioid summit fund .....	No limit

(c) During the fiscal year ending June 30, 2020, the attorney general may authorize full-time non-FTE unclassified permanent positions and regular part-time non-FTE unclassified permanent positions for the Kansas bureau of investigation that are paid from appropriations for the attorney general – Kansas bureau of investigation for fiscal year 2020 made by this act or other appropriation act of the 2019 regular session of the legislature, which shall be in addition to the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, authorized for fiscal year 2020 for the attorney general – Kansas bureau of investigation. The attorney general shall certify each such authorization for non-FTE unclassified permanent positions for the Kansas bureau of investigation to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the director of legislative research and the director of the budget.

Sec. 120.

EMERGENCY MEDICAL SERVICES BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all



moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Rural health options

grant fund (206-00-2329-2500) ..... No limit

Emergency medical services

operating fund (206-00-2326-4000) ..... \$1,627,198

*Provided*, That the emergency medical services board is hereby authorized to fix, charge and collect fees in order to recover costs incurred for distributing educational videos, replacing lost educational materials and mailing labels of those licensed by the board: *Provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the emergency medical services operating fund: *And provided further*, That, notwithstanding the provisions of K.S.A. 65-6128 or 65-6129b, and amendments thereto, or of any other statute, all moneys received by the emergency medical services board for fees authorized by law for licensure or the issuance of permits, or for any other regulatory duties and functions prescribed by law in the field of emergency medical services, shall be deposited in the state treasury to the credit of the emergency medical services operating fund of the emergency medical services board: *And provided further*, That expenditures from the emergency medical services operating fund for official hospitality shall not exceed \$2,000.

Education incentive grant

payment fund (206-00-2396-2510) ..... No limit

*Provided*, That the priority for award of education incentive grants shall be to award such grants to rural areas.

EMS revolving fund (206-00-2449-2400) ..... No limit

*Provided*, That, if an organization agrees to receive money from the EMS revolving fund, the organization shall enter into a grant agreement requiring such organization to submit a written report to the emergency medical services board detailing and accounting for all expenditures and receipts related to the use of the moneys received from the EMS revolving fund: *Provided further*, That the emergency medical services board shall prepare a written report specifying and accounting for all moneys allocated to and expended from the EMS revolving fund: *And provided further*, That such report shall be submitted to the house of representatives committee on appropriations and the senate committee on ways and means on or before February 1, 2020.

National bioterrorism hospital preparedness –

federal fund (206-00-3398-3398) ..... No limit

Highway safety – federal fund (206-00-3815).....	No limit
DHH-medicare rural hospital FLEX project – federal fund (206-00-3293) .....	No limit

(b) In addition to the other purposes for which expenditures may be made by the emergency medical services board from the emergency medical services operating fund (206-00-2326-4000) for fiscal year 2020 by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the emergency medical services board from the emergency medical services operating fund for fiscal year 2020 for the purpose of implementing a grant program for emergency medical services training and educational assistance for persons in underserved areas: *Provided*, That when issuing such grants, first priority shall be given to ambulance services submitting applications seeking grants to pay the cost of recruiting volunteers and cost of the initial courses of training for attendants and instructor-coordinators: *Provided further*, That the second priority shall be given to ambulance services submitting applications seeking grants to pay the cost of continuing education for attendants and instructor-coordinators: *And provided further*, That the third priority shall be given to ambulance services submitting applications seeking grants to pay the cost of education for attendants and instructor-coordinators who are obtaining a postsecondary education degree.

(c) In addition to the other purposes for which expenditures may be made by the emergency medical services board from the moneys appropriated from the state general fund or from any special revenue fund or funds for the emergency medical services board for fiscal year 2020, as authorized by this or any other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the emergency medical services board from moneys appropriated from the state general fund or from any special revenue fund or funds for the emergency medical services board for fiscal year 2020 to require emergency medical services agencies in each of the six EMS regions of the state to prepare and submit a report of the expenditures made and moneys received in each of the EMS regions that are related to the operation and administration of the Kansas emergency medical services regional operations to the emergency medical services board: *Provided*, That the report for each EMS region shall specify and account for all moneys appropriated from the state treasury for the emergency medical services board and disbursed to each such EMS region for the operation of the education and training of emergency medical attendants in each such EMS region.

(d) On July 1, 2019, and January 1, 2020, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer \$150,000 from the emergency medical services operating

fund (206-00-2326-4000) to the educational incentive grant payment fund (206-00-2396-2510) of the emergency medical services board.

(e) During the fiscal year ending June 30, 2020, the director of the budget and the director of legislative research shall consult periodical-ly and review the balance credited to and the estimated receipts to be credited to the emergency medical services operating fund (206-00-2326-4000) during fiscal year 2020, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the emergency medical services operating fund during fiscal year 2020 are insufficient to fund the budgeted expenditures and transfers from the emergency medical services operating fund for fiscal year 2020 in accordance with the provisions of appropriation acts, the director of the budget shall certify such funding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the education incentive grant pay-ment fund (206-00-2396-2510) to the emergency medical services oper-ating fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expen-ditures and transfers from the emergency medical services operating fund for the remainder of fiscal year 2020 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(f) During the fiscal year ending June 30, 2020, if any EMS regional council enters into a grant agreement with the emergency medical ser-vices board, such council shall be required to submit pursuant to such grant agreement a written report detailing and accounting for all expen-ditures and receipts of such council during such fiscal year. The emergen-cy medical services board shall prepare a written report specifying and accounting for all moneys received by and expended by each individual council that has reported to the emergency medical services board pur-suant to such grant agreement and submit such report to the house of representatives committee on appropriations and the senate committee on ways and means on or before February 1, 2020.

Sec. 121.

#### KANSAS SENTENCING COMMISSION

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

Operating expenditures (626-00-1000-0303) .....\$910,818

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$900.

Substance abuse  
treatment programs (626-00-1000-0600) .....\$8,878,088

*Provided*, That any unencumbered balance in the substance abuse treatment programs account in excess of \$100 as of June 30, 2019, is hereby re-appropriated for fiscal year 2020: *Provided further*, That, notwithstanding the provisions of K.S.A. 2018 Supp. 21-6824, and amendments thereto, or any other statute, in addition to other purposes for which expenditures may be made by the above agency from the substance abuse treatment program account of the state general fund during fiscal year 2020, expenditures may be made from such account for operating costs.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund (626-00-2201-2000) ..... No limit

Statistical analysis – federal fund (626-00-3600)..... No limit

Sec. 122.

KANSAS COMMISSION ON PEACE OFFICERS’  
STANDARDS AND TRAINING

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas commission on  
peace officers’ standards and  
training fund (529-00-2583-2580).....\$673,848

*Provided*, That expenditures from the Kansas commission on peace officers’ standards and training fund for official hospitality shall not exceed \$1,000.

Local law enforcement training  
reimbursement fund (529-00-2746-2700) ..... No limit

Sec. 123.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2019, for the state water plan project or projects specified, the following:

Kansas conservation reserve enhancement  
program fund (046-00-1800-1225).....\$162,972

(b) On the effective date of this act, of the \$1,948,289 appropriated for the above agency for the fiscal year ending June 30, 2019, by section

155(c) of chapter 104 of the 2017 Session Laws of Kansas from the state water plan fund in the water resources cost share account (046-00-1800-1205), the sum of \$162,972 is hereby lapsed.

Sec. 124.

#### KANSAS DEPARTMENT OF AGRICULTURE

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

Operating expenditures (046-00-1000-0053) .....\$9,672,755

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated to the operating expenditures account for fiscal year 2020: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$10,000.

Cattle trace (046-00-1000-0055).....\$250,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Dairy fee fund (046-00-2105-1015).....No limit

Meat and poultry inspection

fee fund (046-00-2004-0700) .....No limit

Plant protection

fee fund (046-00-2006-0900) .....No limit

Laboratory equipment

fund (046-00-2710-2700).....No limit

Water structures – state

highway fund (046-00-2043-1080) .....No limit

Soil amendment fee fund (046-00-2117-1100).....No limit

Agricultural liming materials

fee fund (046-00-2118-1200) .....No limit

Weights and measures

fee fund (046-00-2165-1500) .....No limit

Water appropriation

certification fund (046-00-2168-1600).....No limit

Water resources

cost fund (046-00-2110-1020) .....No limit

*Provided*, That all moneys received by the secretary of agriculture from any governmental or nongovernmental source to implement the provi-

sions of the Kansas water banking act, K.S.A. 2018 Supp. 82a-761 through 82a-773, and amendments thereto, which are hereby authorized to be applied for and received, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the water resources cost fund.

Agriculture seed	
fee fund (046-00-2187-2720) .....	No limit
Chemigation fee fund (046-00-2194-1800).....	No limit
Petroleum inspection	
fee fund (046-00-2550-2550) .....	No limit
Kansas agricultural	
remediation fund (046-00-2095-1090).....	No limit
Warehouse fee fund (046-00-2809-4700).....	No limit
U.S. geological survey	
cooperative gauge agreement	
grants fund (046-00-2629-2800).....	No limit
<i>Provided</i> , That the secretary of agriculture is hereby authorized to enter into a cooperative gauge agreement with the United States geological survey: <i>Provided further</i> , That all moneys collected for the construction or operation of river water intake gauges shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the U.S. geological survey cooperative gauge agreement grants fund: <i>And provided further</i> , That expenditures may be made from this fund to pay the costs incurred in the construction or operation of river water intake gauges.	
Agricultural chemical	
fee fund (046-00-2800-2900) .....	No limit
Feeding stuffs	
fee fund (046-00-2801-4000) .....	No limit
Fertilizer fee fund (046-00-2802-4100).....	No limit
Plant pest emergency	
response fund (046-00-2210-1805) .....	No limit
Pesticide use fee fund (046-00-2804-4300).....	No limit
Egg fee fund (046-00-2808-4600) .....	No limit
Water structures fund (046-00-2037-1075).....	No limit
Meat and poultry inspection	
fund – federal (046-00-3013) .....	No limit
EPA pesticide performance partnership grant –	
federal fund (046-00-3295-3290) .....	No limit

FEMA dam safety – federal fund (046-00-3362-3353) .....	No limit
State trade and export promotion – federal fund (046-00-3573-3576) .....	No limit
Conversion of materials and equipment fund (046-00-2402-2200) .....	No limit
Trademark fund (046-00-2333-2360) .....	No limit
Water structures USGS LIDAR grant (046-00-3080-3080) .....	No limit
Water structures NRCS LIDAR grant (046-00-3081-3081) .....	No limit
Specialty crop block grant fund (046-00-3463-3300) .....	No limit
Market development fund (046-00-2331-2351) .....	No limit
<i>Provided</i> , That expenditures may be made from the market development fund for official hospitality: <i>Provided further</i> , That expenditures may be made from the market development fund for loans pursuant to loan agreements, which are hereby authorized to be entered into by the secretary of agriculture: <i>And provided further</i> , That all moneys received by the department of agriculture for repayment of loans made under the agricultural value added center program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the market development fund.	
Reimbursement and recovery fund (046-00-2773-2294) .....	No limit
<i>Provided</i> , That expenditures may be made from the reimbursement and recovery fund for official hospitality.	
Conference registration and disbursement fund (046-00-2772-2101) .....	No limit
<i>Provided</i> , That expenditures may be made from the conference registration and disbursement fund for official hospitality.	
Buffer participation incentive fund (046-00-2517-2510) .....	No limit
Land reclamation fee fund (046-00-2542-2090) .....	No limit
Livestock brand fee fund (046-00-2011-2030) .....	No limit
Livestock market brand inspection fee fund (046-00-2007-2010) .....	No limit

Veterinary inspection	
fee fund (046-00-2009-2020) .....	No limit
Animal dealers	
fee fund (046-00-2207-2050) .....	No limit
<i>Provided</i> , That expenditures from the animal dealers fee fund for official hospitality shall not exceed \$300: <i>Provided further</i> , That expenditures shall be made from the animal dealers fee fund by the livestock commissioner for operating expenditures for an educational course regarding animals and their care and treatment as authorized by K.S.A. 47-1707, and amendments thereto, to be provided through the internet or printed booklets: <i>And provided further</i> , That, notwithstanding the provisions of any statute to the contrary, during fiscal year 2020 the Kansas department of agriculture may prorate license fees and alter license due dates as needed in order to transition to online license applications and renewals for the fiscal year ending June 30, 2020.	
Animal disease control	
fund (046-00-2202-2500).....	No limit
<i>Provided</i> , That expenditures from the animal disease control fund for official hospitality shall not exceed \$450.	
Health and human services retail food audit –	
federal fund (046-00-3429-3410) .....	No limit
Publications fee fund (046-00-2322-2000).....	No limit
<i>Provided</i> , That expenditures may be made from the publications fee fund for operating expenditures related to preparation and publication of informational or educational materials related to the programs or functions of the Kansas department of agriculture: <i>Provided further</i> , That, notwithstanding the provisions of K.S.A. 75-1005, and amendments thereto, to the contrary, the secretary of agriculture is hereby authorized to enter into a contract with a commercial publisher for the printing, distribution and sale of such materials: <i>And provided further</i> , That the secretary of agriculture is hereby authorized to collect fees from such commercial publisher pursuant to contract with the publisher for the sale of such materials: <i>And provided further</i> , That the secretary of agriculture is hereby authorized to receive and accept grants, gifts, donations or funds from any non-federal source for the printing, publication and distribution of such materials: <i>And provided further</i> , That all moneys received from such fees or for such grants, gifts, donations or other funds received for such purpose shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the publications fee fund.	
Homeland security grant –	
federal fund (046-00-3199-3436) .....	No limit



National floodplain insurance assistance (CAP) – federal fund (046-00-3445-3330) .....	No limit
Cooperating technical partners – federal fund (046-00-3203-3210) .....	No limit
Plant and animal disease & pest control – federal fund (046-00-3360) .....	No limit
Market protection/ promotion fund (046-00-3104-3315) .....	No limit
USDA Kansas forestry service – federal fund (046-00-3426-3380) .....	No limit
Food safety fee fund (046-00-2813-4805) .....	No limit
Gifts and donations fund (046-00-7305-7000) .....	No limit
<i>Provided</i> , That the secretary of agriculture is hereby authorized to receive gifts and donations of resources and money for services for the benefit and support of agriculture and purposes related thereto: <i>Provided further</i> , That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the gifts and donations fund.	
General fees fund (046-00-2346-2100) .....	No limit
<i>Provided</i> , That expenditures may be made from the general fees fund for operating expenditures for the regulatory programs of the Kansas department of agriculture and for official hospitality: <i>Provided further</i> , That the director of accounts and reports shall transfer an amount or amounts specified by the secretary of agriculture from any special revenue fund or funds of the department of agriculture that have available moneys to the general fees fund: <i>And provided further</i> , That the director of accounts and reports shall transmit a copy of such transfer request to the director of legislative research.	
Lodging fee fund (046-00-2456-2400) .....	No limit
Watershed protect approach/WTR RSRCE MGT fund (046-00-3889) .....	No limit
NRCS contribution agreement farm bill – federal fund (046-00-3917-3800) .....	No limit
Compliance education fee fund (046-00-2757-2757) .....	No limit
<i>Provided</i> , That all expenditures from the compliance education fee fund shall be for the purposes of compliance education: <i>Provided further</i> , That, notwithstanding the provisions of any statute to the contrary, during fiscal year 2020, the secretary of agriculture is hereby authorized to remit and designate amounts of moneys collected for civil fines and penalties by the	

department of agriculture to the state treasurer for deposit in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the compliance education fee fund: *And provided further*, That, upon receipt of each such remittance and designation, the state treasurer shall credit the entire amount of such remittance to the compliance education fee fund.

Laboratory testing services  
fee fund (046-00-2752-2752) ..... No limit

*Provided*, That expenditures may be made from the laboratory testing services fee fund for administrative operating expenditures of the agriculture laboratory of the Kansas department of agriculture: *Provided further*, That the director of accounts and reports shall transfer an amount or amounts specified by the secretary of agriculture from any special revenue fund or funds of the department of agriculture that have available moneys to the laboratory testing services fee fund: *And provided further*, That the director of accounts and reports shall transmit a copy of such transfer request to the director of legislative research.

Arkansas river gaging fund (046-00-2751-2751) ..... No limit

Food/drug administration/research (046-00-3462)..... No limit

Biofuel infrastructure  
program (046-00-3579-3579) ..... No limit

AMS farmers market  
promotion program (046-00-3588-3588)..... No limit

Grain commodity commission  
services fund (046-00-2018-1070)..... No limit

Commercial industrial hemp act licensing  
fee fund (046-00-2343-2343) ..... No limit

Plant/animal disease and pest control (046-00-3360) ..... No limit

Service member ag grant (046-00-3185-3185)..... No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2020, for the water plan project or projects specified, the following:

Water resources  
cost share (046-00-1800-1205) .....\$2,448,289

*Provided*, That any unencumbered balance in the water resources cost share account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That the initial allocation for grants to conservation districts for fiscal year 2020 shall be made on a priority basis, as determined by the secretary of agriculture and the provisions of the state water plan: *And provided further*, That expenditures from this account for

contractual technical expertise and/or non-salary administration expenditures for the division of conservation of the Kansas department of agriculture shall not exceed the amount equal to 6.0% of the budget amount for fiscal year 2020 for the water resources cost share account.

#### Nonpoint source

pollution assistance (046-00-1800-1210) .....\$1,857,836

*Provided*, That any unencumbered balance in the nonpoint source pollution assistance account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Conservation district aid (046-00-1800-1220).....\$2,192,637

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

#### Watershed dam

construction (046-00-1800-1240).....\$550,000

*Provided*, That any unencumbered balance in the watershed dam construction account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That expenditures from the watershed dam construction account are hereby authorized for engineering contracts for watershed planning as determined by the secretary of agriculture.

#### Kansas water quality

buffer initiatives (046-00-1800-1250) .....\$200,000

*Provided*, That any unencumbered balance in the Kansas water quality buffer initiatives account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all expenditures from the Kansas water quality buffer initiatives account shall be for grants or incentives to install water quality best management practices: *And provided further*, That such expenditures may be made from this account from the approved budget amount for fiscal year 2020 in accordance with contracts, which are hereby authorized to be entered into by the secretary of agriculture, for such grants or incentives.

#### Riparian and

wetland program (046-00-1800-1260) .....\$154,024

*Provided*, That any unencumbered balance in the riparian and wetland program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Basin management (046-00-1800-0080) .....\$608,949

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

Water use (046-00-1800-0075) .....	\$72,600
<i>Provided</i> , That any unencumbered balance in the water use account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	
Interstate water issues (046-00-1800-0070) .....	\$490,007
<i>Provided</i> , That any unencumbered balance in the interstate water issues account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	
Kansas conservation reserve enhancement	
program fund (046-00-1800-1225) .....	\$299,745
<i>Provided</i> , That any unencumbered balance in the Kansas conservation reserve enhancement program fund account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	
Streambank stabilization	
projects (046-00-1800-1290) .....	\$500,000
<i>Provided</i> , That any unencumbered balance in the streambank stabilization projects account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	
Irrigation technology (046-00-1800-0088) .....	\$100,000
<i>Provided</i> , That any unencumbered balance in the irrigation technology account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	
Crop and livestock research (046-00-1800) .....	\$350,000
<i>Provided</i> , That any unencumbered balance in the crop and livestock research account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	
(d) During the fiscal year ending June 30, 2020, the secretary of agriculture, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, or upon specific authorization in an appropriation act of the legislature, may transfer any part of any item of appropriation for fiscal year 2020 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2020 from the state water plan fund for the Kansas department of agriculture: <i>Provided</i> , That the secretary of agriculture shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to: (1) The director of legislative research; (2) the chairperson of the house of representatives agriculture and natural resources budget committee; and (3) the appropriate chairperson of the subcommittee on agriculture of the senate committee on ways and means.	

(e) On July 1, 2019, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$128,379 from the state highway fund of the department of transportation to the water structures – state highway fund (046-00-2043-1080) of the Kansas department of agriculture.

(f) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2020, the following:

Agriculture marketing

program (046-00-1900-1110) .....\$1,020,407

*Provided*, That expenditures may be made from the agriculture marketing program account for loans pursuant to loan agreements, which are hereby authorized to be entered into by the secretary of agriculture in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary of agriculture therefor under the agricultural value added center program.

Sec. 125.

STATE FAIR BOARD

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

Operating expenditures (373-00-1000-0103) .....\$150,000

*Provided*, That the above agency shall make expenditures from the operating expenditures account during the fiscal year 2020 to request assistance from other state agencies to negotiate with the city of Hutchinson on the increase of storm water charges and the electric company on how electricity is calculated.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law and remittances of sales tax to the department of revenue, shall not exceed the following:

State fair fee fund (373-00-5182-5100) .....No limit

*Provided*, That expenditures from the state fair fee fund for official hospitality shall not exceed \$10,000.

State fair special cash fund (373-00-9088-9000) .....No limit

State fair debt service special  
revenue fund (373-00-2267-2200) .....No limit

Sec. 126.

KANSAS WATER OFFICE

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

Water resources operating  
expenditures (709-00-1000-0303) .....\$996,532

*Provided*, That any unencumbered balance in the water resources operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,500.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Local water project  
match fund (709-00-2620-3200) .....No limit

*Provided*, That all moneys received from local government entities and instrumentalities to be used to match funds for water projects shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local water project match fund: *Provided further*, That all moneys credited to this fund shall be used to match state funds or federal funds, or both, for water projects.

Water supply storage  
assurance fund (709-00-2631) .....No limit

*Provided*, That no additional water supply storage space shall be purchased in Milford, Perry, Big Hill or Hillsdale reservoirs during fiscal year 2020, unless a contract is entered into under the state water plan storage act, K.S.A. 82a-1301 et seq., and amendments thereto, to supply water to users that is not held under contract in such reservoirs.

State conservation storage water  
supply fund (709-00-2502-2600) .....No limit

Water marketing fund (709-00-2255-2100) .....No limit  
*Provided*, That expenditures may be made from the water marketing fund for the purchase of vessel liability insurance.

General fees fund (709-00-2022-2000) .....No limit

*Provided*, That expenditures may be made from the general fees fund for operating expenditures for the Kansas water office, including training and informational programs and official hospitality: *Provided further*, That the director of the Kansas water office is hereby authorized to fix, charge and collect fees for such programs: *And provided further*, That fees for such programs shall be fixed in order to recover all or part of the operating expenses incurred for such programs, including official hospitality: *And provided further*, That all fees received for such programs and all fees received for providing access to or for furnishing copies of public records

shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Indirect cost fund (709-00-2419-2419) ..... No limit

Motor pool vehicle

replacement fund (709-00-6120-6100) ..... No limit

Reservoir storage beneficial

use fund (709-00-2673-2630) ..... No limit

*Provided*, That expenditures may be made by the above agency from the reservoir storage beneficial use fund to call water into service for beneficial uses or to complete studies or take actions necessary to ensure reservoir storage sustainability, subject to the availability of moneys credited to the reservoir storage beneficial use fund.

Republican river water

conservation projects – Nebraska

moneys fund (709-00-2690-2640) ..... No limit

Republican river water

conservation projects – Colorado

moneys fund (709-00-2691-2680) ..... No limit

Lower Smoky Hill water supply

access fund (709-00-2772-2700) ..... No limit

Milford RCPP federal fund (709-00-3022-3022) ..... No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2020, for the state water plan project or projects specified, the following:

Assessment and evaluation (709-00-1800-1110) ..... \$700,000

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

MOU – storage operations

and maintenance (709-00-1800-1150) ..... \$410,000

*Provided*, That any unencumbered balance in the MOU – storage operations and maintenance account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Stream gaging (709-00-1800-1190) ..... \$423,130

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

Technical assistance to

water users (709-00-1800-1200) ..... \$325,000

*Provided*, That any unencumbered balance in the technical assistance to water users account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Milford lake watershed regional conservation  
partnership program (709-00-1800-1280) .....\$200,000

*Provided*, That any unencumbered balance in the Milford lake watershed regional conservation partnership program account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Best management  
practices implementation (709-00-1800-1286) .....\$700,000

Water vision education (709-00-1800-1281) .....\$100,000

Reservoir bathymetric surveys and  
biological research (709-00-1800-1275).....\$350,000

*Provided*, That any unencumbered balance in the reservoir bathymetric surveys and biological research account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

Water technology farms (709-00-1800-1282).....\$75,000

Equus Beds aquifer chloride  
plume pilot (709-00-1800-1287) .....\$50,000

(d) During the fiscal year ending June 30, 2020, the director of the Kansas water office, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2020 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2020 from the state water plan fund for the Kansas water office: *Provided*, That the director of the Kansas water office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to: (1) The director of legislative research; (2) the chairperson of the house of representatives agriculture and natural resources budget committee; and (3) the appropriate chairperson of the subcommittee on natural resources of the senate committee on ways and means.

(e) During the fiscal year ending June 30, 2020, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund (709-00-2255-2100) of the Kansas water office as a result of a cash flow shortfall, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to maintain the cash flow of the water marketing fund upon approval of each such loan by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed



in K.S.A. 75-3711c(c), and amendments thereto. No such loan shall be made unless the terms have been approved by the director of the budget. A copy of the terms of each such loan shall be submitted to the director of legislative research. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall be repaid without interest within one year from the date of the loan.

(f) During the fiscal year ending June 30, 2020, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund (709-00-2255-2100) of the Kansas water office as a result of increases in water rates, fees or charges imposed by the federal government, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to reimburse the water marketing fund for increases in water rates, fees or charges imposed by the federal government and to allow the Kansas water office to spread such increases to consumers over a longer period, except that no such loan shall be made unless the terms thereof have been approved by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall bear interest at a rate equal to the net earnings rate for the pooled money investment portfolio at the time of the making of such loan. Such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Upon certification to the pooled money investment board by the director of the Kansas water office of the amount of each loan authorized pursuant to this subsection, the pooled money investment board shall transfer each such amount certified by the director of the Kansas water office from the state bank account or accounts to the water marketing fund of the Kansas water office. The principal and interest of each loan authorized pursuant to this subsection shall be repaid in payments payable at least annually for a period of not more than five years.

(g) During the fiscal year ending June 30, 2020, the director of accounts and reports shall transfer an amount or amounts specified by the director of the Kansas water office prior to April 1, 2020, from the water marketing fund (709-00-2255-2100) to the state general fund, in accordance with the provisions of the state water plan storage act, K.S.A. 82a-

1301 et seq., and amendments thereto, and rules and regulations adopted thereunder, for the purposes of making repayments to the state general fund for moneys advanced for annual capital cost payments for water supply storage space in reservoirs.

(h) During the fiscal year ending June 30, 2020, in addition to the other purposes for which expenditures may be made by the Kansas water office from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2020 by this or other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the Kansas water office from the state general fund or from any special revenue fund or funds for fiscal year 2020 to provide for the Kansas water office to lead database coordination of water quality and quantity data for all state water agencies and cooperating federal agencies to facilitate policy-making and such other matters relating thereto.

(i) Notwithstanding the provisions of K.S.A. 82a-1315c, and amendments thereto, or any other statute, on July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$414,574 from the water marketing fund (709-00-2255-2100) of the Kansas water office to the state general fund.

(j) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,260,426 from the state water plan fund to the state general fund: *Provided*, That the amount transferred from the state water plan fund to the state general fund pursuant to this subsection is to reimburse the state general fund for bond payments for the John Redmond reservoir dredging project.

(k) During the fiscal year ending June 30, 2020, the director of the Kansas water office shall certify to the director of accounts and reports the amount of moneys expended by the Kansas department of agriculture from the state general fund that is attributable to the administration of the state water plan storage act, K.S.A. 82a-1301 et seq., and amendments thereto, or the water assurance program act, K.S.A. 82a-1330 et seq., and amendments thereto: *Provided*, That upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the water marketing fund (709-00-2255-2100) of the Kansas water office to the state general fund: *Provided further*, That the director of the Kansas water office shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 127.

#### KANSAS DEPARTMENT OF WILDLIFE, PARKS AND TOURISM

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance coun-

cil by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the wildlife fee fund (710-00-2300-2890) of the Kansas department of wildlife, parks and tourism is hereby decreased from \$34,181,260 to \$33,237,046.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the parks fee fund (710-00-2122-2053) of the Kansas department of wildlife, parks and tourism is hereby increased from \$10,036,957 to \$10,575,999.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the boating fee fund (710-00-2245-2813) of the Kansas department of wildlife, parks and tourism is hereby decreased from \$1,180,077 to \$1,179,289.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by the state finance council by section 114(f) of chapter 109 of the 2018 Session Laws of Kansas on the department access roads fund (710-00-2178-2761) of the Kansas department of wildlife, parks and tourism is hereby decreased from \$1,681,693 to \$1,675,917.

(e) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2019, the following:

Operating expenditures (710-00-1900-1910) .....\$7,922

State parks operating  
expenditures (710-00-1900-1920) .....\$17,903

Travel and tourism operating  
expenditures (710-00-1900-1901) .....\$576

(f) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$59,630 from the state highway fund of the department of transportation to the department access roads fund (710-00-2178-2760) of the Kansas department of wildlife, parks and tourism.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2019 as authorized by section 226(e) of chapter 104 of the 2017 Session Laws of Kansas, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2019 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parks rehabilitation and  
repair projects (710-00-2122-2066) ..... \$180,500

Debt service – Kansas City  
district office (710-00-2122-2058)..... \$20,594

*Provided*, That all expenditures from such capital improvement accounts shall be in addition to any expenditure limitation imposed on the parks fee fund for fiscal year 2019.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2019 as authorized by section 226(g) of chapter 104 of the 2017 Session Laws of Kansas, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund for fiscal year 2019 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair (710-00-2300-3262)..... \$2,447,000

*Provided*, That all expenditures from such capital improvement account shall be in addition to any expenditure limitation imposed on the wildlife fee fund for fiscal year 2019.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2019 as authorized by section 226(f) of chapter 104 of the 2017 Session Laws of Kansas, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2019 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Coast guard boating projects (710-00-2245-2840)..... \$12,500

*Provided*, That all expenditures from such capital improvement account shall be in addition to any expenditure limitation imposed on the boating fee fund for fiscal year 2019.

(j) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 226(g) of chapter 104 of the 2017 Session Laws of Kansas on the land acquisition account of the wildlife fee fund (710-00-2300-3040) of the Kansas department of wildlife, parks and tourism is hereby decreased from \$400,000 to \$300,000.

(k) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 226(g) of chapter 104 of the 2017 Session Laws of Kansas on the state fishing lake projects account of the wildlife fee fund (710-00-2300-4320) of the Kansas department of wildlife, parks and tourism is hereby decreased from \$125,000 to \$87,500.

(l) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 226(i) of chapter 104 of the 2017 Session Laws of Kansas on the wetlands acquisition and development account of the wildlife restoration fund (710-00-3418-3420)

of the Kansas department of wildlife, parks and tourism is hereby decreased from \$450,000 to \$225,000.

(m) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 226(k) of chapter 104 of the 2017 Session Laws of Kansas on the wetlands acquisition account of the migratory waterfowl propagation and protection fund (710-00-2600-3330) of the Kansas department of wildlife, parks and tourism is hereby decreased from \$200,000 to \$100,000.

(n) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2019, by section 226(m) of chapter 104 of the 2017 Session Laws of Kansas on the recreational trails program account of the recreational trails program fund (710-00-3238-3238) of the Kansas department of wildlife, parks and tourism is hereby increased from \$400,000 to \$2,174,000.

Sec. 128.

KANSAS DEPARTMENT OF  
WILDLIFE, PARKS AND TOURISM

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

Operating expenditures (710-00-1900-1910) .....\$1,733,664

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,000: *Provided further*, That, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account for fiscal year 2020, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2020 to include a provision on the calendar year 2020 applications for hunting licenses, fishing licenses and annual park permits for the applicant to make a voluntary contribution of \$2 or more to support the annual licenses issued to Kansas disabled veterans, annual licenses issued to Kansas national guard members, and annual park permits issued to Kansas national guard members: *And provided further*, That all moneys received as voluntary contributions to support the annual licenses issued to Kansas disabled veterans, annual licenses issued to Kansas national guard members, and annual park permits issued to Kansas national guard members shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the free licenses and permits fund.

State parks operating  
expenditures (710-00-1900-1920) .....\$1,556,761

*Provided*, That any unencumbered balance in the state parks operating expenditures account in excess of \$100 as of June 30, 2019, is hereby re-appropriated for fiscal year 2020.

Travel and tourism operating  
expenditures (710-00-1900-1901) .....\$1,691,279

*Provided*, That expenditures from the travel and tourism operating expenditures fund for official hospitality shall not exceed \$4,000.

Reimbursement for annual  
licenses issued to national  
guard members (710-00-1900-1930) .....\$36,342

*Provided*, That any unencumbered balance in the reimbursement for annual licenses issued to national guard members account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all moneys in the reimbursement for annual licenses issued to national guard members account shall be expended to pay the wildlife fee fund for the cost of fees for annual hunting and annual fishing licenses issued for the calendar year 2020 to Kansas army or air national guard members, which licenses are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife, parks and tourism therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual licenses issued to national guard members account to pay the wildlife fee fund for such licenses.

Reimbursement for annual  
park permits issued to national  
guard members (710-00-1900-1940) .....\$17,922

*Provided*, That any unencumbered balance in the reimbursement for annual park permits issued to national guard members account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all moneys in the reimbursement for annual park permits issued to national guard members account shall be expended to pay the parks fee fund for the cost of fees for annual park vehicle permits issued for the calendar year 2020 to Kansas army or air national guard members, which annual park vehicle permits are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife, parks and tourism therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual park permits issued to national guard members account to pay the parks fee fund for such permits: *Provided further*, That not more than one annual park vehicle permit per family shall be eligible to be paid from this account.

## Reimbursement for annual

licenses issued to Kansas

disabled veterans (710-00-1900-1950).....\$69,827

*Provided*, That any unencumbered balance in the reimbursement for annual licenses issued to Kansas disabled veterans account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020: *Provided further*, That all moneys in the reimbursement for annual licenses issued to Kansas disabled veterans account shall be expended to pay the wildlife fee fund for the cost of fees for annual hunting and annual fishing licenses issued for the calendar year 2020 to Kansas disabled veterans, which licenses are hereby authorized to be issued without charge to such veterans in accordance with policies and procedures prescribed by the secretary of wildlife, parks and tourism therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual licenses issued to Kansas disabled veterans account to pay the wildlife fee fund for such licenses: *Provided, however*, That to qualify for such license without charge, the resident disabled veteran shall have been separated from the armed services under honorable conditions, have a disability certified by the Kansas commission on veterans affairs as being service connected and such service-connected disability is equal to or greater than 30%: *And provided further*, That no other hunting or fishing licenses or permits shall be eligible to be paid from this account.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Wildlife fee fund (710-00-2300-2890).....\$33,706,257

*Provided*, That additional expenditures may be made from the wildlife fee fund for fiscal year 2020 for the purposes of compensating federal aid program expenditures, if necessary, in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the wildlife fee fund for fiscal year 2020: *And provided further*, That the secretary of wildlife, parks and tourism shall report all such expenditures to the governor and the legislature as appropriate: *And provided further*, That expenditures from the wildlife fee fund for official hospitality shall not exceed \$2,000.

Parks fee fund (710-00-2122-2053).....\$10,427,406

*Provided*, That additional expenditures may be made from the parks fee fund for fiscal year 2020 for the purposes of compensating federal aid program expenditures, if necessary, in order to comply with requirements



established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the parks fee fund for fiscal year 2020: *And provided further*, That the secretary of wildlife, parks and tourism shall report all such expenditures to the governor and the legislature as appropriate.

Boating fee fund (710-00-2245-2813) .....\$1,179,765

*Provided*, That additional expenditures may be made from the boating fee fund for fiscal year 2020 for the purposes of compensating federal aid program expenditures, if necessary, in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the boating fee fund for fiscal year 2020: *And provided further*, That the secretary of wildlife, parks and tourism shall report all such expenditures to the governor and the legislature as appropriate: *And provided further*, That expenditures from this fund for official hospitality shall not exceed \$2,000.

Central aircraft fund (710-00-6145-6100) .....No limit

*Provided*, That expenditures may be made by the above agency from the central aircraft fund for aircraft operating expenditures, for aircraft maintenance and repair, to provide aircraft services to other state agencies and for the purchase of state aircraft insurance: *Provided further*, That the secretary of wildlife, parks and tourism is hereby authorized to fix, charge and collect fees for the provision of aircraft services to other state agencies: *And provided further*, That such fees shall be fixed to recover all or part of the operating expenditures incurred in providing such services: *And provided further*, That all fees received for such services shall be credited to the central aircraft fund.

Department access

roads fund (710-00-2178-2761).....\$1,675,915

Wildlife, parks and tourism

nonrestricted fund (710-00-2065-2120).....No limit

Prairie spirit rails-to-trails

fee fund (710-00-2025-2030) .....No limit

Plant and animal disease and pest

control fund (710-00-3360-3361) .....No limit

Nongame wildlife

improvement fund (710-00-2593-3300) .....No limit

Wildlife conservation

fund (710-00-2100-2020).....No limit



Federally licensed wildlife areas fund (710-00-2670-3400) .....	No limit
State agricultural production fund (710-00-2050-5100) .....	No limit
Land and water conservation fund – state (710-00-3794-3920) .....	No limit
Land and water conservation fund – local (710-00-3794-3795) .....	No limit
Development and promotions fund (710-00-2097-2010) .....	No limit
Department of wildlife and parks private gifts and donations fund (710-00-7335-7000) .....	No limit
Fish and wildlife restitution fund (710-00-2166-2750) .....	No limit
Parks restitution fund (710-00-2156-2100) .....	No limit
Nonfederal grants fund (710-00-2063-2090) .....	No limit
Disaster grants – public assistance fund (710-00-3005-3005) .....	No limit
Soil/water conservation fund (710-00-3083-3083) .....	No limit
Navigation projects fund (710-00-3191-3191) .....	No limit
Recreation resource management fund (710-00-3197-3197) .....	No limit
Cooperative endangered species conservation fund (710-00-3198-3198) .....	No limit
Landowner incentive program fund (710-00-3200-3210) .....	No limit
Bulletproof vest partnership fund (710-00-3216-3216) .....	No limit
Recreational trails program fund (710-00-3238-3238) .....	No limit
Highway planning/ construction fund (710-00-3333-3333) .....	No limit
Americorps – ARRA fund (710-00-3404-3405) .....	No limit
Cooperative forestry assistance fund (710-00-3426-3426) .....	No limit

North America wetland	
conservation fund (710-00-3453-3453) .....	No limit
Wildlife services fund (710-00-3485-3485) .....	No limit
Fish/wildlife management	
assistance fund (710-00-3495-3495) .....	No limit
Fish/wildlife core act fund (710-00-3513-3513) .....	No limit
Great plains LCC .....	No limit
USDA Grant Manual Update .....	No limit
Watershed protection/flood	
prevention fund (710-00-3906-3906) .....	No limit
Suspense fund (710-00-9159-9000) .....	No limit
Employee maintenance deduction	
clearing fund (710-00-9120-9100) .....	No limit
Cabin revenue fund (710-00-2668-2660) .....	No limit
Feed the hungry fund (710-00-2642-2640) .....	No limit
State wildlife grants fund (710-00-3204-3204) .....	No limit
Boating safety financial	
assistance fund (710-00-3251-3250) .....	No limit
Wildlife restoration fund (710-00-3418-3418) .....	No limit
Sport fish restoration fund (710-00-3490-3490) .....	No limit
Outdoor recreation	
acquisition, development and	
planning fund (710-00-3794-3794) .....	No limit
Publication and other	
sales fund (710-00-2399-2399) .....	No limit
<i>Provided</i> , That in addition to other purposes for which expenditures may be made by the above agency from moneys appropriated from the publication and other sales fund for fiscal year 2020, expenditures may be made from such fund for the purpose of compensating federal aid program expenditures, if necessary, in order to comply with the requirements established by the United States fish and wildlife service for utilization of federal aid funds: <i>Provided further</i> , That all such expenditures shall be in addition to any expenditures made from the publication and other sales fund for fiscal year 2020: <i>And provided further</i> , That the secretary of wildlife, parks and tourism shall report all such expenditures to the governor and legislature as appropriate.	
Free licenses and	
permits fund (710-00-2493-2493) .....	No limit

Enforce underage drinking law fund (710-00-3219-3219) .....	No limit
Migratory bird monitoring (710-00-3504-3504) .....	No limit
Voluntary public access (710-00-3557-3557) .....	No limit
Energy efficiency/conservation block grant fund (710-00-3157-3157) .....	No limit
Endangered species – recovery fund (710-00-3209-3209) .....	No limit
Wetlands reserve program fund (710-00-3007-3060) .....	No limit

(c) During the fiscal year ending June 30, 2020, 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 2020, from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the above agency from such moneys appropriated from any special revenue fund or funds for fiscal year 2020, from which expenditures may be made for salaries and wages, for progression within the existing pay structure for natural resource officers of the Kansas department of wildlife, parks and tourism: *Provided, however,* That notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, the secretary of wildlife, parks and tourism shall not require such officer to transfer into the unclassified service in order to progress within the existing pay structure pursuant to this subsection.

(d) Notwithstanding the provisions of K.S.A. 2018 Supp. 32-9,100, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the Kansas department of wildlife, parks and tourism from moneys appropriated from the wildlife fee fund (710-00-2300-2880) of the Kansas department of wildlife, parks and tourism for the fiscal year ending June 30, 2020, by this or any other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the above agency from such moneys during fiscal year 2020 to issue senior lifetime hunting and fishing licenses to Kansas resident disabled veterans who are 65 years of age or older: *Provided,* That such licenses are hereby authorized to be issued without charge to such veterans in accordance with policies and procedures prescribed by the secretary of wildlife, parks and tourism: *Provided further,* That to qualify for such license without charge, the resident disabled veteran shall have been separated from the armed services under honorable conditions and have a disability certified by the Kansas commission on

veterans affairs office as being service-related and such service-connected disability is equal to or greater than 30%.

Sec. 129.

DEPARTMENT OF TRANSPORTATION

(a) For the fiscal year ending June 30, 2019, the director of the budget, in consultation with the director of legislative research, shall certify, at the end of such fiscal year, the amount of actual tax receipt revenues to the state general fund that is in excess of, or is less than, the amount of estimated tax receipt revenues to the state general fund pursuant to the most recent joint estimate of revenue under K.S.A. 75-6701, and amendments thereto, for such fiscal year, and shall transmit such certification to the director of accounts and reports: *Provided*, That upon receipt of such certification, or as soon thereafter as moneys are available, during such fiscal year, the director of accounts and reports shall transfer such certified excess amount, not to exceed \$50,000,000 in such fiscal year, from the state general fund to the state highway fund (276-00-4100-4100) of the department of transportation for payment, in full or in part, of transfers from the state highway fund to the state general fund in prior fiscal years: *Provided further*, That from such moneys transferred pursuant to this section, participating cities or counties shall provide local moneys to match the expenditures of state moneys on a \$1 of local moneys to \$3 of state moneys basis: *Provided, however*, That, if the amount of actual tax receipt revenues to the state general fund is less than the amount of estimated tax receipt revenues to the state general fund, then no transfer shall be made pursuant to this subsection.

Sec. 130.

DEPARTMENT OF TRANSPORTATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

State highway fund (276-00-4100-4100)	.....No limit
<i>Provided</i> , That no expenditures may be made from the state highway fund other than for the purposes specifically authorized by this or other appropriation act.	
Special city and county	
highway fund (276-00-4220-4220)	.....No limit
County equalization and	
adjustment fund (276-00-4210-4210)	.....\$2,500,000
Highway special	
permits fund (276-00-2576-2576)	.....\$0

Highway bond debt service fund (276-00-4707-9000) .....	No limit
Rail service improvement fund (276-00-2008-2100) .....	No limit
Transportation revolving fund (276-00-7511-1000) .....	No limit
Rail service assistance program loan guarantee fund (276-00-7502-7200) .....	No limit
Railroad rehabilitation loan guarantee fund (276-00-7503-7500) .....	No limit
<i>Provided</i> , That expenditures from the railroad rehabilitation loan guarantee fund shall not exceed the amount that the secretary of transportation is obligated to pay during the fiscal year ending June 30, 2020, in satisfaction of liabilities arising from the unconditional guarantee of payment that was entered into by the secretary of transportation in connection with the mid-states port authority federally taxable revenue refunding bonds, series 1994, dated May 1, 1994, authorized by K.S.A. 12-3420, and amendments thereto, and guaranteed pursuant to K.S.A. 75-5031, and amendments thereto.	
Interagency motor vehicle fuel sales fund (276-00-2298-2400) .....	No limit
<i>Provided</i> , That expenditures may be made from the interagency motor vehicle fuel sales fund to provide and sell motor vehicle fuel to the Kansas highway patrol: <i>Provided further</i> , That the secretary of transportation is hereby authorized to fix, charge and collect fees for motor vehicle fuel sold to the Kansas highway patrol: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the expenses incurred in providing motor vehicle fuel to the Kansas highway patrol: <i>And provided further</i> , That all fees received for such sales of motor vehicle fuel shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the interagency motor vehicle fuel sales fund.	
Coordinated public transportation assistance fund (276-00-2572-0300) .....	No limit
Public use general aviation airport development fund (276-00-4140-4140) .....	No limit
Highway bond proceeds fund (276-00-4109-4110) .....	No limit
Communication system revolving fund (276-00-7524-7700) .....	No limit

Traffic records	
enhancement fund (276-00-2356-2000) .....	No limit
Other federal grants fund (276-00-3122-3100).....	No limit
Kansas intermodal transportation	
revolving fund (276-00-7552-7551) .....	No limit
Conversion of materials and	
equipment fund (276-00-2256-2256).....	No limit
Seat belt safety fund.....	No limit
(b) Expenditures may be made by the above agency for the fiscal year ending June 30, 2020, from the state highway fund (276-00-4100-4100) for the following specified purposes: <i>Provided</i> , That expenditures from the state highway fund for fiscal year 2020, other than refunds authorized by law for the following specified purposes, shall not exceed the limitations prescribed therefor as follows:	
Agency operations (276-00-4100-0403) .....	\$265,294,040
<i>Provided</i> , That expenditures from the agency operations account of the state highway fund for official hospitality by the secretary of transportation shall not exceed \$5,000; <i>Provided further</i> , That expenditures may be made from this account for engineering services furnished to counties for road and bridge projects under K.S.A. 68-402e, and amendments thereto.	
Conference fees (276-00-4100-2200) .....	No limit
<i>Provided</i> , That the secretary of transportation is hereby authorized to fix, charge and collect conference, training and workshop attendance and registration fees for conferences, training seminars and workshops sponsored or cosponsored by the department; <i>Provided further</i> , That such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the conference fees account of the state highway fund; <i>And provided further</i> , That expenditures may be made from this account to defray all or part of the costs of the conferences, training seminars and workshops.	
Substantial maintenance (276-00-4100-0700) .....	No limit
Claims (276-00-4100-1150) .....	No limit
Payments for city	
connecting links (276-00-4100-6200).....	\$5,360,000
Federal local aid programs (276-00-4100-3000).....	No limit
Bond services fees (276-00-4100-0580) .....	No limit
Other capital improvements (276-00-4100-8075).....	No limit
<i>Provided</i> , That the secretary of transportation is authorized to make expenditures from the other capital improvements account to undertake a	

program to assist cities and counties with railroad crossings of roads not on the state highway system.

(c) (1) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund (276-00-4100-4100) for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the state highway fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Buildings – rehabilitation and repair (276-00-4100-8005) .....	\$3,800,000
Buildings – reroofing (276-00-4100-8010) .....	\$1,359,386
Buildings – other construction, renovation and repair (276-00-4100-8070) .....	\$5,553,812
Buildings – purchase land (276-00-4100-8065) .....	\$45,000

(2) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund (276-00-4100-4100) for fiscal year 2020, expenditures may be made by the above agency from the state highway fund for fiscal year 2020 from the unencumbered balance as of June 30, 2019, in each capital improvement project account for a building or buildings in the state highway fund for one or more projects approved for prior fiscal years: *Provided*, That all expenditures from the unencumbered balance in any such project account of the state highway fund for fiscal year 2020 shall not exceed the amount of the unencumbered balance in such project account on June 30, 2019, subject to the provisions of subsection (d): *Provided further*, That all expenditures from any such project account shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2020.

(d) During the fiscal year ending June 30, 2020, the secretary of transportation, with the approval of the director of the budget, may transfer any part of any item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2020 from the state highway fund (276-00-4100-4100) for the department of transportation to another item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2020 from the state highway fund for the department of transportation: *Provided*, That the secretary of transportation shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) On April 1, 2020, the director of accounts and reports shall transfer from the motor pool service fund (173-00-6109-4020) of the department of administration to the state highway fund (276-00-4100-4100) of the department of transportation an amount determined to be equal to

the sum of the annual vehicle registration fees for each vehicle owned or leased by the state or any state agencies in accordance with K.S.A. 75-4611, and amendments thereto.

(f) During the fiscal year ending June 30, 2020, upon notification from the secretary of transportation that an amount is due and payable from the railroad rehabilitation loan guarantee fund (276-00-7503-7500), the director of accounts and reports shall transfer from the state highway fund (276-00-4100-4100) to the railroad rehabilitation loan guarantee fund the amount certified by the secretary as due and payable.

(g) Any payment for services during the fiscal year ending June 30, 2020, from the state highway fund (276-00-4100-4100) to other state agencies shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2020.

(h) For the fiscal year ending June 30, 2020, the department of transportation shall prepare and submit along with the documents required under K.S.A. 75-3717, and amendments thereto, additional documents that present the revenues, transfers and expenditures that are considered to be in support of the transportation works for Kansas program (T-WORKS) authorized by K.S.A. 68-2314b et seq., and amendments thereto: *Provided*, That documents shall include both reportable as well as nonreportable and off-budget items that reflect the revenues, transfers and expenditures associated with the comprehensive transportation program.

(i) On July 1, 2019, October 1, 2019, January 1, 2020, and April 1, 2020, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer \$57,943,936.00 from the state highway fund (276-00-4100-4100) of the department of transportation to the state general fund: *Provided*, That the transfer of each such amount shall be in addition to any other transfer from the state highway fund of the department of transportation to the state general fund as prescribed by law: *Provided further*, That, in addition to other purposes for which transfers and expenditures may be made from the state highway fund during fiscal year 2020 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers may be made from the state highway fund to the state general fund under this subsection during fiscal year 2020.

(j) Notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, for the fiscal year ending June 30, 2020, the secretary of transportation shall apportion and distribute quarterly, on the first day of January, April, July and October, to cities on the state highway system from the state highway fund moneys at the rate of \$5,000 per year per lane per mile for the maintenance of streets and highways in cities designated by the secretary as city connecting links: *Provided*, That all moneys so distributed shall be used solely for the maintenance of city



connecting links: *Provided further*, That such apportionment shall apply only to those city connecting link lanes maintained by the city, and shall not apply to city connecting link lanes maintained by the secretary pursuant to agreement with the city: *And provided further*, That, as used in this subsection, “lane” means the portion of the roadway for use of moving traffic of a standard width prescribed by the secretary.

Sec. 131. In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2020, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2020 for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by K.S.A. 46-137a(c), and amendments thereto, an aggregate amount of allowance: (a) Equal to \$354.15 for the two-week period that coincides with the first biweekly payroll period, which is chargeable to fiscal year 2020 and for each of the 14 ensuing two-week periods thereafter; and (b) equal to \$354.15 for the two-week period that coincides with the biweekly payroll period, which includes March 22, 2020, which is chargeable to fiscal year 2020 and for each of the four ensuing two-week periods thereafter, for each member of the legislature to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, which are chargeable to fiscal year 2020, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided*, That all expenditures under this section for such purposes shall be made otherwise in the same manner that such allowance is payable to such members of the legislature for such two-week periods, for which such allowance is payable in accordance with this section and which are chargeable to fiscal year 2020.

Sec. 132.

#### STATE FINANCE COUNCIL

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

State employee pay increase.....\$21,960,192

*Provided*, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state general fund of the salary increase, including associated employer contributions, during fiscal year 2020.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2020, the following:

State employee pay increase .....\$206,866  
*Provided*, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state economic development initiatives fund of the salary increase, including associated employer contributions, during fiscal year 2020.

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

State employee pay increase .....\$37,935  
*Provided*, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state water plan fund of the salary increase, including associated employer contributions, during fiscal year 2020.

(d) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2020, the following:

State employee pay increase .....\$1,934  
*Provided*, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the children's initiatives fund of the salary increase, including associated employer contributions, during fiscal year 2020.

(e) Upon recommendation of the director of the budget, 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, is hereby authorized to approve increases in expenditure limitations on special revenue funds and accounts and increase the transfers between special revenue funds as necessary to pay the salary increases under this section for the fiscal year ending June 30, 2020. The director of accounts and reports is hereby authorized and directed to increase expenditure limitations on such special revenue funds and accounts and increase the transfers between special revenue funds in accordance with such approval for the purpose of paying from such funds or accounts the proportionate share of the cost to such funds or accounts, including associated employer contributions, of the salary increases and other amounts specified for the fiscal year ending June 30, 2020.

(f) (1) A benefits-eligible state employee shall be eligible for a salary increase of a single step for employees in the classified service, including associated employer contributions.

(2) Any state agency named in this act that has employees in the unclassified service shall receive an amount of moneys equivalent to the amount of a salary increase of a single step for employees in the classified service, including associated employer contributions, for employees in the unclassified service, to be used for the purpose of a salary increase for unclassified employees based on merit.

(3) During the fiscal year ending June 30, 2020, the justices of the supreme court, judges of the court of appeals, district court judges and district magistrate judges shall receive a 2.5% salary increase, including associated employer contributions.

(g) The provisions of subsection (f) shall not apply to:

(1) The compensation or bi-weekly allowance paid to each member of the legislature, notwithstanding the provisions of K.S.A. 46-137a and 46-137b, and amendments thereto;

(2) state officers elected on a statewide basis, notwithstanding the provisions of K.S.A. 75-3111a, and amendments thereto, or any other statute;

(3) teachers and licensed personnel and employees at the Kansas state school for the deaf or the Kansas state school for the blind; or

(4) employees authorized to receive a salary increase for fiscal year 2020 in another section of this act.

Sec. 133.

#### STATE FINANCE COUNCIL

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

Department of corrections employee compensation.....\$9,068,150

*Provided*, That all moneys in the department of corrections employee compensation account shall be used for salary increases, including associated employer contributions, for employees of the department of corrections: *Provided further*, That 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, is hereby authorized to approve the salary increases under this section for the fiscal year ending June 30, 2020.

Department of corrections outsourcing male offenders .....\$10,950,000

*Provided*, That all moneys in the department of corrections outsourcing male offenders account shall be used to pay the costs of outsourcing adult male offenders: *Provided further*, That 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, is hereby authorized to approve the outsourcing under this section for the fiscal year ending June 30, 2020.

Kansas juvenile correctional complex –

facilities renovations .....\$3,036,261

*Provided*, That all moneys in the Kansas juvenile correctional complex – facilities renovations account shall be used to renovate facilities at the Kansas juvenile correctional complex: *Provided further*, That 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, is hereby authorized to approve the renovations under this section for the fiscal year ending June 30, 2020.

Department of corrections hepatitis C treatment .....\$4,500,000  
*Provided*, That all moneys in the department of corrections hepatitis C treatment account shall be used to treat inmates who have been diagnosed with hepatitis C as determined by the department of corrections: *Provided further*, That 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, is hereby authorized to approve the treatments under this section for the fiscal year ending June 30, 2020.

Sec. 134. (a) On June 30, 2020, notwithstanding the provisions of K.S.A. 74-8768, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount of any unencumbered balance in the expanded lottery act revenues fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the expanded lottery act revenues fund to the state general fund as prescribed by law.

(b) On June 30, 2020, the director of accounts and reports shall determine and notify the director of the budget if the amount of revenue collected in the expanded lottery act revenues fund for the fiscal year ending June 30, 2020, is insufficient to fund the appropriations and transfers that are authorized from the expanded lottery act revenues fund for the fiscal year ending June 30, 2020, in accordance with the provisions of appropriation acts. The director of the budget shall certify to the director of accounts and reports the amount necessary to be transferred from the state general fund to the expanded lottery act revenues fund in order to fund all such appropriations and transfers that are authorized from the expanded lottery act revenues fund for the fiscal year ending June 30, 2020. Upon receipt of such certification, the director of accounts and reports shall transfer the amount of moneys from the state general fund to the expanded lottery act revenues fund that is required in accordance with the certification by the director of the budget under this section. At the same time as the director of the budget transmits this certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 135. On July 1, 2019, notwithstanding the provisions of any statute, no state agency shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 as authorized by this or other appropriation act of the 2019 regular session of the legislature to demolish the Docking state office building

or to reconstruct, relocate, or renovate the power plant or energy center without prior specific authorization by an act of the legislature or an appropriation act of the legislature: *Provided*, That no expenditures may be made from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 as authorized by this or other appropriation act of the 2019 regular session of the legislature by any state agency to sell, lease, transfer or otherwise convey the land on which building no. 3 (Docking state office building) is situated without prior specific authorization in an act of the legislature or an appropriation act of the legislature.

Sec. 136.

#### STATE FINANCE COUNCIL

(a) On the effective date of this act, of the \$14,900,000 appropriated for the above agency for the fiscal year ending June 30, 2019, by section 114(b) of chapter 109 of the 2018 Session Laws of Kansas from the state general fund in the state employee pay increase account, the sum of \$1,143,246 is hereby lapsed.

Sec. 137. (a) The state board of regents is hereby authorized and empowered, for and on behalf of Kansas state university, to sell and convey all of the rights, title and interest subject to all easements and appurtenances the following described real estate:

(1) Located in Cherokee county, Kansas: The South Half (N/2) of the Northeast Quarter (NE/4) of the Southwest Quarter (SW/4) of Section Six (6), Township Thirty-five (35) South, Range Twenty-two (22) East, Cherokee County, Kansas; and That part of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) of said Section Six (6), Township Thirty-five (35) South, Range Twenty-two (22) East, Cherokee County, Kansas, described as follows, to wit: Beginning at the Northwest corner of said Northwest Quarter (NW/4) of the Southwest Quarter (SW/4), thence running East along the North line of said Quarter to a point 945 feet East, of said Northwest corner, thence proceeding Southwesterly in a circular arc with said 945 foot line forming a radius, to a point on the West line of said Quarter located 945 feet South of the Northwest corner of said Northwest Quarter (NW/4) of the Southwest Quarter (SW/4), then North 945 feet to point of beginning.

(2) Located in Riley county, Kansas: A Tract of land being part of the Southeast Quarter of Section 1, Township 10 South, Range 7 East, and part of Government Lot 19 in Section 6, Township 10 South, Range 8 East of the Sixth Principle Meridian, in the City of Manhattan, Riley County, Kansas. BEGINNING at the Southwest corner of Lot 2, KSU FOUNDATION ADDITION, UNIT 2, monumented by a found ½-inch reinforcing rod; Thence South 89°12'16" West, 250.00 feet, on the North Right-of-Way line of Kimball Avenue, as established in Book 277, Page

365; Thence departing said Right-of-Way line, North 02°20'41" West, 108.03 feet, parallel with and 250.00 feet West of the West line of said Lot 2; Thence North 47°31'54" West, 260.47 feet, on a line parallel with and 20.00 feet Northeast of an existing building located at 1980 Kimball Avenue and designated as IGP Institute; Thence North 02°20'41" West, 28.75 feet, parallel with and 434.69 feet West of the West line of said Lot 2; Thence North 42°24'43" East, 497.38 feet, on a line parallel with and 30.00 feet Southeast of an existing building located at 1980 Kimball Avenue, designated as Grain Science Center; Thence North 89°12'16" East, 84.52 feet, to a point on the West line of said KSU FOUNDATION ADDITION, UNIT 2, said point lying South 02°20'41" East, 125.00 feet Northwest Corner of Lot 3, said KSU FOUNDATION ADDITION, UNIT 2; Thence South 02°20'41" East, 678.03 feet, on said West line, to POINT OF BEGINNING, said Tract containing 194,769 square feet or 4.4713 acres.

(b) Conveyance of the rights, title and interest in such real estate shall be executed in the name of the state board of regents by its chairperson and executive officer. Such conveyances may be made by warranty deed or by quitclaim deed. All proceeds from the sale and conveyance thereof shall be deposited in the restricted use account of Kansas state university.

(c) No conveyance of real estate authorized by this section shall be made or accepted by the state board of regents until the deed, title and conveyance has been reviewed and approved by the attorney general. In the event that the state board of regents determines that the legal description of the real estate described in this section is incorrect, the state board of regents may convey the property utilizing the correct legal description but the deed conveying the property shall be subject to the approval of the attorney general. The conveyances authorized by this section shall not be subject to the provisions of K.S.A. 2018 Supp. 75-6609, and amendments thereto.

Sec. 138. (a) The state board of regents is hereby authorized and empowered, for and on behalf of the university of Kansas, to sell and convey all of the rights, title and interest subject to all easements and appurtenances in the following described real estate located in Douglas county, Kansas: Hillcrest Third Addition Lot 23 also 36-12-19 beginning at point on Cl Warren St (now 9th St) produced from city of Lawrence 15 chs 84 lks W of E bndry of NW 1/4 36-12-19th S08.5degW 5 chs 5 lks th E 2 chs 38 lks th N 5 chs th W 1 ch 62 lks to point beginning 1a (u09706 & u10483 combined 1992).

(b) Conveyance of such rights, title and interest in such real estate shall be executed in the name of the state board of regents by its chairperson and executive officer. All proceeds from the sale and conveyance thereof shall be deposited in the restricted fees account of the university of Kansas.

(c) No conveyance of real estate authorized by this section shall be made or accepted by the state board of regents until the deeds, titles and conveyances have been reviewed and approved by the attorney general. In the event that the state board of regents determines that the legal description of the real estate described in this section is incorrect, the state board of regents may convey the property utilizing the correct legal description, but the deed conveying the property shall be subject to the approval of the attorney general. The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 2018 Supp. 75-6609, and amendments thereto.

Sec. 139. (a) The state board of regents is hereby authorized and empowered, for and on behalf of Kansas state university, to sell and convey all of the rights, title and interest subject to all easements and appurtenances in the following described real estate located in Saline county, Kansas: A tract of land lying in the Northwest Quarter (NW/4) of Section Four (4), Township Fifteen (15) South, Range Three (3) West of the Sixth (6th) Principal Meridian in the Schilling Subdivision of Saline County, Kansas, more particularly described as follows: Commencing at the Northeast corner of the Northwest Quarter (NW/4) of Section Four (4), Township Fifteen (15) South, Range Three (3) West; thence South  $00^{\circ}06'18''$ E, along the East line of said Northwest Quarter (NW/4) a distance of 598.41 feet to the centerline of existing Taxiway No. 11; thence South  $89^{\circ}53'26''$ W along the centerline of said Taxiway No. 11, a distance of 562.05 feet, thence South  $00^{\circ}06'34''$ E, a distance of 50.00 feet to the true point of beginning, said point being on the south edge of Taxiway No. 11; thence South  $89^{\circ}53'26''$ W, along the south edge of Taxiway No. 11, a distance of 600.00 feet; thence South  $00^{\circ}06'34''$ E, a distance of 600.00 feet; thence North  $89^{\circ}53'26''$ E, a distance of 600.00 feet; thence North  $00^{\circ}06'34''$ W, a distance of 500.00 feet to the true point of beginning and containing 6.89 acres more or less.

(b) Conveyance of such rights, title and interest in such real estate shall be executed in the name of the state board of regents by its chairperson and executive officer. All proceeds from the sale and conveyance thereof shall be deposited in the restricted fees account of Kansas state university.

(c) No conveyance of real estate authorized by this section shall be made or accepted by the state board of regents until the deeds, titles and conveyances have been reviewed and approved by the attorney general. In the event that the state board of regents determines that the legal description of the real estate described in this section is incorrect, the state board of regents may convey the property utilizing the correct legal description, but the deed conveying the property shall be subject to the approval of the attorney general. The conveyance authorized by this sec-



tion shall not be subject to the provisions of K.S.A. 2018 Supp. 75-6609, and amendments thereto.

Sec. 140. (a) The k-state Olathe innovation campus, inc. (KOIC), an instrumentality of Kansas state university, is hereby authorized and empowered, for and on behalf of itself, the state of Kansas and Kansas state university, to convey by quitclaim deed to the city of Olathe all of the rights, title and interest of the state of Kansas, Kansas state university, and the KOIC in the following real estate located in Johnson county, Kansas: A tract of land located in Lot 1; in the Kansas Bioscience Park Addition, 1st Plat, an addition to the City of Olathe, Johnson County, Kansas, located in the East One-Half of Section 10, Township 13 South, Range 23 East of the Sixth Principal Meridian, more particularly described as follows: Beginning at the Northwest Corner of said Lot 1; Thence North 88°09'38" East, 380.24 feet measured and plat along the North line of said Lot 1 to the Northeast corner of said Lot 1; Thence South 1°49'04" East, 309.25 feet measured vs. 309.29 feet plat along the Easterly line of said Lot 1; said Easterly line also being the Westerly Right-of-Way Line of Roundtree Street: Thence on a curve to the left, having a radius of 380.00 feet, an arc length of 130.65 feet measured vs. 130.70 feet plat, a chord bearing of South 11°40'53" East, and a chord length of 130.00 feet, along said Easterly line of said Lot 1; Thence South 21°27'21" East, 42.71 feet measured vs. 42.65 feet plat, along said Easterly line of said Lot 1; Thence on a curve to the right, having a radius of 470.00 feet, an arc length of 199.46 feet measured vs. 199.52 feet plat, a chord bearing of South 9°22'32" East, and a chord length 197.96 feet, along said Easterly line of said Lot 1; Thence South 2°47'27" West, 253.70 feet measured and plat, along said Easterly line of said Lot 1; Thence on a curve to the left, having a radius of 380.00 feet, an arc length of 266.41 feet, a chord bearing of South 17°18'39" East, and a chord length 260.99 feet, along said easterly line of said Lot 1; Thence South 45°11'07" West, 45.77 feet along a line parallel to the Northwesterly line of Lot 2 of the Kansas Bioscience Park Addition, 3rd plat, an addition to the city of Olathe, Johnson County, Kansas; Thence South 88°08'39" West, 457.97 feet along a line perpendicular to the West line of said Lot 1 to a point on the West line of said Lot 1: Thence North 1°51'21" West, 1129.55 feet along the West line of said Lot 1 to a 5/8" iron rebar at the Center Corner of said Section 10: Thence North 1°50'38" West, 79.90 feet measured vs. 80.03 feet plat along the West line of said Lot 1 to the POINT AND PLACE OF BEGINNING; Said tract contains 11.58 acres, more or less. Subject to public roads, easements, reservations, restrictions, covenants and conditions, if any, now of record.

(b) The quitclaim deed shall be executed by the chairperson of the KOIC and attested by the secretary of the KOIC for and on behalf of the



state of Kansas, Kansas state university and the KOIC in a form approved by the attorney general.

(c) In the event that the chairperson of the KOIC determines that the legal description of any parcel of real estate described by this section is incorrect, the chairperson of the KOIC may convey the property utilizing the correct legal description, but the deed conveying the property shall be subject to the approval of the attorney general.

Sec. 141.

#### DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:

Rehabilitation and repair for

state facilities (173-00-1000-8500) .....\$2,197,202

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

National bio and agro-defense facility –

debt service (173-00-1000-0460) .....\$23,437,316

Restructuring debt service (173-00-1000-0450) .....\$3,424,074

John Redmond reservoir

debt service (173-00-1000-0461) .....\$1,675,000

University of Kansas medical education building

debt service (173-00-1000-0462) .....\$1,865,250

Debt service

refunding – 2015A (173-00-1000-0463) .....\$24,834,050

Debt service refunding – 2016H (173-00-1000-0464) .....\$5,749,625

Statehouse snack bar .....\$140,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Veterans memorial fund (173-00-7253-7250) .....No limit

State facilities gift fund (173-00-7263-7290).....No limit

Master lease program fund (173-00-8732).....No limit

State buildings

depreciation fund (173-00-6149-4500) .....No limit

Executive mansion gifts fund (173-00-7257-7270) .....No limit

Topeka state hospital cemetery memorial  
gift fund (173-00-7337-7240) ..... No limit

Capitol area plaza authority  
planning fund (173-00-7121-7035) ..... No limit

*Provided*, That the secretary of administration may accept gifts, dona-  
tions and grants of money, including payments from local units of city  
and county government, for the development of a new master plan for  
the capitol plaza and the state zoning area described in K.S.A. 75-3619,  
and amendments thereto: *Provided further*, That all such gifts, donations  
and grants shall be deposited in the state treasury in accordance with the  
provisions of K.S.A. 75-4215, and amendments thereto, to the credit of  
the capitol area plaza authority planning fund.

Statehouse debt service – state  
highway fund (173-00-2861-2861) ..... No limit

*Provided*, That on September 1, 2019, and February 1, 2020, or as soon  
thereafter each such date as moneys are available, notwithstanding the  
provisions of K.S.A. 68-416, and amendments thereto, or any other statu-  
te, the director of accounts and reports shall transfer \$8,187,969 from the  
state highway fund of the department of transportation to the statehouse  
debt service – state highway fund of the department of administration.

(c) In addition to the other purposes for which expenditures may be made  
by the above agency from the building and ground fund for fiscal year 2020,  
expenditures may be made by the above agency from the following capital  
improvement account or accounts of the building and ground fund (173-00-  
2028) for fiscal year 2020 for the following capital improvement project or  
projects, subject to the expenditure limitations prescribed therefor:

Parking improvements  
and repair (173-00-2028-2085) ..... No limit

(d) In addition to the other purposes for which expenditures may be  
made by the above agency from the state buildings depreciation fund  
(173-00-6149) for fiscal year 2020, expenditures may be made by the  
above agency from the following capital improvement account or ac-  
counts of the state buildings depreciation fund for fiscal year 2020 for the  
following capital improvement project or projects, subject to the expendi-  
ture limitations prescribed therefor:

State of Kansas facilities projects –  
debt service (173-00-6149-4520) ..... No limit

*Provided*, That all expenditures from each such capital improvement ac-  
count shall be in addition to any expenditure limitations imposed on the  
state buildings depreciation fund for fiscal year 2020.

(e) In addition to the other purposes for which expenditures may be  
made by the above agency from the state buildings operating fund (173-

00-6148) for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings operating fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Memorial hall – debt service (173-00-6148-4130)..... No limit

Eisenhower building purchase and renovation –

debt service (173-00-6148-4610) ..... No limit

(f) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund (173-00-2028), the state buildings depreciation fund (173-00-6149), and the state buildings operating fund (173-00-6148) for fiscal year 2020, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2020 from the unencumbered balance as of June 30, 2019, in each existing capital improvement account of each such special revenue fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2019: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on each such special revenue fund for fiscal year 2020 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2020.

(g) On July 1, 2019, the director of accounts and reports shall transfer all moneys from the judicial center rehabilitation and repair account (173-00-1000-8540) of the state general fund to the rehabilitation and repair for state facilities account (173-00-1000-8500) of the state general fund. On July 1, 2019, all liabilities of the judicial center rehabilitation and repair account of the state general fund are hereby transferred to and imposed on the rehabilitation and repair for state facilities account of the state general fund, and the judicial center rehabilitation and repair account of the state general fund is hereby abolished.

(h) On July 1, 2019, the director of accounts and reports shall transfer all moneys from the capital complex repair and rehabilitation account (173-00-1000-8170) of the state general fund to the rehabilitation and repair for state facilities account (173-00-1000-8500) of the state general fund. On July 1, 2019, all liabilities of the capital complex repair and rehabilitation account of the state general fund are hereby transferred to and imposed on the rehabilitation and repair for state facilities account of the state general fund, and the capital complex repair and rehabilitation account of the state general fund is hereby abolished.

(i) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriat-

ed from the state general fund or from any special revenue fund or funds for fiscal year 2020 as authorized by this act or other appropriation act of the 2019 regular session of the legislature, expenditures shall be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 to develop the following plans, options, information and cost estimates, as applicable, concerning the Docking state office building: (1) Preserve and upgrade, as needed, the existing energy center of the Docking state office building; (2) selective deconstruction of the existing building above grade; (3) selective deconstruction of the existing building to four stories and retain and develop uses for four stories; (4) redevelopment of a renovated Docking state office building, including adding additional stories; (5) demolish the Docking state office building and build a new facility including, but not limited to, the following: Multi-story options that meet the needs of the Kansas highway patrol and the capitol police at the end of their existing office leases, or other agencies; reserved off-street parking; first floor classrooms and meeting rooms; and retain on-site art elements of the building; (6) retain on-site recognition of former Governor Robert Docking; (7) explore the possibility of public/private partnerships to use space for residential units and related retail; and (8) explore the possibility of office space for the city of Topeka or Shawnee county agencies: *Provided*, That all plans, options and cost estimates shall review energy efficiency and parking needs as a part of such information: *Provided further*, That the above agency shall consult with the Kansas preservation alliance and any Topeka or Shawnee county economic development agencies on uses for the building: *And provided further*, That when reviewing deconstruction, explore possibilities to recycle or salvage materials: *And provided further*, That the above agency shall prepare and submit a report detailing the various plans and options for such building and the updated plans to the joint committee on state building construction, the senate ways and means committee and the house of representatives appropriations committee on or before January 13, 2020.

Sec. 142.

DEPARTMENT OF COMMERCE

(a) In addition to the other purposes for which expenditures may be made by the above agency from the reimbursement and recovery fund (300-00-2275) for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the reimbursement and recovery fund during the fiscal year 2020, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service – 1430	
Topeka facilities (300-00-2275-2297).....	\$135,650
Rehabilitation and repair (300-00-2275-2410).....	No limit

(b) In addition to the other purposes for which expenditures may be made by the above agency from the Wagner Peyser employment services – federal fund (300-00-3275) for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the Wagner Peyser employment services – federal fund during the fiscal year 2020, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair (300-00-3275-3272)..... No limit

Sec. 143.

#### INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Insurance department rehabilitation and  
repair fund (331-00-2887-2800)..... No limit

Sec. 144.

#### KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:

Rehabilitation and  
repair projects (039-00-8100-8240) .....\$3,201,141

*Provided*, That the secretary for aging and disability services is hereby authorized to transfer moneys during fiscal year 2020 from the rehabilitation and repair projects account to a rehabilitation and repair account for any institution, as defined by K.S.A. 76-12a01, and amendments thereto, for projects approved by the secretary for aging and disability services: *Provided further*, That expenditures also may be made from this account during fiscal year 2020 for the purposes of rehabilitation and repair for facilities of the Kansas department for aging and disability services other than any institution, as defined by K.S.A. 76-12a01, and amendments thereto.

Debt service – new state  
security hospital (039-00-8100-8320).....\$3,846,300

Debt service – state hospitals rehabilitation  
and repair (039-00-8100-8325) .....\$2,585,450

SIBF remodeling.....\$1,285,000

Larned state hospital – city of Larned  
wastewater treatment (410-00-8100-8300).....\$129,620

*Provided*, That notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, expenditures may be made by the above agency from the Larned state hospital – city of Larned wastewater treatment account of the state institutions building fund for payment of Larned state hospital’s portion of the city of Larned’s wastewater treatment system.

Parsons state hospital and training center –  
energy conservation improvement  
debt service (507-00-8100-8330) .....\$93,895

Sec. 145.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Employment security administration property  
sale fund (296-00-3336-3110) .....No limit

*Provided*, That the secretary of labor is hereby authorized to make expenditures from the employment security administration property sale fund during fiscal year 2020 for the unemployment insurance program: *Provided, however*, That no expenditures shall be made from this fund for the proposed purchase or other acquisition of additional real estate to provide space for the unemployment insurance program of the department of labor until such proposed purchase or other acquisition, including the preliminary plans and program statement for any capital improvement project that is proposed to be initiated and completed by or for the department of labor have been reviewed by the joint committee on state building construction.

(b) In addition to the other purposes for which expenditures may be made by the department of labor from moneys appropriated from any special revenue fund or funds for fiscal year 2020 as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2020 from the moneys appropriated from any special revenue fund for the expenses of the sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor: *Provided*, That such expenditures may be made and such sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor may be executed or otherwise effectuated only upon specific authorization by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, and acting after receiving the recommendations of the joint committee on state building construction: *Provided, however*, That no such sale,

exchange or other disposition conveying title for any portion of the real estate of the department of labor shall be executed until the proposed sale, exchange or other disposition conveying title for such real estate has been reviewed by the joint committee on state building construction: *Provided further*, That the net proceeds from the sale of any of the real estate of the department of labor shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the employment security administration property sale fund of the department of labor: *And provided further*, That expenditures from the employment security administration property sale fund shall not exceed the limitation established for fiscal year 2020 by this or other appropriation act of the 2019 regular session of the legislature except upon approval of the state finance council.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the special employment security fund (296-00-2120) for fiscal year 2020, expenditures may be made by the above agency from the special employment security fund for fiscal year 2020 for the following capital improvement projects: Payment of debt service on revenue bonds issued to finance remodeling of the 401 S. Topeka building: *Provided*, That expenditures from the special employment security fund (296-00-2120-2020) for fiscal year 2020 for such capital improvement purposes shall not exceed \$178,744: *Provided further*, That all expenditures from this fund for any such capital improvement purpose shall be in addition to any expenditure limitations imposed on the special employment security fund for fiscal year 2020.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the workmen's compensation fee fund (296-00-2124) for fiscal year 2020, expenditures may be made by the above agency from the workmen's compensation fee fund for fiscal year 2020 for the following capital improvement projects: (1) Payment of debt service on revenue bonds issued to finance remodeling of the 401 S. Topeka building: *Provided*, That expenditures from the workmen's compensation fee fund (296-00-2124-2227) for fiscal year 2020 for such capital improvement purposes shall not exceed \$96,246; and (2) payment of rehabilitation and repair projects: *Provided*, That expenditures from the workmen's compensation fee fund (296-00-2124-2228) for fiscal year 2020 for such capital improvement purposes shall not exceed \$680,000.

Sec. 146.

#### 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, 2020, for the capital improvement project or projects specified, the following:

Veterans cemetery program rehabilitation and repair projects (694-00-1000-0904) .....	\$49,965
(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:	
Soldiers' home rehabilitation and repair projects (694-00-8100-7100) .....	\$641,680
Veterans' home rehabilitation and repair projects (694-00-8100-8250) .....	\$502,061
KVH construct new maintenance building .....	\$418,800

Sec. 147.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:	
Rehabilitation and repair projects (604-00-8100-8108) .....	\$415,000
Security system upgrade project (604-00-8100-8130) .....	\$304,000
Campus boilers and HVAC upgrades (604-00-8100-8145) .....	\$409,000

Sec. 148.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:	
Rehabilitation and repair projects (610-00-8100-8108).....	\$513,000
Facilities conservation improvement debt service (610-00-8100-8120) .....	\$45,690
Roth building repairs .....	\$903,000
Campus boilers and HVAC upgrades (610-00-8100-8145) .....	\$435,000
Campus life safety and security (610-00-8100-8130).....	\$202,300

Sec. 149.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, the following:	
Rehabilitation and repair projects (288-00-1000-8088) .....	\$290,800



*Provided*, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the private gifts, grants and bequests fund (288-00-7302-7000) for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the private gifts, grants and bequests fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair

projects ..... No limit

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the private gifts, grants and bequests fund for fiscal year 2020.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the historical preservation grant in aid fund (288-00-3089) for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the historical preservation grant in aid fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair projects ..... No limit

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the historical preservation grant in aid fund for fiscal year 2020.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the law enforcement memorial fund (288-00-7344-7300) for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the law enforcement memorial fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Law enforcement memorial addition project ..... No limit

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the law enforcement memorial fund for fiscal year 2020.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the private gifts, grants and bequests fund, historic properties fee fund, state historical facilities fund, save America's treasures fund, historical society capital improvement fund, law enforcement memorial fund and historical preservation grant in aid fund

for fiscal year 2020, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2020 from the unencumbered balance as of June 30, 2019, in each existing capital improvement account of each such special revenue fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2019: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on each such special revenue fund for fiscal year 2020 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2020.

Sec. 150.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Memorial union project –	
debt service (379-00-5161-5040) .....	No limit
Student recreation center project – debt service	
refunding 2017D (379-00-2526-2040) .....	No limit
Student housing projects – debt service	
refunding 2017D (379-00-5169-5050) .....	No limit
Twin towers housing project – debt service	
refunding 2017D (379-00-5120-5030) .....	No limit
Parking maintenance projects (379-00-5186-5060) .....	No limit
Rehabilitation and	
repairs projects (379-00-2526-2040) .....	No limit
Deferred maintenance projects (379-00-2485-2485) .....	No limit

(b) During the fiscal year ending June 30, 2020, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2019 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2018.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the housing system repairs, equipment and improvement fund (379-00-5650-5120) during the fiscal year ending June 30, 2020, expenditures may be made by the above agency from the appropriate account or accounts of the housing system repairs, equipment and improvement fund during fiscal year 2020 for a capital improvement project to plan, construct and remodel Abigail Morse residence hall and the residential life resident project.

Sec. 151.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Lewis field renovation –

debt service (246-00-5150-5180) ..... No limit

Memorial union renovation –

debt service (246-00-5102-5010) ..... No limit

Deferred maintenance projects (246-00-2483-2483) ..... No limit

Energy conservation –

debt service (246-00-2035-2000) ..... No limit

Wiest hall replacement –

debt service (246-00-5103-5020) ..... No limit

Forsyth library renovation (246-00-2035-2000)..... No limit

South campus drive project (246-00-2035-2000)..... No limit

Rarick hall renovation (246-00-2035-2000)..... No limit

Rehabilitation and

repair projects (246-00-5102-5010) ..... No limit

Parking maintenance projects (246-00-5185-5050)..... No limit

(b) During the fiscal year ending June 30, 2020, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2019 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2018.

(c) In addition to the other purposes for which expenditures may be made by Fort Hays state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by Fort Hays state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct and equip an addition to the memorial union on the campus of Fort Hays state university: *Provided*, That such capital improvement project is hereby approved for Fort Hays state university for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Fort Hays state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$15,250,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further*, That any such bonds and interest thereon shall be an obligation only of the Kansas development finance authority, shall not constitute a debt of the state of Kansas within the meaning of section 6 or 7 of article 11 of the constitution of the state of Kansas and shall not pledge the full faith and credit or the taxing power of the state of Kansas: *And provided further*, That Fort Hays state university shall make provisions for the maintenance of the memorial union addition.

(d) 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 during the fiscal year ending June 30, 2020, as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the above agency from any special revenue fund or funds during fiscal year 2020 for a capital improvement project to construct an addition to the memorial union.

## Sec. 152.

## KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

## Deferred maintenance

support fund (367-00-2484-2484) .....	No limit
Parking maintenance projects (367-00-5181-4638) .....	No limit
Capital leases – debt service (367-00-2062-2000) .....	No limit
Capital leases – debt service (367-00-2520-2080) .....	No limit
Energy conservation projects – debt service (367-00-2062-2000) .....	No limit
Chiller plant project – debt service (367-00-2062-2000) .....	No limit
Engineering complex project – debt service (367-00-2154-2154) .....	No limit
Recreation complex project – debt service (367-00-2520-2080) .....	No limit
Student union renovation project – debt service (367-00-2520-2080) .....	No limit
Electrical upgrade project – debt service (367-00-2520-2080) .....	No limit
Salina student life center project – debt service (367-00-5111-5101) .....	No limit
Childcare development center project – debt service (367-00-5125-5101) .....	No limit
Jardine housing project – debt service (367-00-5163-4500) .....	No limit
Wefald dining and residence hall project – debt service (367-00-5163-4500) .....	No limit
Student union parking – debt service (367-00-5181-4630) .....	No limit
Seaton hall project – debt service (367-00-2520-2080) .....	No limit

(b) During the fiscal year ending June 30, 2020, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compli-

ance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2019 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2018.

(c) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project for the Derby dining center on the campus of Kansas state university: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$15,000,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further*, That any such bonds and interest thereon shall be an obligation only of the Kansas development finance authority, shall not constitute a debt of the state of Kansas within the meaning of section 6 or 7 of article 11 of the constitution of the state of Kansas and shall not pledge the full faith and credit or the taxing power of the state of Kansas: *And provided further*, That Kansas state university shall make provisions for the maintenance of the Derby dining center.

(d) 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 during the fiscal year ending June 30, 2020, as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the above agency from any special revenue fund or funds during fiscal year 2020 for a capital improvement project for the Derby dining center.

Sec. 153.

**KANSAS STATE UNIVERSITY EXTENSION SYSTEMS  
AND AGRICULTURE RESEARCH PROGRAMS**

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Capital leases – debt service (369-00-2697-1100).....No limit

Sec. 154.

**PITTSBURG STATE UNIVERSITY**

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Overman student center –

debt service (385-00-2820-2820) .....No limit

Deferred maintenance projects (385-00-2486-2486) .....No limit

Student health center –

debt service (385-00-2828-2851) .....No limit

Overman student center project (385-00-2820-2820) .....No limit

Rehabilitation and

repair projects (385-00-2833-2831) .....No limit

Housing maintenance projects (385-00-5645-5160).....No limit

Parking maintenance projects (385-00-5187-5060).....No limit

Energy conservation project – debt service .....No limit

Overman student center –

debt service (385-00-2820-2820) .....No limit

Horace Mann project – debt service (385-00-2833).....No limit

Housing projects – debt service (385-00-5165-5050).....No limit

Housing projects – debt service (385-00-5646-5160).....No limit

Parking facility – debt service (385-00-5187-5060) .....No limit

Tyler scientific research center –  
debt service (385-00-2903-2903) ..... No limit

2014A1 projects – debt service (385-00-5106-5105) ..... No limit

(b) During the fiscal year ending June 30, 2020, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2019 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2018.

Sec. 155.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified as follows:

School of pharmacy  
debt service 2009 (682-00-1000-0400) .....\$2,494,307

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student health facility maintenance, repair, and  
equipment fee fund (682-00-5640-5120) ..... No limit

Parking facilities surplus fund – KDFA  
G bonds, 1993 (682-00-5802-5170) ..... No limit

*Provided*, That the university of Kansas may transfer moneys during fiscal year 2020 from the parking facilities surplus fund – KDFA G bonds, 1993 to the restricted fees fund.

Deferred maintenance projects (682-00-2487-2487) ..... No limit

Student recreation & fitness center  
revenue fund (682-00-2864-2860) ..... No limit

Engineering facility –  
debt service (682-00-2153-2153) ..... No limit

Student recreation center – debt service  
2017A refunding (682-00-2864-2860) ..... No limit

Parking facility – debt service  
2017A refunding (682-00-5175-5070) ..... No limit



McCollum hall parking – debt service (682-00-5175-5070) .....	No limit
Energy conservation projects – debt service (682-00-2107-2000) .....	No limit
Energy conservation projects – debt service (682-00-2545-2080) .....	No limit
Earth, energy and environment center – debt service (682-00-2545-2080) .....	No limit
Parking maintenance projects (682-00-5175-5070) .....	No limit
Student housing maintenance projects (682-00-5621-5110) .....	No limit
Rehabilitation and repair projects (682-00-2107-2000) .....	No limit
Kansas law enforcement training center projects (682-00-2133-2020) .....	No limit

(c) During the fiscal year ending June 30, 2020, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2019 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2018.

(d) In addition to the other purposes for which expenditures may be made by the university of Kansas from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020 as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2020, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to renovate Oliver hall on the campus of the university of Kansas: *Provided*, That such capital improvement project is hereby approved for the university of Kansas for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas may make expenditures

from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however,* That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$28,000,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project, credit enhancement costs and any required reserves for the payment of principal and interest on the bonds: *And provided further,* That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further,* That debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further,* That any such bonds and interest thereon shall be an obligation only of the Kansas development finance authority, shall not constitute a debt of the state of Kansas within the meaning of section 6 or 7 of article 11 of the constitution of the state of Kansas and shall not pledge the full faith and credit or the taxing power of the state of Kansas: *And provided further,* That the university of Kansas shall make provisions for the maintenance of the renovation of Oliver hall project.

(e) 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 during the fiscal year ending June 30, 2020, as authorized by this or other appropriation act of the 2019 regular session of the legislature, expenditures may be made by the above agency from any special revenue fund or funds during fiscal year 2020 for a capital improvement project to renovate Oliver hall.

Sec. 156.

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, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Deferred maintenance	
support fund (683-00-2488-2488) .....	No limit
Health education building –	
debt service (683-00-2108-2500) .....	No limit
Parking maintenance projects (683-00-5176-5550) .....	No limit
Rehabilitation and repair projects (683-00-2551) .....	No limit
Energy conservation –	
debt service (683-00-2108-2500) .....	No limit

Hemenway project –

debt service (683-00-2907-2800) ..... No limit

Parking garage projects –

debt service (683-00-5176-5550) ..... No limit

(b) During the fiscal year ending June 30, 2020, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2019 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2018.

Sec. 157.

#### 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, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Deferred maintenance projects (715-00-2489-2489) ..... No limit

Energy conservation –

debt service (715-00-2112-2000) ..... No limit

Rhatigan student center –

debt service (715-00-2558-2030) ..... No limit

Science engineering research lab –

debt service (715-00-2558-2030) ..... No limit

Shocker residence hall –

debt service (715-00-5100-5250) ..... No limit

Parking garage – debt service (715-00-5148-5000)..... No limit

Fairmont towers – debt service (715-00-5620-5670)..... No limit

Innovation campus – school

of business (715-00-2558-2030) ..... No limit

Raze Fairmont towers project (715-00-2558-2030)..... No limit

(b) During the fiscal year ending June 30, 2020, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of

higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2019 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2018.

Sec. 158.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas educational building fund.....No limit  
*Provided*, That the state board of regents is hereby authorized to transfer moneys from the Kansas educational building fund to an account or accounts of the Kansas educational building fund of any institution under the control and supervision of the state board of regents to be expended by the institution for projects, including planning and new construction, approved by the state board of regents: *Provided, however*, That no expenditures shall be made from any such account until the proposed projects have been reviewed by the joint committee on state building construction: *Provided further*, That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys from the Kansas educational building fund: *And provided further*, That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of legislative research: *And provided, however*, That the state board of regents shall allocate the amount of money of each such transfer to be expended by the institution using the adjusted gross square footage calculation of mission critical buildings for fiscal year 2020.

Sec. 159.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:

Debt service payment for the infrastructure  
projects bond issue (521-00-1000-0310).....\$517,388

(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:

Debt service payment for the infrastructure  
projects bond issues (521-00-8600-8170) .....\$500,000

Capital improvements – rehabilitation and repair of  
correctional institutions (521-00-8600-8240) .....\$4,000,000

*Provided*, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2020 from the capital improvements – rehabilitation and repair of correctional institutions account of the correctional institutions building fund to an account or accounts of the correctional institutions building fund of any institution or facility under the jurisdiction of the secretary of corrections to be expended during fiscal year 2020 by the institution or facility for capital improvement projects and for security improvement projects including acquisition of security equipment.

(c) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:

Capital improvements –  
rehabilitation and repair of juvenile  
correctional facilities (521-00-8100-8000) .....\$500,000

*Provided*, That the secretary of the department of corrections is hereby authorized to transfer moneys during fiscal year 2020 from the capital improvements – rehabilitation and repair of juvenile correctional facilities account of the state institutions building fund to any account or accounts of the state institutions building fund of any juvenile correctional facility or institution under the general supervision and management of the secretary of the department of corrections to be expended during fiscal year 2020 for capital improvement projects approved by the secretary: *Provided further*, That the secretary of the department of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Debt service – Topeka  
complex and Larned juvenile  
correctional facility (521-00-8100-8119).....\$3,948,000

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2020, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Correctional facility  
infrastructure project (521-00-2834) .....No limit

Sec. 160.

ATTORNEY GENERAL –  
KANSAS BUREAU OF INVESTIGATION

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:

Rehabilitation and	
repair projects (083-00-1000-0100) .....	\$100,000
<i>Provided</i> , That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2019, is hereby reappropriated for fiscal year 2020.	
KBI lab – debt service (083-00-1000-0820) .....	\$4,320,800

Sec. 161.

KANSAS HIGHWAY PATROL

(a) In addition to the other purposes for which expenditures may be made from the highway patrol training center fund for fiscal year 2020, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair – training	
center – Salina (280-00-2306-2004) .....	No limit
<i>Provided</i> , That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the highway patrol training center fund for fiscal year 2020.	

(b) In addition to the other purposes for which expenditures may be made from the vehicle identification number fee fund for fiscal year 2020, expenditures may be made by the above agency from the vehicle identification number fee fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Training academy rehabilitation	
and repair (280-00-2213-2401) .....	No limit
<i>Provided</i> , That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the vehicle identification number fee fund for fiscal year 2020.	

(c) In addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2020, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Scale replacement and rehabilitation and

repair of buildings (280-00-2034-1115) .....\$455,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the Kansas highway patrol operations fund for fiscal year 2020.

(d) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$455,000 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund (280-00-2034-1115). In addition to the other purposes for which expenditures may be made from the state highway fund during fiscal year 2020 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2020 for support and maintenance of the Kansas highway patrol.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the KHP federal forfeiture – federal fund for fiscal year 2020, expenditures may be made by the above agency from the following account or accounts of the KHP federal forfeiture – federal fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Training academy rehabilitation

and repair (280-00-3545-3548) ..... No limit

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the KHP federal forfeiture – federal fund for fiscal year 2020.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the KHP federal forfeiture – federal fund for fiscal year 2020, expenditures may be made by the above agency from the following account or accounts of the KHP federal forfeiture – federal fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Troop F storage building (280-00-3545-3545) ..... No limit

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the KHP federal forfeiture – federal fund for fiscal year 2020.

Sec. 162.

#### ADJUTANT GENERAL

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2020, for the capital improvement project or projects specified, the following:

Debt service –

training center (034-00-1000-8020) .....\$475,463

Debt service – rehabilitation and repair of the  
statewide armories (034-00-1000-8010) .....\$438,165

Rehabilitation and  
repair projects (034-00-1000-8000) .....\$163,927

*Provided*, That any unencumbered balance in the rehabilitation and re-  
pair projects account in excess of \$100 as of June 30, 2019, is hereby  
reappropriated for fiscal year 2020.

Sec. 163.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the following  
special revenue fund or funds for the fiscal year ending June 30, 2020, all  
moneys now or hereafter lawfully credited to and available in such fund  
or funds, except that expenditures other than refunds authorized by law  
shall not exceed the following:

State fair capital  
improvements fund (373-00-2533-2500).....No limit

State fair fee fund (373-00-5182-5100) .....No limit

*Provided*, That expenditures from the state fair fee fund for official hospi-  
tality shall not exceed \$15,782.

(b) On or before the 10th of each month during the fiscal year ending  
June 30, 2020, the director of accounts and reports shall transfer from the  
state general fund to the state fair capital improvements fund interest earn-  
ings based on: (1) The average daily balance of moneys in the state fair cap-  
ital improvements fund for the preceding month; and (2) the net earnings  
rate for the pooled money investment portfolio for the preceding month.

(c) There is appropriated for the above agency from the state general  
fund for the fiscal year ending June 30, 2020, for the capital improvement  
project or projects specified, the following:

State fair debt service (373-00-1000-0700) .....\$848,750

Sec. 164.

KANSAS DEPARTMENT OF  
WILDLIFE, PARKS AND TOURISM

(a) There is appropriated for the above agency from the state eco-  
nomic development initiatives fund for the fiscal year ending June 30,  
2020, the following:

Debt service – Kansas City  
district office (710-00-1900-1960).....\$10,603

(b) There is appropriated for the above agency from the following  
special revenue fund or funds for the fiscal year ending June 30, 2020, all  
moneys now or hereafter lawfully credited to and available in such fund or  
funds, except that expenditures shall not exceed the following:



Department access road fund (710-00-2178-2760) ..... No limit  
*Provided*, That, in addition to the other purposes for which expenditures may be made by the above agency from the department access road fund, expenditures may be made from this fund for road improvement projects administered by the department of transportation in state parks and on public lands.  
 Bridge maintenance fund (710-00-2045-2070) ..... No limit  
 Office of the secretary building fund ..... No limit

(c) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$3,354,683 from the state highway fund of the department of transportation to the department access road fund of the Kansas department of wildlife, parks and tourism.

(d) On July 1, 2019, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the state highway fund of the department of transportation to the bridge maintenance fund of the Kansas department of wildlife, parks and tourism.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the state agricultural production fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the state agricultural production fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Agricultural land capital improvement ..... No limit  
*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the state agricultural production fund for fiscal year 2020.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parks rehabilitation and  
 repair projects (710-00-2122-2066) ..... \$1,247,840

Debt service – Kansas City district  
 office (710-00-2122-2058) ..... \$49,694

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the parks fee fund for fiscal year 2020.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2020,

expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service – Kansas City	
district office (710-00-2245-2805).....	\$12,690
Coast guard boating projects (710-00-2245-2840).....	\$66,255

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the boating fee fund for fiscal year 2020.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Shooting range development (710-00-2300-2301) .....	\$300,000
Land acquisition (710-00-2300-3040) .....	\$300,000
Federally mandated	
boating access (710-00-2300-4360).....	\$408,750

Debt service – Kansas	
City office (710-00-2300-2885) .....	\$77,607
Rehabilitation and repair (710-00-2300-3262).....	\$2,728,295

State fishing lake projects (710-00-2300-4320).....	\$62,525
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*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the wildlife fee fund for fiscal year 2020.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the cabin revenue fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Cabin site preparation (710-00-2668-2670) .....	\$500,000
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*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the cabin revenue fund for fiscal year 2020.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2020, expenditures may be made by the above agency from the following

capital improvement account or accounts of the wildlife restoration fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition

and development (710-00-3418-3420).....\$225,000

Rehabilitation and repair (710-00-3418-3422).....\$4,504,250

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the wildlife restoration fund for fiscal year 2020.

(k) In addition to the other purposes for which expenditures may be made by the above agency from the sport fish restoration program fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the sport fish restoration program fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair (710-00-3490-3491).....\$2,100,245

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the sport fish restoration program fund for fiscal year 2020.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the migratory waterfowl propagation and protection fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition (710-00-2600-3330).....\$287,500

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the migratory waterfowl propagation and protection fund for fiscal year 2020.

(m) In addition to the other purposes for which expenditures may be made by the above agency from the outdoor recreation acquisition, development and planning fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the outdoor recreation acquisition, development and planning fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Land and water conservation

development (710-00-3794-3795).....\$1,510,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the

outdoor recreation acquisition, development and planning fund for fiscal year 2020.

(n) In addition to the other purposes for which expenditures may be made by the above agency from the recreational trails program fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the recreational trails program fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Recreational trails program (710-00-3238-3238).....\$700,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the recreational trails program fund for fiscal year 2020.

(o) In addition to the other purposes for which expenditures may be made by the above agency from the federally licensed wildlife areas fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the federally licensed wildlife areas fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Agricultural land capital improvements .....\$900,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the federally licensed wildlife areas fund for fiscal year 2020.

(p) In addition to the other purposes for which expenditures may be made by the above agency from the boating safety and financial assistance fund for fiscal year 2020, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating safety and financial assistance fund for fiscal year 2020 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Coast guard boating projects (710-00-3251-3251).....No limit

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the boating safety and financial assistance fund for fiscal year 2020.

(q) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund, boating fee fund, boating safety and financial assistance fund, wildlife fee fund, wildlife conservation fund, cabin revenue fund, wildlife restoration fund, sport fish restoration program fund, migratory waterfowl propagation and protection fund, nongame wildlife improvement fund, plant and animal disease and pest control fund, land and water conservation fund – local, outdoor

recreation acquisition, development and planning fund, recreational trails program fund, federally licensed wildlife areas fund, department of wildlife and parks gifts and donations fund, highway planning/construction fund, state wildlife grants fund, disaster grants – public assistance, non-federal grants fund, bridge maintenance fund, state agricultural production fund, department access road fund, navigation projects fund, and recreation resource management fund for fiscal year 2020, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2020 from the unencumbered balance as of June 30, 2019, in each existing capital improvement account of each such special revenue fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2019: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on each such special revenue fund for fiscal year 2020 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2020.

Sec. 165. K.S.A. 2018 Supp. 2-223 is hereby amended to read as follows: 2-223. (a) There is hereby established in the state treasury the state fair capital improvements fund. All expenditures of moneys in the state fair capital improvements fund shall be used for the payment of capital improvements and maintenance for the state fairgrounds and the payment of capital improvement obligations that have been financed. Capital improvement projects for the Kansas state fairgrounds are hereby approved for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute.

(b) On each June 30, the state fair board shall certify to the director of accounts and reports an amount to be transferred from the state fair fee fund to the state fair capital improvements fund, which amount shall be not less than the amount equal to 5% of the total gross receipts during the current fiscal year from state fair activities and non-fair days activities, except that:

~~(1) For the fiscal year ending June 30, 2018, notwithstanding the other provisions of this section, on March 1, 2018, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of \$300,000 or the amount equal to 5% of the total gross receipts during fiscal year 2018 from state fair activities and non-fair days activities through March 1, 2018, except that, subject to approval by the director of the budget prior to March 1, 2018, after reviewing the amounts credited to the state fair fee fund and the state~~

~~fair capital improvements fund, cash flow considerations for the state fair fee fund, and the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2018, the state fair board may certify an amount on March 1, 2018, to the director of accounts and reports to be transferred from the state fair fee fund to the state fair capital improvements fund that is equal to the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2018, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year 2018. Upon receipt of any such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification; and~~

(2)—~~for the fiscal year ending June 30, 2019 2020, notwithstanding the other provisions of this section, on March 1, 2019 2020, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of \$300,000 or the amount equal to 5% of the total gross receipts during fiscal year 2019 2020 from state fair activities and non-fair days activities through March 1, 2019 2020, except that, subject to approval by the director of the budget prior to March 1, 2019 2020, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, cash flow considerations for the state fair fee fund, and the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2019 2020, the state fair board may certify an amount on March 1, 2019 2020, to the director of accounts and reports to be transferred from the state fair fee fund to the state fair capital improvements fund that is equal to the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, 2019 2020, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year 2019 2020. Upon receipt of any such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification.~~

Sec. 166. K.S.A. 2018 Supp. 12-1775a is hereby amended to read as follows: 12-1775a. (a) Prior to December 31, 1996, the governing body

of each city ~~which~~ *that*, pursuant to K.S.A. 12-1771, and amendments thereto, has established a redevelopment district prior to July 1, 1996, shall certify to the director of accounts and reports the amount equal to the amount of revenue realized from ad valorem taxes imposed pursuant to K.S.A. 72-5142, and amendments thereto, within such redevelopment district. Except as provided further, prior to February 1, 1997, and annually on that date thereafter, the governing body of each such city shall certify to the director of accounts and reports an amount equal to the amount by which revenues realized from such ad valorem taxes imposed in such redevelopment district are estimated to be reduced for the ensuing calendar year due to legislative changes in the statewide school finance formula. Prior to March 1 of each year, the director of accounts and reports shall certify to the state treasurer each amount certified by the governing bodies of cities under this section for the ensuing calendar year and shall transfer from the state general fund to the city tax increment financing revenue replacement fund the aggregate of all amounts so certified. Prior to April 15 of each year, the state treasurer shall pay from the city tax increment financing revenue replacement fund to each city certifying an amount to the director of accounts and reports under this section for the ensuing calendar year the amount so certified. During fiscal years ~~2018, 2019 and, 2020 and 2021~~, no moneys shall be transferred from the state general fund to the city tax increment financing revenue replacement fund pursuant to this subsection.

(b) There is hereby created the tax increment financing revenue replacement fund, which shall be administered by the state treasurer. All expenditures from the tax increment financing revenue replacement fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or a person or persons designated by the state treasurer.

Sec. 167. K.S.A. 2018 Supp. 12-5256 is hereby amended to read as follows: 12-5256. (a) All expenditures from the state housing trust fund made for the purposes of K.S.A. 2018 Supp. 12-5253 through 12-5255, and amendments thereto, shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the Kansas housing resources corporation.

(b) (1) ~~On July 1, 2017, July 1, 2018, and July 1, 2019, and July 1, 2020~~, the director of accounts and reports shall transfer \$2,000,000 from the state economic development initiatives fund to the state housing trust fund established by K.S.A. 74-8959, and amendments thereto.

(2) Notwithstanding the provisions of K.S.A. 74-8959, and amendments thereto, to the contrary, during ~~fiscal year fiscal year 2018, fiscal year 2019, and fiscal year 2020, and fiscal year 2021~~, moneys in the state



housing trust fund shall be used solely for the purpose of loans or grants to cities or counties for infrastructure or housing development in rural areas. During such fiscal years, on or before ~~January 8, 2018, January 14, 2019, and January 13, 2020, January 11, 2021, and January 10, 2022,~~ the president of the Kansas housing resources corporation shall submit a report concerning the activities of the state housing trust fund to the house of representatives committee on appropriations and the senate committee on ways and means.

Sec. 168. K.S.A. 2018 Supp. 55-193 is hereby amended to read as follows: 55-193. On July 15, 1996, and on the 15th day of each calendar quarter thereafter before July 1, ~~2020 2021,~~ the director of accounts and reports shall transfer \$100,000 from the state general fund and \$200,000 from the conservation fee fund established by K.S.A. 55-143, and amendments thereto, to the abandoned oil and gas well fund established by K.S.A. 55-192, and amendments thereto, except that no transfer shall be made pursuant to this section from the state general fund to the abandoned oil and gas well fund during ~~state fiscal year 2018,~~ state fiscal year 2019, ~~or~~ state fiscal year 2020, *or state fiscal year 2021.*

Sec. 169. K.S.A. 74-50,107 is hereby amended to read as follows: 74-50,107. (a) Commencing July 1, ~~2017 2018,~~ and on the first day of each month thereafter during ~~fiscal year 2018,~~ fiscal year 2019, ~~and~~ fiscal year 2020, *and fiscal year 2021,* the secretary of revenue shall apply a rate of 2% to that portion of moneys withheld from the wages of individuals and collected under the Kansas withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., and amendments thereto. The amount so determined shall be credited on a monthly basis as follows: (1) An amount necessary to meet obligations of the debt services for the IMPACT program repayment fund; and (2) an amount to the IMPACT program services fund as needed for program administration; and (3) any remaining amounts to the job creation program fund created pursuant to K.S.A. 74-50,224, and amendments thereto. During ~~fiscal year 2018,~~ fiscal year 2019, ~~and~~ fiscal year 2020, *and fiscal year 2021,* the aggregate amount that is credited to the job creation program fund pursuant to this subsection shall not exceed \$3,500,000 for each such fiscal year.

(b) Commencing July 1, ~~2020 2021,~~ and on an annual basis thereafter, the secretary of revenue shall estimate the amount equal to the amount of net savings realized from the elimination, modification or limitation of any credit, deduction or program pursuant to the provisions of this act as compared to the expense deduction provided for in K.S.A. 2018 Supp. 79-32,143a, and amendments thereto. Whereupon such amount of savings in accordance with appropriation acts shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall



deposit the entire amount to the credit of the job creation program fund created pursuant to K.S.A. 74-50,224, and amendments thereto. In addition, such other amount or amounts of money may be transferred from the state general fund or any other fund or funds in the state treasury to the job creation program fund in accordance with appropriation acts.

Sec. 170. K.S.A. 74-99b34 is hereby amended to read as follows: 74-99b34. (a) The bioscience development and investment fund is hereby created. The bioscience development and investment fund shall not be a part of the state treasury and the funds in the bioscience development and investment fund shall belong exclusively to the authority.

(b) Distributions from the bioscience development and investment fund shall be for the exclusive benefit of the authority, under the control of the board and used to fulfill the purpose, powers and duties of the authority pursuant to the provisions of K.S.A. 74-99b01 et seq., and amendments thereto.

(c) The secretary of revenue and the authority shall establish the base year taxation for all bioscience companies and state universities. The secretary of revenue, the authority and the board of regents shall establish the number of bioscience employees associated with state universities and report annually and determine the increase from the taxation base annually. The secretary of revenue and the authority may consider any verifiable evidence, including, but not limited to, the NAICS code assigned or recorded by the department of labor for companies with employees in Kansas, when determining which companies should be classified as bioscience companies.

(d) (1) Except as provided in subsection ~~(d)(2), (d)(3) or~~ (h), for a period of 15 years from the effective date of this act, the state treasurer shall pay annually 95% of withholding above the base, as certified by the secretary of revenue, upon Kansas wages paid by bioscience employees to the bioscience development and investment fund. Such payments shall be reconciled annually. On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the bioscience development and investment fund interest earnings based on:

(A) The average daily balance of moneys in the bioscience development and investment fund for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.

~~(2) (A) For fiscal year 2018, the first \$1,000,000 that the secretary of revenue certifies to the state treasurer of the annual 95% of withholding above the base, upon Kansas wages paid by bioscience employees, shall be transferred by the director of accounts and reports from the state general fund to the following: The center of innovation for biomaterials in orthopaedic research—Wichita state university fund.~~

(B) There is hereby established in the state treasury the center of innovation for biomaterials in orthopaedic research – Wichita state university fund, which shall be administered by Wichita state university. All moneys credited to the fund shall be used for research and development. All expenditures from the center of innovation for biomaterials in orthopaedic research – Wichita state university fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the president of Wichita state university or by the person or persons designated by the president of Wichita state university.

~~(3)(A) For fiscal year 2018, the next \$5,000,000 that the secretary of revenue certifies to the state treasurer of the annual 95% of withholding above the base, upon Kansas wages paid by bioscience employees above the first \$1,000,000 certified pursuant to subsection (d)(2)(A), shall be transferred by the director of accounts and reports from the state general fund to the following: The national bio agro-defense facility fund at Kansas state university.~~

(B) There is hereby established in the state treasury the national bio agro-defense facility fund, which shall be administered by Kansas state university in accordance with the strategic plan adopted by the governor's national bio agro-defense facility steering committee. All moneys credited to the fund shall be used in accordance with the governor's national bio agro-defense facility steering committee's plan with the approval of the president of Kansas state university. All expenditures from the national bio agro-defense facility fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the steering committee and the president of Kansas state university or by the person or persons designated by the president of Kansas state university.

(e) The cumulative amounts of funds paid by the state treasurer to the bioscience development and investment fund shall not exceed \$581,800,000.

(f) The division of post audit is hereby authorized to conduct a post audit in accordance with the provisions of the legislative post audit act, K.S.A. 46-1106 et seq., and amendments thereto.

(g) At the direction of the authority, the fund may be held in the custody of and invested by the state treasurer, provided that the bioscience development and investment fund shall at all times be accounted for in a separate report from all other funds of the authority and the state.

~~(h) During the fiscal year ending June 30, 2018, the aggregate amount that is directed to be transferred from the state general fund to the bioscience development and investment fund pursuant to subsection (d)(1) plus interest earnings pursuant to subsection (d)(1) shall not exceed \$6,000,000 for such fiscal year.~~

(i)—During fiscal years 2019 ~~and~~, 2020 *and* 2021, no moneys shall be transferred from the state general fund to the bioscience development and investment fund pursuant to subsection (d)(1).

Sec. 171. K.S.A. 2018 Supp. 75-2263 is hereby amended to read as follows: 75-2263. (a) Subject to the provisions of subsection (j), the board of trustees is responsible for the management and investment of that portion of state moneys available for investment by the pooled money investment board that is certified by the state treasurer to the board of trustees as being equivalent to the aggregate net amount received for unclaimed property and shall discharge the board's duties with respect to such moneys solely in the interests of the state general fund and shall invest and reinvest such moneys and acquire, retain, manage, including the exercise of any voting rights and disposal of investments of such moneys within the limitations and according to the powers, duties and purposes as prescribed by this section.

(b) Moneys specified in subsection (a) shall be invested and reinvested to achieve the investment objective, which is preservation of such moneys and accordingly providing that the moneys are as productive as possible, subject to the standards set forth in this section. No such moneys shall be invested or reinvested if the sole or primary investment objective is for economic development or social purposes or objectives.

(c) In investing and reinvesting moneys specified in subsection (a) and in acquiring, retaining, managing and disposing of investments of the moneys, the board of trustees shall exercise the judgment, care, skill, prudence and diligence under the circumstances then prevailing, which persons of prudence, discretion and intelligence acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments of the moneys so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so, and not in regard to speculation but in regard to the permanent disposition of similar moneys, considering the probable income as well as the probable safety of their capital.

(d) In the discharge of such management and investment responsibilities the board of trustees may contract for the services of one or more professional investment advisors or other consultants in the management and investment of such moneys and otherwise in the performance of the duties of the board of trustees under this section.

(e) The board of trustees shall require that each person contracted with under subsection (d) to provide services shall obtain commercial insurance~~—which~~ *that* provides for errors and omissions coverage for such person in an amount to be specified by the board of trustees. The amount of such coverage specified by the board of trustees shall be at least the greater of \$500,000 or 1% of the funds entrusted to such per-

son up to a maximum of \$10,000,000. The board of trustees shall require a person contracted with under subsection (d) to provide services to give a fidelity bond in a penal sum as may be fixed by law or, if not so fixed, as may be fixed by the board of trustees, with corporate surety authorized to do business in this state. Such persons contracted with the board of trustees pursuant to subsection (d) and any persons contracted with such persons to perform the functions specified in subsection (b) shall be deemed to be fiduciary agents of the board of trustees in the performance of contractual obligations.

(f) (1) Subject to the objective set forth in subsection (b) and the standards set forth in subsection (c), the board of trustees shall formulate and adopt policies and objectives for the investment and reinvestment of such moneys and the acquisition, retention, management and disposition of investments of the moneys. Such policies and objectives shall be in writing and shall include:

- (A) Specific asset allocation standards and objectives;
- (B) establishment of criteria for evaluating the risk versus the potential return on a particular investment; and
- (C) a requirement that all investment advisors, and any managers or others with similar duties and responsibilities as investment advisors, shall immediately report all instances of default on investments to the board of trustees and provide such board of trustees with recommendations and options, including, but not limited to, curing the default or withdrawal from the investment.

(2) The board of trustees shall review such policies and objectives, make changes considered necessary or desirable and readopt such policies and objectives on an annual basis.

(g) Except as provided in subsection (d) and this subsection, the custody of such moneys shall remain in the custody of the state treasurer, except that the board of trustees may arrange for the custody of such moneys as it considers advisable with one or more member banks or trust companies of the federal reserve system or with one or more banks in the state of Kansas, or both, to be held in safekeeping by the banks or trust companies for the collection of the principal and interest or other income or of the proceeds of sale. All such moneys shall be considered moneys in the state treasury for purposes of K.S.A. 75-6704, and amendments thereto.

(h) All interest or other income of the investments of the moneys invested under this section, after payment of any management fees, shall be deposited in the state treasury to the credit of the state general fund.

(i) Subject to the provisions of subsection (j), the state treasurer shall certify to the board of trustees a portion of state moneys available for investment by the pooled money investment board that is equivalent to the

aggregate net amount received for unclaimed property. The state treasurer shall transfer the amount certified to the board of trustees. During fiscal years ~~2018 and 2019~~, *2020 and 2021*, the state treasurer shall not certify or transfer any state moneys available for investment pursuant to this subsection.

(j) (1) During fiscal year 2017, the board of trustees shall liquidate all investments and reinvestments of state moneys certified by the state treasurer to the board of trustees pursuant to subsection (a).

(2) Upon receiving any such amounts from any such liquidation, the state treasurer shall remit the entire amount 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 any earnings from the liquidation to the state general fund and credit the principal that had been invested and reinvested to the pooled money investment portfolio.

(k) As used in this section:

(1) “Board of trustees” means the board of trustees of the Kansas public employees retirement system established by K.S.A. 74-4905, and amendments thereto.

(2) “Fiduciary” means a person who, with respect to the moneys invested under this section, ~~is a person who~~:

(A) Exercises any discretionary authority with respect to administration of the moneys;

(B) exercises any authority to invest or manage such moneys or has any authority or responsibility to do so;

(C) provides investment advice for a fee or other direct or indirect compensation with respect to such moneys or has any authority or responsibility to do so;

(D) provides actuarial, accounting, auditing, consulting, legal or other professional services for a fee or other direct or indirect compensation with respect to such moneys or has any authority or responsibility to do so; or

(E) is a member of the board of trustees or of the staff of the board of trustees.

Sec. 172. K.S.A. 2018 Supp. 75-4209 is hereby amended to read as follows: 75-4209. (a) The director of investments may invest and re-invest state moneys eligible for investment which are not invested in accordance with K.S.A. 75-4237, and amendments thereto, in the following investments:

(1) Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of the United States sponsored enterprises which under federal law may be accepted as security for public funds, on

and after the effective date of this act moneys available for investment under this subsection shall not be invested in mortgage-backed securities of such enterprises and of the government national mortgage association, except that any such mortgage-backed securities held prior to the effective date of this act may be held to maturity;

(2) repurchase agreements with a bank or a primary government securities dealer which reports to the market reports division of the federal reserve bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations and securities of United States government sponsored enterprises which under federal law may be accepted as security for public funds;

(3) commercial paper that does not exceed 270 days to maturity and which has received one of the two highest commercial paper credit ratings by a nationally recognized investment rating firm; and

(4) corporate bonds which have received one of the two highest ratings by a nationally recognized investment rating firm.

(b) When moneys are available for deposit or investments, the director of investments may invest in SKILL act projects and bonds pursuant to K.S.A. 74-8920, and amendments thereto, and in state agency bonds and bond projects.

(c) When moneys are available for deposits or investments, the director of investments may invest in preferred stock of Kansas venture capital, inc., under terms and conditions prescribed by K.S.A. 74-8203, and amendments thereto, but such investments shall not in the aggregate exceed a total amount of \$10,000,000.

(d) When moneys are available for deposits or investments, the director of investments may invest in loans pursuant to legislative mandates, except that not more than the greater of 10% or \$140,000,000 of the state moneys shall be invested. The provisions of this subsection shall not apply to the provisions of subsection (m).

(e) Interest on investment accounts in banks is to be paid at maturity, but not less than annually.

(f) Investments made by the director of investments under the provisions of this section shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

(g) Investments under subsection (a) or (b) or under K.S.A. 75-4237, and amendments thereto, shall be for a period not to exceed four years, except that linked deposits authorized under the provisions of K.S.A. 2-3703 through 2-3707, and amendments thereto, shall not exceed a peri-

od of 10 years; agricultural production loan deposits authorized under the provisions of K.S.A. 2018 Supp. 75-4268 through 75-4274, and amendments thereto, shall not exceed a period of eight years and housing loan deposits authorized under K.S.A. 2018 Supp. 75-4276 through 75-4282, and amendments thereto, shall not exceed a period of five years or 20 years, as applicable pursuant to K.S.A. 2018 Supp. 75-4279, and amendments thereto.

(h) Investments in securities under subsection (a)(1) shall be limited to securities which do not have any more interest rate risk than do direct United States government obligations of similar maturities. For purposes of this subsection, “interest rate risk” means market value changes due to changes in current interest rates.

(i) The director of investments shall not invest state moneys eligible for investment under subsection (a), in the municipal investment pool fund, created under K.S.A. 12-1677a, and amendments thereto.

(j) The director of investments shall not invest moneys in the pooled money investment portfolio in derivatives. As used in this subsection, “derivatives” means a financial contract whose value depends on the value of an underlying asset or index of asset values.

(k) Moneys and investments in the pooled money investment portfolio shall be invested and reinvested by the director of investments in accordance with investment policies developed, approved, published and updated on an annual basis by the board. Such investment policies shall include at a minimum guidelines which identify credit standards, eligible instruments, allowable maturity ranges, methods for valuing the portfolio, calculating earnings and yields and limits on portfolio concentration for each type of investment. Any changes in such investment policies shall be approved by the pooled money investment board. Such investment policies may specify the contents of reports, methods of crediting funds and accounts and other operating procedures.

(l) The board shall adopt rules and regulations to establish an overall percentage limitation on the investment of moneys in investments authorized under subsection (a)(3), and within such authorized investment, the board shall establish a percentage limitation on the investment in any single business entity.

(m) (1) During the fiscal year ending June 30, 2017, the director of the budget shall estimate on or before June 27, 2017, the amount of the unencumbered ending balance in the state general fund for fiscal year 2017. If the amount of such unencumbered ending balance in the state general fund is less than \$50,000,000, the director of the budget shall certify the difference between \$50,000,000, and the amount of such unencumbered ending balance to the pooled money investment board. Upon the liquidation of all investments and reinvestments of state moneys pursuant to



K.S.A. 2018 Supp. 75-2263(j), and amendments thereto, and upon receipt of such certification by the director of the budget, during the fiscal year ending June 30, 2017, the pooled money investment board shall authorize the director of accounts and reports to transfer an amount equal to the amount certified by the director of the budget pursuant to this subsection from the pooled money investment portfolio to the state general fund. Upon receipt of such authorization, the director of accounts and reports shall make such transfer. The chairperson of the pooled money investment board shall transmit a copy of such authorization to the director of legislative research and the director of the budget.

(2) (A) On or before June 30, 2019, ~~June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024~~, the director of accounts and reports shall transfer an amount equal to  $\frac{1}{6}$  of the amount transferred pursuant to subsection (m)(1) from the state general fund to the pooled money investment portfolio.

(B) *On or before June 30, 2020, and June 30, 2021, the director of accounts and reports shall transfer an amount equal to  $\frac{1}{2}$  of the amount transferred pursuant to subsection (m)(1), reduced by the amount transferred pursuant to subsection (m)(2)(A) from the state general fund to the pooled money investment portfolio.*

(C) Any transfer made pursuant to this subsection shall be reduced by the amount of moneys credited to any fiscal year payment pursuant to K.S.A. 2018 Supp. 75-6707, and amendments thereto.

(3) During the fiscal year ending June 30, 2018, after any transfer made pursuant to subsection (m)(1), the pooled money investment board shall authorize the director of accounts and reports to transfer the remaining amount of all investments and reinvestments of state moneys liquidated pursuant to K.S.A. 2018 Supp. 75-2263(j), and amendments thereto, from the pooled money investment portfolio to the state general fund. Upon receipt of such authorization, the director of accounts and reports shall make such transfer. The chairperson of the pooled money investment board shall transmit a copy of such authorization to the director of legislative research and the director of the budget.

(4) (A) On or before June 30, 2019, ~~June 30, 2020, June 30, 2021, June 30, 2022, June 30, 2023, and June 30, 2024~~, the director of accounts and reports shall transfer an amount equal to  $\frac{1}{6}$  of the amount transferred pursuant to subsection (m)(3) from the state general fund to the pooled money investment portfolio.

(B) *On or before June 30, 2020, and June 30, 2021, the director of accounts and reports shall transfer an amount equal to  $\frac{1}{2}$  of the amount transferred pursuant to subsection (m)(3), reduced by the amount transferred pursuant to subsection (m)(4)(A) from the state general fund to the pooled money investment portfolio.*



(C) Any transfer made pursuant to this subsection shall be reduced by the amount of moneys credited to any fiscal year payment pursuant to K.S.A. 2018 Supp. 75-6707, and amendments thereto.

Sec. 173. K.S.A. 2018 Supp. 75-6702 is hereby amended to read as follows: 75-6702. (a) The last appropriation bill passed in any regular session of the legislature shall be the omnibus reconciliation spending limit bill. Each bill which is passed during a regular session of the legislature and which appropriates or transfers money from the state general fund for the ensuing fiscal year shall contain a provision that such bill shall take effect and be in force from and after the effective date of the omnibus reconciliation spending limit bill for that regular session of the legislature or from and after such effective date and a subsequent date or an event occurring after such effective date.

(b) Except as provided in subsection (c), the maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the 2004 regular session of the legislature and each regular session of the legislature thereafter, is hereby fixed so that there will be an ending balance in the state general fund for the ensuing fiscal year that is equal to 7.5% or more of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year.

(c) The provisions of subsection (b) are hereby suspended for ~~the fiscal year ending June 30, 2018, and the fiscal year ending June 30, 2019, and the fiscal year ending June 30, 2020,~~ and shall not prescribe a maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during ~~the 2017 or 2018 or 2019~~ regular session of the legislature.

Sec. 174. K.S.A. 2018 Supp. 75-6707 is hereby amended to read as follows: 75-6707. (a) For the fiscal years ending June 30, 2020, June 30, 2021, and June 30, 2022, the director of the budget, in consultation with the director of legislative research, shall certify, at the end of each such fiscal year, the amount of actual tax receipt revenues to the state general fund that is in excess of, or is less than, the amount of estimated tax receipt revenues to the state general fund pursuant to the most recent joint estimate of revenue under K.S.A. 75-6701, and amendments thereto, for such fiscal year, and shall transmit such certification to the director of accounts and reports.

(b) Upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer such certified excess amount from the state general fund as follows:

(1) For the fiscal years ending June 30, 2020, and June 30, 2021:

(A) 50% to the budget stabilization fund established by K.S.A. 2018 Supp. 75-6706, and amendments thereto; and

(B) 50% to the pooled money investment portfolio pursuant to K.S.A. 75-4209(m)(2) and (m)(4), and amendments thereto, to pay in full or in part the amounts to be transferred. Any moneys transferred to the pooled money investment portfolio pursuant to this section shall be credited to the final payment to be made in fiscal year ~~2024~~ 2021, and each next preceding fiscal year thereafter as moneys are available; and

(2) for the fiscal year ending June 30, 2022:

(A) 50% to the budget stabilization fund; and

(B) 50% to the Kansas public employees retirement fund to be applied to the payment, in full or in part, of the unfunded actuarial pension liability as directed by the Kansas public employees retirement system.

(c) If the amount of actual tax receipt revenues to the state general fund is less than the amount of estimated tax receipt revenues to the state general fund, then no transfers shall be made pursuant to this section.

Sec. 175. K.S.A. 2018 Supp. 76-775 is hereby amended to read as follows: 76-775. (a) Subject to the other provisions of this act, on the first day of the first state fiscal year commencing after receiving a certification of receipt of a qualifying gift under K.S.A. 2018 Supp. 76-774, and amendments thereto, the director of accounts and reports shall transfer from the state general fund the amount determined by the director of accounts and reports to be the earnings equivalent award for such qualifying gift for the period of time between the date of certification of the qualifying gift and the first day of the ensuing state fiscal year to either: (1) The endowed professorship account of the faculty of distinction matching fund of the eligible educational institution, in the case of a certification of a qualifying gift to an eligible educational institution that is a state educational institution; or (2) the faculty of distinction program fund of the state board of regents, in the case of a certification of a qualifying gift to an eligible institution that is not a state educational institution. Subject to the other provisions of this act, on each July 1 thereafter, the director of accounts and reports shall make such transfer from the state general fund of the earnings equivalent award for such qualifying gift for the period of the preceding state fiscal year. All transfers made in accordance with the provisions of this subsection shall be considered demand transfers from the state general fund, except that all such transfers during the fiscal years ending ~~June 30, 2018~~, June 30, 2019, ~~and~~ June 30, 2020, ~~and~~ June 30, 2021, shall be considered to be revenue transfers from the state general fund.

(b) There is hereby established in the state treasury the faculty of distinction program fund, which shall be administered by the state board of regents. All moneys transferred under this section to the faculty of distinction program fund of the state board of regents shall be paid to eligible educational institutions that are not state educational institutions

for earnings equivalent awards for qualifying gifts to such eligible educational institutions. The state board of regents shall pay from the faculty of distinction program fund the amount of each such transfer to the eligible educational institution for the earnings equivalent award for which such transfer was made under this section.

(c) The earnings equivalent award for an endowed professorship shall be determined by the director of accounts and reports and shall be the amount of interest earnings that the amount of the qualifying gift certified by the state board of regents would have earned at the average net earnings rate of the pooled money investment board portfolio for the period for which the determination is being made.

(d) The total amount of new qualifying gifts ~~which~~ *that* may be certified to the director of accounts and reports under this act during any state fiscal year for all eligible educational institutions shall not exceed \$30,000,000. The total amount of new qualifying gifts ~~which~~ *that* may be certified to the director of accounts and reports under this act during any state fiscal year for any individual eligible educational institution shall not exceed \$10,000,000. No additional qualifying gifts shall be certified by the state board of regents under this act when the total of all transfers from the state general fund for earnings equivalent awards for qualifying gifts pursuant to this section, and amendments thereto, for a fiscal year is equal to or greater than \$8,000,000 in fiscal year 2011 and in each fiscal year thereafter.

Sec. 176. K.S.A. 2018 Supp. 76-7,107 is hereby amended to read as follows: 76-7,107. (a) (1) On July 1, 2008, or as soon thereafter as sufficient moneys are available, \$7,000,000 shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2018 Supp. 76-7,104, and amendments thereto.

(2) No moneys shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 2018 Supp. 76-7,104, and amendments thereto, during the fiscal years ending ~~June 30, 2018~~, June 30, 2019, ~~and June 30, 2020~~, and *June 30, 2021*, pursuant to this section.

(b) All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

(c) All moneys credited to the infrastructure maintenance fund shall be expended or transferred only for the purpose of paying the cost of projects approved by the state board pursuant to the state educational institution long-term infrastructure maintenance program.

Sec. 177. K.S.A. 2018 Supp. 79-2959 is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the

provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts ~~which~~ *that* in the aggregate equal 3.63% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that: (1) No moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal years ~~2018, 2019 and, 2020 and 2021~~; and (2) the amount of the transfer on each such date shall be \$27,000,000 during fiscal year ~~2021~~ 2022 and all fiscal years thereafter. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund, except that all such transfers during fiscal year ~~2021~~ 2022 shall be considered to be revenue transfers from the state general fund.

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

Sec. 178. K.S.A. 2018 Supp. 79-2964 is hereby amended to read as follows: 79-2964. There is hereby created the county and city revenue sharing fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be allocated and distributed in the manner provided herein. The director of accounts and reports in each year on July 15 and December 10, shall make transfers in equal amounts ~~which~~ *that* in the aggregate equal 2.823% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, during the preceding calendar year from the state general fund to the county and city revenue sharing fund, except that no moneys shall be transferred from the state general fund to the county and city revenue sharing fund during state fiscal years ~~2018, 2019, and 2020 and 2021~~. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance

with the provisions of this section shall be considered to be demand transfers from the state general fund.

Sec. 179. K.S.A. 2018 Supp. 79-3425i is hereby amended to read as follows: 79-3425i. On January 15 and July 15 of each year, the director of accounts and reports shall transfer a sum equal to the total taxes collected under the provisions of K.S.A. 79-6a04 and 79-6a10, and amendments thereto, and annual commercial vehicle fees collected pursuant to K.S.A. 2018 Supp. 8-143m, and amendments thereto, and credited to the state general fund during the six months next preceding the date of transfer, from the state general fund to the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto, except that: (1) Such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto; (2) no moneys shall be transferred from the state general fund to the special city and county highway fund during ~~state fiscal year 2018,~~ state fiscal year 2019, ~~or~~ state fiscal year 2020, *or state fiscal year 2021*; and (3) all transfers under this section shall be considered to be demand transfers from the state general fund.

Sec. 180. K.S.A. 2018 Supp. 79-34,171 is hereby amended to read as follows: 79-34,171. (a) On January 1, 2009, and quarterly thereafter, the director of accounts and reports shall transfer \$400,000 from the state general fund to the Kansas retail dealer incentive fund, except that no moneys shall be transferred pursuant to this section from the state general fund to the Kansas retail dealer incentive fund during the fiscal years ending ~~June 30, 2018,~~ June 30, 2019, ~~or~~ June 30, 2020, *or June 30, 2021*. On and after July 1, 2009, the unobligated balance in the Kansas retail dealer incentive fund shall not exceed \$1.5 million. If the unobligated balance of the fund exceeds \$1.1 million at the time of a quarterly transfer, the transfer shall be limited to the amount necessary for the fund to reach a total of \$1.5 million.

(b) There is hereby created in the state treasury the Kansas retail dealer incentive fund. All moneys in the Kansas retail dealer incentive fund shall be expended by the secretary of the department of revenue for the payment of incentives to Kansas retail dealers who sell and dispense renewable fuels or biodiesel through a motor fuel pump in accordance with the provisions of K.S.A. 2018 Supp. 79-34,170 through 79-34,175, and amendments thereto.

(c) All moneys remaining in the Kansas retail dealer incentive fund upon the expiration of K.S.A. 2018 Supp. 79-34,170 through 79-34,175, and amendments thereto, shall be credited by the state treasurer to the state general fund.

Sec. 181. K.S.A. 2018 Supp. 79-4804 is hereby amended to read as follows: 79-4804. (a) After the transfer of moneys pursuant to K.S.A. 2018 Supp. 79-4806, and amendments thereto, an amount equal to 85% of the

balance of all moneys credited to the state gaming revenues fund shall be transferred and credited to the state economic development initiatives fund. Expenditures from the state economic development initiatives fund shall be made in accordance with appropriations acts for the financing of such programs supporting and enhancing the existing economic foundation of the state and fostering growth through the expansion of current, and the establishment and attraction of new, commercial and industrial enterprises as provided by this section and as may be authorized by law and not less than  $\frac{1}{2}$  of such money shall be distributed equally among the congressional districts of the state. Except as provided by subsection (g), all moneys credited to the state economic development initiatives fund shall be credited within the fund, as provided by law, to an account or accounts of the fund, which are created by this section.

(b) There is hereby created the Kansas capital formation account in the state economic development initiatives fund. All moneys credited to the Kansas capital formation account shall be used to provide, encourage and implement capital development and formation in Kansas.

(c) There is hereby created the Kansas economic development research and development account in the state economic development initiatives fund. All moneys credited to the Kansas economic development research and development account shall be used to promote, encourage and implement research and development programs and activities in Kansas and technical assistance funded through state educational institutions under the supervision and control of the state board of regents or other Kansas colleges and universities.

(d) There is hereby created the Kansas economic development endowment account in the state economic development initiatives fund. All moneys credited to the Kansas economic development endowment account shall be accumulated and invested as provided in this section to provide an ongoing source of funds, which shall be used for economic development activities in Kansas, including, but not limited to, continuing appropriations or demand transfers for programs and projects, which shall include, but are not limited to, specific community infrastructure projects in Kansas that stimulate economic growth.

(e) Except as provided in subsection (f), the director of investments may invest and reinvest moneys credited to the state economic development initiatives fund in accordance with investment policies established by the pooled money investment board under K.S.A. 75-4232, and amendments thereto, in the pooled money investment portfolio. All moneys received as interest earned by the investment of the moneys credited to the state economic development initiatives fund shall be deposited in the state treasury and credited to the Kansas economic development endowment account of such fund.

(f) Moneys credited to the Kansas economic development endowment account of the state economic development initiatives fund may be invested in government guaranteed loans and debentures as provided by law in addition to the investments authorized by subsection (e) or in lieu of such investments. All moneys received as interest earned by the investment under this subsection of the moneys credited to the Kansas economic development endowment account shall be deposited in the state treasury and credited to the Kansas economic development endowment account of the state economic development initiatives fund.

(g) Except as provided further, in each fiscal year, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 ~~which that~~ in the aggregate equal \$2,000,000 from the state economic development initiatives fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto. In state fiscal year 2019, *fiscal year 2020 and fiscal year 2021*, the director of accounts and reports shall make transfers in equal amounts on July 15 and January 15 that in the aggregate equal \$500,000 from the state economic development initiatives fund to the state water plan fund. ~~No moneys shall be transferred from the state economic development initiatives fund to the state water plan fund on such dates during state fiscal year 2018 and state fiscal year 2020.~~ No other moneys credited to the state economic development initiatives fund shall be used for: (1) Water-related projects or programs, or related technical assistance; or (2) any other projects or programs, or related technical assistance, ~~which that~~ meet one or more of the long-range goals, objectives and considerations set forth in the state water resource planning act.

Sec. 182. K.S.A. 2018 Supp. 82a-953a is hereby amended to read as follows: 82a-953a. During each fiscal year, the director of accounts and reports shall transfer \$6,000,000 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, one-half of such amount to be transferred on July 15 and one-half to be transferred on January 15, ~~except that during the fiscal year ending June 30, 2018, the transfer shall not exceed \$1,400,000. On the effective date of this act, the director of accounts and reports shall transfer \$200,000 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto.~~ During the fiscal year ending June 30, 2019, the transfer shall not exceed \$2,750,000. ~~No moneys shall be transferred from the state general fund to the state water plan fund during the fiscal year ending June 30, 2020~~ *During the fiscal year ending June 30, 2020, the transfer shall not exceed \$4,005,632. During the fiscal year ending June 30, 2021, the transfer shall not exceed \$2,750,000.*

Sec. 183. K.S.A. 74-50,107 and 74-99b34 and K.S.A. 2018 Supp. 2-223, 12-1775a, 12-5256, 55-193, 75-2263, 75-4209, 75-6702, 75-6707,



76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a are hereby repealed.

Sec. 184. 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. 185. *Severability.* If any provision or clause of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 186. *Appeals to exceed expenditure limitations.* (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children's initiative fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any such funds.

Sec. 187. *Savings.* (a) Any unencumbered balance as of June 30, 2019, in any special revenue fund, or account thereof, of any state agency named in this act that is not otherwise specifically appropriated or limited for fiscal year 2020 by this or any other appropriation act of the 2019 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2020, for the same use and purpose as the same was heretofore appropriated.

(b) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children's initiatives fund, the state water plan fund, the Kansas endowment for youth fund, the Kansas educational building fund, the state institutions building fund, or the correctional institutions building fund, or to any account of any of such funds.

Sec. 188. During the fiscal year ending June 30, 2020, all moneys that are lawfully credited to and available in any bond special revenue fund and that are not otherwise specifically appropriated or limited by this or other appropriation act of the 2019 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2020, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund. As used in this section, "bond special revenue fund" means any



special revenue fund or account thereof established in the state treasury prior to or on or after the effective date of this act for the deposit of the proceeds of bonds issued by the Kansas development finance authority, for the payment of debt service for bonds issued by the Kansas development finance authority, or for any related purpose in accordance with applicable bond covenants.

Sec. 189. *Federal grants.* (a) During the fiscal year ending June 30, 2020, each federal grant or other federal receipt that is received by a state agency named in this act and that is not otherwise appropriated to that state agency for fiscal year 2020 by this or other appropriation act of the 2019 regular session of the legislature, is hereby appropriated for fiscal year 2020, for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt that has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

(b) In addition to the other purposes for which expenditures may be made by any state agency that is named in this act and that is not otherwise authorized by law to apply for and receive federal grants, expenditures may be made by such state agency from moneys appropriated for fiscal year 2020 by this act or any other appropriation act of the 2019 regular session of the legislature to apply for and receive federal grants during fiscal year 2020, which federal grants are hereby authorized to be applied for and received by such state agencies: *Provided*, That no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt that has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

Sec. 190. (a) Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2019 regular session of the legislature, and having an unencumbered balance as of June 30, 2019, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2020, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

(b) This subsection shall not apply to the unencumbered balance in any account of the correctional institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2018.

Sec. 191. (a) Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2019 regular session of the legislature and having an

unencumbered balance as of June 30, 2019, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2020, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund that was encumbered for any fiscal year commencing prior to July 1, 2018.

Sec. 192. (a) Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2019 regular session of the legislature and having an unencumbered balance as of June 30, 2019, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2020, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This subsection shall not apply to the unencumbered balance in any account of the state institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2018.

Sec. 193. Any transfers of money during the fiscal year ending June 30, 2020, from any special revenue fund of any state agency named in this act to the audit services fund of the division of post audit under K.S.A. 46-1121, and amendments thereto, shall be in addition to any expenditure limitation imposed on any such fund for the fiscal year ending June 30, 2020.

Sec. 194. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 20, 2019.

Published in the *Kansas Register* May 31, 2019.

(See Messages from the Governor).

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#### CERTIFICATE

In accordance with K.S.A. 45-208, it is certified that **House Substitute for Senate Bill 25**, approved by the Governor on May 20, 2019; was returned by her with her line item objections enumerated below:

#### **Board of Pharmacy**

Section 27(a) and (b), transferring \$705,000 from the Medical Programs Fee Fund for K-TRACS in FY20, have been line-item vetoed.

#### **KPERS**

Section 56(e), requiring an additional \$51 million transfer from the State General Fund to KPERS in FY20, has been line-item vetoed.

**Department of Aging and Disability Services**

Section 84(a), \$1,885,000 for community mental health centers supplemental funding & community aid, as well as \$38,646 for the Client Assessment Referral and Evaluation (CARE) program, both in FY19, has been line-item vetoed.

**Department of Education**

Section 90(a), \$1,200,000 for evidenced-based or research-based reading programs, \$80,000 for Technical Education incentives, and \$261,000 for Teach for America, all in FY20, have been line-item vetoed.

and approved on May 29, 2019 by two-thirds of the members elected to the Senate notwithstanding the objections of the governor; were reconsidered by the House of Representatives and was approved on May 29, 2019, by two-thirds of the members elected to the House, notwithstanding the objections, the line items did pass and shall become law.

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

Susan Kannarr  
Chief Clerk of the House of Representatives  
of the State of Kansas  
Ron Ryckman  
Speaker of the House of Representatives  
of the State of Kansas  
Corey Carnahan  
Secretary of the Senate  
of the State of Kansas  
Susan Wagle  
President of the Senate  
of the State of Kansas

## CHAPTER 69

## SENATE CONCURRENT RESOLUTION No. 1602

A CONCURRENT RESOLUTION relating to a committee to inform the governor that the two houses of the legislature are duly organized and ready to receive communications.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That a committee of two members from the Senate and three members from 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 14, 2019.

Adopted by the Senate January 14, 2019.

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## CHAPTER 70

## HOUSE CONCURRENT RESOLUTION No. 5002

A CONCURRENT RESOLUTION providing for a joint session of the Senate and House of Representatives for the purpose of hearing a message from the Governor.

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Senate and House of Representatives meet in joint session in Representative Hall at 6:00 p.m. on January 16, 2019, for the purpose of hearing the message of 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 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.

Adopted by the House January 14, 2019.

Adopted by the Senate January 15, 2019.

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## CHAPTER 71

## SENATE CONCURRENT RESOLUTION No. 1603

A CONCURRENT RESOLUTION adopting joint rules for the Senate and House of Representatives for the 2019-2020 biennium.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That the following joint rules shall be the joint rules of the Senate and House of Representatives for the 2019-2020 biennium.

**JOINT RULES OF THE  
SENATE AND HOUSE OF REPRESENTATIVES  
2019-2020**

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

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

(c) *Amendment, suspension or revocation of joint rules at commencement of legislative session; vote required; conditions.* Notwithstanding any provision of this rule to the contrary, no notice shall be required for the adoption of a concurrent resolution amending, suspending or revoking any one or more joint rules at the commencement of a legislative session, and adoption of any such concurrent resolution shall require only the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in each house, subject to the following conditions: (1) The concurrent resolution is sponsored by the speaker or the

president; and (2) either: (a) A copy thereof is mailed to each member of the legislature by deposit in the United States mails not later than 11:00 p.m. on the Thursday preceding the Monday on which the legislative session is to commence; or (b) in lieu of mailing, copies of the concurrent resolution are made available to members on the first day of the legislative session and final action is taken on a subsequent legislative day.

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

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

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

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

(b) *Concurrence by house of origin; concurrence prior to taking action on conference committee report by other house; final action; effect of failure of motion to concur.* The house of origin of any bill or concurrent resolution may concur in any amendments made by the other house, ex-

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

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

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

(e) *Membership; appointment; chairperson; house of origin of substitute or materially changed bill or concurrent resolution; meetings of conference committee.* Each conference committee shall consist of three members of the senate and three members of the house of representatives, unless otherwise fixed by agreement of the president of the senate and speaker of the house. Senate members shall be appointed by the president of the senate and house members shall be appointed by the



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

(f) *Conference committee reports; matters which may be included; report not subject to amendment; house which acts first on report; copies of reports; reports considered under any order of business.* Only subject matters which are or have been included in the bill or concurrent resolution in conference or in bills or concurrent resolutions which have been passed or adopted in either one or both houses during the current biennium of the legislature may be included in the report of the conference committee on any bill or concurrent resolution except in any appropriations bill there may be included a proviso relating to any such item of appropriation. Subject to any limitations imposed under the constitution of the state of Kansas, no more than a total of four additional bills or concurrent resolutions or parts of bills or concurrent resolutions in conference or bills or concurrent resolutions or parts of bills or concurrent resolutions which have passed in either one or both houses during the current biennium of the legislature may be included in the report of the conference committee on any bill or concurrent resolution, except that reports of conference committees on any taxation bill are not subject to the limitation contained in this provision. A conference committee report shall not be subject to amendment. The original signed conference committee report shall be submitted to and acted upon first by the house other than the house of origin of the bill or concurrent resolution. Except when a conference committee report is an agree to disagree coupled with a request that a new conference committee be appointed or is a recommendation to accede to or recede from all amendments of the second house, electronic and paper copies of the report shall be made available to all members of the house considering the report not later than 30 minutes

before the time of its consideration, except that if the report is more than six pages in length no paper copies will be required to be distributed to individual members provided that at least 10 paper copies of the report are made available to members at the clerk's or secretary's desk at the front of the respective house. By written notice, the majority leader may direct the clerk or secretary to increase from six pages to some greater number of pages the size of conference committee reports that need not be distributed by paper copies to individual members pursuant to this rule. The affirmative vote of  $\frac{2}{3}$  of the members present in the house at the time of consideration of the report shall be sufficient to dispense with distribution of copies of the conference committee report to all members of that house. Reports of conference committees may be received and considered under any order of business.

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

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

(i) *Report of conference committee unable to agree; effect of failure to request new conference committee; effect of failure of motion to adopt report requesting new conference committee.* If a conference committee

upon any bill or concurrent resolution is unable to agree, it shall report that fact to both houses. Such report may request that a new conference committee be appointed thereon. If the committee so reports but fails to request the appointment of a new conference committee thereon, the bill or concurrent resolution shall be deemed to have been killed upon the adoption by either house of such report. If the motion to adopt a report requesting the appointment of a new conference committee fails, the bill or concurrent resolution shall be deemed to be killed.

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

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

(a) *Bill request deadline for individual members.* Except for bills introduced pursuant to (i) of this rule, no request to draft bills, except those made by committees, through their respective chairpersons, shall be made to, or accepted by, the office of the revisor of statutes after the hour of 5:00 p.m. on February 4, 2019, during the 2019 regular session and on February 3, 2020, during the 2020 regular session.

(b) *Bill introduction deadline for individual members.* Except as provided in (i) of this rule, no bill sponsored by a member or members shall be introduced in either house of the legislature after the hour of adjournment on February 13, 2019, during the 2019 regular session and on February 12, 2020, during the 2020 regular session. Such deadline for the introduction of bills by individual members may be changed to an earlier date in either house at any time by resolution duly adopted by the affirmative vote of not less than a majority of the members then elected (or appointed) and qualified in such house.

(c) *Bill request deadline for certain committees.* Except for bills to be introduced pursuant to (i) of this rule, no committee except the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall make a request to the office of the revisor of statutes for any bill to

be drafted for sponsorship by such committee after the hour of 5:00 p.m. on February 11, 2019, during the 2019 regular session and on February 10, 2020, during the 2020 regular session.

(d) *Bill introduction deadline for certain committees.* Except as provided in (i) of this rule, no bill sponsored by any committee of either house of the legislature, except the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be introduced in either house after the hour of adjournment on February 15, 2019, during the 2019 regular session and on February 14, 2020, during the 2020 regular session.

(e) *House of origin bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered in the house in which such bill originated after the hour of adjournment on February 28, 2019, during the 2019 regular session and on February 27, 2020, during the 2020 regular session.

(f) *Second house bill consideration deadline.* No bill, except bills sponsored by, referred to or acted upon by the committee on ways and means of the senate, the committee on assessment and taxation of the senate, select committees of either house when so authorized, the committee on federal and state affairs of either house or the house committees on calendar and printing, appropriations and taxation shall be considered by either house, not the house of origin of such bill, after the hour of adjournment on March 27, 2019, during the 2019 regular session and March 25, 2020, during the 2020 regular session.

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

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

(i) *Bills introduced in odd-numbered years after deadlines; effect.* Bills may be introduced by members and committees in regular sessions occurring in an odd-numbered year after the times prescribed in (b) and (d) of this rule, but there shall be no final action thereon by either

house during the session when introduced. Such bills shall be held over for consideration at the next succeeding regular session held in an even-numbered year.

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

(k) *Bill consideration deadline; exceptions.* No bills shall be considered by the Legislature after April 5, 2019, during the 2019 regular session and after April 3, 2020, during the 2020 regular session except bills vetoed by the governor, the omnibus appropriation act and the omnibus reconciliation spending limit bill provided for under K.S.A. 75-6702, and amendments thereto. This subsection (k) may be suspended for the consideration of a specific bill or bills not otherwise exempt under this subsection by the affirmative vote of a majority of the members then elected (or appointed) and qualified in the house in which the bill is to be considered.

**Joint rule 5. Closure of meetings to consider matters relating to security.** Any standing committee of the house of representatives, any standing committee of the senate, the legislative coordinating council, any joint committee of both houses of the legislature, any special or select committee of the house of representatives or the senate, the house of representatives in session, the senate in session or a joint session of the house of representatives and the senate may meet in closed, executive session for the purpose of receiving information and considering matters relating to the security of state officers or employees, or both, or the security of buildings and property under the ownership or control of the state of Kansas.

**Joint rule 6. Floor amendments to bills making appropriations.**

(a) Unless by majority consent to correct an error in drafting, no amendment from the floor in either house of the legislature to increase the amount of expenditures that would be authorized in a provision of an appropriations bill shall be in order unless the amendment contains a provision reducing, by a like or greater amount, expenditures that would be authorized in another provision of such appropriations bill. Notwithstanding any rule in either house of the legislature, those portions of a motion to amend a bill as described in this rule shall be indivisible.

(b) The provisions of subsection (a) shall not apply if the ending balance in the state general fund for the ensuing fiscal year is equal to 7.5% or more

of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year based on the most recent budget profile of the Kansas legislative research department.

Adopted by the House January 25, 2019.

Adopted by the Senate January 15, 2019.

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## CHAPTER 72

## SENATE CONCURRENT RESOLUTION No. 1607

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period of time during the 2019 regular session of the legislature.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That the legislature shall adjourn at the close of business of the daily session convened on February 28, 2019, and shall reconvene on March 6, 2019, pursuant to adjournment of the daily session convened on February 28, 2019; 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 27, 2019.

Adopted by the Senate February 27, 2019.

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## CHAPTER 73

## SENATE CONCURRENT RESOLUTION No. 1606

A CONCURRENT RESOLUTION condemning the enactment of the Reproductive Health Act by the state of New York, because it violates the life and well-being of a woman and her unborn child.

WHEREAS, The people of Kansas, as a matter of public policy, value and seek to protect all human life, from fertilization as stated in K.S.A. 65-6732, and amendments thereto; and

WHEREAS, The state of Kansas values the lives of the mother and the unborn child in the womb and seeks to protect both from abuse and violence; and

WHEREAS, The Reproductive Health Act expands abortion past 24 weeks of pregnancy and allows abortions up to the moment of birth, if “the abortion is necessary to protect the patient’s life or health.” This terminology allows a woman to claim minimal mental or societal effects as a reason for an abortion, up to the very moment of birth; and

WHEREAS, The Reproductive Health Act allows not just physicians but also licensed nurse practitioners, physician assistants and licensed midwives to perform abortions, and thus, removing important safety protections from women; and

WHEREAS, The Reproductive Health Act repealed vital protections for an unborn child who is born alive and who survives an abortion attempt; and

WHEREAS, The Reproductive Health Act repealed all protections from criminal acts of violence against a woman’s unborn child, leaving citizens no legal recourse for the killing of any child in the womb in the state of New York; and

WHEREAS, The Reproductive Health Act lessens the consequences for perpetrators of domestic violence, when their actions cause the death of a woman’s unborn child, thereby inciting abusive behavior towards a pregnant woman; and

WHEREAS, The state of New York celebrated the passage of the Reproductive Health Act by turning the lights pink on the Freedom Tower. This structure, a symbol of freedom for our entire nation, includes the names of 10 mothers with the inscription “and her unborn child,” each of whom were killed during the September 11, 2001 terrorist attacks on the World Trade Center; and

WHEREAS, At least four other states are considering legislation that is similar to the Reproductive Health Act: Now, therefore,

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That the state of Kansas hereby condemns the Reproductive Health Act of New York and all similar laws in other



states as violating the fundamental principles and values of the state of Kansas and of this nation. We call on legislators and executive officials of New York to reinstitute protections for women and unborn children in their state. Further, we call on legislators and executive officials in all fifty states to ascribe inherent value to all human life and reject any legislation like the Reproductive Health Act that would incite abuse and violence toward women and their unborn children; and

*Be it further resolved:* That the Secretary of State shall send an enrolled copy of this resolution to the Governor of New York and to each member of the New York State Senate and the New York State Assembly.

Adopted by the House March 13, 2019.

Adopted by the Senate February 14, 2019.

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## CHAPTER 74

## SENATE CONCURRENT RESOLUTION No. 1605

A PROPOSITION to amend section 1 of article 10 of the constitution of the state of Kansas; relating to reapportionment of senatorial and representative districts.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 1 of article 10 of the constitution of the state of Kansas is hereby amended to read as follows:

**“§ 1. Reapportionment of senatorial and representative districts.**

(a) ~~At its regular session in 1989, the legislature shall by law reapportion the state representative districts, the state senatorial districts or both the state representative and senatorial districts upon the basis of the latest census of the inhabitants of the state taken by authority of chapter 61 of the 1987 Session Laws of Kansas. At its regular session in 1992, and at its regular session every tenth year thereafter, the legislature shall by law reapportion the state senatorial districts and representative districts on the basis of the population of the state as established by the most recent census of population taken and published by the United States census bureau of the census. Senatorial and representative districts shall be reapportioned upon the basis of the population of the state adjusted: (1) To exclude nonresident military personnel stationed within the state and nonresident students attending colleges and universities within the state; and (2) to include military personnel stationed within the state who are residents of the state and students attending colleges and universities within the state who are residents of the state in the district of their permanent residence.~~ Bills reapportioning legislative districts shall be published in the Kansas register immediately upon final passage and shall be effective for the next following election of legislators and thereafter until again reapportioned.

(b) Within 15 days after the publication of an act reapportioning the legislative districts within the time specified in (a), the attorney general shall petition the supreme court of the state to determine the validity thereof. The supreme court, within 30 days from the filing of the petition, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall enact a statute of reapportionment conforming to the judgment of the supreme court within 15 days.

(c) Upon enactment of a reapportionment to conform with a judgment under (b), the attorney general shall apply to the supreme court of the state to determine the validity thereof. The supreme court, within 10 days from the filing of such application, shall enter its judgment. Should the supreme court determine that the reapportionment statute is invalid, the legislature shall again enact a statute reapportioning the legislative districts in compliance with the direction of and conforming to the mandate of the supreme court within 15 days after entry thereof.

(d) Whenever a petition or application is filed under this section, the supreme court, in accordance with its rules, shall permit interested persons to present their views.

(e) A judgment of the supreme court of the state determining a reapportionment to be valid shall be final until the legislative districts are again reapportioned in accordance herewith.”

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 eliminate the adjustment of census taken by the United States census bureau regarding nonresident military personnel and nonresident students when reapportioning the Kansas senate and house of representatives.

“A vote for this proposition would eliminate the adjustment of census taken by the United States census bureau regarding nonresident military personnel and nonresident students when reapportioning the Kansas senate and house of representatives.

“A vote against this proposition would continue in effect the requirement for the adjustment of census taken by the United States census bureau regarding nonresident military personnel and nonresident students when reapportioning the Kansas senate and house of representatives.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2019, 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 March 27, 2019.

Adopted by the Senate March 14, 2019.

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## CHAPTER 75

## HOUSE CONCURRENT RESOLUTION No. 5011

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period during the 2019 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 27, 2019, and shall reconvene on April 1, 2019, pursuant to adjournment of the daily session convened on March 27, 2019; 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 such period of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

*Be it further resolved:* That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in K.S.A. 46-137a(a) and (b), and amendments thereto, for any day during this period of adjournment; 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 this period of adjournment shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

Adopted by the House March 27, 2019.

Adopted by the Senate March 27, 2019.

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## CHAPTER 76

## SENATE CONCURRENT RESOLUTION No. 1612

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for a period during the 2019 regular session of the legislature.

*Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein:* That the legislature shall adjourn at the close of business of the daily session convened on April 5, 2019, and shall reconvene on May 1, 2019, pursuant to adjournment of the daily session convened on April 5, 2019; and

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

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

*Be it further resolved:* That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the legislative coordinating council, the president of the senate or the speaker of the house of representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

Adopted by the House April 5, 2019.

Adopted by the Senate April 5, 2019.

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## CHAPTER 77

## HOUSE CONCURRENT RESOLUTION No. 5014

A CONCURRENT RESOLUTION relating to the 2019 regular session of the Legislature and providing for an adjournment thereof.

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* Except as otherwise provided by the provisions of this concurrent resolution or other legislative action, that the Legislature shall adjourn at the close of business of the daily session convened on May 4, 2019, until the hour of 10:00 a.m. on May 29, 2019, at which time the Legislature shall reconvene and shall continue in session until sine die adjournment at the close of business on May 29, 2019; and

*Be it further resolved:* That the Senate may convene on May 14, 2019, pursuant to the call of the President of the Senate, at which time the Senate may consider an appointment made by the Governor on March 15, 2019, pursuant to K.S.A. 20-3020(a)(1) to fill the vacancy in the office of judge of the Court of Appeals that occurred on January 14, 2019, if, before May 14, 2019, the Supreme Court of Kansas has not determined the question of whether such appointment made on March 15, 2019, pursuant to K.S.A. 20-3020(a)(1) may be withdrawn, or the Court has determined that such appointment made on March 15, 2019, may not be withdrawn and any withdrawal from such appointment is not effective, and the Senate shall continue in session until adjournment at the close of business on May 14, 2019, and shall reconvene on May 29, 2019, as provided by the provisions of this concurrent resolution; 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 President of the Senate, the Speaker of the House of Representatives or the Legislative Coordinating Council during the period of adjournment for which members are not authorized per diem

compensation and subsistence allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

Adopted by the House May 4, 2019.

Adopted by the Senate May 4, 2019.

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## CHAPTER 78

## HOUSE CONCURRENT RESOLUTION No. 5015

A CONCURRENT RESOLUTION ratifying the May 9, 2019, State of Disaster Emergency declaration issued by Governor Laura Kelly and providing for the continuation thereof for certain Kansas counties until January 13, 2020.

WHEREAS, On May 9, 2019, Governor Laura Kelly issued a State of Disaster Emergency declaration in response to severe storms and flooding in the counties of Barber, Chase, Clark, Cowley, Geary, Greenwood, Harvey, Marion, Meade, Neosho, Osage, Ottawa, Reno, Rice and Sumner, and has since amended the declaration to include a total of 56 counties: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the State of Disaster Emergency declaration issued on May 9, 2019, as amended, for the counties of Allen, Anderson, Barber, Barton, Butler, Chase, Chautauqua, Cherokee, Clark, Clay, Cloud, Coffey, Comanche, Cowley, Crawford, Dickinson, Doniphan, Douglas, Elk, Ellsworth, Franklin, Geary, Greenwood, Harper, Harvey, Hodgeman, Jefferson, Kingman, Leavenworth, Lincoln, Linn, Lyon, Marion, Marshall, McPherson, Meade, Montgomery, Morris, Neosho, Osage, Ottawa, Pawnee, Phillips, Pottawatomie, Pratt, Reno, Rice, Riley, Rush, Russell, Saline, Sumner, Wabaunsee, Washington, Wilson, Woodson, and any other county designated by the Governor in accordance with K.S.A. 48-924, and amendments thereto, by amendment to the May 9, 2019, declaration is hereby ratified and continued in force and effect on and after May 9, 2019, through January 13, 2020, subject to extension by the State Finance Council in accordance with K.S.A. 48-924(b)(3), and amendments thereto.

Adopted by the House May 29, 2019.

Adopted by the Senate May 29, 2019.

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**MESSAGES FROM THE GOVERNOR**

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## SENATE BILL No. 22

AN ACT concerning taxation; relating to income tax, addition and subtraction modifications, treatment of deferred foreign income, global intangible low-taxed income, business interest, capital contributions and FDIC premiums, Kansas itemized deduction, election; sales and compensating use tax, imposition of tax, nexus, remote sellers, marketplace facilitators, food and food ingredients, rates; amending K.S.A. 2018 Supp. 79-32,117, 79-32,120, 79-32,138, 79-3602, 79-3603, 79-3620, 79-3702, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 79-3221o.

*Message to the Legislature of the State of Kansas:*

Just two short years ago, the State of Kansas found itself on the brink of financial disaster. Even after depleting state savings and enduring multiple rounds of devastating budget cuts, unsustainable tax policy continued to perpetuate fiscal crisis. We saw schools close and class sizes grow. We saw an overwhelmed child welfare system let children fall through the cracks. And despite promises of immediate prosperity, Kansas routinely ranked among the nation's worst in multiple economic indicators.

As the budget hole continued to grow, the legislature passed two sales tax increases, swept more than \$2 billion from the state highway fund, delayed numerous payments to the state pension system, accumulated historic levels of debt, and raided every critical investment from early childhood education to public safety. But in the end, none of these short-term band-aids could stem the bleeding caused by reckless tax policy. In November of 2016, Kansans called for change.

The very next year, the state hit "reset" in a historic act of bipartisan-ship with the passage of comprehensive tax reform. Our credit score improved within a week. The number of Kansans participating in the labor force increased for the first time since 2014. And we've finally begun to heal from the unprecedented devastation found in state agencies and state programs.

However, we have only just started the rebuilding process. Our recovery is tenuous; our budget is fragile. The State of Kansas cannot afford to make a U-turn.

Unfortunately, Senate Bill 22 would absolutely dismantle all the progress we've made. It would throw our state once again into a self-inflicted budget crisis, diminishing all the investments we've worked so hard to rebuild and restore. It would put our future at risk once again in order

to give significant tax breaks to entities who need them the least, while continuing to leave working families behind.

Additionally, as noted by the Senate President during the floor debate, Senate Bill 22 will put Kansas out of compliance with the Streamlined Sales and Use Tax Agreement. This would potentially cost Kansas up to \$18 million in lost revenue – on top of the bill’s already unaffordable \$200 million price tag in the next fiscal year.

I look forward to working with the Kansas Legislature in the future to achieve our common goal of a reduced food sales tax. However, as I explained repeatedly – both as a candidate for governor and after I took office – we cannot responsibly enact a food sales tax cut until our state’s fiscal health stabilizes. This is not the time.

I share Kansas lawmakers’ desire to keep the state tax burden as low as possible and that will continue to be my priority. In January, I presented a structurally balanced budget to the legislature that funded our schools and roads, reduced state debt, left Kansas with the largest ending balance in 20 years, and did so all without a tax increase.

The people of Kansas elected me to rebuild our state. They elected me to bring fiscally conservative and responsible principles back to our government. We must be patient, thoughtful, and prudent as we evaluate tax policy. And, when we move forward with commonsense tax relief, we must ensure that it benefits the Kansans who need it the most.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto Senate Bill 22.

Laura Kelly, *Governor of Kansas*

Dated: March 25, 2019

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## HOUSE BILL No. 2209

AN ACT concerning insurance; relating to life insurance unfair or deceptive acts or practices; third party administrator license and renewal application fees; purchase of cybersecurity insurance; association health plans; healthcare benefit coverage; establishing the unclaimed life insurance benefits act; amending K.S.A. 40-2209b and 40-2209e and K.S.A. 2018 Supp. 40-2209, 40-2209d, 40-2222, 40-2222, as amended by section 12 of this act, 40-2222a, 40-2222a, as amended by section 14 of this act, 40-2222b, 40-2222b, as amended by section 16 of this act, 40-2404, 40-3812, 40-3813, 40-3814 and 75-4101 and repealing the existing sections.

*Message to the Legislature of the State of Kansas:*

House Bill 2209 makes sweeping changes to healthcare policy in Kansas. After long and careful deliberation – including in-depth discussions with both opponents and proponents — I continue to harbor serious reservations about this legislation. I believe it is fundamentally wrong to deny health coverage to anyone because they have a pre-existing condition. It troubles me that only two other states in the nation have implemented a model similar to this bill, making the long-term impact uncertain. And I am disappointed that the Kansas Insurance Department chose not to engage with the Legislature to ensure the final product included basic consumer protections and regulatory safeguards. Therefore, as a matter of principle, I cannot sign House Bill 2209.

I also fundamentally believe that governing demands a relentless pursuit of common ground. Proponents of House Bill 2209 brought this legislation forward because healthcare costs far too much. Our rural communities need help. Kansas farmers and ranchers face historic challenges in the wake of declining farm income, severe weather, and a global trade war. They openly acknowledge that this bill will not solve all the complex problems plaguing our healthcare system. In their opinion, an “all of the above” approach stands the best chance of helping the greatest number of Kansans. On these points, I wholeheartedly agree.

With that larger vision and shared goal in mind, I will allow House Bill 2209 to become law without my signature. New ideas always carry a certain level of risk. I believe the potential risks of this legislation can be mitigated if they are coupled with a stable, secure, proven healthcare option: Medicaid Expansion.

In the last decade, Medicaid Expansion has been thoroughly vetted from every imaginable angle, with over 300 studies confirming its effectiveness and necessity. We know with certainty that it will strengthen our economy, save taxpayer dollars, and provide healthcare to roughly 150,000 Kansans. A majority of the Kansas Legislature already voted for my pro-

posals in 2017 or publicly promised to support Expansion in their 2018 campaigns. Over 70 percent of states – with both Republican and Democratic governors – have expanded Medicaid. And 77 percent of Kansans want us to do the same.

Unfortunately, leaders in the Kansas Senate continue to prioritize their own political ambitions over the health and security of Kansas families and hospitals. Despite the will of both their chamber and their state, these three Senate leaders remain devoutly committed to partisan obstructionism.

I will never govern in this manner. My priority will always be the people of Kansas, and I allow House Bill 2209 to become law as a demonstration of my genuine commitment to compromise. I challenge legislators to join me in this good-faith effort, meet me halfway, and enact Medicaid Expansion before the 2019 legislative session adjourns.

Laura Kelly, *Governor of Kansas*

Received April 22, 2019.

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SENATE BILL No. 67

AN ACT concerning abortion; relating to medication abortions; notification requirements.

*Message to the Legislature of the State of Kansas:*

Senate Bill 67 will interfere with the relationship between patients and their physicians. This unwarranted legislation would create confusion, could be harmful to women's health, and would subject health professionals to criminal penalties for failing to follow a government mandate that is not adequately supported by medical science.

The practice of medicine should be left to licensed health professionals, not elected officials.

Therefore, under Article 2, Section 14(a) of the Constitution, I hereby veto Senate Bill 67.

Laura Kelly, *Governor of Kansas*

Dated: April 22, 2019

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## HOUSE BILL No. 2033

AN ACT concerning taxation; relating to sales and compensating use tax, countywide retailers' sales tax, rates, election, Finney county, director of taxation, imposition of tax, nexus, remote sellers, marketplace facilitators, rate on food and food ingredients; income taxation, addition and subtraction modifications, treatment of deferred foreign income, global intangible low-taxed income, capital contributions, FDIC premiums, deductions, expanding the expense deduction to all taxpayers, net operating loss carryforward period for corporations; amending K.S.A. 2018 Supp. 12-187, 12-189, 79-32,117, 79-32,120, 79-32,138, 79-32,143, 79-32,143a, 79-3602, 79-3603, 79-3620, 79-3702, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 2018 Supp. 79-3221o.

*Message to the Legislature of the State of Kansas:*

I have a long record of supporting responsible, commonsense tax policy. Unfortunately, that is not what House Bill 2033 represents. It will decimate the state's ability to pay our bills and invest in our people. Just as Kansas begins to stabilize after years of senseless fiscal crisis, House Bill 2033 will create a \$1 billion deficit within three years.

As Governor, one of my top priorities is to lower our state's unacceptably high tax on food. We must first provide relief for those who need it most and then ultimately for all Kansans. We need stability so our tax code can offer certainty to businesses and families. This all must go hand-in-hand with rebuilding our state's rainy-day fund, so we can weather economic downturns without putting our schools and children at risk. Kansas is also long overdue for a thorough, nonpartisan study of how we can ensure our tax code is fair and truly incentivizes economic growth – in urban and rural communities alike. Our state has not conducted such a study since 1995.

Kansans deserve a plan. Successful tax reform must be shaped by a thoughtful, big-picture vision – not by a rushed attempt to achieve an immediate political victory. To that end, my administration recently began outlining a plan to help build this vision, which I look forward to sharing in the weeks to come.

Pro-business, pro-growth, pro-family tax policy can absolutely reshape Kansas for the better, but only if it fixes the failures of the past, not repeats them. I was elected to rebuild our state; House Bill 2033 is not the way to do it.

Therefore, under Article 2, Section 14(a) of the Kansas Constitution, I hereby veto House Bill 2033.

Laura Kelly, *Governor of Kansas*

Dated: May 17, 2019

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## HOUSE SUBSTITUTE FOR SENATE BILL No. 25

An Act making and concerning appropriations for fiscal years ending June 30, 2019, June 30, 2020, June 30, 2021, and June 30, 2022, for state agencies; authorizing and directing payment of certain claims against the state; authorizing certain transfers, capital improvement projects, assessments and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 74-50,107 and 74-99b34 and K.S.A. 2018 Supp. 2-223, 12-1775a, 12-5256, 55-193, 75-2263, 75-4209, 75-6702, 75-6707, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171, 79-4804 and 82a-953a and repealing the existing sections.

*Message to the Legislature of the State of Kansas:*

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return H. Sub. for SB 25 with my signature approving the bill, except for the items enumerated below. The net effect of these line item vetoes will increase the FY19 ending balance to \$871 million, or 12.2 percent, and increase the FY20 ending balance to \$606 million, or 7.8 percent.

**Board of Pharmacy**

- Section 27(a) and (b), transferring \$705,000 from the Medical Programs Fee Fund for K-TRACS in FY20, have been line-item vetoed.

While I am a strong proponent of the K-TRACS program, my original budget recommendation did not include SGF funding for this program because it is inconsistent with the structure of fee-funded agencies. Sweeps from the Medical Programs Fee Fund must be backfilled by the State General Fund, making this transfer to K-TRACS an SGF appropriation. The Board of Pharmacy indicated that it will likely receive a federal grant to cover the cost of this line item. In the event that this grant is not awarded, I have instructed my administration to keep lines of communication open with the Board of Pharmacy in its effort to identify alternative, non-SGF sources for K-TRACS.

**KPERS**

- Section 56(e), requiring an additional \$51 million transfer from the State General Fund to KPERS in FY20, has been line-item vetoed.

The very first piece of legislation I signed into law repaid an extra \$115 million in debt incurred to the Kansas Public Employees Retirement System. This extra payment fixed past mistakes, when emergency steps were taken to pay for failed tax policy. However, given the large number of critical, unmet needs still facing state government, it is not prudent to add another additional KPERS payment that goes beyond the regularly

scheduled payments already being made. In fact, this could actually harm the state's ability to make full, timely KPERs payments in the very near future. This line-item veto provides an essential cushion to the state ending balance so that Kansas can continue to pay its bills and rebuild the state more sustainably.

**Department of Aging and Disability Services**

- Section 84(a), \$1,885,000 for community mental health centers supplemental funding & community aid, as well as \$38,646 for the Client Assessment Referral and Evaluation (CARE) program, both in FY19, has been line-item vetoed.

I am pleased to support \$5 million in additional funding for CMHC grants in FY20. In an effort to more evenly distribute reinvestment in Kansas government, I do not believe it is responsible to further increase CMHC funding for the remaining portion of FY19. This veto does not eliminate \$196,304 included to expand the Clubhouse Model and Break-through House in FY19.

**Department of Education**

- Section 90(a), \$1,200,000 for evidenced-based or research-based reading programs, \$80,000 for Technical Education incentives, and \$261,000 for Teach for America, all in FY20, have been line-item vetoed.

Increasing funding to Kansas public schools was my top budget priority and proudest accomplishment as governor in 2019. However, in a continued effort to establish fair expectations of accountability and efficiency throughout state government, I felt it inappropriate to earmark education funds through the Kansas Department of Education. I encourage local districts to use their new State Foundation Aid to participate in these programs as they deem appropriate.

It total, these line item vetoes will increase the State General Fund balance by \$54.4 million between FY19 and FY20. The new ending balance also complies with the statutory requirement to leave 7.5% of the State General Fund in reserve.

Laura Kelly, *Governor of Kansas*

Dated: May 20, 2019

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## INDEX TO BILLS

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### NUMERICAL INDEX TO SENATE BILLS

No.	Ch.	No.	Ch.	No.	Ch.
9.....	1	41.....	8	78.....	56
15.....	55	53.....	64	82.....	25
16.....	19	59.....	12	90.....	15
17.....	4	60.....	23	94.....	16
18.....	59	63.....	61	97.....	26
20.....	58	68.....	32	105.....	20
25.....	68	69.....	31	128.....	27
28.....	67	70.....	57	130.....	36
39.....	5	71.....	24	199.....	28
40.....	7	77.....	35		

### NUMERICAL INDEX TO HOUSE BILLS

No.	Ch.	No.	Ch.	No.	Ch.
2001.....	2	2103.....	43	2188.....	21
2007.....	49	2104.....	13	2191.....	30
2031.....	50	2119.....	52	2201.....	14
2035.....	18	2123.....	9	2203.....	65
2038.....	44	2125.....	29	2209.....	54
2039.....	47	2126.....	45	2211.....	17
2044.....	3	2127.....	11	2214.....	53
2070.....	40	2140.....	63	2215.....	34
2084.....	39	2144.....	41	2223.....	60
2085.....	38	2167.....	37	2225.....	51
2087.....	48	2174.....	6	2248.....	66
2097.....	10	2177.....	46	2290.....	62
2101.....	22	2178.....	33	2365.....	42

### NUMERICAL INDEX TO SENATE CONCURRENT RESOLUTIONS

No.	Ch.	No.	Ch.	No.	Ch.
1602.....	69	1605.....	74	1607.....	72
1603.....	71	1606.....	73	1612.....	76

### NUMERICAL INDEX TO HOUSE CONCURRENT RESOLUTIONS

No.	Ch.	No.	Ch.
5002.....	70	5014.....	77
5011.....	75	5015.....	78

## STATUTES REPEALED OR AMENDED BY THE 2019 LEGISLATURE

Kansas Statutes Annotated and Supplements	CHAP.	Kansas Statutes Annotated and Supplements	CHAP.
2-223 (Supp), Am. ....	68	12-5374 (Supp), Am. ....	39
2-3712, Am. ....	2	12-5375 (Supp), Am. ....	39
2-3713 (Supp), Am. ....	2	12-5376 (Supp), Am. ....	39
2-3714 (Supp), Am. ....	2	12-5377 (Supp), Am. ....	39
2-3901 (Supp), Am. ....	37	12-5378 (Supp), Am. ....	39
2-3902 (Supp), Am. ....	37	12-5380 (Supp), Am. ....	39
2-3903 (Supp), Am. ....	37	17-1762 (Supp), Am. ....	47
8-126 (Supp), Am. ....	61	17-2201, Am. ....	22
8-128 (Supp), Am. ....	61	17-2202 (Supp), Am. ....	22
8-143 (Supp), Am. ....	53	17-2203, Am. ....	22
8-143e (Supp), Am. ....	11	17-2204 (Supp), Am. ....	22
8-145 (Supp), Am. ....	26	17-2204a, Am. ....	22
8-1,159 (Supp), Am. ....	64	17-2206 (Supp), Am. ....	22
8-235 (Supp), Am. ....	4	17-2207, Am. ....	22
8-244, Am. ....	29	17-2208 (Supp), Am. ....	22
8-1001 (Supp), Am. ....	13	17-2209, Am. ....	22
8-1012 (Supp), Am. ....	13	17-2210 (Supp), Am. ....	22
8-1025 (Supp), Rep. ....	13	17-2211 (Supp), Am. ....	22
8-1486 (Supp), Am. ....	61	17-2214, Am. ....	22
8-1530, Am. ....	7	17-2215, Am. ....	22
8-1551, Am. ....	61	17-2216 (Supp), Am. ....	22
8-15,100 (Supp), Am. ....	61	17-2216a (Supp), Am. ....	22
8-15,109 (Supp), Am. ....	61	17-2217, Am. ....	22
8-1729 (Supp), Am. ....	61	17-2219 (Supp), Am. ....	22
8-1749a (Supp), Am. ....	61	17-2221a (Supp), Am. ....	22
8-1911 (Supp), Am. ....	51	17-2224, Rep. ....	22
8-2107 (Supp), Am. ....	58	17-2225, Rep. ....	22
8-2110 (Supp), Am. ....	17	17-2226, Am. ....	22
8-2110 (Supp), Am. ....	58	17-2228 (Supp), Am. ....	22
8-2116, Am. ....	8	17-2229, Am. ....	22
8-2118 (Supp), Am. ....	13	17-2230, Am. ....	22
8-2118 (Supp), Am. ....	61	17-2231, Am. ....	22
8-2415 (Supp), Am. ....	5	17-2233 (Supp), Am. ....	22
9-513c (Supp), Am. ....	62	17-2234 (Supp), Am. ....	22
9-550 (Supp), Am. ....	25	17-2242, Rep. ....	22
9-808 (Supp), Am. ....	25	17-2246 (Supp), Am. ....	22
9-908 (Supp), Am. ....	25	17-2263 (Supp), Am. ....	22
9-1506 (Supp), Am. ....	25	17-2268, Am. ....	22
12-187 (Supp), Am. ....	63	17-7662 (Supp), Am. ....	47
12-189 (Supp), Am. ....	63	17-7663 (Supp), Am. ....	47
12-1775a (Supp), Am. ....	68	17-7673 (Supp), Am. ....	47
12-2001 (Supp), Am. ....	32	17-7675 (Supp), Am. ....	47
12-5245, Am. ....	60	17-7675 (Supp), Am. ....	47
12-5248 (Supp), Am. ....	60	17-7679 (Supp), Am. ....	47
12-5250, Am. ....	60	17-7679 (Supp), Am. ....	47
12-5256 (Supp), Am. ....	68	17-7680 (Supp), Am. ....	47
12-5327 (Supp), Rep. ....	39	17-7680 (Supp), Am. ....	47
12-5338 (Supp), Rep. ....	39	17-7681 (Supp), Am. ....	47
12-5361 (Supp), Rep. ....	39	17-7687 (Supp), Am. ....	47
12-5363 (Supp), Am. ....	39	17-7689 (Supp), Am. ....	47
12-5364 (Supp), Am. ....	39	17-7690 (Supp), Am. ....	47
12-5365 (Supp), Am. ....	39	17-7695 (Supp), Am. ....	47
12-5366 (Supp), Am. ....	39	17-7698 (Supp), Am. ....	47
12-5367 (Supp), Am. ....	39	17-76,106 (Supp), Am. ....	47
12-5368 (Supp), Am. ....	39	17-76,112 (Supp), Am. ....	47
12-5369 (Supp), Am. ....	39	17-76,113 (Supp), Am. ....	47
12-5370 (Supp), Am. ....	39	17-76,114 (Supp), Am. ....	47
12-5371 (Supp), Am. ....	39	17-76,116 (Supp), Am. ....	47
12-5372 (Supp), Am. ....	39	17-76,118 (Supp), Am. ....	47
12-5373 (Supp), Am. ....	39	17-76,135, Am. ....	47

Kansas Statutes Annotated and Supplements	CHAP.	Kansas Statutes Annotated and Supplements	CHAP.
17-76,136 (Supp), Am. ....	47	38-2232 (Supp), Rep. ....	65
17-76,136 (Supp), Am. ....	47	38-2234 (Supp), Am. ....	43
17-76,138, Am. ....	47	38-2242 (Supp), Am. ....	65
17-76,139 (Supp), Am. ....	47	38-2242 (Supp), Rep. ....	65
17-76,143 (Supp), Am. ....	47	38-2243 (Supp), Am. ....	65
17-76,145 (Supp), Am. ....	47	38-2243 (Supp), Rep. ....	65
17-76,146 (Supp), Am. ....	47	38-2264 (Supp), Am. ....	43
17-7904 (Supp), Am. ....	47	38-2312 (Supp), Am. ....	58
17-7904 (Supp), Am. ....	47	38-2314 (Supp), Am. ....	58
17-7915 (Supp), Am. ....	47	39-923 (Supp), Am. ....	55
17-7916 (Supp), Am. ....	47	39-927 (Supp), Am. ....	55
17-7918 (Supp), Am. ....	47	39-931 (Supp), Am. ....	55
17-7923 (Supp), Am. ....	47	39-931a (Supp), Am. ....	55
17-7929 (Supp), Am. ....	47	39-955, Am. ....	55
17-7933 (Supp), Am. ....	47	39-956, Am. ....	55
19-101a (Supp), Am. ....	39	39-957, Am. ....	55
19-1909, Am. ....	10	39-958 (Supp), Am. ....	55
20-3021 (Supp), Am. ....	58	39-959, Am. ....	55
21-5405 (Supp), Am. ....	59	39-960 (Supp), Am. ....	55
21-5413 (Supp), Am. ....	65	39-961 (Supp), Am. ....	55
21-5413a (Supp), Rep. ....	65	39-963 (Supp), Am. ....	55
21-5602 (Supp), Am. ....	59	39-1402 (Supp), Am. ....	64
21-5701 (Supp), Am. ....	37	39-1431 (Supp), Am. ....	64
21-5701a (Supp), Rep. ....	37	39-1431 (Supp), Am. ....	65
21-5702 (Supp), Am. ....	37	39-1431a (Supp), Rep. ....	65
21-5706 (Supp), Am. ....	67	40-2,118 (Supp), Am. ....	46
21-5840 (Supp), Am. ....	59	40-2,118a (Supp), Rep. ....	46
21-6326 (Supp), Am. ....	64	40-2c01 (Supp), Am. ....	46
21-6412 (Supp), Am. ....	58	40-1112a, Am. ....	16
21-6604 (Supp), Am. ....	59	40-2141 (Supp), Am. ....	64
21-6614 (Supp), Am. ....	58	40-2209 (Supp), Am. ....	54
21-6811 (Supp), Am. ....	59	40-2209b, Am. ....	54
21-6811c (Supp), Rep. ....	59	40-2209d (Supp), Am. ....	54
21-6813 (Supp), Am. ....	59	40-2209e, Am. ....	54
21-6815 (Supp), Am. ....	59	40-2222 (Supp), Am. ....	54
21-6820 (Supp), Am. ....	59	40-2222 (Supp), Am. ....	54
21-6824 (Supp), Am. ....	59	40-2222a (Supp), Am. ....	54
22-2307 (Supp), Am. ....	59	40-2222a (Supp), Am. ....	54
22-2410 (Supp), Am. ....	58	40-2222b (Supp), Am. ....	54
22-2503 (Supp), Am. ....	30	40-2222b (Supp), Am. ....	54
22-2906, Am. ....	59	40-2404 (Supp), Am. ....	54
22-2909 (Supp), Am. ....	59	40-3305 (Supp), Am. ....	46
22-3302a (Supp), Rep. ....	65	40-3407 (Supp), Am. ....	62
22-3504 (Supp), Am. ....	59	40-3812 (Supp), Am. ....	54
22-3716 (Supp), Am. ....	59	40-3813 (Supp), Am. ....	54
22-3717 (Supp), Am. ....	59	40-3814 (Supp), Am. ....	54
23-2210 (Supp), Am. ....	43	41-102 (Supp), Am. ....	57
23-2510 (Supp), Am. ....	58	41-102 (Supp), Rep. ....	65
25-313, Am. ....	20	41-102 (Supp), Am. ....	65
25-1124 (Supp), Am. ....	36	41-106 (Supp), Am. ....	18
25-2120 (Supp), Am. ....	20	41-304 (Supp), Am. ....	57
25-21a03 (Supp), Am. ....	36	41-308 (Supp), Am. ....	18
25-2701 (Supp), Am. ....	36	41-308a (Supp), Am. ....	57
28-170 (Supp), Am. ....	58	41-310 (Supp), Am. ....	57
28-172a (Supp), Am. ....	58	41-316 (Supp), Am. ....	57
28-177 (Supp), Am. ....	58	41-317 (Supp), Am. ....	57
28-178 (Supp), Am. ....	58	41-319 (Supp), Am. ....	57
28-179 (Supp), Am. ....	58	41-347 (Supp), Rep. ....	57
31-133 (Supp), Am. ....	27	41-355 (Supp), Am. ....	57
32-1049a (Supp), Am. ....	58	41-719 (Supp), Am. ....	57
38-2202 (Supp), Am. ....	43	41-2601 (Supp), Am. ....	57
38-2202 (Supp), Rep. ....	43	41-2608 (Supp), Am. ....	57
38-2212 (Supp), Am. ....	65	41-2614 (Supp), Am. ....	57
38-2212a (Supp), Rep. ....	65	41-2622 (Supp), Am. ....	57
38-2215 (Supp), Am. ....	58	41-2629 (Supp), Am. ....	57
38-2232 (Supp), Am. ....	65	41-2637 (Supp), Am. ....	57

Kansas Statutes Annotated and Supplements	CHAP.	Kansas Statutes Annotated and Supplements	CHAP.
41-2641 (Supp), Am. ....	57	65-5807, Am. ....	55
41-2642 (Supp), Am. ....	57	65-6001, Am. ....	64
41-2644, Am. ....	57	65-6102, Am. ....	64
41-2645 (Supp), Rep. ....	57	65-6110, Am. ....	64
41-2648, Am. ....	57	65-6111, Am. ....	64
41-2657 (Supp), Rep. ....	57	65-6112, Am. ....	64
41-2659 (Supp), Am. ....	57	65-6119, Am. ....	64
44-131 (Supp), Am. ....	64	65-6120, Am. ....	64
44-508 (Supp), Am. ....	64	65-6123, Rep. ....	64
44-510h (Supp), Am. ....	64	65-6124, Am. ....	64
44-511 (Supp), Am. ....	64	65-6126, Am. ....	64
44-1204 (Supp), Am. ....	64	65-6127, Am. ....	64
45-229 (Supp), Am. ....	62	65-6129, Am. ....	64
50-624 (Supp), Am. ....	66	65-6129a, Am. ....	64
50-6,109a (Supp), Am. ....	66	65-6129b, Am. ....	64
50-6,109a (Supp), Am. ....	66	65-6129c, Rep. ....	64
50-6,109c (Supp), Am. ....	66	65-6130, Am. ....	64
50-6,109c (Supp), Am. ....	66	65-6133, Am. ....	64
50-6,110 (Supp), Am. ....	66	65-6135, Am. ....	64
50-6,110 (Supp), Am. ....	66	65-6145, Am. ....	64
50-6,111 (Supp), Am. ....	66	65-6150, Am. ....	64
50-6,111 (Supp), Am. ....	66	65-6306, Am. ....	55
50-6,112a (Supp), Am. ....	66	65-6309, Am. ....	55
50-6,112a (Supp), Am. ....	66	65-6321, Am. ....	55
50-6,112b (Supp), Am. ....	66	65-6401, Am. ....	55
50-6,112b (Supp), Am. ....	66	65-6405, Am. ....	55
55-193 (Supp), Am. ....	68	65-6406, Am. ....	55
58-3039 (Supp), Am. ....	23	65-6411, Am. ....	55
58-3040 (Supp), Am. ....	23	65-6611, Am. ....	55
58-3045 (Supp), Am. ....	23	65-6613, Am. ....	55
58-3046a (Supp), Am. ....	23	65-7202, Am. ....	55
58-3047 (Supp), Am. ....	23	65-7302, Am. ....	55
58-3049, Rep. ....	23	66-1802, Am. ....	33
58-3060 (Supp), Am. ....	23	66-1805, Am. ....	33
58-3063 (Supp), Am. ....	23	66-1806, Am. ....	33
58-3080 (Supp), Am. ....	23	68-1051, Am. ....	40
58-3081 (Supp), Am. ....	23	68-2001, Am. ....	49
59-104 (Supp), Am. ....	58	68-2002, Am. ....	49
60-304 (Supp), Am. ....	47	68-2004, Am. ....	49
60-473 (Supp), Am. ....	42	68-2005, Am. ....	49
60-729 (Supp), Am. ....	58	68-20,120, Am. ....	49
60-2001 (Supp), Am. ....	58	68-2301, Am. ....	49
60-2203a (Supp), Am. ....	58	71-301, Am. ....	41
61-2704 (Supp), Am. ....	58	72-1073, Am. ....	36
61-4001 (Supp), Am. ....	58	72-1088, Am. ....	36
65-116i, Am. ....	14	72-1133, Am. ....	36
65-116k, Am. ....	14	72-1138, Am. ....	36
65-116f, Am. ....	14	72-1167, Am. ....	19
65-116m, Am. ....	14	72-4352, Am. ....	19
65-163i, Am. ....	38	72-4354, Am. ....	19
65-409, Am. ....	58	72-5131, Am. ....	19
65-1626, Am. ....	52	72-5132, Am. ....	19
65-16,127, Am. ....	64	72-5142, Am. ....	19
65-1728, Am. ....	64	72-5153, Am. ....	19
65-2002, Am. ....	67	72-5170, Am. ....	19
65-2803, Am. ....	52	72-5171, Am. ....	19
65-2836, Am. ....	52	72-5173, Am. ....	19
65-2877a, Am. ....	52	72-5193, Am. ....	19
65-2891, Am. ....	64	72-5462, Am. ....	19
65-2913, Am. ....	64	72-8193, Am. ....	19
65-4101, Am. ....	37	74-520a, Am. ....	34
65-4101c, Rep. ....	37	74-2012, Am. ....	45
65-4105, Am. ....	37	74-32,149, Am. ....	9
65-4105b, Rep. ....	37	74-32,402, Am. ....	24
65-4915, Am. ....	64	74-32,404, Rep. ....	24
65-5801, Am. ....	55	74-4202, Am. ....	23

Kansas Statutes Annotated and Supplements	CHAP.	Kansas Statutes Annotated and Supplements	CHAP.
74-4909, Am. ....	50	75-5133 (Supp), Am. ....	60
74-4911, Am. ....	50	75-5664 (Supp), Am. ....	64
74-4914, Am. ....	50	75-6117 (Supp), Am. ....	62
74-4952, Am. ....	50	75-6702 (Supp), Am. ....	68
74-4954a, Am. ....	64	75-6707 (Supp), Am. ....	68
74-4986l, Am. ....	50	76-775 (Supp), Am. ....	68
74-4986p, Am. ....	50	76-7,107 (Supp), Am. ....	68
74-4986r, Am. ....	50	79-201x (Supp), Am. ....	19
74-50,107, Am. ....	68	79-2925c (Supp), Am. ....	21
74-5301, Am. ....	55	79-2959 (Supp), Am. ....	68
74-5310, Am. ....	55	79-2964 (Supp), Am. ....	68
74-5315, Am. ....	55	79-3234 (Supp), Am. ....	60
74-5316, Am. ....	55	79-32,117 (Supp), Am. ....	65
74-5344, Am. ....	55	79-32,117p (Supp), Rep. ....	65
74-5375, Am. ....	55	79-3401 (Supp), Am. ....	48
74-5376, Am. ....	55	79-3425i (Supp), Am. ....	68
74-7304, Am. ....	62	79-34,171 (Supp), Am. ....	68
74-7305, Am. ....	62	79-3602 (Supp), Am. ....	65
74-7306, Rep. ....	62	79-3602 (Supp), Rep. ....	65
74-7308, Am. ....	62	79-3606 (Supp), Am. ....	63
74-7317, Am. ....	62	79-4101 (Supp), Am. ....	18
74-99b34, Am. ....	68	79-4804 (Supp), Am. ....	68
74-99c09, Am. ....	15	80-202, Am. ....	36
75-712h (Supp), Am. ....	13	80-1557, Am. ....	64
75-2263 (Supp), Am. ....	68	82a-621 (Supp), Am. ....	38
75-3322c (Supp), Am. ....	6	82a-953a (Supp), Am. ....	68
75-4101 (Supp), Am. ....	54	84-1-201 (Supp), Am. ....	47
75-4209 (Supp), Am. ....	68	84-9-102 (Supp), Am. ....	47
75-4364 (Supp), Am. ....	64		

2019 SESSION LAWS INDEX

	Chapter
<b>911 act, Kansas;</b> emergency services, 911 coordinating council members; 911 fees; definitions; rules and regulations; annual reports.....	39
<b>A</b>	
<b>Abortion;</b> condemning the enactment of the New York reproductive health act.....	73
<b>Abstracters' board of examiners;</b> appropriations .....	68
<b>Accountancy, board of;</b> appropriations .....	68
<b>Accounting practices;</b> insurance, derivative instruments used in hedging transactions .....	46
<b>ACT, pre-ACT and WorkKeys assessments;</b> free assessments, contracts to administer tests .....	19
<b>Addiction counselor licensure act;</b> addictions counselors, licensure by reciprocity; provisional licenses; temporary licenses; titles .....	55
<b>Adjutant general;</b> appropriations .....	68
<b>Administration, department of;</b> appropriations .....	68
<b>Administrative hearings, office of;</b> appropriations .....	68
<b>Adult care home licensure act;</b> application for licensure; financial solvency; receivership .....	55
<b>Aging and disability services, Kansas department for;</b> appropriations .....	68
<b>Agriculture;</b> all-terrain and work-site utility vehicles for agricultural use, regulations to operate on a federal or state highway.....	61

**Chapter**

environmental remediation, extending the sunset date for the remediation linked deposit loan program, the remediation reimbursement program and the Kansas agricultural remediation fund.....	2
industrial hemp, establishing a commercial industrial hemp program .....	37
state fair, directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; state fair fee fund; state fair capital improvements fund.....	68
<b>Agriculture, Kansas department of;</b> appropriations .....	68
plan for regulating commercial production of industrial hemp, report to U.S. department of agriculture.....	37
state fair board, Kansas, authorizing the board to establish a nonprofit corporation.....	34
<b>Alcoholic beverage control, division of;</b> see Revenue, department of—division of alcoholic beverage control	
<b>Alcoholic beverages;</b> see Intoxicating liquors and beverages	
<b>All-terrain and work-site utility vehicles;</b> highway use.....	61
<b>Allen county;</b> ratifying the May 9, 2019, state of disaster emergency declaration, providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Anderson county;</b> ratifying the May 9, 2019, state of disaster emergency declaration, providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Animal cruelty;</b> court procedures relating to criminal violations of cruelty to animals .....	58
<b>Animal shelters;</b> exemptions from charitable organization registration .....	47
<b>AO-K to work program;</b> high school equivalency credentials processing fee, application fees, rules and regulations .....	28

**Chapter****Appropriations;**

abstracters' board of examiners.....	68
accountancy, board of.....	68
adjutant general.....	68
administration, department of.....	68
administrative hearings, office of.....	68
aging and disability services, Kansas department for.....	68
agriculture, Kansas department of.....	68
attorney general.....	68
attorney general—Kansas bureau of investigation.....	68
bank commissioner, state.....	68
barbering, Kansas board of.....	68
behavioral sciences regulatory board.....	68
blind, Kansas state school for the.....	68
children and families, Kansas department of.....	68
citizens' utility ratepayer board.....	68
commerce, department of.....	68
corporation commission, state.....	68
corrections, department of.....	68
cosmetology, Kansas state board of.....	68
credit unions, state department of.....	68
deaf, Kansas state school for the.....	68
dental board, Kansas.....	68
education, department of.....	19, 68
emergency medical services board.....	68
Emporia state university.....	68
fair board, state.....	68
finance council, state.....	68
fire marshal, state.....	68
Fort Hays state university.....	68
governmental ethics commission.....	68
governor's department.....	68
guardianship program, Kansas.....	68
healing arts, state board of.....	68
health and environment, department of—division of environment.....	68
health and environment, department of—division of health care finance.....	68
health and environment, department of—division of public health.....	68
health care stabilization fund board of governors.....	68



**Chapter**

hearing instruments, Kansas board of examiners in fitting and dispensing of .....	68
highway patrol, Kansas .....	68
historical society, state .....	68
housing resources corporation, Kansas .....	68
human rights commission, Kansas .....	68
indigents' defense services, state board of .....	68
information security office, Kansas .....	68
information technology services, office of .....	68
insurance department .....	68
judicial branch .....	68
judicial council .....	68
Kansas state university .....	68
Kansas state university extension systems and agriculture research programs .....	68
Kansas state university veterinary medical center .....	68
labor, department of .....	68
legislative coordinating council .....	68
legislature .....	68
lottery, Kansas .....	68
mortuary arts, state board of .....	68
nursing, board of .....	68
optometry, board of examiners in .....	68
peace officers' standards and training, Kansas commission on .....	68
pharmacy, state board of .....	68
Pittsburg state university .....	68
pooled money investment board .....	68
post audit, division of .....	68
public employees retirement system, Kansas .....	1, 68
racing and gaming commission, Kansas .....	68
real estate appraisal board .....	68
real estate commission, Kansas .....	68
regents, state board of .....	68
revenue, department of .....	68
secretary of state .....	68
sentencing commission, Kansas .....	68
state library .....	68
state treasurer .....	68
tax appeals, state board of .....	68
technical professions, state board of .....	68
transportation, department of .....	68

	<b>Chapter</b>
university of Kansas.....	68
university of Kansas medical center .....	68
veterans affairs office, Kansas commission on.....	68
veterinary examiners, state board of.....	68
water office, Kansas.....	68
Wichita state university .....	68
wildlife, parks and tourism, Kansas department of.....	68
<b>Armories;</b>	
adjutant general,	
making and concerning appropriations for fiscal years	
ending June 30, 2019 through June 30, 2022; authorizing	
capital improvement projects for life, health and safety	
projects.....	68
<b>At-risk program services;</b>	
identification, approval and evaluation .....	19
<b>Atchison, city of;</b>	
transfer of powers, duties, functions and property,	
providing for the dissolution of the White Clay watershed	
district no. 26 .....	21
<b>Attorney general;</b>	
appropriations.....	68
creation of new division and positions,	
creating a statewide Kansas victim information and	
notification everyday (VINE) coordinator; appointment	
of a Kansas youth suicide prevention coordinator;	
creating the crime victims compensation division.....	62
diversion agreements,	
fraud and abuse criminal prosecution fund.....	59
plan for regulating commercial production of industrial hemp,	
report to U.S. department of agriculture.....	37
rules and regulations,	
approved preliminary saliva screening devices for law	
enforcement purposes .....	13
scrap metal theft reduction act,	
delay of implementation; transfer of scrap metal data	
repository to Kansas bureau of investigation .....	66
<b>Attorney general—Kansas bureau of investigation (KBI);</b>	
adding KBI employees to police and firemen's retirement	
system deferred retirement option program .....	50
appropriations.....	68
creating the scrap metal data repository.....	66

**Chapter**

state and national criminal history check and fingerprinting,	
emergency medical service providers .....	64
entities providing care to children, the elderly or individuals	
with disabilities .....	62
hemp producer licensee and hemp processor employees .....	37
real estate brokers and salespersons .....	23

**Automobiles and other vehicles;**

accident avoidance course,	
reduction in insurance premiums, course duration and	
approving entities .....	16
all-terrain and work-site utility vehicles for agricultural use,	
regulations to operate on a federal or state highway .....	61
dealers and manufacturers,	
warranty services, compensation .....	5
drivers' licenses,	
motorcycles, requiring class M license for temporary	
permits .....	4
driving under the influence of alcohol or drugs; related provisions,	
relating to testing; notice; preliminary screening .....	13
escort vehicles,	
registration .....	51
fleet rental vehicles,	
registrations; creating the fleet rental vehicle	
administration fund .....	26
general provisions,	
concerning emergency medical services, updating	
terminology and references related thereto .....	64
motor-fuel tax law,	
relating to the definition of school bus .....	48
motor vehicle records,	
relating to the disclosure of records; adopting the driver's	
privacy protection act .....	45
motorcycles,	
requiring class M license for temporary permits .....	4
oversize and overweight vehicles,	
permit fees .....	51
registration fees,	
electric and hybrid vehicles, motorized bicycles,	
motorcycles, passenger vehicles, trailer or semitrailer .....	53
safety belts,	
classifying violations as a traffic infraction .....	8

**Chapter**

trucks and truck tractors, eliminating the requirement to mark certain vehicles .....	11
uniform act regulating traffic; equipment of vehicles, reinstatement fee; waiver .....	17
uniform act regulating traffic; parties and arrests, citations, procedures and penalties, fleet rental vehicles; registrations; creating the fleet rental vehicle administration fund.....	26
requiring licensees to promptly deliver driver's license upon demand .....	29
uniform act regulating traffic; rules of the road, regulating the use of electric-assisted scooters, definition, registration exemption.....	61
uniform act regulating traffic; size, weight and load of vehicles, relating to registration fees; electric and hybrid vehicles.....	53
trucks and truck tractors; eliminating the requirement to mark certain vehicles .....	11
vehicle sales and manufacturing, warranty services, compensation.....	5

**B****Background investigation fee fund;**

real estate brokers and salespersons, criminal history and fingerprinting fees.....	23
--	----

**Bank commissioner, state;**

appropriations .....	68
----------------------	----

**Banks and banking; trust companies;**

banking code; capital stock and structure, form of delivery of certain notices .....	25
banking code; organization, conversion to state banks.....	25
banking code; safe deposit box rental, form of delivery of certain notices .....	25
Kansas consumer protection act, scrap metal transaction requirements; definitions of consumer transaction and supplier .....	66
miscellaneous provisions, certificates of existence .....	25
open records exemption for state bank commissioner records obtained to license or examine a person engaged	

**Chapter**

in money transmission business .....	62
<b>Barber county;</b>	
ratifying the May 9, 2019, state of disaster emergency declaration,	
providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Barbering, Kansas board of;</b>	
appropriations .....	68
<b>Barton county;</b>	
ratifying the May 9, 2019, state of disaster emergency declaration,	
providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Beer and cereal malt beverage keg registration act;</b>	
temporary permits .....	57
<b>Behavioral sciences professions;</b>	
licensure requirements for certain professions,	
licensure by reciprocity; provisional licenses; temporary licenses; titles .....	55
<b>Behavioral sciences regulatory board;</b>	
appropriations .....	68
licensure requirements for certain behavioral sciences professions .....	55
<b>Blind, Kansas state school for the;</b>	
appropriations .....	68
<b>Boards, commissions and task forces;</b>	
see State boards, commissions and authorities	
<b>Bonds;</b>	
Kansas rural housing incentive district act,	
bond maturity limitations extended .....	60
<b>Bureau of investigation, Kansas;</b>	
see Attorney general—Kansas bureau of investigation	
<b>Business entities;</b>	
see Corporations and business entities	
<b>Butler county;</b>	
ratifying the May 9, 2019, state of disaster emergency declaration,	
providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78

C

**Cannabidiol with tetrahydrocannabinol (CBD oil with THC);**  
prosecution and child removal protection,  
relating to the use of cannabidiol with tetrahydrocannabinol  
to treat certain medical conditions; affirmative defense to  
prosecution for possession.....67

**Chambourcin;**  
official state red wine grape .....57

**Charitable and nonprofit organizations;**  
agricultural membership organizations,  
healthcare benefit coverage exemption .....54  
animal shelters,  
exemption from registration.....47  
state fair board,  
authorizing the board to establish a nonprofit corporation.....34

**Chase county;**  
ratifying the May 9, 2019, state of disaster emergency  
declaration,  
providing for the continuation thereof for certain Kansas  
counties until January 13, 2020 .....78

**Chautauqua county;**  
ratifying the May 9, 2019, state of disaster emergency  
declaration,  
providing for the continuation thereof for certain Kansas  
counties until January 13, 2020 .....78

**Chemicals, agricultural;**  
annual assessment rate decrease.....2

**Cherokee county;**  
ratifying the May 9, 2019, state of disaster emergency  
declaration,  
providing for the continuation thereof for certain Kansas  
counties until January 13, 2020 .....78

**Child welfare positions;**  
children and families, Kansas department for,  
making and concerning appropriations for fiscal years  
ending June 30, 2019 through June 30, 2022 .....68

**Children and families, Kansas department for;**  
appropriations .....68  
children and minors,  
placement of a child in a qualified residential treatment

**Chapter**

program .....	43
relating to children with sexual behavior problems;	
voluntary services; documentation .....	35
family first prevention services act compliance .....	43
social welfare fund,	
authorizing and directing payment of certain claims	
against the state .....	68
<b>Children and minors;</b>	
children with sexual behavior problems,	
voluntary services; documentation .....	35
family first prevention services act compliance,	
placement of a child in a qualified residential treatment	
program .....	43
Mireya's law,	
involuntary manslaughter and abuse of a child .....	59
prosecution and child removal protection,	
relating to the use of cannabidiol with tetrahydrocannabinol	
to treat certain medical conditions; affirmative defense to	
prosecution for possession .....	67
state and national criminal history check and fingerprinting,	
entities providing care to children .....	62
suicide prevention,	
attorney general appointment of a Kansas youth suicide	
prevention coordinator .....	62
<b>Chiropractors;</b>	
authorizing certain business entities to hire physicians and	
chiropractors .....	52
<b>Cities and municipalities;</b>	
Atchison,	
dissolution of taxing entities; providing for the dissolution	
of the White Clay watershed district no. 26; relating to the	
tax lid .....	21
buildings, structures and grounds,	
directing or authorizing certain receipts, disbursements,	
procedures and acts incidental to the foregoing; state	
general fund; city tax increment financing revenue	
replacement fund .....	68
elections,	
terms of office .....	20
emergency telephone services,	
Kansas 911 act; emergency services; 911 fees, collection	

	Chapter
and distribution.....	39
franchises,	
valid contract franchise ordinance and wireless service	
providers; prohibitions.....	32
general provisions,	
concerning sales and compensation use tax; relating to	
countywide retailers' sales tax, election, Dickinson, Jackson,	
Russell, Thomas and Wabaunsee counties, rates and election	
for Finney county; director of taxation .....	63
libraries,	
creating the Eudora community library district act .....	12
local residential housing,	
directing or authorizing certain receipts, disbursements,	
procedures and acts incidental to the foregoing; state	
economic development initiatives fund; state housing trust	
fund .....	68
economic development incentive financing to address rural	
housing shortages.....	60
<b>Citizens' utility ratepayer board;</b>	
appropriations .....	68
<b>Civil procedure and civil actions;</b>	
inheritance rights,	
revocation upon divorce .....	44
<b>Claims against the state;</b>	
authorizing and directing payment of.....	68
<b>Claire and Lola's law;</b>	
prosecution and child removal protection,	
relating to the use of cannabidiol with tetrahydrocannabinol	
to treat certain medical conditions; affirmative defense to	
prosecution for possession.....	67
<b>Clark county;</b>	
ratifying the May 9, 2019, state of disaster emergency	
declaration,	
providing for the continuation thereof for certain Kansas	
counties until January 13, 2020 .....	78
<b>Clay county;</b>	
ratifying the May 9, 2019, state of disaster emergency	
declaration,	
providing for the continuation thereof for certain Kansas	
counties until January 13, 2020 .....	78



**Chapter**

<b>Cloud county;</b>	
ratifying the May 9, 2019, state of disaster emergency declaration,	
providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Club and drinking establishment act;</b>	
temporary permits .....	57
<b>Code for care of children, Kansas;</b>	
children and minors,	
relating to children with sexual behavior problems;	
voluntary services; Kansas department for children and families; documentation .....	35
<b>Coffey county;</b>	
ratifying the May 9, 2019, state of disaster emergency declaration,	
providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Coins or bullion;</b>	
retailers' sales tax exemptions on sale of .....	63
<b>Colleges and universities;</b>	
adult education programs,	
AO-K to work program .....	28
community college taxpayer transparency act .....	41
community colleges,	
relating to publication of financial information;	
identification of transferable credits .....	41
cybersecurity insurance,	
Kansas board of regents .....	54
military,	
relating to the Kansas national guard educational assistance act; participant qualifications .....	9
postsecondary technical education authority,	
eliminating the expiration date; requiring an annual report .....	24
<b>Comanche county;</b>	
ratifying the May 9, 2019, state of disaster emergency declaration,	
providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Commerce, department of;</b>	
appropriations .....	68

**Commerce, secretary of;**  
annual certification; rules and regulations promulgation,  
certain purchases of goods and services from qualified  
vendors that provide employment to individuals who  
are blind or severely disabled; qualifications, procedures  
and limitations.....3  
economic development incentive program data collection,  
report on information not disclosed to legislature .....60

**Committees;**  
house committee on commerce, labor and economic  
development,  
secretary of commerce report on information not  
disclosed for economic development incentive  
program data collection .....60  
podiatry interdisciplinary advisory committee,  
elimination of statutory references to expired committee .....67  
senate committee on commerce,  
secretary of commerce report on information not  
disclosed for economic development incentive  
program data collection .....60  
state use law committee,  
extension of the sunset date for five years .....6

**Community college taxpayer transparency act;**  
creation of,  
relating to publication of financial information;  
identification of transferable credits .....41

**Concurrent resolutions;**  
a proposition to amend section 1 of article 10 of the  
constitution of the state of Kansas; relating to  
reapportionment of senatorial and representative districts .....74  
adopting joint rules for the senate and house of  
representatives for the 2019-2020 biennium .....71  
condemning the enactment of the reproductive health act  
by the state of New York, because it violates the life and well-  
being of a woman and her unborn child.....73  
providing for a joint session of the senate and house of  
representatives for the purpose of hearing a message  
from the governor.....70  
ratifying the May 9, 2019, state of disaster emergency  
declaration issued by Governor Laura Kelly and providing  
for the continuation thereof for certain Kansas counties

**Chapter**

until January 13, 2020.....	78
relating to the adjournment of the senate and house of representatives for a period of time during the 2019 regular session of the legislature.....	72
relating to a committee to inform the governor that the two houses of the legislature are duly organized and ready to receive communications.....	69
relating to the 2019 regular session of the legislature and providing for an adjournment thereof.....	77
relating to the adjournment of the senate and house of representatives for a period during the 2019 regular session of the legislature.....	75
relating to the adjournment of the senate and house of representatives for a period during the 2019 regular session of the legislature.....	76
<b>Constitution of the state of Kansas;</b>	
proposition to amend section 1 of article 10, relating to reapportionment of senatorial and representative districts .....	74
<b>Consumer protection;</b>	
assignment of rights or benefits, residential contractor, property and casualty insurance policy, residential real estate .....	56
scrap metal, scrap metal theft reduction act; delay of implementation, creating the scrap metal data repository fund; scrap metal transaction requirements; dealer registration; definitions of consumer transaction and supplier.....	66
<b>Contracts;</b>	
assignment of rights, residential contractors; property and casualty insurance policy insuring residential real estate.....	56
housing protections for tenants and lessees, domestic violence, sexual assault, human trafficking or stalking victims.....	56
<b>Controlled substances;</b>	
certified drug abuse treatment program.....	59
requiring electronic prescriptions for certain controlled substances .....	52
<b>Corporation commission, state;</b>	
appropriations.....	68

electric rates study,  
assist organization hired to conduct study; pay cost of study.....31

**Corporations and business entities;**  
authorizing certain business entities to hire physicians and  
chiropractors .....52  
business entity standard treatment act,  
limited liability companies; series LLC; creating a statutory  
public benefit LLC .....47  
credit unions,  
enacting the state credit union code .....22  
healthcare benefit coverage,  
small employer health insurance availability act; nonprofit  
agricultural membership organizations exemption from  
insurance commissioner jurisdiction.....54  
insurance,  
healthcare benefit coverage.....54  
limited liability companies,  
amending the Kansas revised limited liability company  
act; series LLC; creating a statutory public benefit LLC .....47  
religious, charitable and other organizations,  
exemption from registration; animal shelters .....47

**Corrections, department of;**  
appropriations .....68  
Kansas criminal justice reform commission,  
creation of .....62

**Cosmetology, Kansas state board of;**  
appropriations .....68

**Counselors;**  
licensure requirements for certain professions,  
licensure by reciprocity; provisional licenses; temporary  
licenses; titles .....55

**Counterfeiting;**  
crimes and punishments.....59

**Counties and county officers;**  
county election officer,  
missing or mismatched signature procedures; authority to  
expand election day polling places .....36  
countywide retailers' sales tax, election,  
Finney county and city of Garden City rate increase  
election results declared valid .....63  
Jackson county proposing 0.4% rate for financing and public

**Chapter**

infrastructure projects .....	63
Russell county proposing 0.5% rate for financing economic development initiatives or public infrastructure projects .....	63
Thomas county allowed rate amended .....	63
Wabaunsee county proposing to extend current rate.....	63
general provisions,	
Kansas 911 act; emergency services; 911 fees, collection and distribution.....	39
jails,	
cost of keeping civil prisoners .....	10
ratifying the May 9, 2019, state of disaster emergency declaration,	
providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Courts and court officers;</b>	
court of appeals,	
court fees and costs; judicial branch surcharge fund .....	58
drivers' licenses,	
requiring licensees to promptly deliver driver's license upon demand.....	29
recognition of tribal court judgments .....	58
<b>Cowley county;</b>	
ratifying the May 9, 2019, state of disaster emergency declaration,	
providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Crawford county;</b>	
ratifying the May 9, 2019, state of disaster emergency declaration,	
providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Credit unions;</b>	
enacting the state credit union code,	
amendments to the powers, organization, management and oversight of state-chartered credit unions .....	22
<b>Credit unions, state department of;</b>	
appropriations .....	68
<b>Crimes and punishments;</b>	
crimes affecting family relationships and children,	
Mireya's Law; punishment and criminal procedure relating to abuse of a child .....	59

**Chapter**

crimes against persons,	
Mireya's law; punishment and criminal procedure relating	
to involuntary manslaughter.....	59
reconciling conflicting amendments.....	65
crimes against the morals,	
court fees and costs; judicial branch surcharge fund;	
procedures relating to criminal violations of cruelty to	
animals .....	58
crimes against the public safety,	
concerning emergency medical services, updating	
terminology and references related thereto .....	64
crimes involving controlled substances,	
concerning industrial hemp; operating as a hemp processor	
without a valid registration; unlawful hemp products.....	37
relating to the use of cannabidiol with tetrahydrocannabinol	
to treat certain medical conditions; affirmative defense to	
prosecution for possession.....	67
crimes involving property,	
counterfeiting currency .....	59
domestic violence, sexual assault, human trafficking or	
stalking victims,	
housing protections.....	56
false imprisonment	
sentence appeals and corrections.....	59
revised sentencing guidelines,	
presumptive sentencing; presentence investigation report,	
out-of-state felony crimes; mitigating factors; comparable	
offense; sanctions for probation violation; certified drug	
abuse treatment program .....	59
sentencing,	
conditions of probation; sanctions for violation.....	59
court fees and costs; judicial branch surcharge fund .....	58
victims,	
creating a statewide Kansas victim information and	
notification everyday (VINE) coordinator .....	62
housing protections for domestic violence, sexual assault,	
human trafficking or stalking victims .....	56
<b>Criminal procedure;</b>	
competency to stand trial,	
reconciling conflicting amendments.....	65
driving under the influence,	

**Chapter**

relating to testing; notice; preliminary screening .....	13
post-trial motions,	
correction of illegal sentence .....	59
preliminary proceedings,	
requiring law enforcement to provide information to victims	
when an arrest is made for a domestic violence offense .....	59
procedure after arrest,	
diversion agreements; attorney general; fraud and abuse	
criminal prosecution fund .....	59
release procedures,	
conditions of probation; notification of domestic violence	
victims .....	59
search and seizure,	
electronically stored information, electronic devices or media	
capable of storing electronically stored information .....	30
<b>Crisis drills;</b>	
schools,	
safety drills; requiring a certain number of fire, tornado	
and crisis drills .....	27
<b>Cruelty to animals;</b>	
court procedures relating to criminal violations of cruelty	
to animals .....	58
<b>Cyber and financial crime investigation;</b>	
bureau of investigation,	
making and concerning appropriations for fiscal years	
ending June 30, 2019 through June 30, 2022 .....	68
<b>Cybersecurity insurance;</b>	
regents, state board of,	
purchase of cybersecurity insurance allowed as needed.....	54

**D**

<b>Deaf, Kansas state school for the;</b>	
appropriations .....	68
<b>Debt setoff settlement;</b>	
administration, department of,	
making and concerning appropriations for fiscal years	
ending June 30, 2019 through June 30, 2022 .....	68
<b>Dental board, Kansas;</b>	
appropriations .....	68

**Department of revenue—division of alcoholic beverage control;**  
rules and regulations,  
alcoholic liquor temporary permits.....57

**Departments, state;**  
see State departments; public officers and employees

**Dickinson county;**  
countywide retailers' sales tax, election,  
proposing 0.5% rate for roadway construction and  
improvement.....63  
ratifying the May 9, 2019, state of disaster emergency  
declaration,  
providing for the continuation thereof for certain Kansas  
counties until January 13, 2020 .....78

**Disabilities, persons with;**  
products and services,  
state use committee; relating to extension of the sunset  
date for five years.....6  
tax credits for certain purchases of goods and services from  
qualified vendors that provide employment to individuals  
who are blind or severely disabled.....3

**Diversion agreements;**  
attorney general,  
fraud and abuse criminal prosecution fund.....59

**Divorce;**  
inheritance rights,  
revocation upon divorce .....44

**Docking state office building;**  
administration, department of,  
survey and report options for deconstruction, repair or  
renovation to legislature .....68

**Domestic violence;**  
housing protections for victims .....56  
information provided to victims,  
possible time of release; possible 72-hour period of no  
contact with victim; available services to monitor  
custody changes .....59

**Doniphan county;**  
ratifying the May 9, 2019, state of disaster emergency  
declaration,  
providing for the continuation thereof for certain Kansas



**Chapter**

counties until January 13, 2020 .....	78
<b>Douglas county;</b>	
ratifying the May 9, 2019, state of disaster emergency declaration,	
providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Driver's privacy protection act;</b>	
adoption of,	
relating to the disclosure of motor vehicle records .....	45
<b>Drivers' licenses;</b>	
delivery to officer,	
requiring licensees to promptly deliver driver's license upon demand .....	29
motorcycles,	
requiring class M license for temporary permits.....	4
reinstatement fee,	
waiver .....	17
<b>Driving under the influence (DUI);</b>	
testing,	
notice; refusal; preliminary screening.....	13
<b>Drug abuse, possession or distribution;</b>	
crimes, punishment and criminal procedure, certified drug abuse treatment program.....	59
<b>Dyslexia, legislative task force on;</b>	
continuation, meeting frequency reports, vacancy appointment procedure.....	19

**E****Economic development;**

center for entrepreneurship, Kansas,	
extending the tax credit for contributions to financial institutions and increasing the annual credit available for all contributors .....	15
economic development incentive programs,	
review, analysis, evaluation, and reporting; disclosure of data; financing to address rural housing shortages.....	60

**Education;**

see Schools

**Education, board of;**

ACT, pre-ACT and WorkKeys assessments,

	Chapter
free assessments, contracts to administer tests .....	19
at-risk program services, identification, approval and evaluation .....	19
<b>Education, department of;</b> accountability reports, specifications, publication requirements .....	19
appropriations .....	19, 68
<b>Elderly;</b> state and national criminal history check and fingerprinting, entities providing care to the elderly .....	62
<b>Elections;</b> advanced voting ballot, missing or mismatched signature procedures .....	36
city elections, candidate declaration of intent deadline .....	36
terms of office .....	20
countywide retailers' sales tax .....	63
independent and other nomination certificates; terms of office; filling vacancies, concerning cities .....	20
redistricting, proposition to amend section 1 of article 10 of the constitution of the state of Kansas relating to reapportionment of senatorial and representative districts .....	74
voting places and materials therefor, expanding election day polling places .....	36
<b>Electric and hybrid vehicles;</b> registration fees .....	53
<b>Electric utilities;</b> electric rates study, relating to the legislative coordinating council; state corporation commission .....	31
<b>Electronic devices or media;</b> execution of search warrants issued for electronically stored information .....	30
<b>Electronic prescriptions;</b> required for certain controlled substances .....	52
<b>Elk county;</b> ratifying the May 9, 2019, state of disaster emergency declaration,	

**Chapter**

providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Ellsworth county;</b>	
ratifying the May 9, 2019, state of disaster emergency declaration,	
providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Emergencies and disasters;</b>	
Kansas 911 act,	
911 fees, collection and distribution .....	39
<b>Emergency declaration;</b>	
ratifying the May 9, 2019, state of disaster emergency declaration,	
providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Emergency medical services;</b>	
updating terminology and references related thereto, emergency medical services board; powers and duties thereof; authorized activities of certain emergency medical services providers; creating the designation of inactive certificate; establishing the medical services criminal history and fingerprinting fund .....	64
<b>Emergency medical services board;</b>	
appropriations .....	68
meeting times,	
reducing minimum number of annual meetings .....	64
rules and regulations,	
inactive certificate fee .....	64
<b>Emergency vehicles;</b>	
regulating traffic approaching stationary emergency vehicles .....	7
<b>Emporia state university;</b>	
appropriations .....	68
<b>Entrepreneurship, Kansas center for;</b>	
tax credit for contributions .....	15
<b>Environmental remediation;</b>	
agricultural chemicals,	
extending the sunset date for the remediation linked deposit loan program, the remediation reimbursement program and the Kansas agricultural remediation fund .....	2
<b>Escort vehicles;</b>	
registration .....	51

**Eudora;**  
    libraries,  
        creating the Eudora community library district act .....12

**Executive reorganization orders;**  
    2012 ERO 41, trailer bill .....14

**F**

**Fair board, state;**  
    appropriations .....68  
    authorizing the board to establish a nonprofit corporation .....34

**False imprisonment;**  
    sentence appeals and correction .....59

**Family first prevention services act;**  
    children and families, Kansas department for,  
        making and concerning appropriations for fiscal years  
        ending June 30, 2019 through June 30, 2022 .....68

**Family first prevention services act compliance;**  
    children and minors,  
        placement of a child in a qualified residential treatment  
        program .....43

**Family law;**  
    divorce,  
        revocation of inheritance rights.....44

**Farming organizations;**  
    healthcare benefit coverage,  
        nonprofit agricultural membership organizations exemption  
        from insurance commissioner jurisdiction.....54

**Fees and salaries;**  
    fees in all counties and salaries in certain counties,  
        court fees and costs; judicial branch surcharge fund .....58

**Fertilizer, commercial;**  
    annual assessment rate increase.....2

**Finance council, state;**  
    appropriations .....68  
    toll roads or turnpikes,  
        required approval from local units of government, the  
        Kansas turnpike authority and the state finance council.....49

**Financial institutions;**  
    credit unions,  
        enacting the state credit union code .....22

**Chapter**

income tax credits, Kansas center for entrepreneurship contributions .....	15
state banking code, form of delivery of certain notices; certificates of existence; conversion to state banks.....	25
<b>Fingerprinting and background checks;</b>	
emergency medical service providers.....	64
entities providing care to children, the elderly or individuals with disabilities .....	62
hemp producer licensee, hemp processor employees .....	37
real estate brokers and salespersons .....	23
<b>Finney county;</b>	
countywide retailers' sales tax, election, rate increase election results declared valid .....	63
<b>Fire marshal, state;</b>	
appropriations .....	68
safety drills, rules and regulations requiring a certain number of fire, tornado and crisis drills; exemptions for special education students .....	27
<b>Fire protection;</b>	
fire safety and prevention, concerning schools; safety drills; requiring a certain number of fire, tornado and crisis drills.....	27
<b>Fleet rental vehicle administration fund;</b>	
revenue, department of, for tagging and registering fleet rental vehicles.....	26
<b>Fort Hays state university;</b>	
appropriations .....	68
<b>Franklin county;</b>	
ratifying the May 9, 2019, state of disaster emergency declaration, providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Funds;</b>	
amendments to, agricultural remediation fund .....	2
creation of, commercial industrial hemp processor fund .....	37
debt prepayment fund.....	68
fleet rental vehicle administration fund.....	26

	<b>Chapter</b>
Kansas high school equivalency credential processing fees fund.....	28
medical services criminal history and fingerprinting fund.....	64
scrap metal data repository fund.....	66
disclosure of data for,	
economic development initiatives fund.....	60
job creation program fund.....	60
funding of,	
IMPACT program repayment fund.....	68
IMPACT program services fund.....	68
job creation program fund.....	68
reappropriated funds for,	
correctional institutions building fund.....	68
educational building fund.....	68
state institutions building fund.....	68
renaming of,	
alternative crop act licensing fee fund.....	37
transfers from,	
conservation fee fund.....	68
economic development initiative fund.....	68
motor-vehicle fuel tax refund fund.....	68
social welfare fund.....	68
special revenue fund.....	68
state economic development initiatives fund.....	68
state fair fee fund.....	68
state highway fund.....	68
transfers to,	
abandoned oil and gas well fund.....	68
bioscience development and investment fund.....	68
budget stabilization fund.....	68
city tax increment financing revenue replacement fund.....	68
county and city revenue sharing fund.....	68
infrastructure maintenance fund.....	68
local ad valorem tax reduction fund.....	68
special city and county highway fund.....	68
special revenue fund.....	68
state fair capital improvements fund.....	68
state housing trust fund.....	68
water plan fund.....	68

**Chapter****G****Geary county;**

- ratifying the May 9, 2019, state of disaster emergency declaration,
  - providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....78

**Global food system research;**

- board of regents,
  - making and concerning appropriations for fiscal years ending June 30, 2019 through June 30, 2022 .....68

**Governmental ethics commission;**

- appropriations .....68

**Governor;**

- plan for regulating commercial production of industrial hemp, report to U.S. department of agriculture.....37

**Governor's department;**

- appropriations .....68

**Greenwood county;**

- ratifying the May 9, 2019, state of disaster emergency declaration,
  - providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....78

**Guardianship program, Kansas;**

- appropriations .....68

**H****Harper county;**

- ratifying the May 9, 2019, state of disaster emergency declaration,
  - providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....78

**Harvey county;**

- ratifying the May 9, 2019, state of disaster emergency declaration,
  - providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....78

**Hazardous waste management;**

- commercial industrial hemp cultivation, production or processing.....37

	<b>Chapter</b>
<b>Healing arts, state board of;</b>	
appropriations .....	68
business entities,	
authorizing certain business entities to hire physicians	
and chiropractors .....	52
<b>Health and environment, department of;</b>	
secretary of health and environment, activities,	
relating to public water supply systems; municipal loans .....	38
tuberculosis program,	
updating statutory references necessitated by 2012 ERO 41 .....	14
<b>Health and environment, department of—division of</b>	
<b>environment;</b>	
appropriations .....	68
<b>Health and environment, department of—division of</b>	
<b>health care finance;</b>	
appropriations .....	68
<b>Health and environment, department of—division of</b>	
<b>public health;</b>	
appropriations .....	68
<b>Health and healthcare;</b>	
cannabidiol with tetrahydrocannabinol,	
relating to the use to treat certain medical conditions;	
affirmative defense to prosecution for possession .....	67
corporations,	
small employer healthcare benefit coverage .....	54
healing arts,	
authorizing certain business entities to hire physicians and	
chiropractors .....	52
insurance,	
making and concerning appropriations for fiscal years	
ending June 30, 2019 through June 30, 2022 .....	68
small employer health insurance availability act; nonprofit	
agricultural membership organizations exemption from	
insurance commissioner jurisdiction.....	54
podiatrists,	
qualifications to perform ankle surgery .....	67
regulation of pharmacists,	
providing for licensed pharmacists to administer certain	
drugs; requiring electronic prescriptions for certain	
controlled substances.....	52



**Chapter**

<b>Health care stabilization fund board of governors;</b>	
appropriations .....	68
<b>Health professions and practices;</b>	
emergency medical service provider,	
replacing attendants; updating terminology and	
references related thereto .....	64
inactive certificate,	
creating designation of for emergency medical service	
providers .....	64
licensure requirements for certain behavioral sciences	
professions,	
licensure by reciprocity; provisional licenses; temporary	
licenses; titles .....	55
podiatrists,	
qualifications to perform ankle surgery .....	67
<b>Hearing instruments, Kansas board of examiners in</b>	
<b>fitting and dispensing of;</b>	
appropriations .....	68
<b>Hemp;</b>	
establishing a commercial industrial hemp program,	
land, testing, disposal, license fees, documentation,	
inspections, negligent violations, fingerprinting and	
criminal record check, registry.....	37
<b>Highway patrol, Kansas;</b>	
appropriations .....	68
<b>Highways;</b>	
see Roads and bridges	
<b>Historical society, state;</b>	
appropriations .....	68
<b>Hodgeman county;</b>	
ratifying the May 9, 2019, state of disaster emergency	
declaration,	
providing for the continuation thereof for certain Kansas	
counties until January 13, 2020 .....	78
<b>Home healthcare;</b>	
aging and disability services, Kansas department for,	
making and concerning appropriations for fiscal years	
ending June 30, 2019 through June 30, 2022 .....	68
<b>Housing;</b>	
housing protections for tenants and lessees,	

	Chapter
domestic violence, sexual assault, human trafficking or stalking victims.....	56
rural housing shortages, economic development incentive financing .....	60
<b>Housing resources corporation, Kansas;</b> appropriations .....	68
<b>Human rights commission, Kansas;</b> appropriations .....	68
<b>Human trafficking;</b> housing protections for victims .....	56
<b>Hutchinson correctional facility;</b> facilities operations account, authorizing and directing payment of certain claims against the state.....	68
 <b>I</b>  	
<b>Income tax credits;</b> certain purchases of goods and services from qualified vendors that provide employment to individuals who are blind or severely disabled.....	3
<b>Indigents' defense services, state board of;</b> appropriations .....	68
<b>Industrial hemp;</b> establishing a commercial industrial hemp program, land, testing, disposal, license fees, documentation, inspections, negligent violations, fingerprinting and criminal record check, registry.....	37
<b>Information security office, Kansas;</b> appropriations .....	68
<b>Information technology services, office of;</b> appropriations .....	68
<b>Inheritance rights;</b> revocation upon divorce .....	44
<b>Insurance;</b> cybersecurity insurance, state board of regents .....	54
general provisions, defining amount involved for fraudulent insurance acts.....	46
general provisions relative to casualty, surety and fidelity companies,	

**Chapter**

motor vehicle insurance; relating to reductions in premiums; approved motor vehicle accident avoidance courses; pertaining to course duration and approving entities .....	16
healthcare provider insurance, open records exemption for health care stabilization fund payments for certain fees and costs related to claims .....	62
insurance holding companies, reports; exempting certain domestic insurers from filing enterprise risk reports .....	46
miscellaneous provisions, concerning emergency medical services, updating terminology and references related thereto .....	64
property and casualty insurance, assignment of rights of benefits to a residential contractor for residential real estate .....	56
regulation and registration of administrators, third party administrator license and renewal application fees .....	54
regulation of certain trade practices, life insurance unfair of deceptive acts or practices; living organ donor life insurance .....	54
risk-based capital requirements, version of risk-based capital instructions in effect .....	46
unclaimed life insurance benefits act, establishment of .....	54
uniform policy provisions, small employer health insurance availability act; nonprofit agricultural membership organizations exemption from insurance commissioner jurisdiction; healthcare benefit coverage .....	54
<b>Insurance department;</b> appropriations .....	68
<b>Intoxicating liquors and beverages;</b> beer and cereal malt beverage keg registration act; temporary permits .....	57
cereal malt beverages, enforcement of laws regulating the sale thereof .....	18
certain prohibited acts and penalties, consumption of liquor on a public street, alley, road or highway .....	57
club and drinking establishment act temporary permits .....	57

	Chapter
delivery, reporting, serving, sales .....	57
general provisions,	
cereal malt beverages and enforcement of laws regulating	
the sale thereof .....	18
reconciling conflicting amendments .....	65
sample definition .....	57
licensing and related provisions,	
issuance of temporary permits and producer licenses .....	57
licensing and related provisions; city option,	
cereal malt beverages and enforcement of laws regulating	
the sale thereof .....	18
licensure and regulation of sale of liquor by the drink,	
extended premises; drinking establishment caterer; sample	
serving limit; common consumption area .....	57
reconciling conflicting amendments .....	65
official wine grapes,	
red wine grape, chambourcin .....	57
white wine grape, vigneoles .....	57

J

<b>Jackson county;</b>	
countywide retailers' sales tax, election,	
proposing 0.4% rate for financing and public infrastructure	
projects .....	63
<b>Jails;</b>	
civil prisoners,	
cost .....	10
<b>Jefferson county;</b>	
ratifying the May 9, 2019, state of disaster emergency	
declaration,	
providing for the continuation thereof for certain Kansas	
counties until January 13, 2020 .....	78
<b>Judicial branch;</b>	
appropriations .....	68
<b>Judicial council;</b>	
appropriations .....	68

## Chapter

## K

**KanCare;**

health and environment, Kansas department of,  
 making and concerning appropriations for fiscal years ending  
 June 30, 2019 through June 30, 2022 .....68

**Kansas eligibility enforcement system (KEES) upgrade;**

children and families, Kansas department for,  
 making and concerning appropriations for fiscal years ending  
 June 30, 2019 through June 30, 2022 .....68

**Kansas family law code—revised;**

marriage,  
 court fees and costs; judicial branch surcharge fund .....58  
 parentage act,  
 placement of a child in a qualified residential treatment  
 program .....43

**Kansas liquor control act;**

temporary permits .....57

**Kansas state university;**

appropriations .....68

**Kansas state university extension systems and agriculture  
 research programs;**

appropriations .....68

**Kansas state university veterinary medical center;**

appropriations .....68

**Kingman county;**

ratifying the May 9, 2019, state of disaster emergency  
 declaration,  
 providing for the continuation thereof for certain Kansas  
 counties until January 13, 2020 .....78

**KOMA (Kansas open meetings act);**

see Open meetings

**KORA (Kansas open records act);**

see Open records

**KPERS (Kansas public employees retirement system);**

see Public employees retirement system

## L

**Labor and industries;**

minimum wage and maximum hours,

	Chapter
concerning emergency medical services, updating terminology and references related thereto .....	64
protection of employees,	
concerning emergency medical services, updating terminology and references related thereto .....	64
workers compensation,	
concerning emergency medical services, updating terminology and references related thereto .....	64
<b>Labor, department of;</b>	
appropriations .....	68
<b>Larned correctional mental facility;</b>	
facilities operations account,	
authorizing and directing payment of certain claims against the state .....	68
<b>Law enforcement;</b>	
closed case task force, Kansas,	
establishing uniform statewide policies and procedures relating to hits to the combined DNA index system .....	62
domestic violence calls,	
information provided to victim; training requirement .....	59
drivers' licenses,	
requiring licensees to promptly deliver driver's license upon demand .....	29
driving under the influence,	
relating to testing; notice; preliminary screening .....	13
fingerprinting assistance,	
emergency medical service providers .....	64
search warrant, execution of,	
electronically stored information .....	30
victim notification,	
creating a statewide Kansas victim information and notification everyday (VINE) coordinator .....	62
<b>Leavenworth county;</b>	
ratifying the May 9, 2019, state of disaster emergency declaration,	
providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Legislative coordinating council;</b>	
appropriations .....	68
electric rates study,	
authorize study; select organization to conduct study .....	31

**Chapter****Legislative division of post audit;**

economic development incentive programs,  
 review, analysis, evaluation, and reporting .....60

**Legislature;**

adjournment .....72, 75, 76, 77  
 appropriations .....68  
 joint rules .....71  
 open records and meetings,  
 review of exemptions .....62

**Libraries;**

Eudora,  
 creating the Eudora community library district act .....12  
 state library,  
 appropriations .....68

**License plates;**

creation of,  
 rental fleet plate .....26

**Licenses;**

addictions counselors,  
 licensure by reciprocity; provisional licenses; temporary  
 licenses; titles .....55  
 adult care homes,  
 application for licensure amendments .....55  
 creation of,  
 hemp processor license .....37  
 drivers' licenses,  
 motorcycles, requiring class M license for temporary  
 permits .....4  
 reinstatement fee waiver .....17  
 requiring licensees to promptly deliver driver's license  
 upon demand by law enforcement or court officers .....29  
 insurance administrators,  
 third party administrator license and renewal application fees .....54  
 intoxicating liquors and beverages,  
 issuance of temporary permits and producer licenses .....57  
 marriage and family therapists,  
 licensure by reciprocity; provisional licenses; temporary  
 licenses; titles .....55  
 naturopathic doctors licensure act,  
 diagnostic imaging studies; licensed practitioner .....55  
 professional counselors,

	Chapter
licensure by reciprocity; provisional licenses; temporary licenses; titles .....	55
real estate brokers and salespersons, application, temporary licenses, education requirements, deactivation and reinstatement of licenses, primary office, fees, effect on other licenses of suspension or revocation of certain licenses .....	23
social workers, baccalaureate level, master's level, specialist clinical; licensure by reciprocity; provisional licenses; temporary licenses; titles .....	55
<b>Life insurance companies;</b> insurance, accounting treatment of certain derivative instruments used in hedging transactions; version of risk-based capital instructions in effect; exempting certain domestic insurers from filing enterprise risk reports; defining amount involved for fraudulent insurance acts.....	46
<b>Limited liability company act, Kansas revised;</b> business entities, limited liability companies; series LLC; creating statutory public benefit LLC .....	47
<b>Lincoln county;</b> ratifying the May 9, 2019, state of disaster emergency declaration, providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Linn county;</b> ratifying the May 9, 2019, state of disaster emergency declaration, providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Lottery, Kansas;</b> appropriations .....	68
<b>Lyon county;</b> ratifying the May 9, 2019, state of disaster emergency declaration, providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78



## M

**Marion county;**

- ratifying the May 9, 2019, state of disaster emergency declaration,
  - providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....78

**Marshall county;**

- ratifying the May 9, 2019, state of disaster emergency declaration,
  - providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....78

**McPherson county;**

- ratifying the May 9, 2019, state of disaster emergency declaration,
  - providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....78

**Meade county;**

- ratifying the May 9, 2019, state of disaster emergency declaration,
  - providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....78

**Medicaid programs;**

- making and concerning appropriations for fiscal years ending June 30, 2019 through June 30, 2022 .....68

**Memorial highways and bridges;**

- amending location of,
  - purple heart/combat wounded veterans highway.....40
- designating a bridge on U.S. highway 77 as the SGT Kevin A. Gilbertson memorial bridge.....40
- designating a portion of U.S. highway 75 as John Armstrong memorial highway .....40

**Mental health;**

- Kansas national guard members,
  - peer support counseling session communication privilege.....42

**Mental health centers and services;**

- aging and disability services, Kansas department for,
  - making and concerning appropriations for fiscal years ending June 30, 2019 through June 30, 2022 .....68
- employees in direct support positions of a KPERS affiliated employer,

	<b>Chapter</b>
two-year eligibility waiting period for KPERS .....	50
<b>Mentally ill, incapacitated and dependent persons;</b>	
<b>social welfare;</b>	
adult care homes,	
application for licensure; financial solvency; receivership .....	55
reporting abuse, neglect or exploitation of certain persons,	
concerning emergency medical services, updating	
terminology and references related thereto .....	64
reporting abuse, neglect or exploitation,	
reconciling conflicting amendments .....	65
<b>Military;</b>	
Kansas national guard members,	
peer support counseling session communication privilege .....	42
Kansas national guard,	
postsecondary education; relating to the Kansas national	
guard educational assistance act; participant qualifications .....	9
<b>Minors;</b>	
prosecution and child removal protection,	
relating to the use of cannabidiol with tetrahydrocannabinol	
to treat certain medical conditions; affirmative defense to	
prosecution for possession .....	67
revised Kansas code for care of children,	
court fees and costs; judicial branch surcharge fund .....	58
placement of a child in a qualified residential treatment	
program .....	43
reconciling conflicting amendments .....	65
relating to children with sexual behavior problems;	
voluntary services .....	35
revised Kansas juvenile justice code,	
court fees and costs; judicial branch surcharge fund .....	58
<b>Mireya's law;</b>	
crimes, punishment and criminal procedure,	
involuntary manslaughter and abuse of a child .....	59
<b>Montgomery county;</b>	
ratifying the May 9, 2019, state of disaster emergency	
declaration,	
providing for the continuation thereof for certain Kansas	
counties until January 13, 2020 .....	78
<b>Morris county;</b>	
ratifying the May 9, 2019, state of disaster emergency	
declaration,	

**Chapter**

providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Mortuary arts, state board of;</b>	
appropriations .....	68
<b>Motor vehicles;</b>	
see <b>Automobiles and other vehicles</b>	
<b>Motorcycles;</b>	
drivers' licenses,	
motorcycles, requiring class M license for temporary permits .....	4
<b>Motorized bicycles;</b>	
registration fees .....	53
<b>Municipalities;</b>	
loans,	
relating to public water supply systems .....	38
ordinances,	
transportation network company vehicles, regulating the use of authorized lights .....	61
university operating grants,	
board of regents appropriations for fiscal years ending June 30, 2019 through June 30, 2022 .....	68

**N**

<b>National guard members, Kansas;</b>	
peer support counseling session communication privilege .....	42
postsecondary education assistance,	
participant qualifications .....	9
<b>Naturopathic doctor licensure act;</b>	
ordering diagnostic imaging studies; licensed practitioner .....	55
<b>Neosho county;</b>	
ratifying the May 9, 2019, state of disaster emergency declaration,	
providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>New York reproductive health act;</b>	
condemning the enactment of the reproductive health act .....	73
<b>Nonprofit corporations and organizations;</b>	
see <b>Charitable and nonprofit organizations</b>	

**Nursing, board of;**  
    appropriations .....68

**O**

**Oil and gas;**  
    oil and gas wells,  
        directing or authorizing certain receipts, disbursements,  
        procedures and acts incidental to the foregoing; state  
        general fund; conservation fee fund; abandoned oil and  
        gas well fund .....68

**Open meetings;**  
    claims involving alleged violations,  
        responsibility for reimbursement of the tort claims fund .....62  
    exceptions,  
        legislative review and extension of .....62

**Open records;**  
    claims involving alleged violations,  
        responsibility for reimbursement of the tort claims fund .....62  
    exceptions,  
        legislative review and extension of .....62  
        peer support counseling session communication privilege;  
        emergency services personnel, Kansas national guard  
        members .....42  
    motor vehicle records,  
        relating to the disclosure of records; adopting the driver's  
        privacy protection act .....45

**Optometry, board of examiners in;**  
    appropriations .....68

**Organ donor, living;**  
    life insurance,  
        no unfair discrimination .....54

**Osage county;**  
    ratifying the May 9, 2019, state of disaster emergency  
    declaration,  
        providing for the continuation thereof for certain Kansas  
        counties until January 13, 2020 .....78

**Ottawa county;**  
    ratifying the May 9, 2019, state of disaster emergency  
    declaration,  
        providing for the continuation thereof for certain Kansas

**Chapter**

counties until January 13, 2020 .....	78
---------------------------------------	----

**P****Pawnee county;**

ratifying the May 9, 2019, state of disaster emergency declaration,	
providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78

**Peace officers;**

drivers' licenses,	
requiring licensees to promptly deliver driver's license upon demand .....	29

**Peace officers' standards and training, Kansas****commission on;**

appropriations .....	68
----------------------	----

**Peer support counseling;**

communication privilege,	
adding national guard members .....	42

**Personal and real property;**

inheritance rights,	
revocation upon divorce .....	44
real estate brokers and salespersons,	
licensing; application, temporary licenses, education requirements, deactivation and reinstatement of licenses, primary office, fees, effect on other licenses of suspension or revocation of certain licenses .....	23

**Pharmacists and pharmacy;**

scope of practice,	
providing for licensed pharmacists to administer certain drugs; requiring electronic prescriptions for certain controlled substances .....	52

**Pharmacy, state board of;**

appropriations .....	68
----------------------	----

**Phillips county;**

ratifying the May 9, 2019, state of disaster emergency declaration,	
providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78

**Physicians;**

authorizing certain business entities to hire physicians and	
--	--

	Chapter
chiropractors .....	52
<b>Pittsburg state university;</b>	
appropriations .....	68
<b>Police and firemen's retirement system;</b>	
adding Kansas bureau of investigation employees to deferred retirement option program; extending sunset date .....	50
<b>Pooled money investment board;</b>	
appropriations .....	68
<b>Post audit, division of;</b>	
appropriations .....	68
economic development incentive programs, review, analysis, evaluation, and reporting .....	60
school district performance audits .....	19
<b>Postsecondary education;</b>	
military, relating to the Kansas national guard educational assistance act; participant qualifications .....	9
<b>Postsecondary technical education authority;</b>	
eliminating the expiration date; requiring an annual report .....	24
<b>Pottawatomie county;</b>	
ratifying the May 9, 2019, state of disaster emergency declaration, providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Pratt county;</b>	
ratifying the May 9, 2019, state of disaster emergency declaration, providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Prescriptions, electronic;</b>	
required for certain controlled substances .....	52
<b>Probate code;</b>	
general provisions, court fees and costs; judicial branch surcharge fund .....	58
inheritance rights, revocation upon divorce .....	44
<b>Procedure, civil;</b>	
attachment and garnishment, court fees and costs; judicial branch surcharge fund .....	58
lis pendens and judgment liens on real property, court fees and costs; judicial branch surcharge fund .....	58

**Chapter**

- process,
  - corporations; resident agent for a corporation; series LLC .....47
- rules of evidence,
  - peer support counseling session communication privilege;
    - Kansas national guard members .....42
- Procedure, civil, for limited actions;**
  - costs,
    - court fees and costs; judicial branch surcharge fund .....58
  - small claims procedure,
    - court fees and costs; judicial branch surcharge fund .....58
- Professional counselors licensure act;**
  - professional counselors,
    - licensure by reciprocity; provisional licenses; temporary
      - licenses; titles .....55
- Public employees retirement system, Kansas;**
  - appropriations .....1, 68
  - employment after retirement exemptions and
    - reimbursements; membership eligibility; board of trustees
  - powers and duties; KPERS administration,
    - procurement of goods and services, travel reimbursement;
      - procurement of contracts; annual reports .....50
- Public health;**
  - acquired immune deficiency syndrome (AIDS) and hepatitis B;
    - other infectious disease,
      - concerning emergency medical services, updating
        - terminology and references related thereto .....64
  - addictions counselors,
    - licensure by reciprocity; provisional licenses; temporary
      - licenses; titles .....55
  - controlled substances,
    - concerning industrial hemp; establishing a commercial
      - industrial hemp program .....37
  - embalmers and funeral directors, regulation of; funeral
    - establishments,
      - concerning emergency medical services, updating
        - terminology and references related thereto .....64
  - emergency medical services,
    - concerning emergency medical services, updating
      - terminology and references related thereto; emergency
        - medical services board; powers and duties thereof;
          - authorized activities of certain emergency medical services

**Chapter**

providers; creating the designation of inactive certificate; establishing the medical services criminal history and fingerprinting fund .....	64
healing arts, authorizing certain business entities to hire physicians and chiropractors .....	52
concerning emergency medical services, updating terminology and references related thereto .....	64
health care providers, concerning emergency medical services, updating terminology and references related thereto .....	64
marriage and family therapists, licensure by reciprocity; provisional licenses; temporary licenses; titles .....	55
naturopathic doctors, ordering diagnostic imaging studies; licensed practitioner .....	55
pharmacists, regulation of, concerning emergency medical services, updating terminology and references related thereto .....	64
providing for licensed pharmacists to administer certain drugs; requiring electronic prescriptions for certain controlled substances.....	52
physical therapy, concerning emergency medical services, updating terminology and references related thereto .....	64
podiatrists, regulation of, qualifications to perform ankle surgery .....	67
professional counselors, licensure by reciprocity; provisional licenses; temporary licenses; titles .....	55
radiologic technologists, licensed practitioner definition .....	55
secretary of health and environment, activities, relating to public water supply systems; municipal loans .....	38
tuberculosis program; updating statutory references necessitated by 2012 ERO 41 .....	14
social workers, baccalaureate level, master's level, specialist clinical; licensure by reciprocity; provisional licenses; temporary licenses; titles .....	55



**Chapter****Public records, documents and information;**

see Open records

**Public utilities;**

electric rates study,

relating to the legislative coordinating council; state

corporation commission .....31

utility damage prevention,

location of facilities and duty to mark, exceptions.....33

**R****Racing and gaming commission, Kansas;**

appropriations .....68

**Radiologic technologists practice act;**

licensed practitioner definition .....55

**Railroads;**

railroad crossings,

requiring vehicle drivers to stop for on-track train

equipment at railroad grade crossing signals.....61

**Real estate;**

brokers and salespersons,

licensing; application, temporary licenses, education

requirements, deactivation and reinstatement of licenses,

primary office, fees, effect on other licenses of suspension

or revocation of certain licenses .....23

housing protections,

domestic violence, sexual assault, human trafficking or

stalking victims.....56

**Real estate appraisal board;**

appropriations .....68

**Real estate commission, Kansas;**

appropriations .....68

seal; organization; meetings .....23

**Reconciliation bill;**

reconciling conflicting amendments to certain statutes.....65

**Redistricting;**

proposition to amend section 1 of article 10 of the constitution

of the state of Kansas,

relating to reapportionment of senatorial and representative

districts .....74

**Regents, state board of;**  
    AO-K to work program,  
        Kansas high school equivalency credentials processing fee,  
        application fees, rules and regulations .....28  
    appropriations .....68  
    cybersecurity insurance purchase allowed as needed .....54  
    postsecondary education,  
        relating to the Kansas national guard educational assistance  
        act; participant qualifications.....9  
    postsecondary technical education authority,  
        eliminating the expiration date; requiring an annual report .....24

**Remediation reimbursement program;**  
    sunset date extension,  
        extending the sunset date for the remediation linked deposit  
        loan program, the remediation reimbursement program and  
        the Kansas agricultural remediation fund.....2

**Reno county;**  
    ratifying the May 9, 2019, state of disaster emergency  
    declaration,  
        providing for the continuation thereof for certain Kansas  
        counties until January 13, 2020 .....78

**Reproductive health act;**  
    condemning the enactment of the New York reproductive  
    health act.....73

**Residential treatment program;**  
    placement of a child,  
        procedures and considerations .....43

**Retirement and pensions;**  
    public employees retirement systems,  
        Kansas police and firemen's retirement system  
        amendments; employment after retirement exemptions  
        and reimbursements; membership eligibility; board of  
        trustees powers and duties; KPERS administration .....50  
    authorizing certain transfers from the state general fund.....1

**Revenue, department of;**  
    appropriations .....68  
    division of motor vehicles,  
        relating to the disclosure of records; adopting the driver's  
        privacy protection act .....45  
    industrial hemp regulatory commission,  
        creation of .....37

**Chapter**

motor-vehicle fuel tax refund fund, authorizing and directing payment of certain claims against the state .....	68
rules and regulations, alcoholic beverage temporary permits .....	57
<b>Revenue, department of—division of alcoholic beverage control;</b>	
cereal malt beverages, enforcement of laws regulating the sale thereof .....	18
<b>Revenue, department of—division of vehicles;</b>	
examiners or officers, requiring licensees to promptly deliver driver's license upon demand .....	29
license plates, design and issue distinct rental fleet plates .....	26
<b>Revenue, secretary of;</b>	
income tax credits; report, certain purchases of goods and services from qualified vendors that provide employment to individuals who are blind or severely disabled .....	3
<b>Rice county;</b>	
ratifying the May 9, 2019, state of disaster emergency declaration, providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Riley county;</b>	
ratifying the May 9, 2019, state of disaster emergency declaration, providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Roads and bridges;</b>	
all-terrain and work-site utility vehicles for agricultural use, regulations to operate on a federal or state highway .....	61
express highways and freeways, secretary of transportation feasibility study on new or added capacity portions to be made toll roads; toll road construction .....	49
naming and marking of highways and bridges, designating a bridge on U.S. highway 77 as the SGT Kevin A. Gilbertson memorial bridge .....	40

	Chapter
designating a portion of U.S. highway 75 as John Armstrong memorial highway.....	40
toll roads or turnpikes,	
authorizing certain toll projects for new projects or expanded capacity; required approval from local units of government, the Kansas turnpike authority and the state finance council; changing financing requirements .....	49
<b>Rules and regulations;</b>	
911 coordinating council,	
911 fees, collection and distribution; PSAP expenditure pre-approval process; forbidding regulations creating PSAP certification program.....	39
agriculture, Kansas department of,	
establishing a commercial industrial hemp program; creating a hemp processor registry; amending the commercial industrial hemp research program regulations, forbidding regulations concerning recording of license plates .....	37
alcoholic beverage control, division of—department of revenue, alcoholic beverage temporary permits.....	57
attorney general,	
approved preliminary saliva screening devices for law enforcement purposes .....	13
statewide Kansas victim information and notification everyday (VINE) coordination .....	62
commerce, secretary of,	
certain purchases of goods and services from qualified vendors that provide employment to individuals who are blind or severely disabled; qualifications, procedures and limitations.....	3
emergency medical services board,	
inactive certificate fee.....	64
fire marshal, state,	
school safety drills.....	27
healing arts, state board of,	
authorizing certain business entities to hire physicians and chiropractors .....	52
health and environment, department of,	
tuberculosis program.....	14
insurance commissioner,	
accounting treatment of certain derivative instruments used in hedging transactions; version of risk-based capital	

**Chapter**

instructions in effect; exempting certain domestic insurers from filing enterprise risk reports; defining amount involved for fraudulent insurance acts .....	46
real estate commission, Kansas, real estate brokers and salespersons licensing .....	23
regents, state board of, AO-K to work program .....	28
revenue, department of, alcoholic beverage temporary permits .....	57
relating to the disclosure of records; adopting the driver's privacy protection act .....	45
secretary of state, expanding election day polling places .....	36
transportation, department of, oversize and overweight vehicles, permit fees; escort vehicle service, registration .....	51
<b>Rural water districts;</b> benefit units, determined by capacity, municipal loan period extension .....	38
<b>Rush county;</b> ratifying the May 9, 2019, state of disaster emergency declaration, providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78
<b>Russell county;</b> countywide retailers' sales tax, election, proposing 0.5% rate for financing economic development initiatives or public infrastructure projects .....	63
ratifying the May 9, 2019, state of disaster emergency declaration, providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....	78

**S**

<b>Safety and security grants;</b> education, department of, making and concerning appropriations for fiscal years ending June 30, 2019 through June 30, 2022 .....	68
<b>Safety belts;</b> classifying violations as a traffic infraction .....	8

**Saline county;**  
    ratifying the May 9, 2019, state of disaster emergency  
    declaration,  
        providing for the continuation thereof for certain Kansas  
        counties until January 13, 2020 .....78

**School busses;**  
    motor-fuel tax law,  
        relating to the definition of school bus .....48

**School finance bill;**  
    school district state aid .....19

**Schools;**  
    AO-K to work program,  
        Kansas high school equivalency credentials .....28  
    alternative nonpublic education,  
        tax credit for low income students scholarship program act.....19  
    education commissions, committees, councils and task forces,  
        legislative task force on dyslexia.....19  
    legislative task force on dyslexia,  
        continuation .....19  
    safety drills,  
        requiring a certain number of fire, tornado and crisis drills .....27  
    school board election,  
        change of method of election or voting plan to voters in  
        general, primary or special election .....36  
    school district board of education elections,  
        term start date.....36  
    school district board of education powers and duties,  
        accountability reports .....19  
        meeting dates.....36  
    school district bonds and capital improvement state aid,  
        base aid for student excellence .....19  
    school district state aid,  
        at-risk student education .....19

**Schools–community colleges;**  
    out-district and student tuition,  
        community college taxpayer transparency act; relating to  
        publication of financial information; identification of  
        transferable credits .....41

**Scooters, electric-assisted;**  
    regulating the use of,  
        definition, registration exemption .....61

**Chapter**

<b>Scrap metal theft reduction act;</b>	
consumer protection,	
delay of implementation, creating the scrap metal data	
repository fund; scrap metal transaction requirements;	
dealer registration; Kansas consumer protection act;	
definition of consumer transaction and supplier .....	66
<b>Search and seizure;</b>	
electronically stored information and electronic devices .....	30
<b>Seat belts;</b>	
classifying violations as a traffic infraction .....	8
<b>Secretary of state;</b>	
appropriations .....	68
business entity and charitable filings,	
charitable organizations; limited liability companies, series	
LLC, service of process .....	47
elections,	
missing or mismatched signature procedures; expanding	
election day polling places; candidate declaration of intent .....	36
<b>Sentencing commission, Kansas;</b>	
appropriations .....	68
<b>Sexual assault;</b>	
housing protections for victims .....	56
<b>Sexual behavior problems;</b>	
children and minors with sexual behavior problems,	
voluntary services; documentation .....	35
<b>Sheriffs;</b>	
Kansas closed case task force,	
establishing uniform statewide policies and procedures	
relating to hits to the combined DNA index system .....	62
victim notification,	
creating a statewide Kansas victim information and	
notification everyday (VINE) coordinator .....	62
<b>Social workers licensure act;</b>	
social workers,	
licensure by reciprocity; provisional licenses; temporary	
licenses; titles .....	55
<b>Stalking;</b>	
housing protections for victims .....	56
<b>STARBASE program, Kansas academies of the United</b>	
<b>States department of defense;</b>	
employment after retirement,	

	<b>Chapter</b>
exemption from KPERS restrictions .....	50
<b>State;</b>	
emblems and symbols,	
red wine grape, chambourcin; white wine grape, vignoles .....	57
<b>State boards, commissions and authorities;</b>	
911 coordinating council,	
membership changes .....	39
agriculture, department of,	
Kansas state fair board; authorizing the board to establish	
a nonprofit corporation .....	34
behavioral sciences regulatory board,	
licensure requirements for certain behavioral sciences	
professions .....	55
bioscience authority,	
directing or authorizing certain receipts, disbursements,	
procedures and acts incidental to the foregoing; state general	
fund; bioscience development and investment fund .....	68
center for entrepreneurship, Kansas,	
concerning economic development; extending the tax credit	
for contributions to financial institutions and increasing the	
annual credit available for all contributors .....	15
closed case task force, Kansas,	
established to develop uniform statewide policies and	
procedures relating to hits to the combined DNA	
index system .....	62
commerce, department of,	
directing or authorizing certain receipts, disbursements,	
procedures and acts incidental to the foregoing; IMPACT	
program services fund; job creation program fund .....	68
crime victims compensation board,	
creating the crime victims compensation division within the	
office of the attorney general .....	62
criminal justice reform commission, Kansas,	
creation of .....	62
emergency medical services board,	
reducing minimum number of annual meetings .....	64
healing arts, board of,	
authorizing certain business entities to hire physicians and	
chiropractors .....	52
highway commission, state,	
concerning the division of motor vehicles; relating to the	



**Chapter**

disclosure of records; adopting the driver's privacy protection act .....	45
industrial hemp regulatory commission, creation of .....	37
public employees retirement systems, concerning emergency medical services, updating terminology and references related thereto .....	64
Kansas police and firemen's retirement system amendments; employment after retirement exemptions and reimbursements; membership eligibility; board of trustees powers and duties; KPERS administration .....	50
real estate commission, Kansas, seal; organization; meetings .....	23
regents, state board of, eliminating the expiration of the postsecondary technical education authority; requiring an annual report .....	24
postsecondary education; relating to the Kansas national guard educational assistance act; participant qualifications .....	9
purchase of cybersecurity insurance .....	54
state fair board, Kansas, authorizing the board to establish a nonprofit corporation for the benefit of the state fair .....	34
<b>State departments; public officers and employees;</b>	
attorney general, driving under the influence; relating to testing; notice; preliminary screening .....	13
children and families, state use committee; relating to extension of the sunset date for five years .....	6
commerce, department of, establish database for disclosure of economic development incentive program data collection .....	60
health and environment, department of, concerning emergency medical services, updating terminology and references related thereto .....	64
public officers and employees, concerning emergency medical services, updating terminology and references related thereto .....	64
revenue, department of, taxpayer confidentiality provision modification to allow disclosure for economic development incentive program	

	Chapter
data collection .....	60
state capitol,	
directing or authorizing certain receipts, disbursements,	
procedures and acts incidental to the foregoing; state	
money available for investment by the pooled money	
investment board .....	68
state general fund appropriations, demand transfers and	
expenditures,	
directing or authorizing certain receipts, disbursements,	
procedures and acts incidental to the foregoing; pooled	
money investment portfolio .....	68
state moneys,	
directing or authorizing certain receipts, disbursements,	
procedures and acts incidental to the foregoing; state	
general fund; pooled money investment portfolio .....	68
surety bonds and insurance,	
Kansas board of regents purchase of cybersecurity	
insurance .....	54
transportation, secretary of,	
rules and regulations on oversize and overweight vehicles	
and escort vehicles; authority to revoke, suspend, or refuse	
registration of escort vehicles .....	51
<b>State employees;</b>	
salary increase,	
making and concerning appropriations for fiscal years	
ending June 30, 2019 through June 30, 2022 .....	68
<b>State fair;</b>	
Kansas state fair board,	
appropriations .....	68
authorizing the board to establish a nonprofit corporation.....	34
<b>State hospital;</b>	
revenue shortfalls,	
making and concerning appropriations for fiscal years	
ending June 30, 2019 through June 30, 2022 .....	68
<b>State institutions and agencies; historical property;</b>	
state educational institutions; management and operation,	
directing or authorizing certain receipts, disbursements,	
procedures and acts incidental to the foregoing; qualifying	
gifts; revenue transfers; state general fund.....	68
<b>State library;</b>	
appropriations .....	68

**Chapter****State of disaster;**

- ratifying the May 9, 2019, state of disaster emergency declaration,
  - providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....78

**State treasurer;**

- appropriations .....68

**Suicide prevention;**

- suicide prevention coordinator,
  - identify, create, coordinate, and support youth suicide awareness and prevention efforts.....62

**Sumner county;**

- ratifying the May 9, 2019, state of disaster emergency declaration,
  - providing for the continuation thereof for certain Kansas counties until January 13, 2020 .....78

**Supreme court;**

- recognition of tribal court judgments .....58

**T****Task forces;**

- legislative task force on dyslexia,
  - continuation, meeting frequency, reports, vacancy appointment procedure .....19

**Tax appeals, state board of;**

- appropriations .....68

**Taxation;**

- countywide retailers' sales tax, election,
  - Dickinson county proposing 0.5% rate for roadway construction and improvement .....63
  - Finney county and city of Garden City rate increase election results declared valid .....63
  - Jackson county proposing 0.4% rate for financing and public infrastructure projects .....63
  - Russell county proposing 0.5% rate for financing economic development initiatives or public infrastructure projects .....63
  - Thomas county allowed rate amended .....63
  - Wabaunsee county proposing to extend current rate.....63
- gaming revenues, state,
  - directing or authorizing certain receipts, disbursements,

**Chapter**

procedures and acts incidental to the foregoing; state economic development initiatives fund; state water plan fund .....	68
income tax,	
reconciling conflicting amendments .....	65
taxpayer confidentiality provision modification to allow disclosure for economic development incentive program data collection .....	60
income tax credits,	
certain purchases of goods and services from qualified vendors that provide employment to individuals who are blind or severely disabled; qualifications, procedures and limitations.....	3
Kansas center for entrepreneurship contributions .....	15
Kansas retailers' sales tax,	
exemptions, sales of certain coins or bullion .....	63
reconciling conflicting amendments .....	65
liquor enforcement tax,	
cereal malt beverages and enforcement of laws regulating the sale thereof .....	18
miscellaneous provisions,	
directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; state general fund; local ad valorem tax reduction fund .....	68
dissolution of taxing entities; providing for the dissolution of the White Clay watershed district no. 26; relating to the tax lid .....	21
motor vehicle fuel taxes,	
directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; state general fund; special city and county highway fund.....	68
relating to the definition of school bus .....	48
property tax,	
community college taxpayer transparency act; relating to publication of financial information; identification of transferable credits .....	41
<b>Taxation, director of;</b>	
local sales tax authorization,	
confirmation and enforcement.....	63
<b>Technical education state aid;</b>	
board of regents,	

**Chapter**

making and concerning appropriations for fiscal years ending June 30, 2019 through June 30, 2022 .....	68
<b>Technical professions, state board of;</b>	
appropriations .....	68
<b>Telecommunications;</b>	
Kansas 911 act, 911 fees, collection and distribution .....	39
wireless service providers, franchise prohibitions, right-of-way, fees.....	32
<b>Thomas county;</b>	
countywide retailers' sales tax, election, allowed rate amended.....	63
<b>Toll projects;</b>	
authorization, approval, and financing, authorizing certain toll projects for new projects or expanded capacity; required approval from local units of government, the Kansas turnpike authority and the state finance council; changing financing requirements .....	49
<b>Tornado drills;</b>	
schools, safety drills; requiring a certain number of fire, tornado and crisis drills .....	27
<b>Townships and township officers;</b>	
fire protection, concerning emergency medical services, updating terminology and references related thereto .....	64
township officers, oaths; procedure when officer becomes a nonresident.....	36
<b>Traffic regulations;</b>	
all-terrain and work-site utility vehicles, operation on a federal or state highway under certain conditions .....	61
drivers' licenses, requiring licensees to promptly deliver driver's license upon demand .....	29
electric-assisted scooters .....	61
emergency vehicles, approach of .....	7
railroad crossings, requiring vehicle drivers to stop for on-track train	

	<b>Chapter</b>
equipment at railroad grade crossing signals.....	61
safety belts .....	8
size and weight limitations,	
permits for oversize and overweight vehicles.....	51
tinted windows,	
allowing for the installation of certain light screening	
material on windshields and windows.....	61
<b>Transportation, department of;</b>	
appropriations .....	68
<b>Transportation, secretary of;</b>	
authority to revoke, suspend, or refuse registration of escort	
vehicles.....	51
rules and regulations,	
oversize and overweight vehicles, permit fees; escort vehicle	
service, registration.....	51
suitable memorial sign placement,	
amending location of purple heart/combat wounded veterans	
highway .....	40
designating a bridge on U.S. highway 77 as the SGT Kevin	
A. Gilbertson memorial bridge .....	40
designating a portion of U.S. highway 75 as John Armstrong	
memorial highway.....	40
toll projects,	
feasibility study on new or added capacity portions to	
be made toll roads; toll road construction authority	
and financing.....	49
<b>Trucks and truck tractors;</b>	
marking requirements .....	11
<b>Tuberculosis program;</b>	
health and environment, department of,	
updating statutory references necessitated by 2012 ERO 41 .....	14
<b>Tuition and fees;</b>	
property tax,	
community college taxpayer transparency act; relating to	
publication of financial information; identification of	
transferable credits .....	41
<b>Turnpike authority, Kansas;</b>	
toll roads or turnpikes,	
required approval from local units of government, the	
Kansas turnpike authority and the state finance council.....	49

## U

- Underground utility damage prevention act, Kansas;**  
     utility damage prevention,  
         location of facilities and duty to mark, exceptions.....33
- Unfair trade and consumer protection;**  
     consumer protection,  
         scrap metal theft reduction act; delay of implementation,  
         creating the scrap metal data repository fund; scrap metal  
         transaction requirements; dealer registration; Kansas  
         consumer protection act; definition of consumer  
         transaction and supplier .....66
- Uniform commercial code;**  
     general provisions,  
         limited liability companies, series LLC .....47  
     secured transactions,  
         limited liability companies, series LLC .....47
- University of Kansas;**  
     appropriations .....68
- University of Kansas medical center;**  
     appropriations .....68
- University operating grants, municipal;**  
     board of regents,  
         making and concerning appropriations for fiscal years  
         ending June 30, 2019 through June 30, 2022 .....68
- Utilities;**  
     electric rates study,  
         relating to the legislative coordinating council; state  
         corporation commission .....31  
     underground utility damage prevention act, Kansas,  
         location of facilities and duty to mark, exceptions.....33

## V

- Vehicle dealers and manufacturers licensing act;**  
     warranty services, compensation .....5
- Vehicles, division of—department of revenue;**  
     examiners or officers,  
         requiring licensees to promptly deliver driver's license  
         upon demand .....29  
     license plates,

	<b>Chapter</b>
design and issue distinct rental fleet plates .....	26
<b>Veterans affairs office, Kansas commission on;</b>	
appropriations .....	68
<b>Veterinary examiners, state board of;</b>	
appropriations .....	68
<b>Victim information and notification everyday (VINE);</b>	
attorney general creating a statewide coordinator .....	62
<b>Vignoles;</b>	
official state white wine grape .....	57
<b>Voters and voting;</b>	
advanced voting ballot,	
missing or mismatched signature procedures .....	36
voting places and materials therefor,	
expanding election day polling places .....	36

**W**

<b>Wabaunsee county;</b>	
countywide retailers' sales tax, election,	
proposing to extend current rate .....	63
ratifying the May 9, 2019, state of disaster emergency	
declaration,	
providing for the continuation thereof for certain Kansas	
counties until January 13, 2020 .....	78
<b>Warehouses, licensed public;</b>	
annual assessment rate decrease .....	2
<b>Warrants;</b>	
search, execution of,	
electronically stored information .....	30
<b>Warranty services;</b>	
compensation,	
vehicle dealers, manufacturers and distributors .....	5
<b>Washington county;</b>	
ratifying the May 9, 2019, state of disaster emergency	
declaration,	
providing for the continuation thereof for certain Kansas	
counties until January 13, 2020 .....	78
<b>Waste management;</b>	
commercial industrial hemp cultivation, production or	
processing .....	37
<b>Water;</b>	
watershed districts,	



**Chapter**

dissolution of the White Clay watershed district no. 26.....	21
<b>Water office, Kansas;</b>	
appropriations .....	68
<b>Waters and watercourses;</b>	
state water resource planning,	
directing or authorizing certain receipts, disbursements,	
procedures and acts incidental to the foregoing; state	
general fund; state water plan fund .....	68
water districts,	
reinstatement of rural water district benefit units;	
municipal loans .....	38
<b>White clay watershed district no. 26;</b>	
dissolution; transfer of powers, duties, functions and property.....	21
<b>Wichita state university;</b>	
appropriations .....	68
<b>Wildlife, parks and recreation;</b>	
enforcement,	
court fees and costs; judicial branch surcharge fund .....	58
<b>Wildlife, parks and tourism, Kansas department of;</b>	
appropriations .....	68
<b>Wilson county;</b>	
ratifying the May 9, 2019, state of disaster emergency	
declaration,	
providing for the continuation thereof for certain Kansas	
counties until January 13, 2020 .....	78
<b>Wine;</b>	
official wine grapes,	
red wine grape, chambourcin.....	57
white wine grape, vigneoles .....	57
<b>Wireless service providers;</b>	
emergency services,	
911 fees .....	39
franchises,	
prohibitions, right-of-way, fees.....	32
<b>Woodson county;</b>	
ratifying the May 9, 2019, state of disaster emergency	
declaration,	
providing for the continuation thereof for certain Kansas	
counties until January 13, 2020 .....	78
<b>WorkKeys, ACT and pre-ACT assessments;</b>	
free assessments, contracts to administer tests .....	19

