

Kansas Register

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 Photo by Todd Caywood

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State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 12-1675(b)(c)(d) and K.S.A. 12-1675a(g).

Effective 4-25-22 through 5-1-22

Term	Rate
1-89 days	0.33%
3 months	0.81%
6 months	1.31%
12 months	1.98%
18 months	2.42%
2 years	2.63%

Scott Miller
Director of Investments

Doc. No. 050069

(Published in the Kansas Register April 28, 2022.)

Mid American Credit Union

Notice of Field of Membership Change

Mid American Credit Union, located at 8404 W. Kellogg Dr., Wichita, KS 67209, intends to alter if field of membership. An application has been filed with the Kansas Department of Credit Unions to change or alter its field of membership by adding the following Kansas counties: Allen, Anderson, Bourbon, Chautauqua, Cherokee, Coffey, Crawford, Elk, Geary, Greenwood, Harper, Jefferson, Johnson, Kingman, Labette, Labette, Linn, Lyon, McPherson, Montgomery, Neosho, Pawnee, Saline, Shawnee, Stafford, Sumner, Wilson, Woodson, and Wyandotte.

Mike Welli
V.P. of Marketing and Advocacy

Doc. No. 050050

State of Kansas

Advisory Committee on Trauma

Notice of Meeting

The Advisory Committee on Trauma will meet from 9:00 a.m. to 12:00 p.m. Wednesday, May 4, 2022, via Microsoft Teams. Contact Wendy O’Hare at Wendy.OHare@ks.gov for a meeting invitation (a Microsoft Teams account is not required). Conference call information can be found at <http://www.kstrauma.org>.

Janet Stanek
Secretary

Department of Health and Environment

Doc. No. 050077

State of Kansas

Wichita State University

Notice of Intent to Lease Real Property

Public notice is hereby given that Wichita State University (WSU), directly or through its affiliate corporation Wichita State Innovation Alliance, Inc., intends to lease, subject to all required state approvals, up to four acres of real property located on the Wichita State University’s campus designated as the “Innovation Campus,” for the private development and operation of a partnership building or buildings. The university is interested in leasing such ground to any individual, organization, or entity whose presence on campus would advance the university’s applied learning vision or its mission as an educational, cultural, and economic driver for Kansas and the greater public good. The university intends to lease such space for a mutually agreeable period of time up to sixty years, but extended terms and renewal options would be considered. Interested tenants must be willing to be a good fit with the university’s educational mission and identify anticipated benefits to the univer-

(continued)

sity, its students, and the WSU community (i.e. applied learning, joint research, faculty start-up, WSU curriculum or program support, etc.), and must agree to the essential ground lease terms and restrictive covenants. Interested tenants will be evaluated on: proposal terms, demonstrated benefit to WSU, design concepts, financial stability, and proposed use. Interested tenants will be required to construct adjacent and adequate surface parking that will not be included in the leased ground. Rental rate shall be based on fair market value and negotiable based on term of lease, purpose/use of building improvement, and benefit to the university. The university will consider serious offers and inquiries with detailed proposal terms from any financially qualified individual, group, organization. If interested, please contact Senior Vice President for Industry and Defense Programs, Dr. John Tomblin at john.tomblin@wichita.edu or Property Manager Crystal Stegeman at crystal.stegeman@wichita.edu. This publication is being published pursuant to K.S.A. 75-430a(d), to the extent applicable.

Crystal Stegeman
University Property Manager
Office of the Vice President for
Administration and Finance

Doc. No. 050070

State of Kansas

Board of Regents Universities

Notice to Bidders

The universities of the Kansas Board of Regents encourage interested vendors to visit the various universities' purchasing offices' websites for a listing of all transactions, including construction projects, for which the universities' purchasing offices, or one of the consortia commonly utilized by the universities, are seeking information, competitive bids, or proposals. The referenced construction projects may include project delivery construction procurement act projects pursuant to K.S.A. 76-7,125 et seq.

Emporia State University – Bid postings: <https://www.emporia.edu/about-emporia-state-university/business-office/purchasing>. Additional contact information: phone: 620-341-5137, email: purchaseorders@emporia.edu. Mailing address: Emporia State University Purchasing, Campus Box 4021, 1 Kellogg Circle, Emporia, KS 66801.

Fort Hays State University – Electronic bid postings: <http://www.fhsu.edu/purchasing/bids>. Additional contact information: phone: 785- 628-4251, fax: 785-628-4046, email: purchasing@fhsu.edu. Mailing address: Fort Hays State University Purchasing Office, 601 Park St., Sheridan Hall 318, Hays, KS 67601.

Kansas State University – Bid postings: <https://dfs.ksucloud.net/rfq>. All bids must be submitted via Kansas State University's Vendor Bid Submission Secure File Upload portal, <https://www.k-state.edu/finsvcs/purchasing/bidsubmission.html>. Additional contact information: phone: 785-532-6214, fax: 785-532-5577, email: kspurch@k-state.edu. Mailing address: Division of Financial Services/Purchasing, 2323 Anderson Ave., Kansas State University, Manhattan, KS 66506.

Pittsburg State University – Bid postings: <https://www.pittstate.edu/office/purchasing>. Additional contact information: phone: 620-235-4169, email: sburke@pittstate.edu. Mailing address: Pittsburg State University, Purchasing Office, 1701 S. Broadway, Pittsburg, KS 66762.

University of Kansas – Electronic bid postings: <http://www.procurement.ku.edu>. Due to Covid-19, the University of Kansas will not be accepting paper bids until further notice. Additional contact information: phone: 785-864-5800, email: purchasing@ku.edu.

University of Kansas Medical Center – Electronic bid postings: <http://www.kumc.edu/finance/purchasing/bid-opportunities.html>. Additional contact information: phone: 913-588-1117, email: hunkemoore@kumc.edu. Mailing address: University of Kansas Medical Center, Purchasing Department, Mail Stop 2034, 3901 Rainbow Blvd., Kansas City, KS 66160.

Wichita State University – Bid postings: <http://www.wichita.edu/purchasing>. Additional contact information: phone: 316-978-3080, fax: 316-978-3738, email: purchasing.office@wichita.edu. Mailing address: Wichita State University, Office of Purchasing, 1845 Fairmount Ave., Campus Box 38, Wichita, KS 67260-0038.

Kathy Herrman
Chair of Regents Purchasing Group
Purchasing Director
Fort Hays State University

Doc. No. 049784

State of Kansas

Department of Administration Office of Procurement and Contracts

Notice to Bidders

Sealed bids for items listed will be received by the Office of Procurement and Contracts until 2:00 p.m. on the date indicated. For more information, call 785-296-2376.

All bids are to be submitted via email only to procurement@ks.gov. For more information, please visit https://supplier.sok.ks.gov/psc/sokfprdsup/SUPPLIER/ERP/c/SCP_PUBLIC_MENU_FL.SCP_PUB_BID_CMP_FL.GBL.

05/09/2022	EVT0008554	Packaged Dehumidification Unit – Blind School
05/09/2022	EVT0008555	Asphalt Pavement Improvements – Tuttle Creek
05/09/2022	EVT0008556	Asphalt Pavement Improvements – El Dorado State Park
05/10/2022	EVT0008557	Parking Lot Improvements – Clinton State Park
05/10/2022	EVT0008558	Campground Improvements – Milford State Park
05/11/2022	EVT0008562	Power Poles Replacements – Lansing Correctional Facility
05/11/2022	EVT0008563	Concrete and Steel Pavilions – Lansing Correctional Facility
05/16/2022	EVT0008552	Business Recruitment Consultant – East Region
05/17/2022	EVT0008553	21" Boston Whaler All Welded Patrol Boat
05/23/2022	EVT0008565	D7500 and D5600 Cameras, and Supplies

- 05/25/2022 EVT0008559 Correctional Facilities Staffing Analyst
- 05/26/2022 EVT0008567 Professional Development Workforce Registry

The above referenced bid documents can be downloaded at the following website:

https://supplier.sok.ks.gov/psc/sokfsprdsup/SUPPLIER/ERP/c/SCP_PUBLIC_MENU_FL.SCP_PUB_BID_CMP_FL.GBL

Additional files may be located at the following website (please monitor this website on a regular basis for any changes/addenda):

<https://admin.ks.gov/offices/procurement-contracts/bidding--contracts/additional-bid-opportunities>

There are No Bids Under this Website Closing in this Week’s Ad

Information regarding prequalification, projects, and bid documents can be obtained at 785-296-8899 or <http://admin.ks.gov/offices/ofpm/dcc>.

Richard Beattie, Director
Office of Procurement and Contracts

Doc. No. 050085

State of Kansas

Department of Commerce

Notice of Hearing

The Department of Commerce, Community Development Block Grant (CDBG) program, will conduct one public hearing for the CDBG program. The public hearing will be held at 10:00 a.m. Tuesday, June 7, 2022, by Zoom. The purpose of this hearing is to gain citizen input on the proposed changes to the federally funded CDBG program for the 2023 program year as well as take comments on the performance of past administration of this program. No preregistration is required. All citizens are invited to attend the public hearing. Written comment is encouraged and will be accepted by email at cdbg@ks.gov up until the day and time of the hearing. The public is also welcomed to submit questions about the proposed changes via email at cdbg@ks.gov.

- Topic: Public Hearing for 2023 CDBG Program Proposed Changes
- Time: 10:00 a.m. (CDT) Tuesday, June 7, 2022
- <https://us02web.zoom.us/j/83792752605?pwd=TIQ4NEdQQTl2Wkt6Mi9ITmNnNjFMUT09>
- Meeting ID: 837 9275 2605
- Passcode: M59VzU

Anyone needing special accommodations should contact the Kansas Department of Commerce at least five business days in advance of the hearing at 785-296-3004, fax 785-296-3490 or TTY 711.

The following are proposed amendments and changes to the 2023 program. Listed below are the items for discussion.

Community Facilities and Services

The CDBG program will focus its Community Facilities and Services on three targeted categories for the 2023

Annual Competition. These categories are as follows: Early Childhood Centers (non-profit only), Youth Recreation Centers and Parks, and Sidewalks and Trails. All other CDBG Community Facilities and Services project applications will be paused for the 2023 funding round that do not fall into these categories.

Water/Sewer

Change to funding Regional Water Planning Grants only. These grants can be used to investigate and determine the feasibility of Regional Water Projects. The annual competition Water/Sewer Infrastructure grant will be paused for the 2023 program year. The \$1 million Regional Water Project set aside in CDBG will be available in 2023 through an open round as a funding source for those projects that are determined to be feasible for regionalization.

Commercial Rehabilitation

For the main Commercial Rehabilitation category, re-define the funding for slum and blight projects OR job creation national objective and allocate \$1 million in funding. Add a new sub-category for the removal of architectural barriers and allocate \$1 million in funding. The national objective for this category would be limited clientele. We will continue to require 25 percent match for both categories.

Housing

Move from an annual competition round to an open round in the CDBG Housing category with the application due from approximately January 9, 2023 to November 1, 2023.

CARES Act – CV4

There is approximately \$2,000,000 remaining in CDBG-CV funds for which cities and counties may apply for to utilize for economic development, job retention. The program is considering focusing those funds for minority and women-owned businesses, which may have been disproportionately impacted during the pandemic.

Administration Allowance

Increase administration fees for the subrecipients to fifteen percent of the grant award not to exceed \$25,000 for categories, except for categorically excluded not subject to (CENST), which is limited to \$10,000.

Increase administration fees for Housing Rehabilitation to \$30,000 from the current \$25,000. The recommendation would increase administration fees by \$5,000.

Public Service/Job Training

Add a new category for arts-related job training and employment for youth.

2023 Proposed Allocations Per Category

Fund projects as outlined in the table below. Expected allocation from HUD: \$14,500,000.

Category	2023 Proposed Recommendation	2023 Expected Allocation
Community Facilities and Services		
Early Childhood Centers	Up to 21%	\$3,000,000
Youth Recreation Centers and Parks	Up to 21%	\$3,000,000
Sidewalks and Trails	Up to 14%	\$2,000,000

(continued)

Category	2023 Proposed Recommendation	2023 Expected Allocation
Water and Sewer		
Water and Sewer Regional Planning	Up to 14%	\$2,000,000
Housing	Up to 14%	\$2,000,000
Commercial Rehabilitation	Up to 7%	\$1,000,000
Removal of Architectural Barriers	Up to 7%	\$1,000,000
Public Service/Job Training		
Arts-related job training/employment for youth	Up to 3%	\$500,000
Urgent Need	Up to 1%	\$100,000
State Administration	Up to 3%	\$450,000
Total	105%	\$15,050,000

David Toland
Secretary

Doc. No. 050088

State of Kansas
Department of Health and Environment
Division of Health Care Finance

Public Notice

The Kansas Department of Health and Environment, Division of Health Care Finance (KDHE-DHCF) is amending the Kansas Medicaid State Plan to update Dispensed As Written (DAW1) reimbursement rates. This reimbursement change will be aligned with the 2016 Centers for Medicare and Medicaid Services (CMS) Coverage Outpatient Drug (COD) Rule, which requires an Actual Acquisition Cost methodology. Drug availability language will also be updated.

The proposed effective date for the state plan amendment (SPA) is June 1, 2022.

Fee-For-Service Only	Estimated Federal Financial Participation
FFY 2022	-\$703
FFY 2023	-\$2108

To request a copy of the proposed SPA, to submit a comment, or to review comments, please contact William C. Stelzner by email at william.stelzner@ks.gov, or by mail at:

William C. Stelzner
Kansas Department of Health and Environment
Division of Health Care Finance
900 SW Jackson, Room 900N
Topeka, KS 66612.

The last day for public comment is May 31, 2022.

Draft copies of the proposed SPA may also be found at a Local Health Department (LHD).

Sarah Fertig
State Medicaid Director

Doc. No. 050078

State of Kansas

Department of Health and Environment

Notice Concerning Kansas/Federal Water Pollution Control Permits and Applications

In accordance with Kansas Administrative Regulations 28-16-57a through 63, 28-18-1 through 17, 28-18a-1 through 31 and 33, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, various draft water pollution control documents (permits, notices to revoke and reissue, notices to terminate) have been prepared and/or permit applications have been received for discharges to waters of the United States and the state of Kansas for the class of discharges described below.

The proposed actions concerning the draft documents are based on staff review, applying the appropriate standards, regulations, and effluent limitations of the state of Kansas and the Environmental Protection Agency. The final action will result in a Federal National Pollutant Discharge Elimination System Authorization and/or a Kansas Water Pollution Control permit being issued, subject to certain conditions, revocation, and reissuance of the designated permit or termination of the designated permit.

Public Notice No. KS-AG-22-103/109

Pending Permits for Confined Feeding Facilities

Name and Address of Applicant	Legal Description	Receiving Water
Southwest Cattle, LLC 960 CR 50 Sublette, KS 67877	N/2 & SE/4 of Section 28 T27S, R33W Haskell County	Upper Arkansas River Basin

Kansas Permit No. A-UAHS-C001
Federal Permit No. KS0099465

The proposed action is to modify and reissue an existing NPDES permit for an expanding facility for 52,500 head (26,250 animal units) of cattle weighting 700 pounds or less and 20,000 head (20,000 animal units) of cattle weighing greater than 700 pounds for a total animal unit capacity of 46,250. There is no change in the permitted number of animal units from the previous permit. The permit contains proposed modifications consisting of an additional 159 acres of new open lot pens, calf pen area, and one additional wastewater retention control structure.

Name and Address of Applicant	Legal Description	Receiving Water
Orval Thiessen, Inc. 182 Old Mill Rd. Peabody, KS 66866	NW/4 of Section 34 T22S, R03E Marion County	Walnut River Basin

Kansas Permit No. A-WAMN-B001

The proposed action is to reissue an existing state permit for an existing facility for 400 head (400 animal units) of cattle more than 700 pounds and 410 head (205 animal units) of cattle 700 pounds or less; for a total 605 animal units of cattle. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Edwin Busenitz 1376 10th St. Peabody, KS 66866	SE/4 of Section 31 T22S, R03E Marion County	Walnut River Basin

Kansas Permit No. A-WAMN-S004

The proposed action is to reissue an existing state permit for an existing facility for 240 head (96 animal units) of swine weighing more than 55 pounds, 220 head (22 animal units) of swine weighing 55 pounds or less, 270 head (135 animal units) of cattle weighing less than 700 pounds, and 1 horse (2 animal units) for a total of 255 animal units. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Wayne Knaus Farm Dale Knaus 14680 NW 2000 Rd. Garnett, KS 66032	NE/4 of Section 16 T20S, R18E Anderson County	Marias des Cygnes River Basin

Kansas Permit No. A-MCAN-S017

The proposed action is to reissue an existing state permit for an existing facility for 1,566 head (626.4 animal units) of swine more than 55 pounds and 360 head (36 animal units) of swine 55 pounds or less; for a total of 662.4 animal units of swine. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Georg Farms, LLC Ken Georg 2490 136th Rd. Sabetha, KS 66534	SE/4 of Section 30 T03S, R15E Brown County	Kansas River Basin

Kansas Permit No. A-KSBR-B002

The proposed action is to reissue an existing state permit for an existing facility for 350 head (350 animal units) of cattle more than 700 pounds. There will be no change in the operation or permitted number of animal units from the previous permit. This facility has an approved Waste Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Dewey Feedyard PO Box 269 Cimarron, KS 67835	N/2 of Section 24 T26S, R27W Gray County	Upper Arkansas River Basin

Kansas Permit No. A-UAGY-C012
Federal Permit No. KS0093483

The proposed action is to approve an update to the Nutrient Management Plan (NMP) received for this existing facility currently permitted for 5,500 head (2,750 animal units) of cattle weighing less than 700 pounds. The facility's NMP was updated to include less-limiting rate limitation changes to two fields. There are no changes to the permit or in the permitted number of animal units. Only the updated portions of the Nutrient Management Plan are subject to comment. This facility has an approved Nutrient Management Plan on file with KDHE.

Name and Address of Applicant	Legal Description	Receiving Water
Henry Creek Farms, Inc. 10636 NW 110th St. Whitewater, KS 67154	SW/4 of Section 06 T24S, R04E Butler County	Walnut River Basin

Kansas Permit No. A-WABU-H001
Federal Permit No. KS0089451

An update to the Nutrient Management Plan (NMP) was received for this existing facility currently permitted for 3,602 head (1,440.8 animal units) of swine weighing more than 55 pounds and 2,430 head (243 animal units) of swine weighing 55 pounds or less and 500 head (250 animal units) of cattle weighing 700 pounds or less; for a total of 1933.8 animal units. The facility's NMP was updated to include less-limiting rate limitation changes to two fields. There are no changes to the permit or in the permitted number of animal units. Only the updated portions of the Nutrient Management Plan are subject to comment. This facility has an approved Nutrient Management Plan on file with KDHE.

Persons wishing to comment on or object to the draft documents and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment (KDHE) if they wish to have the comments or objections considered in the decision-making process. All written comments regarding the draft documents, application or registration notices received on or before May 28, 2022, will be considered in the formulation of the final determination regarding this public notice. Please refer to the appropriate Kansas document number (KS-AG-22-103/109) and name of the applicant/permittee when preparing comments.

All comments received will be responded to at the time the Secretary of Health and Environment issues a determination regarding final agency action on each draft document/application. If response to any draft document/application indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). A request for public hearing must be submitted in writing and shall state the nature of the issues proposed to be raised during the hearing.

Comments or objections for agricultural related draft documents, permit applications, registrations or actions should be submitted to the attention of Paige Drury, Livestock Waste Management Section at the KDHE, Bureau of Environmental Field Services (BEFS), 1000 SW Jackson, Suite 430, Topeka, KS 66612. Comments or objections for all other proposed permits or actions should be sent to Michael Beezhold at the KDHE, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612.

All draft documents/applications and the supporting information including any comments received are on file and may be inspected at the offices of the KDHE. For agricultural related draft documents or applications an appointment can be scheduled, or copies requested by contacting Mirina Landry at 1000 SW Jackson St., Suite 430, Topeka, KS 66612, telephone 785-296-0076 or email at kdhe.feedlots@ks.gov. For all other proposed permits or actions an appointment can be scheduled, or copies requested by contacting Christopher Zwiener, Bureau of Water, 1000 SW Jackson St., Suite 420, Topeka, KS 66612, telephone 785-296-3056 or email at Christopher.Zwiener@ks.gov. These documents are available upon request at the copying cost assessed by KDHE. Application information and components of plans and specifications for all new and expanding swine facilities are available at <http://www.kdhe.ks.gov/livestock>. Division of Environment offices are open from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding holidays.

Janet Stanek
Secretary

Doc. No. 050075

State of Kansas

Department of Health and Environment

Public Notice

The Kansas Department of Health and Environment (KDHE) has drafted a Kansas Section 401 of the Clean Water Act (CWA) water quality certification as requested
(continued)

by City of Shawnee, Kansas, United States Army Corps of Engineers (USACE) Public Notice No. NWK-2021-00785. The proposed project is a flood control and bank stabilization project. Five homes adjacent to the stream currently flood during a 100-year storm event.

The draft certification and additional information containing the link to the USACE Public Notice will be posted on the KDHE website at <https://www.kdhe.ks.gov/1095/Section-401-Water-Quality-Certification> on or before April 28, 2022. Persons wishing to comment on the referenced draft document must submit their comments in writing by email to the Kansas Department of Health and Environment at KDHE.NPS@ks.gov by May 28, 2022, if they wish to have their comments considered in the formulation of final determinations for 401 regarding this public notice.

For more information, contact Scott Satterthwaite, Watershed Management Section, Bureau of Environmental Field Services at Scott.Satterthwaite@ks.gov or KDHE.NPS@ks.gov.

Janet Stanek
Secretary

Doc. No. 050076

State of Kansas

Department of Agriculture Division of Water Resources

Notice of Requested On-Call Engineering Services

The Kansas Department of Agriculture, Division of Water Resources (KDA-DWR) is seeking proposals for on-call engineering services such as hydrologic and hydraulic analysis modeling, floodplain mapping, map production, and technical assistance associated with the Risk Mapping, Assessment, and Planning (MAP) program. KDA has been a Cooperating Technical Partner (CTP) with FEMA since 1999 and seeks engineering firms as contractors to provide work under the Risk MAP program. Additional information and the full Request for Qualifications can be obtained at <https://agriculture.ks.gov/divisions-programs/dwr/floodplain>, by phone at 785-296-2513, or electronically at Tara.Lanzrath@ks.gov. The qualifications are due June 30, 2022.

Mike Beam
Secretary

Doc. No. 050071

State of Kansas

Department of Transportation

Notice of Requested Architectural and Engineering Services

The Kansas Department of Transportation (KDOT) is seeking architectural and engineering services for construction and project administration of a transit facility in Great Bend, Kansas.

Written requests for the full request for proposals for this project must be submitted by 3:00 p.m. (CDT) May 26, 2022, directed to Connie Pounds, Executive Assistant and/or Shelby Zuniga, CFO/Interim CEO, Sunflower Di-

versified Services & General Public Transportation, 5611 10th St., Great Bend, KS 67530. Requests can also be submitted via email to transitfacility@sunflowerdiv.com. An Addendum which addresses all questions received will be released and emailed by May 13, 2022.

Any proposals received after that time will not be accepted and will be returned unopened to the proposer. Firms interested in this project shall submit four (4) copies of professional qualifications and one (1) electronic copy via email. The statement of qualifications shall be transmitted to Sunflower Diversified Services & General Public Transportation, Attn: Connie Pounds, Executive Assistant and Shelby Zuniga, CFO/Interim CEO, 5611 10th St., Great Bend, KS 67530; email transitfacility@sunflowerdiv.com.

Julie Lorenz
Secretary

Doc. No. 050074

State of Kansas

Department of Transportation

Notice to Contractors

Electronic copies of the letting proposals and plans are available on the Kansas Department of Transportation (KDOT) website at <https://kdotapp.ksdot.org/Proposal/Proposal.aspx>. The website will allow the contractor to request approval from KDOT to bid as a prime contractor and be included on the "Bid Holders List," or to be included on the "Non-Bid Holders List" as a subcontractor/supplier. KDOT's approval is required to bid as a prime contractor. To bid as a prime contractor, KDOT needs to be notified of the intent to bid no later than the close of business on the Monday preceding the scheduled letting date. Failure to obtain prior approval to bid as a prime contractor on any projects listed below will be reason to reject your bid. The Secretary reserves the right to reject bids that do not comply with all requirements for preparing a bidding proposal as specified in the 2015 edition of the Kansas Department of Transportation *Standard Specifications for State Road and Bridge Construction*.

KDOT will only accept electronic internet proposals using the Bid Express website at <http://www.bidx.com> until 1:00 p.m. (CDT) May 18, 2022. The KDOT bid letting will be conducted remotely by audio broadcast ONLY at 3:00 p.m. (CDT) Wednesday, May 18, 2022. To join the conference call, dial 866-620-7326 and enter conference code 5895748207. KDOT has tested the process, but in the event of an unforeseen issue, KDOT will provide updates.

Each bidder shall certify that such person, firm, association, or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with the submitted bid. This certification shall be in the form of a required contract provision provided by the state to each prospective bidder. Failure to complete the required contract provision and certify the completeness of the preceding statement when electronically signing the proposal will make the bid nonresponsive and not eligible for award consideration.

District One – Northeast

Johnson – 10-46 KA-6085-01 – K-10, bridge #176 over Lexington Avenue located 4.45 miles east of the Douglas/Johnson County line (westbound), and bridge #178 and #179 over Kill Creek located 5.125 miles east of the Douglas/Johnson County line, bridge deck. (Federal Funds)

Johnson – 435-46 KA-6400-01 – I-435, from the I-435/Metcalf Avenue interchange east approximately 3.26 miles to the Kansas/Missouri state line, pavement patching, 3.3 miles. (State Funds)

Pottawatomie – 75 TE-0501-01 – Green Valley Road, from US-24 to Eagles Landing Drive; pedestrian bridge North of Elk Creek Road; crossing at Hunter's Drive, pedestrian and bicycle paths, 0.5 mile. (Federal Funds)

Wyandotte – 670-105 KA-5495-02 – I-670, approximately 0.11 mile east of junction I-70/I-670 to approximately 0.12 mile west of the Wyandotte County/Missouri state line, lighting, 1.4 miles. (Federal Funds)

Wyandotte – 635-105 KA-6087-01 – I-635, bridge #032 in Wyandotte County located 1.02 miles north of I-35, bridge deck. (Federal Funds)

Statewide – 177-106 KA-5581-01 – K-177, from the I-70/K-177 junction north to the east end of bridge #050 (over the Kansas River and UPRR), special, 8.3 miles. (State Funds)

Statewide – 106 KA-6494-01 – City of Centralia (Nemaha County), City of Fairview (Brown County), City of Winchester (Jefferson County), City of Pomona (Franklin County) and City of La Cygne (Linn County), special. (State Funds)

District Two – North Central

Dickinson – 21 C-5079-01 – Bridge over West Holland Creek located at 510 800 Avenue approximately 1.6 miles north of Carlton, bridge replacement, 0.1 mile. (Federal Funds)

Dickinson – 15-21 KA-6124-01 – K-15, bridge #057 over Smoky Hill River located 3.53 miles south of I-70 in Dickinson County, bridge overlay. (Federal Funds)

McPherson – 135-59 KA-6063-01 – I-135, from the Harvey/McPherson County line north to 6.3 miles north of the Harvey/McPherson County line, pavement reconstruction, 6.3 miles. (Federal Funds)

McPherson – 135-59 KA-6283-01 – I-135/K-260, north interchange (Exit 48) interchange north of Moundridge in McPherson County, lighting. (Federal Funds)

McPherson – 61-59 KA-6544-01 – K-61, beginning at the McPherson/Reno County line north 14.366 miles to the end of the concrete pavement, pavement marking, 14.4 miles. (Federal Funds)

Morris – 04-64 KA-5984-01 – K-4, from 5th Street to Grand Street in White City, pavement reconstruction, 0.2 mile. (Federal Funds)

District Three – Northwest

Statewide – 106 KA-6256-01 – US-83, K-184, U.S. 24 and K-25 in Thomas, Logan, Rawlins, Sheridan and Sherman counties, signing. (Federal Funds)

Statewide – 106 KA-6257-01 – US-283, US-24, K-84, K-85 and K-18 in Graham, Sheridan, Norton, Rooks and Trego counties, signing. (Federal Funds)

Statewide – 106 KA-6491-01 – City of Grainfield (Gove County) and City of Dighton (Lane County), special. (State Funds)

District Four – Southeast

Statewide – 106 KA-6111-01 – US-400, US-54, K-99, K-249 and K-58 in Greenwood, Woodson, Wilson, Elk, Butler and Lyon counties, signing. (Federal Funds)

District Five – South Central

Harvey – 135-40 KA-6284-01 – I-135 and E. Lincoln Boulevard in Hesston, lighting. (Federal Funds)

Sumner – 55-96 KA-3887-01 – K-55, bridge #116 over Arkansas River located 7.63 miles east of US-81, bridge replacement. (Federal Funds)

District Six – Southwest

Wichita – 96-102 KA-3274-01 – K-96, from Indian Street to Water Street in Leoti, pavement replacement, 0.9 mile. (Federal Funds)

Julie Lorenz
Secretary

Doc. No. 050053

State of Kansas**Department of Transportation****Request for Qualifications**

The Kansas Department of Transportation (KDOT) will release a Request for Qualifications (RFQ) Thursday, April 28, 2022, for the US-54/US-400 – Sedgwick and Butler County progressive design-build project. The RFQ will be available at <https://eastkellogg.ksdotike.org>.

Prospective design-build teams must submit their Statement of Qualifications (SOQs) by 2:00 p.m. (CDT) Monday, July 11, 2022. The SOQ presents, in general terms, the design-build teams' qualifications for the project. KDOT will evaluate the SOQs and announce the shortlisted teams by Thursday, July 28, 2022.

KDOT will use a two-step process to select a design-build team. This RFQ to solicit SOQs is the first step KDOT will use to evaluate which teams are most qualified to successfully deliver the project. KDOT will shortlist up to four teams based on the SOQs. The second step, a Request for Proposals (RFP), is anticipated to be released by KDOT to the shortlisted teams Friday, July 29, 2022. It is anticipated that shortlisted teams will submit proposals Tuesday, September 20, 2022 for KDOT's evaluation and that KDOT will select a winning team Monday, October 10, 2022.

The US-54/US-400 – Sedgwick and Butler County project has received approval to move forward as Kansas' first progressive design-build project. The project will follow the existing alignment of US-54/US-400 from the intersection of K-96 to just east of the North 159th St. E. intersection and expand the existing facility to become a controlled-access freeway facility with additional travel lanes, frontage roads, and a reconfigured K-96 interchange.

If you are interested in submitting a Statement of Qualifications, please examine the RFQ posted April 28, 2022
(continued)

on the project website at <https://eastkellogg.ksdotike.org>. The project website also contains additional information about the project and the progressive design build delivery method.

If you have problems accessing the RFQ, please contact eastkellogg@ksdotike.org.

Julie Lorenz
Secretary

Doc. No. 050089

(Published in the Kansas Register April 28, 2022.)

Cimarron Valley Railroad

Request for Proposals

Interest parties are invited to submit a proposal to complete the below scope for the proposed Cimarron Valley Railroad (CVR) track rehabilitation project Satana, Kansas.

Scope of Work

CVR track rehabilitation project from Satana, Kansas to Ulysses Kansas. Provide all necessary labor, equipment, and logistical services to provide labor cost to complete all rehab and track construction work, ties, ballast, etc. The scope is further described as follows:

- Extract and install approximately 1600, new 7x9x8.6' (industrial grade) or equivalent crossties.
- Demo old 90# rail (4,778 track feet); install 112# or equivalent (4,778 feet) rail and needed OTM – plates, spikes, anchors, bolt/washer/nut assemblies and comp welds.
- Install 2,750 tons of ballast. To include, tamping and regulating. (20,650 ft.)
- In accordance with AREMA standards, ballast shoulders must be dressed at the end of each workday to prevent thermal deviation in track due to disturbed roadbed.
- Repair six bridges caps, stringers, piles, headwalls, and two fill in with culverts.
- Rehabilitate approximately 31 road crossings rail, ties, OTM.
- Clean-up work sites.
- Any pre-existing rail, ties, or OTM that is removed when installing components, must be removed and disposed of according to all local, state, and federal regulations.
- Additional details concerning the scope of work needing to be done with each portion of the project, will be addressed at the pre-bid meeting.

Minimum Requirements

MSA and Roadway Worker Protection

Contractors must complete, and have on file, a current Master Services Agreement with the CVR. Prior to submitting a proposal.

1. Contractors shall comply with all parts of 49 CFR Part 214 and 219 regarding FRA Roadway Worker Safety at all times. Men and equipment shall remain clear of the track unless they have gained Roadway Worker Protection from a qualified person.
2. Contractor, contractor employees, agents and/or

subcontractors must be enrolled and comply with the FRA 219 approved drug testing program.

3. Any subcontracted work will need to be approved by the CVR prior to any work starting.

Work Windows

Impact to current railroad operations must be kept to a minimum. When work must take place that causes an active track to be taken out of service for the purposes of performing work that pertains to the project, the contractor must pre-arrange a defined work window with the railroad. Contractor can anticipate a minimum work window of eight hours with no more than one schedule of interruption in that time frame, between the hours of 07:00 and 17:00. For work windows extending more than eight hours, a minimum of 72 hours of notification is required to the railroad to arrange this window.

Work windows may be arranged seven days a week, if desired. Current railroad operations consist of at least one train per day through the work area. This train operates in the evening hours; however, this schedule is subject to change at any time. This topic will be further discussed and clarified during the pre-proposal meeting.

Standards

All standards referenced by the project plans and specifications, as well as all applicable AREMA standards must be upheld during all phases of the project work, unless certain standards are excluded from the project with written approval by the CVR. All rails shall be replaced at standard gauge of 56-1/2".

Submittals

The following documents shall be submitted by the Contractor as part of the project—at the times listed:

1. Schedule of Work – Submitted with proposal
2. Certificate of Insurance – Submitted prior to construction
3. Safety Plan – Submitted prior to construction
4. Proof of Roadway Worker Training – Submitted prior to construction
5. Rail Testing (if AREMA #1 Relay Rail is used) – Submitted prior to construction
6. All contractors must recognize this is a state contract
7. Rail Weld UT Test Requirements (all rail comp welds) – Submitted with billing

Other Responsibilities

1. Permits – Contractor is responsible for all federal, state, and local permits required for the work.
2. Utilities – Contractor is responsible to locate and protect site utilities.
3. Site Clean-up – Contractor is responsible for proper site restoration and proper disposal of materials removed in accordance with all local, state, and federal laws.

Insurance

Contractor shall purchase required coverage and submit for verification a Certificate of Insurance.

Materials

All materials shall meet the requirements found in the project plans and/or specifications as well as appli-

cable AREMA requirements. Material storage is granted on railroad right of way to the contractor. However, no materials shall be stored closer than 15' from the centerline of any active track at any time. Material and equipment laydown areas and reclaimed materials stockpiling locations shall be discussed and further clarified at the pre-proposal meeting. All removed materials remain property of the K&O Railroad, to be stockpiled as directed by a Railroad Representative.

Non-Project Areas

The CVR has secured access to the project through the railroad right of way. Other access may be obtained by the contractor if he so chooses. All areas (public, private, and railroad right of way) that are used for access to the project, including parts of the railroad right of way which have no proposed work, shall be maintained and/or remediated, incidental to the project, by the contractor to the satisfaction of the property owner if any damage to these areas occurs.

Pre-Proposal Meeting

The CVR shall hold a pre-proposal meeting at the project site 1:00 p.m. (CDT) May 12, 2022. The meeting shall be held at the CVR office in Satana, Kansas. Contractors are required to be present at this meeting to submit a proposal or their proposal can be rejected.

Project Completion

All work pertaining to this project shall be completed by September 30, 2022. Failure to complete work by September 30, 2022, may result in the contractor's removal from the property or charges of \$2500/day until completed to satisfaction.

Submission of a Proposal

All proposals must be submitted no later than May 31, 2022. All submitted proposals shall be reviewed by the CVR. Please ensure your proposal includes all required information. All incomplete proposals shall be rejected. Contractors who wish to submit a proposal must attend the pre-proposal meeting. The structure of your proposal must be able to be clearly understood, all proposals shall provide the following line items and provide costs as required below:

1. Provide a total sum of all line items on the proposal
2. Mobilization and Demobilization – Lump sum
3. Install 4,778 track feet of #115 RE rail or equivalent
4. Extract and install approximately 1,600 new, 7x9x8.6' (IG) or equivalent crossties
5. Distribute approximately 2,750 tons ballast
6. Rehabilitate approximately 31 road crossing 115# rail, ties, and all OTM
7. Tamp and regulate approximately 20,650 feet
8. Bridge repairs work on approximately six bridges scope of work will be available at pre bid meeting
9. Include any or all applicable taxes
10. Clean up all work sites to completion

Work Reporting

Daily work reports must be filled out and submitted to Rod Bell, CVR Roadmaster at rbell@jag-transport.com, phone 307-679-4460 and Neal Jacobs, Division Engineer at njacobs@jag-transport.com, phone 316-215-4087. Weekly reports should include updates to project schedules, any delays or any change in the scope of work. A

detailed summary report must be submitted at the completion of the project. Daily Reporting shall consist of daily progress reports simultaneously emailed to Rod Bell and Neal Jacobs.

For further information or questions regarding the request for proposals, or submitting a proposal, needs to be simultaneously emailed to Rod Bell and Neal Jacob, or contacted by phone.

Neal Jacobs
Division Engineer
Jaguar Rail Transport

Doc. No. 050057

(Published in the Kansas Register April 28, 2022.)

City of Hutchinson, Kansas

**Summary Notice of Bond Sale
\$10,145,000*
General Obligation Bonds,
Series 2022-A**

**(General Obligation Bonds Payable
from Unlimited Ad Valorem Taxes)**

Bids

Subject to the Notice of Bond Sale dated on or about May 2, 2022 (the "Notice of Bond Sale"), bids will be received by the Director of Finance of the City of Hutchinson, Kansas (the "City"), on behalf of the governing body at the address set forth below, in the case of facsimile bids, at the fax number set forth below, or, in the case of electronic proposals, via PARITY Electronic Bid Submission System ("PARITY") until 11:00 a.m. (CDT) May 16, 2022, for the purchase of \$10,145,000* principal amount of General Obligation Bonds, Series 2022-A (the "Bonds"). No bid of less than 100% of the par value of the Bonds, plus accrued interest to the date of delivery, will be considered. Bidders may be required to be qualified in a manner established by the City before submitting a bid.

Bond Details

The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds will be dated June 14, 2022 (the "Dated Date"), and will become due on October 1 in the years as follows:

Maturity	Principal Amount*	Maturity	Principal Amount*
2023	\$265,000	2033	\$520,000
2024	370,000	2034	525,000
2025	385,000	2035	545,000
2026	410,000	2036	560,000
2027	425,000	2037	580,000
2028	455,000	2038	590,000
2029	465,000	2039	615,000
2030	470,000	2040	635,000
2031	490,000	2041	660,000
2032	500,000	2042	680,000

(continued)

The Bonds will bear interest from the Dated Date at rates to be determined when the Bonds are sold as provided in the Notice of Bond Sale, which interest will be payable semiannually on April 1 and October 1 in each year, beginning on April 1, 2023. A bidder may elect to have all or a portion of the Bonds scheduled to mature in consecutive years issued as term bonds subject to the requirements set forth in the Notice of Bond Sale.

Paying Agent and Bond Registrar

Treasurer of the State of Kansas, Topeka, Kansas.

Good Faith Deposit

The bidder for the Bonds shall provide the City with a cashier's or certified check drawn on a bank located in the United States of America or a wire transfer of same-day funds in accordance with the requirements set forth in the Notice of Bond Sale in the amount of \$202,900 for the Bonds (2% of the principal amount of the Bonds).

Delivery

The City will pay for preparation of the Bonds and will deliver the same properly prepared, executed, and registered without cost to the successful bidder on or about June 14, 2022, at the offices of The Depository Trust Company, New York, New York.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2021 is \$359,413,412. The total general obligation indebtedness of the City as of the date of the Bonds, including the Bonds, is \$62,171,000.

Approval of Bonds

The Bonds will be sold subject to the legal opinion of Kutak Rock LLP, Kansas City, Missouri, Bond Counsel, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the City and delivered to the successful bidder(s) when the Bonds are delivered.

Additional Information

Additional information regarding the Bonds may be obtained from the Municipal Advisor, Piper Sandler & Co., Attn: Dustin Avey, 11635 Rosewood St., Leawood, KS 66211, phone 913-345-3375; from Angela Richard, the Director of Finance; or from Kutak Rock LLP, Bond Counsel, Attn: Tyler Ellsworth, Two Pershing Square, 2300 Main St., Suite 800, Kansas City, MO 64108-2416, phone 816-960-0090.

Dated April 21, 2022.

City of Hutchinson, Kansas
Angela Richard
Director of Finance
Hutchinson City Hall
125 E. Avenue B
Hutchinson, KS 67501
620-694-2784
Fax: 620-694-2673

* Subject to change.

Doc. No. 050079

(Published in the Kansas Register April 28, 2022.)

City of Manhattan, Kansas

Summary Notice of Bond Sale \$2,295,000*

General Obligation Bonds, Series 2022-A

(General Obligation Bonds Payable from Unlimited Ad Valorem Taxes)

Bids

Subject to the Notice of Bond Sale dated April 19, 2022 (the "Notice"), facsimile and electronic bids will be received on behalf of the Director of Finance of the City of Manhattan, Kansas (the "Issuer") in the case of facsimile bids, at the address set forth below, and in the case of electronic bids, through PARITY® until 11:00 a.m. (CDT) May 12, 2022, for the purchase of the above-referenced bonds (the "Bonds"). No bid of less than \$2,267,460 (98.8% of the principal amount of the Bonds) and accrued interest thereon to the date of delivery will be considered.

Bond Details

The Bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The Bonds will be dated June 6, 2022, and will become due on November 1 in the years as follows:

Year	Principal Amount*	Year	Principal Amount*
2023	\$150,000	2033	\$50,000
2024	155,000	2034	55,000
2025	160,000	2035	55,000
2026	165,000	2036	55,000
2027	165,000	2037	60,000
2028	170,000	2038	60,000
2029	175,000	2039	65,000
2030	180,000	2040	65,000
2031	185,000	2041	65,000
2032	190,000	2042	70,000

The Bonds will bear interest from the date thereof at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on May 1 and November 1 in each year, beginning on November 1, 2022.

Book-Entry-Only System

The Bonds shall be registered under a book-entry-only system administered through DTC.

Paying Agent and Bond Registrar

Treasurer of the State of Kansas, Topeka, Kansas.

Good Faith Deposit

Each bid shall be accompanied (in the manner set forth in the Notice) by a good faith deposit in the form of a wire transfer in Federal Reserve funds immediately available for use by the Issuer in the amount of \$45,900.

Delivery

The Issuer will pay for preparation of the Bonds and will deliver the same properly prepared, executed, and registered without cost to the successful bidder on or

about June 6, 2022, to DTC for the account of the successful bidder.

Assessed Valuation and Indebtedness

The Equalized Assessed Tangible Valuation for Computation of Bonded Debt Limitations for the year 2021 is \$643,469,999. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is \$278,940,000; such amount excludes Temporary Notes, Series 2022-02, Dated June 15, 2022, in the principal amount of \$10,985,000 being sold on the same Sale Date as the Bonds and to be issued on June 15, 2022. On June 15, 2022, Temporary notes in the principal amount of \$13,010,000 will be retired out of proceeds of the Bonds, the proceeds of the Series 2022-02 Notes and other available funds, which will reduce the outstanding general obligation indebtedness of the Issuer to \$276,915,000.

Approval of Bonds

The Bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Wichita, Kansas, Bond Counsel to the Issuer, whose approving legal opinion as to the validity of the Bonds will be furnished and paid for by the Issuer, printed on the Bonds, and delivered to the successful bidder as and when the Bonds are delivered.

Additional Information

Additional information regarding the Bonds may be obtained from the persons set forth below:

Issuer

City of Manhattan, Kansas
Rina Neal, Director of Finance
City Hall, First Floor
1101 Poyntz Ave.
Manhattan, KS 66502-5497
785-587-2465
Fax: 785-587-2409
neal@cityofmhk.com

Municipal Advisor and Facsimile Bid Delivery Address

Baker Tilly Municipal Advisors LLC
Attn: Bond Services
Wells Fargo Place
30 E. 7th St., Suite 3025
Saint Paul, MN 55101
651-223-3000
Fax: 651-223-3046
bondservice@bakertilly.com

Dated April 19, 2022.

Rina Neal
Director of Finance

* Subject to change, see the Notice
Doc. No. 050072

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9:00 a.m. Tuesday, May 19, 2022, in the offices of the Kansas Development Finance Authority (KDFA), 534 S. Kansas Ave., Suite 800, Topeka, Kansas, on the proposal for the KDFA

to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond, which is then typically purchased by a lender bank who then, through the KDFA, loans the bond proceeds to the borrower for the purposes of acquiring the project. The project shall be located as shown:

Project No. 001101 Maximum Principal Amount:

\$365,850. Owner/Operator: Kyle T. Kramer; Description: Acquisition of 100 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes (the "Project"). The Project is being financed by the Lender for Kyle T. Kramer (the "Beginning Farmer") and is located in Sections 18 & 19, Nemaha Township, Nemaha County, Kansas, approximately 5 miles north and ½ mile west of St. Benedict, Kansas on H Road.

The bond, when issued, will be a limited obligation of the KDFA and will not constitute a general obligation or indebtedness of the state of Kansas or any political subdivision thereof, including the KDFA, nor will it be an indebtedness for which the faith and credit and taxing powers of the state of Kansas are pledged. The bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bond when it becomes due.

Interested individuals may participate in the public hearing via conference call. Please call 415-655-0001 and use access code 145 880 8929 followed by # to join the conference.

All individuals who appear at the hearing will be given an opportunity to express their views concerning the proposal to issue the bond to finance the project, and all written comments previously filed with the KDFA at its offices at 534 S. Kansas Ave., Suite 800, Topeka, KS 66603, will be considered. Additional information regarding the project may be obtained by contacting the KDFA.

Rebecca Floyd
President

Doc. No. 050086

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9:00 a.m. Thursday, May 12, 2022, in the offices of the Kansas Development Finance Authority (KDFA), 534 S. Kansas Ave., Suite 800, Topeka, Kansas, on the proposal for the KDFA to issue its Agricultural Development Revenue Bond for the project numbered below in the respective maximum principal amount. The bond will be issued to assist the borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond, which is then typically purchased by a lender bank who then, through the KDFA, loans the bond proceeds to the borrower for the purposes of acquiring the project. The project shall be located as shown:

(continued)

ceeds to the borrower for the purposes of acquiring the project. The project shall be located as shown:

The project involves the acquisition of 40 acres of agricultural land and related improvements and equipment to be used by Carlin and Rachel Unruh (the "Beginning Farmer"), the owner/operator, for farming purposes (the "Project"). The Bond will be issued in the maximum principal amount of \$60,000. The Project is located at the Section 3, Pleasant Township, Harvey County, Kansas, approximately 6 miles east of Newton, Kansas.

The bond, when issued, will be a limited obligation of the K DFA and will not constitute a general obligation or indebtedness of the state of Kansas or any political subdivision thereof, including the K DFA, nor will it be an indebtedness for which the faith and credit and taxing powers of the state of Kansas are pledged. The bond will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bond when it becomes due.

Interested individuals may participate in the public hearing via conference call. Please call 415-655-0001 and use access code 145 880 8929 followed by # to join the conference.

All individuals who appear at the hearing will be given an opportunity to express their views concerning the proposal to issue the bond to finance the project, and all written comments previously filed with the K DFA at its offices at 534 S. Kansas Ave., Suite 800, Topeka, KS 66603, will be considered. Additional information regarding the project may be obtained by contacting the K DFA.

Rebecca Floyd
President

Doc. No. 050087

State of Kansas

Department of Agriculture Division of Animal Health

Permanent Administrative Regulation

Article 2.—BOVINE BRUCELLOSIS

9-2-36. Official calfhood vaccination tag; fees. Any accredited veterinarian licensed in Kansas may request official calfhood vaccination tags from the animal health commissioner subject to any required fees. The fees may include reimbursement to the animal health commissioner for the actual cost of each official calfhood vaccination tag and a processing fee of \$.20 for each official calfhood vaccination tag. All applicable fees shall be specified in a written or an electronic invoice provided by the animal health commissioner before shipping the requested official calfhood vaccination tags. (Authorized by and implementing K.S.A. 47-1831; effective May 13, 2022.)

Mike Beam
Secretary

Doc. No. 050073

State of Kansas

Secretary of State

Certification of New State Laws

I, Scott Schwab, Secretary of State of the State of Kansas, do hereby certify that each of the following bills is a correct copy of the original enrolled bill now on file in my office.

Scott Schwab
Secretary of State

(Published in the Kansas Register April 28, 2022.)

House Bill No. 2087

AN ACT concerning administrative rules and regulations; requiring the review of rules and regulations by state agencies every five years; relating to review by the director of the budget; requirements for adoption of rules and regulations; providing an alternative procedure for revocation of certain rules and regulations; amending K.S.A. 77-416, 77-420, 77-420a, 77-421, 77-422, 77-426 and 77-436 and repealing the existing sections.

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

New Section 1. (a) All rules and regulations adopted by state agencies under the provisions of K.S.A. 77-415 et seq., and amendments thereto, shall be reviewed every five years in accordance with this section.

(b) (1) Each state agency that has adopted rules and regulations shall submit a report to the joint committee on administrative rules and regulations on or before July 15 of the year that corresponds to such state agency under paragraph (2). Such report shall contain a summary of such state agency's review and evaluation of rules and regulations adopted by such state agency, including a statement for each rule and regulation as to whether such rule and regulation is necessary for the implementation and administration of state law or may be revoked pursuant to K.S.A. 77-426(d), and amendments thereto.

(2) Each state agency that has adopted rules and regulations shall submit a report as required under paragraph (1) in the years that correspond to such state agency as follows:

(A) For 2023 and every fifth year thereafter, the following state agencies:

- (i) Department of administration;
- (ii) municipal accounting board;
- (iii) state treasurer;
- (iv) Kansas department of agriculture;
- (v) Kansas department of agriculture—division of water resources;
- (vi) state election board;
- (vii) secretary of state;
- (viii) livestock brand commissioner;
- (ix) Kansas department of agriculture—division of animal health;
- (x) Kansas bureau of investigation;
- (xi) Kansas department of agriculture—division of conservation;
- (xii) agricultural labor relations board;
- (xiii) alcoholic beverage control board of review;
- (xiv) Kansas department of revenue—division of alcoholic beverage control;
- (xv) athletic commission;
- (xvi) attorney general;
- (xvii) office of the state bank commissioner;
- (xviii) employee award board;
- (xix) governmental ethics commission;
- (xx) crime victims compensation board;
- (xxi) Kansas human rights commission;
- (xxii) state fire marshal; and
- (xxiii) Kansas department of wildlife and parks;

(B) for 2024 and every fifth year thereafter, the following state agencies:

- (i) Kansas wheat commission;
- (ii) Kansas state grain inspection department;
- (iii) Kansas department for aging and disability services;

- (iv) Kansas energy office;
 - (v) department of health and environment;
 - (vi) Kansas department for children and families;
 - (vii) park and resources authority;
 - (viii) state salvage board;
 - (ix) Kansas department of transportation;
 - (x) Kansas highway patrol;
 - (xi) savings and loan department;
 - (xii) Kansas turnpike authority;
 - (xiii) insurance department;
 - (xiv) food service and lodging board;
 - (xv) commission on alcoholism;
 - (xvi) corrections ombudsman board;
 - (xvii) department of corrections;
 - (xviii) Kansas prisoner review board;
 - (xix) executive council;
 - (xx) mined-land conservation and reclamation (KDHE);
 - (xxi) department of labor—employment security board of review;
 - (xxii) department of labor;
 - (xxiii) department of labor—division of employment; and
 - (xxiv) department of labor—division of workers compensation;
- (C) for 2025 and every fifth year thereafter, the following state agencies:
- (i) State records board;
 - (ii) state library;
 - (iii) board for the registration and examination of landscape architects;
 - (iv) adjutant general's department;
 - (v) state board of nursing;
 - (vi) Kansas board of barbering;
 - (vii) state board of mortuary arts;
 - (viii) board of engineering examiners;
 - (ix) board of examiners in optometry;
 - (x) state board of technical professions;
 - (xi) Kansas board of examiners in fitting and dispensing of hearing instruments;
 - (xii) state board of pharmacy;
 - (xiii) Kansas state board of cosmetology;
 - (xiv) state board of veterinary examiners;
 - (xv) Kansas dental board;
 - (xvi) board of examiners of psychologists;
 - (xvii) registration and examining board for architects;
 - (xviii) board of accountancy;
 - (xix) state bank commissioner—consumer and mortgage lending division;
 - (xx) board of basic science examiners;
 - (xxi) Kansas public employees retirement system;
 - (xxii) office of the securities commissioner; and
 - (xxiii) Kansas corporation commission;
- (D) for 2026 and every fifth year thereafter, the following state agencies:
- (i) Public employee relations board;
 - (ii) abstracters' board of examiners;
 - (iii) Kansas real estate commission;
 - (iv) education commission;
 - (v) state board of regents;
 - (vi) school budget review board;
 - (vii) school retirement board;
 - (viii) state department of education;
 - (ix) Kansas department of revenue;
 - (x) Kansas department of revenue—division of property valuation;
 - (xi) state board of tax appeals;
 - (xii) crop improvement association;
 - (xiii) Kansas commission on veterans' affairs office;
 - (xiv) Kansas water office;
 - (xv) Kansas department of agriculture—division of weights and measures;
 - (xvi) state board of healing arts;
 - (xvii) podiatry board;
 - (xviii) behavioral sciences regulatory board;
 - (xix) state bank commissioner and savings and loan commissioner—joint regulations;
 - (xx) consumer credit commissioner, credit union administrator, savings and loan commissioner and bank commissioner—joint regulations;
 - (xxi) state board of indigents' defense services;

- (xxii) Kansas commission on peace officers' standards and training; and
 - (xxiii) law enforcement training center; and
- (E) for 2027 and every fifth year thereafter, the following state agencies:
- (i) Kansas state employees health care commission;
 - (ii) emergency medical services board;
 - (iii) department of commerce;
 - (iv) Kansas lottery;
 - (v) Kansas racing and gaming commission;
 - (vi) Kansas department of wildlife and parks;
 - (vii) Kansas state fair board;
 - (viii) real estate appraisal board;
 - (ix) state historical society;
 - (x) health care data governing board;
 - (xi) state department of credit unions;
 - (xii) pooled money investment board;
 - (xiii) department of corrections—division of juvenile services;
 - (xiv) state child death review board;
 - (xv) Kansas agricultural remediation board;
 - (xvi) unmarked burial sites preservation board;
 - (xvii) Kansas housing resources corporation;
 - (xviii) department of commerce—Kansas athletic commission;
 - (xix) department of health and environment—division of health care finance;
 - (xx) home inspectors registration board;
 - (xxi) committee on surety bonds and insurance;
 - (xxii) 911 coordinating council; and
 - (xxiii) office of administrative hearings.

(c) For any state agency not listed in subsection (b)(2) that adopts rules and regulations that become effective on or after July 1, 2022, such state agency shall submit a report to the joint committee on administrative rules and regulations in accordance with subsection (b)(1) on or before July 15 of the fifth year after such rules and regulations become effective and every fifth year thereafter.

(d) Notwithstanding any other provision of law, a rule and regulation may be adopted or maintained by a state agency only if such rule and regulation serves an identifiable public purpose to support state law and may not be broader than is necessary to meet such public purpose.

(e) This section shall be a part of and supplemental to the rules and regulations filing act, K.S.A. 77-415 et seq., and amendments thereto.

Sec. 2. K.S.A. 77-416 is hereby amended to read as follows: 77-416. (a) Every state agency shall file with the secretary of state every rule and regulation adopted by it and every amendment and revocation thereof in the manner prescribed by the secretary of state. Each rule and regulation shall include a citation to the statutory section or sections being implemented or interpreted and a citation of the authority pursuant to which it, or any part thereof, was adopted. Every rule and regulation filed in the office of the secretary of state shall be accompanied by a copy of the economic impact statement required by subsection (b) and a copy of the environmental benefit statement if required by subsection (d). A copy of any document adopted by reference in a rule and regulation shall be available from the state agency that adopted the rule and regulation upon request by any person interested therein. The state agency, under the direction of the secretary of state, shall number each section with a distinguishing number and, in making a compilation of the rules and regulations, the sections shall be arranged in numerical order. A decimal system of numbering shall be prohibited.

(b) (1) At the time of drafting a proposed rule and regulation or amendment to an existing rule and regulation, the state agency shall consider the economic impact of the proposed rule and regulation. The state agency shall prepare an economic impact statement that shall include:

(A) An analysis, brief description, and cost and benefit quantification of the proposed rules and regulations and what is intended to be accomplished by their adoption. If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs;

(B) whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law;

(continued)

(C) an analysis specifically addressing the following factors:

- (i) The extent to which the rule and regulation will enhance or restrict business activities and growth;
- (ii) the economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, business sectors, public utility ratepayers, individuals and local governmental units that will be affected by the proposed rule and regulation and on the state economy as a whole;
- (iii) the businesses that would be directly affected by the proposed rule and regulation;
- (iv) the benefits of the proposed rule and regulation compared to the cost;
- (v) measures taken by the agency to minimize the cost and impact of the proposed rule and regulation on business and economic development within the state of Kansas, local government and individuals; and
- (vi) an estimate, ~~expressed as a single dollar figure~~, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units or members of the public and a determination of whether those costs will exceed \$1,000,000 over any two-year period from the effective date of this act through June 30, 2024, or exceed \$3,000,000 over any two-year period on and after July 1, 2024; ~~and~~
- (vii) ~~an estimate of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule, expressed as a single dollar figure.~~

(2) The state agency shall consult with the league of Kansas municipalities, Kansas association of counties and the Kansas association of school boards, as appropriate, when preparing the economic impact statement of a proposed rule and regulation which increases or decreases revenues of cities, counties or school districts or imposes functions or responsibilities on cities, counties or school districts that will increase their expenditures or fiscal liability. The agency shall consult and solicit information from businesses, business associations, local governmental units, state agencies or institutions and members of the public that may be affected by the proposed rule and regulation or that may provide relevant information.

(3) As required pursuant to the provisions of K.S.A. 77-420(d), and amendments thereto, the state agency shall reevaluate and, when necessary, update the economic impact statement when directed to do so by the director of the budget and, if approved by the director of the budget, shall submit the revised economic impact statement at the time of filing a rule and regulation with the secretary of state. If a public hearing was held prior to the adoption of the rule and regulation, a state agency at the time of filing a rule and regulation with the secretary of state shall include as a part of the economic impact statement a statement specifying the time and place at which the hearing was held and the attendance at the hearing. A copy of the current economic impact statement shall be available from the state agency upon request by any party interested therein.

(4) *The implementation and compliance costs determined under subsection (b)(1)(C)(vi) shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units and members of the public. In determining total additional costs of such proposed rules and regulations, the state agency shall not account for any actual or estimated cost savings that may be realized by the implementing state agency, local government or by members of the public.*

(c) Pursuant to the provisions of K.S.A. 77-420, and amendments thereto, the director of the budget shall review the economic impact statement prepared by any state agency and shall prepare a supplemental or revised statement and an independent analysis by the director of the budget of the cost and the factors as set forth in subsection (b)(1)(A) and (C) and subsection (e). If possible, the supplemental or revised statement shall include a reliable estimate in dollars of the anticipated change in revenues and expenditures of the state. It also shall include a statement, if determinable or reasonably foreseeable, of the immediate and long-range economic impact of the rule and regulation upon persons subject thereto, small employers and the general public. If, after careful investigation, it is determined that no dollar estimate is possible, the statement shall set forth the reasons why no dollar estimate can be given. Every state agency is directed to cooperate with the division of the budget in the preparation of any statement pursuant to this subsection when, and to the extent, requested by the director of the budget. The director of the budget shall follow the procedures set forth in K.S.A. 77-420, and amendments thereto, in evaluating and accepting or rejecting the proposed rule and regulation. No agency shall submit

a rule and regulation to the secretary of state for filing before receiving the approval of the director of the budget as provided in this subsection and K.S.A. 77-420, and amendments thereto.

(d) At the time of drafting a proposed environmental rule and regulation or amendment to an existing environmental rule and regulation, the state agency shall consider the environmental benefit of such proposed rule and regulation or amendment. Prior to giving notice of a hearing on a proposed rule and regulation, the state agency shall prepare an environmental benefit statement that shall include a description of the need for and the environmental benefits that will likely accrue as the result of the proposed rule and regulation or amendment. The description shall summarize, when applicable, research indicating the level of risk to the public health or the environment being removed or controlled by the proposed rule and regulation or amendment. When specific contaminants are to be controlled by the proposed rule and regulation or amendment, the description shall indicate the level at which the contaminants are considered harmful according to currently available research. The state agency may consult with other state agencies when preparing the environmental benefit statement. The state agency shall reevaluate and, when necessary, update the statement at the time of filing a rule and regulation with the secretary of state. A copy of the current environmental benefit statement shall be available from the state agency upon request by any party interested therein.

(e) In addition to the requirements of subsection (b), the economic impact statement for all environmental rules and regulations shall include:

- (1) A description of the capital and annual costs of compliance with the proposed rules and regulations, and the persons who will bear those costs;
- (2) a description of the initial and annual costs of implementing and enforcing the proposed rules and regulations, including the estimated amount of paperwork, and the state agencies, other governmental agencies or other persons or entities who will bear the costs;
- (3) a description of the costs that would likely accrue if the proposed rules and regulations are not adopted, the persons who will bear the costs and those who will be affected by the failure to adopt the rules and regulations; and
- (4) a detailed statement of the data and methodology used in estimating the costs used in the statement.

(f) ~~In 2021~~ 2026, the legislative post audit committee shall direct the legislative division of post audit to conduct an audit to study:

- (1) The accuracy of economic impact statements submitted by state agencies pursuant to this section for the immediately preceding seven years;
- (2) the impact the review by the director of the budget has had on the accuracy of economic impact statements submitted by state agencies pursuant to this section; and
- (3) whether the \$1,000,000 or \$3,000,000 cost figure is the appropriate amount of economic impact to trigger the hearing procedure required by K.S.A. 77-420(a), and amendments thereto.

Sec. 3. K.S.A. 77-420 is hereby amended to read as follows: 77-420. (a) (1) ~~Except as further provided by this subsection~~, every rule and regulation proposed to be adopted by any state agency, ~~before~~ after being submitted to the secretary of administration and the attorney general as required by this section, shall be submitted with the economic impact statement for the rule and regulation required by K.S.A. 77-416, and amendments thereto, to the director of the budget for review of the accuracy and completeness of the agency's economic impact statement. ~~The director of the budget shall make an independent determination of the amount of implementation and compliance costs reasonably expected to be incurred by or passed along to businesses, local government and individuals over any two-year period as a result of the proposed rule and regulation and shall conduct an independent analysis of the factors set forth in K.S.A. 77-416(b)(1)(A) and (C) and (e), and amendments thereto.~~ Every rule and regulation ~~approved requiring approval~~ by the director of the budget shall be stamped as approved, and the date of approval shall be indicated.

(2) ~~If the director independently~~ agency determines that a proposed rule and regulation submitted or resubmitted by the agency will not result in implementation or compliance costs of more than \$1,000,000 from the effective date of this act through June 30, 2024, or more than \$3,000,000 on and after July 1, 2024, for businesses, local government or individuals in any two-year period, ~~the director shall:~~

(A) ~~approve the rule and regulation if the director independently determines that the economic impact statement is accurate, demon-~~

strates a complete analysis as required by K.S.A. 77-416(b)(1)(A) and (C) and (e), and amendments thereto, and the director concurs with the economic impact statement; or

~~(B) disapprove the rule and regulation agency shall provide a copy of the economic impact statement to the director, but the director shall not be required to review or approve the proposed rule and regulation.~~

(3) If the ~~director of the budget~~ agency determines that the proposed rule and regulation will result in implementation and compliance costs of more than \$1,000,000 from the effective date of this act through June 30, 2024, or more than \$3,000,000 on and after July 1, 2024, for businesses, local government or individuals in any two-year period, the director of the budget shall:

(A) approve the proposed rule and regulation, if the agency, prior to the submission or the resubmission of a rule and regulation to the director, holds a public hearing and finds that the costs of the proposed rule and regulation have been accurately determined and are necessary for achieving legislative intent and the director, after an independent analysis, concurs with the agency's findings and analysis and approves the economic impact statement; or

~~(B) disapprove the proposed rule and regulation.~~

(4) ~~If an agency is proposing a rule and regulation because of a federal mandate as described in K.S.A. 77-416(b)(1)(B), and amendments thereto, the agency shall provide a copy of the economic impact statement to the director, but the director shall not be required to review or approve the proposed rule and regulation, regardless of the implementation and compliance cost of the proposed rule and regulation.~~

(5) ~~For the purposes of this subsection, the implementation and compliance cost shall be calculated from the effective date of the rule and regulation.~~

(b) The director of the budget shall submit an annual report to the legislature and to the joint committee on administrative rules and regulations on the first day of the 2019 regular legislative session and subsequent regular legislative sessions on all rules and regulations approved or ~~denied~~ by the director. The report shall include the text of each rule and regulation reviewed, the final economic impact statement and a summary of the director's analysis supporting the decision to approve or ~~reject~~ the rule and regulation. The director shall immediately submit a separate report to the legislature, if in session, and the joint committee on administrative rules and regulations upon the approval or ~~denial~~ of a rule or regulation with costs determined to be greater than \$1,000,000 from the effective date of this act through June 30, 2024, or greater than \$3,000,000 on and after July 1, 2024, for businesses, local government or individuals over any two-year period. The report shall include an analysis of the agency's and the director's decisions with respect to the necessity of the cost of the rule and regulation to achieve legislative intent.

(c) Every rule and regulation proposed to be adopted by any state agency ~~that has been approved by the director of the budget pursuant to the provisions of subsection (a),~~ before being submitted to the attorney general ~~and the director of the budget as required~~ under this section, shall be submitted to the secretary of administration for approval of its organization, style, orthography and grammar subject to such requirements as to organization, style, orthography and grammar as the secretary may adopt. Every rule and regulation submitted to the secretary of administration under this subsection shall be accompanied by a copy of any document which is adopted by reference by the rule and regulation. Every rule and regulation approved by the secretary of administration under this subsection shall be stamped as approved and the date of such approval shall be indicated therein.

(d) Every rule and regulation proposed by any state agency that has been approved by ~~the director of the budget and~~ the secretary of administration as provided in ~~subsections (a) and~~ subsection (c), before being ~~adopted or filed~~ submitted to the director of the budget as required under this section, shall be submitted to the attorney general for an opinion as to the legality of the same, including whether the making of such rule and regulation is within the authority conferred by law on the state agency. The attorney general shall promptly furnish an opinion as to the legality of the proposed rule and regulation so submitted. Every rule and regulation submitted to the attorney general under this subsection shall be accompanied by a copy of any document which is adopted by reference by the rule and regulation. Every rule and regulation approved by the attorney general under this subsection shall be stamped as approved and the date of such approval shall be indicated therein.

(e) No rule and regulation shall be filed by the secretary of state unless:

(1) The rule and regulation has ~~been approved by the director of the budget~~ complied with the provisions of subsection (a);

(2) the organization, style, orthography and grammar have been approved by the secretary of administration;

(3) the rule and regulation has been approved in writing by the attorney general as to legality;

(4) the rule and regulation has been formally adopted by the state agency after it has ~~been approved by the director of the budget~~ complied with the provisions of subsection (a), the secretary of administration and the attorney general and is accompanied by a certified or other formal statement of adoption when adoption is by an executive officer of a state agency, or by a certified copy of the roll call vote required for its adoption by K.S.A. 77-421, and amendments thereto, when adoption is by a board, commission, authority or other similar body;

(5) the rule and regulation to be filed is accompanied by a copy of the economic impact statement as provided by K.S.A. 77-416, and amendments thereto, ~~that has been reviewed and approved by the director of the budget as provided by~~ complies with the provisions of subsection (a); and

(6) the rule and regulation to be filed is accompanied by a copy of the environmental benefit statement required by K.S.A. 77-416, and amendments thereto, if applicable.

Sec. 4. K.S.A. 77-420a is hereby amended to read as follows: 77-420a. No rule and regulation shall be adopted prior to the effective date of the statute authorizing its adoption, but prior to the effective date of such statute, the proposed rule and regulation may be submitted to ~~the director of the budget,~~ the secretary of administration ~~and to,~~ the attorney general ~~and to the director of the budget~~ for approval as required by K.S.A. 77-420, and amendments thereto, and notice of the proposed rule and regulation may be given and a hearing held thereon in the manner provided by K.S.A. 77-421, and amendments thereto.

Sec. 5. K.S.A. 77-421 is hereby amended to read as follows: 77-421. (a) (1) Except as provided by subsection (a)(2), subsection (a)(3) or subsection (a)(4), prior to the adoption of any permanent rule and regulation or any temporary rule and regulation which is required to be adopted as a temporary rule and regulation in order to comply with the requirements of the statute authorizing the same and after any such rule and regulation has been approved by ~~the director of the budget,~~ the secretary of administration ~~and,~~ the attorney general ~~and the director of the budget,~~ the adopting state agency shall give at least 60 days' notice of its intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regulations established by K.S.A. 77-436, and amendments thereto. The notice shall be provided to the secretary of state and to the chairperson, vice chairperson, ranking minority member of the joint committee and legislative research department and shall be published in the Kansas register. A complete copy of all proposed rules and regulations and the complete economic impact statement required by K.S.A. 77-416, and amendments thereto, shall accompany the notice sent to the secretary of state. The notice shall contain:

(A) A summary of the substance of the proposed rules and regulations;

(B) a summary of the economic impact statement indicating the estimated economic impact on governmental agencies or units, persons subject to the proposed rules and regulations and the general public;

(C) a summary of the environmental benefit statement, if applicable, indicating the need for the proposed rules and regulations;

(D) the address where a complete copy of the proposed rules and regulations, the complete economic impact statement, the environmental benefit statement, if applicable, required by K.S.A. 77-416, and amendments thereto, may be obtained;

(E) the time and place of the public hearing to be held; the manner in which interested parties may present their views; and

(F) a specific statement that the period of 60 days' notice constitutes a public comment period for the purpose of receiving written public comments on the proposed rules and regulations and the address where such comments may be submitted to the state agency. Publication of such notice in the Kansas register shall constitute notice to all parties affected by the rules and regulations.

(2) Prior to adopting any rule and regulation which establishes seasons and fixes bag, creel, possession, size or length limits for the taking or possession of wildlife and after such rule and regulation has been approved by the secretary of administration and the attorney general, the secretary of wildlife, parks and tourism shall give at least 30 days' notice of its intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regula-

(continued)

tions created pursuant to K.S.A. 77-436, and amendments thereto. All other provisions of subsection (a)(1) shall apply to such rules and regulations, except that the statement required by subsection ~~(a)(1)(E)~~ (a)(1)(F) shall state that the period of 30 days' notice constitutes a public comment period on such rules and regulations.

(3) Prior to adopting any rule and regulation which establishes any permanent prior authorization on a prescription-only drug pursuant to K.S.A. 39-7,120, and amendments thereto, or which concerns coverage or reimbursement for pharmaceuticals under the pharmacy program of the state medicaid plan, and after such rule and regulation has been approved by the director of the budget, the secretary of administration and the attorney general, the secretary of health and environment shall give at least 30 days' notice of its intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regulations created pursuant to K.S.A. 77-436, and amendments thereto. All other provisions of subsection (a)(1) shall apply to such rules and regulations, except that the statement required by subsection ~~(a)(1)(E)~~ (a)(1)(F) shall state that the period of 30 days' notice constitutes a public comment period on such rules and regulations.

(4) Prior to adopting any rule and regulation pursuant to subsection (c), the state agency shall give at least 60 days' notice of its intended action in the Kansas register and to the secretary of state and to the joint committee on administrative rules and regulations created pursuant to K.S.A. 77-436, and amendments thereto. All other provisions of subsection (a)(1) shall apply to such rules and regulations, except that the statement required by subsection ~~(a)(1)(E)~~ (a)(1)(F) shall state that the period of notice constitutes a public comment period on such rules and regulations.

(b) (1) On the date of the hearing, all interested parties shall be given reasonable opportunity to present their views or arguments on adoption of the rule and regulation, either orally or in writing. At the time it adopts or amends a rule and regulation, the state agency shall prepare a concise statement of the principal reasons for adopting the rule and regulation or amendment thereto, including:

(A) The agency's reasons for not accepting substantial arguments made in testimony and comments; and

(B) The reasons for any substantial change between the text of the proposed adopted or amended rule and regulation contained in the published notice of the proposed adoption or amendment of the rule and regulation and the text of the rule and regulation as finally adopted.

(2) Whenever a state agency is required by any other statute to give notice and hold a hearing before adopting, amending, reviving or revoking a rule and regulation, the state agency, in lieu of following the requirements or statutory procedure set out in such other law, may give notice and hold hearings on proposed rules and regulations in the manner prescribed by this section.

(3) Notwithstanding the other provisions of this section, the secretary of corrections may give notice or an opportunity to be heard to any inmate in the custody of the secretary with regard to the adoption of any rule and regulation.

(c) (1) The agency shall initiate new rulemaking proceedings under this act, if a state agency proposes to adopt a final rule and regulation that:

(A) Differs in subject matter or effect in any material respect from the rule and regulation as originally proposed; and

(B) is not a logical outgrowth of the rule and regulation as originally proposed.

(2) For the purposes of this provision, a rule and regulation is not the logical outgrowth of the rule and regulation as originally proposed if a person affected by the final rule and regulation was not put on notice that such person's interests were affected in the rule making.

(d) When, pursuant to this or any other statute, a state agency holds a hearing on the adoption of a proposed rule and regulation, the agency shall cause written minutes or other records, including a record maintained on sound recording tape or on any electronically accessed media or any combination of written or electronically accessed media records of the hearing to be made. If the proposed rule and regulation is adopted and becomes effective, the state agency shall maintain, for not less than three years after its effective date, such minutes or other records, together with any recording, transcript or other record made of the hearing and a list of all persons who appeared at the hearing and who they represented, any written testimony presented at the hearing and any written comments submitted during the public comment period.

(e) No rule and regulation shall be adopted by a board, commission, authority or other similar body except at a meeting which is open

to the public and notwithstanding any other provision of law to the contrary, no rule and regulation shall be adopted by a board, commission, authority or other similar body unless it receives approval by roll call vote of a majority of the total membership thereof.

Sec. 6. K.S.A. 77-422 is hereby amended to read as follows: 77-422.

(a) A rule and regulation may be adopted by a state agency as a temporary rule and regulation if the state agency and the state rules and regulations board finds that the preservation of the public peace, health, safety or welfare necessitates or makes desirable putting such rule and regulation into effect prior to the time it could be put into effect if the agency were to comply with the notice, hearing and publication requirements of this act or prior to the effective date prescribed by K.S.A. 77-426, and amendments thereto.

(b) Temporary rules and regulations may be adopted without the giving of notice and the holding of a hearing thereon.

(c) (1) A temporary rule and regulation shall take effect:

(A) After approval by ~~the director of the budget~~, the secretary of administration ~~and~~, the attorney general ~~and the director of the budget~~ as provided by K.S.A. 77-420, and amendments thereto;

(B) after approval by the state rules and regulations board as provided by K.S.A. 77-423, and amendments thereto; and

(C) upon filing with the secretary of state.

(2) The effective date of all or specific parts of a temporary rule and regulation may be delayed to a date later than its filing date if the delayed effective date of such rule and regulation, or specific parts thereof, is clearly expressed in the body of such rule and regulation.

(3) A temporary rule and regulation shall be effective for a period not to exceed 120 days except that, for good cause, a state agency may request that a temporary rule and regulation may be renewed one time for an additional period not to exceed 120 days.

(d) A temporary rule and regulation which amends an existing rule and regulation shall have the effect of suspending the force and effect of the existing rule and regulation until such time as the temporary rule and regulation is no longer effective. In such case, at the time the temporary rule and regulation ceases to be effective, the existing permanent rule and regulation which was amended by the temporary rule and regulation shall be in full force and effect unless such existing rule and regulation is otherwise amended, revoked or suspended as provided by law.

(e) Temporary rules and regulations shall be numbered in accordance with the numbering arrangement approved by the secretary of state and otherwise shall conform to the approval, adoption and filing requirements of this act, insofar as the same can be made applicable.

Sec. 7. K.S.A. 77-426 is hereby amended to read as follows: 77-426.

(a) All rules and regulations ~~which that~~ are in force and effect at the time this act takes effect shall continue in full force and effect and may be amended, revived or revoked as provided by law. All new rules and regulations and all amendments, revivals or revocations of rules and regulations, other than temporary regulations, adopted in any year shall be filed with the secretary of state and shall become effective 15 days following its publication in the Kansas register or such later date as clearly expressed in the body of such rule and regulation.

(b) *Except for rules and regulations revoked pursuant to subsection (d)*, as soon as possible after the filing of any rules and regulations by a state agency, the secretary of state shall submit to the joint committee on administrative rules and regulations such number of copies as may be requested by the joint committee on administrative rules and regulations.

(c) At any time prior to adjournment sine die of the regular session of the legislature, the legislature may adopt a concurrent resolution expressing the concern of the legislature with any permanent or temporary rule and regulation ~~which that~~ is in force and effect and on file in the office of the secretary of state and any permanent rule and regulation filed in the office of the secretary of state during the preceding year and requesting the revocation of any such rule and regulation or the amendment of any such rule and regulation in the manner specified in such resolution.

(d) (1) *Notwithstanding any other provision of the rules and regulations filing act, any rule and regulation may be revoked pursuant to this subsection if such rule and regulation is identified by a state agency in the report submitted to the joint committee on administrative rules and regulations pursuant to section 1, and amendments thereto, as one that may be revoked pursuant to this subsection. A state agency may revoke a rule and regulation by filing a notice of such revocation with the secretary of state and causing such notice to be published in the Kansas register. Such notice of revocation shall not contain any new rules and regulations or any amendments to any rules and regulations.*

(2) Prior to filing the notice of revocation with the secretary, the state agency shall:

(A) Upon the written request of a member of the public, hold a public hearing on the proposed notice of revocation;

(B) submit the notice of revocation to the attorney general for review and approval in accordance with K.S.A. 77-420(d), and amendments thereto; and

(C) submit the notice of revocation to the joint committee on administrative rules and regulations and, upon request by the chairperson of such committee, appear before such committee at a hearing on such notice.

(3) The revocation of a rule and regulation under this subsection shall be effective 15 days following the date that the notice of such revocation is published in the Kansas register.

Sec. 8. K.S.A. 77-436 is hereby amended to read as follows: 77-436. (a) There is hereby established a joint committee on administrative rules and regulations consisting of five senators and seven members of the house of representatives. The five senator members shall be appointed as follows: Three by the committee on organization, calendar and rules and two by the minority leader of the senate. The seven representative members shall be appointed as follows: Four by the speaker of the house of representatives and three by the minority leader of the house of representatives. The committee on organization, calendar and rules shall designate a senator member to be chairperson or vice-chairperson of the joint committee as provided in this section. The speaker of the house of representatives shall designate a representative member to be chairperson or vice-chairperson of the joint committee as provided in this section. The minority leader of the senate shall designate a senator member to be the ranking minority member of the joint committee as provided in this section. The minority leader of the house of representatives shall designate a representative member to be the ranking minority member of the joint committee as provided in this section.

(b) A quorum of the joint committee on administrative rules and regulations shall be seven. All actions of the committee may be taken by a majority of those present when there is a quorum. In odd-numbered years the chairperson and the ranking minority member of the joint committee shall be the designated members of the house of representatives from the convening of the regular session in that year until the convening of the regular session in the next ensuing year. In even-numbered years the chairperson and the ranking minority member of the joint committee shall be the designated members of the senate from the convening of the regular session of that year until the convening of the regular session of the next ensuing year. The vice-chairperson shall exercise all of the powers of the chairperson in the absence of the chairperson.

(c) Except for rules and regulations revoked pursuant to K.S.A. 77-426(d), and amendments thereto, all proposed rules and regulations shall be reviewed by the joint committee on administrative rules and regulations during the public comment period required by K.S.A. 77-421, and amendments thereto. The committee may introduce such legislation as it deems necessary in performing its functions of reviewing administrative rules and regulations.

(d) The committee shall issue a report to the legislature following each meeting making comments and recommendations and indicating concerns about any proposed rule and regulation. Such report shall be made available to each agency that had proposed rules and regulations reviewed at such meeting during the agency's public comment period for such proposed rules and regulations required by K.S.A. 77-421, and amendments thereto. If having a final report completed by the public hearing required by K.S.A. 77-421, and amendments thereto, is impractical, a preliminary report shall be made available to the agency containing the committee's comments. The preliminary report shall be incorporated into the final report and made available to each agency.

(e) Except for rules and regulations revoked pursuant to K.S.A. 77-426(d), and amendments thereto, all rules and regulations filed each year in the office of secretary of state shall be subject to review by the joint committee. The committee may introduce such legislation as it deems necessary in performing its functions of reviewing administrative rules and regulations.

(f) The joint committee shall meet on call of the chairperson as authorized by the legislative coordinating council. All such meetings shall be held in Topeka, unless authorized to be held in a different place by the legislative coordinating council. Members of the joint committee shall receive compensation, travel expenses and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of such committee authorized by the legislative coordinating council.

(g) Amounts paid under authority of this section shall be paid from appropriations for legislative expense and vouchers therefor shall be prepared by the director of legislative administrative services and approved by the chairperson or vice-chairperson of the legislative coordinating council.

Sec. 9. K.S.A. 77-416, 77-420, 77-420a, 77-421, 77-422, 77-426 and 77-436 are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the Kansas register.

Doc. No. 050080

(Published in the Kansas Register April 28, 2022.)

Senate Bill No. 2

AN ACT concerning alcoholic liquor; relating to the Kansas state fair; sales during the state fair; issuance of temporary permits; liquor enforcement tax and liquor drink tax; crediting a portion of such tax moneys collected to the state fair capital improvements fund; relating to the sale and delivery by retail liquor stores of alcohol and cereal malt beverages; increasing the percentage of alcohol by volume in domestic table wine and domestic fortified wine; relating to cereal malt beverage retailer licenses; requiring issuance thereof to a licensed farm winery that satisfies the statutory requirements for such retailer license; permitting farm wineries and producers to hold cereal malt beverage licenses; allowing farm wineries and producers to have alcoholic liquor such as wine on their premises while holding a cereal malt beverage license; removing the good character and reputation requirement for a cereal malt beverage license; providing that applicants for a farm winery or a producer license who are registered as agritourism operators shall be issued the license notwithstanding any zoning or other regulations of any city or county; providing that registered agritourism operators shall be issued a license as a drinking establishment not withstanding any city or county zoning or other regulations; amending K.S.A. 41-102, 41-308, 41-311, 41-501, 41-719, 41-1201, 41-2608, 41-2703, 41-2704, 79-4108 and 79-41a03 and repealing the existing sections.

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

Section 1. On and after January 1, 2023, K.S.A. 41-102 is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) "Alcohol" means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) "Alcoholic candy" means:

(1) For purposes of manufacturing, any candy or other confectionery product with an alcohol content greater than 0.5% alcohol by volume; and

(2) for purposes of sale at retail, any candy or other confectionery product with an alcohol content greater than 1% alcohol by volume.

(c) "Alcoholic liquor" means alcohol, spirits, wine, beer, alcoholic candy and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed by a human being, but shall not include any cereal malt beverage.

(d) "Beer" means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.

(e) "Caterer" means the same as defined by K.S.A. 41-2601, and amendments thereto.

(f) "Cereal malt beverage" means the same as defined by K.S.A. 41-2701, and amendments thereto.

(g) "Club" means the same as defined by K.S.A. 41-2601, and amendments thereto.

(h) "Director" means the director of alcoholic beverage control of the department of revenue.

(i) "Distributor" means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within

(continued)

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%~~ 16%, 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%~~ 16% alcohol by volume and which is manufactured without rectification or fortification in this state.

(m) "Drinking establishment" means the same as defined by K.S.A. 41-2601, and amendments thereto.

(n) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

(o) "Fulfillment house" means any location or facility for any in-state or out-of-state entity that handles logistics, including warehousing, packaging, order fulfillment or shipping services on behalf of the holder of a special order shipping license issued pursuant to K.S.A. 41-350, and amendments thereto.

(p) "Hard cider" means any alcoholic beverage that:

(1) Contains less than 8.5% alcohol by volume;

(2) has a carbonation level that does not exceed 6.4 grams per liter; and

(3) is obtained by the normal alcoholic fermentation of the juice of sound, ripe apples or pears, including such beverages containing sugar added for the purpose of correcting natural deficiencies.

(q) "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.

(r) (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.

(2) "Manufacturer" does not include a microbrewery, microdistillery or a farm winery.

(s) "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer and hard cider.

(t) "Microdistillery" means a facility which produces spirits from any source or substance that is licensed by the director to manufacture, store and sell spirits.

(u) "Minor" means any person under 21 years of age.

(v) "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.

(w) "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

(x) "Person" means any natural person, corporation, partnership, trust or association.

(y) "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.

(z) "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.

(aa) (1) "Retailer" means a person who is licensed under the Kansas liquor control act and sells at retail, or offers for sale at retail, alcoholic liquors or cereal malt beverages.

(2) "Retailer" does not include a microbrewery, microdistillery or a farm winery.

(bb) "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

(cc) "Salesperson" means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or

(2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.

(dd) "Sample" means a serving of alcoholic liquor that contains not more than: (1) One-half ounce of distilled spirits; (2) one ounce of wine; or (3) two ounces of beer or cereal malt beverage. A "sample" of a mixed alcoholic beverage shall contain not more than ½ ounce of distilled spirits.

(ee) "Secretary" means the secretary of revenue.

(ff) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

(gg) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

(hh) "Sleeve" means a package of two or more 50-milliliter or 3.2-fluid-ounce containers of spirits.

(ii) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

(jj) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

(kk) "Temporary permit" means the same as defined by K.S.A. 41-2601, and amendments thereto.

(ll) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies. "Wine" includes hard cider and any other product that is commonly known as a subset of wine.

Sec. 2. K.S.A. 41-308 is hereby amended to read as follows: 41-308.

(a) Except as provided in K.S.A. 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;

(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 *or a county with a corner located within two miles measured along the adjacent county boundary*, for resale by such public venue, club, establishment or caterer; and

(3) sell and deliver cereal malt beverage and beer containing not more than 6% alcohol by volume to the licensed premises of a cereal malt beverage retailer, as defined in K.S.A. 41-2701, and amendments thereto, who is licensed for on-premises consumption, if such cereal malt beverage premises are located in the same county, or an adjacent county to the county where the retailer's premises are located, for resale by such cereal malt beverage retailer.

(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);

(2) charge a delivery fee for delivery of cereal malt beverage and beer containing not more than 6% alcohol by volume to a cereal malt beverage retailer pursuant to subsection (b)(3);

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

(4) 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;

(5) 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;

(6) 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;

(7) 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; and

(8) sell containers of beer, domestic beer and cereal malt beverage that are sold on the licensed premises to consumers and served in refillable and sealable containers for consumption off the licensed premises if such containers:

(A) Contain between 32 and 64 fluid ounces; and

(B) have a label affixed that clearly indicates the licensee's name and the type of alcoholic beverage contained in such container.

(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. 41-311 is hereby amended to read as follows: 41-311.

(a) No license of any kind shall be issued pursuant to the liquor control act to a person:

(1) Who is not a citizen of the United States;

(2) who has been convicted of a felony under the laws of this state, any other state or the United States;

(3) who has had a license revoked for cause under the provisions of the liquor control act, the beer and cereal malt beverage keg registration act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;

(4) who has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;

(5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;

(6) who is not at least 21 years of age;

(7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;

(8) who intends to carry on the business authorized by the license as agent of another;

(9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);

(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, ~~except that such person may be issued a farm winery license pursuant to K.S.A. 41-316, and amendments thereto, or a producer license pursuant to K.S.A. 41-355, and amendments thereto, and a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto,~~ shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not, at the time of application, have a written lease thereon;

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship requirements or age, except that this paragraph shall not apply in determining eligibility for a renewal license or to a person whose spouse is a law enforcement officer;

(13) whose spouse has been convicted of a felony or other crime that would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act;

(14) who does not provide any data or information required by K.S.A. 41-311b, and amendments thereto; or

(15) who, after a hearing before the director, has been found to have held an undisclosed beneficial interest in any license issued pursuant to the liquor control act that was obtained by means of fraud or any false statement made on the application for such license.

(b) No retailer's license shall be issued to:

(1) A person who has a beneficial interest in a manufacturer, distributor, farm winery or microbrewery licensed under this act, except that the spouse of an applicant for a retailer's license may own and hold a farm winery license, microbrewery license, or both, if the spouse does not hold a retailer's license issued under this act;

(2) a person who has a beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license for another retail establishment;

(3) a copartnership, unless all of the copartners are qualified to obtain a license;

(4) a corporation; or

(5) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:

(1) A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship requirements;

(2) a copartnership, unless all of the copartners would be individually eligible to receive a manufacturer's license under this act;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license; or

(4) a person who has a beneficial interest in a distributor, retailer, farm winery or microbrewery licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto.

(d) No distributor's license shall be issued to:

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

(2) a copartnership, unless all of the copartners are eligible to receive a distributor's license;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license; or

(continued)

(4) a person who has a beneficial interest in a manufacturer, retailer, farm winery or microbrewery licensed under this act.

(e) No nonbeverage user's license shall be issued to a corporation, if any officer, manager or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a nonbeverage user's license for any reason other than citizenship and residence requirements.

(f) No microbrewery license, microdistillery license or farm winery license shall be issued to a:

(1) Person who has a beneficial interest in a manufacturer or distributor licensed under this act, except as provided in K.S.A. 41-305, and amendments thereto;

(2) person, copartnership or association that has a beneficial interest in any retailer licensed under this act or under K.S.A. 41-2702, and amendments thereto, except that the spouse of an applicant for a microbrewery or farm winery license may own and hold a retailer's license if the spouse does not hold a microbrewery or farm winery license issued under this act;

(3) copartnership, unless all of the copartners are qualified to obtain a license;

(4) corporation, unless stockholders owning in the aggregate 50% or more of the stock of the corporation would be eligible to receive such license and all other stockholders would be eligible to receive such license except for reason of citizenship or residency; or

(5) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(g) If the applicant is not a Kansas resident, no license shall be issued until the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any other state or the United States;

(2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;

(3) has been convicted of being the keeper or is keeping any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older or has forfeited bond to appear in court to answer charges of being a keeper of any property, whether real or personal, where sexual relations are being sold or offered for sale by a person who is 18 years of age or older;

(4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or

(5) is less than 21 years of age.

Sec. 4. On and after January 1, 2023, K.S.A. 41-501 is hereby amended to read as follows: 41-501. (a) As used in this section and K.S.A. 41-501a, and amendments thereto:

(1) "Gallon" means wine gallon.

(2) "Federal area" means any lands or premises which are located within the exterior boundaries of this state and which are held or acquired by or for the use of the United States or any department, establishment or agency of the United States.

(3) "Malt product" means malt syrup, malt extract, liquid malt or wort.

(b)(1) For the purpose of raising revenue a tax is imposed upon the manufacturing, using, selling, storing or purchasing of alcoholic liquor, cereal malt beverage or malt products in this state or a federal area at a rate of \$.18 per gallon on beer and cereal malt beverage; \$.20 per gallon on all wort or liquid malt; \$.10 per pound on all malt syrup or malt extract; \$.30 per gallon on wine containing ~~14%~~ 16% or less alcohol by volume; \$.75 per gallon on wine containing more than ~~14%~~ 16% alcohol by volume; and \$.25 per gallon on alcohol and spirits.

(2) The tax imposed by this section shall be paid only once and shall be paid by the person in this state or federal area who first manufactures, uses, sells, stores, purchases or receives the alcoholic liquor or cereal malt beverage. The tax shall be collected and paid to the director as provided in this act. If the alcoholic liquor or cereal malt beverage is manufactured and sold in this state or a federal area, the tax shall be paid by the manufacturer, microbrewery, microdistillery or farm winery producing it. If the alcoholic liquor or cereal malt beverage is imported into this state by a distributor for the purpose of sale at wholesale in this state or a federal area, the tax shall be paid by the distributor, and in no event shall such tax be paid by the manufacturer unless the alcoholic liquor or cereal malt beverage is manufactured in this state. If not to exceed one gallon, or metric equivalent, per person of alcoholic liquor has been purchased by a private citizen outside the borders of the United States and is brought into this state by the private citizen in such person's personal possession for such person's own personal use and not for sale or resale, such import is lawful and no tax payment shall be due thereon.

(c) Manufacturers, microbreweries, microdistilleries, farm wineries or distributors at wholesale of alcoholic liquor or cereal malt beverage shall be exempt from the payment of the gallonage tax imposed on alcoholic liquor and cereal malt beverage, upon satisfactory proof, including bills of lading furnished to the director by affidavit or otherwise as the director requires, that the liquor or cereal malt beverage was manufactured in this state but was shipped out of the state for sale and consumption outside the state.

(d) Wines manufactured or imported solely and exclusively for sacramental purposes and uses shall not be subject to the tax provided for by this section.

(e) The tax provided for by this section is not imposed upon:

(1) Any alcohol or wine, whether manufactured in or imported into this state, when sold to a nonbeverage user licensed by the state, for use in the manufacture of any of the following when they are unfit for beverage purposes: Patent and proprietary medicines and medicinal, antiseptic and toilet preparations; flavoring extracts and syrups and food products; scientific, industrial and chemical products; or scientific, chemical, experimental or mechanical purposes; or

(2) the privilege of engaging in any business of interstate commerce or otherwise, which business may not be made the subject of taxation by this state under the constitution and statutes of the United States.

(f) The tax imposed by this section shall be in addition to all other taxes imposed by the state of Kansas or by any municipal corporation or political subdivision thereof.

(g) Retail sales of alcoholic liquor, sales of beer to consumers by microbreweries and sales of wine to consumers by farm wineries shall not be subject to the tax imposed by the Kansas retailers' sales tax act but shall be subject to the enforcement tax provided for in this act.

(h) Notwithstanding any ordinance to the contrary, no city shall impose an occupation or privilege tax on the business of any person, firm or corporation licensed as a manufacturer, distributor, microbrewery, microdistillery, farm winery, retailer or nonbeverage user under this act and doing business within the boundaries of the city except as specifically authorized by K.S.A. 41-310, and amendments thereto.

(i) The director shall collect the taxes imposed by this section and shall account for and remit all moneys collected from the tax 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 the state treasurer shall credit $\frac{1}{10}$ of the moneys collected from taxes imposed upon alcohol and spirits under subsection (b)(1) to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, and shall credit the balance of the moneys collected to the state general fund.

(j) If any alcoholic liquor manufactured in or imported into this state is sold to a licensed manufacturer or distributor of this state to be used solely as an ingredient in the manufacture of any beverage for human consumption, the tax imposed upon the manufacturer or distributor shall be reduced by the amount of the taxes which have been paid under this section as to the alcoholic liquor so used.

(k) The tax provided for by this section is not imposed upon alcohol or wine used by any school or college for scientific, chemical, experimental or mechanical purposes or by hospitals, sanatoria or other institutions caring for the sick. Any school, college, hospital, sanatorium or other institution caring for the sick may import alcohol or wine for scientific, chemical, experimental, mechanical or medicinal purposes by making application to the director for a permit to import it and

receiving such a permit. Application for the permit shall be on a form prescribed and furnished by the director, and a separate permit shall be required for each purchase of alcohol or wine. A fee of \$2 shall accompany each application. All permits shall be issued in triplicate to the applicant and shall be under the seal of the office of the director. Two copies of the permit shall be forwarded by the applicant to the microbrewery, microdistillery, farm winery, manufacturer or distributor from which the alcohol or wine is purchased, and the microbrewery, microdistillery, farm winery, manufacturer or distributor shall return to the office of the director one copy of the permit with its shipping affidavit and invoice. Within 10 days after receipt of any alcohol or wine, the school, college, hospital or sanatorium ordering it shall file a report in the office of the director upon forms furnished by the director, showing the amount of alcohol or wine received, the place where it is to be stored, from whom it was received, the purpose for which it is to be used and such other information as required by the director. Any school, college, hospital, sanatorium or institution caring for the sick, which complies with the provisions of this subsection, shall not be required to have any other license to purchase alcohol or wine from a microbrewery, microdistillery, farm winery, manufacturer or distributor.

Sec. 5. K.S.A. 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 on public streets, alleys, roads, sidewalks or highways when:

(A) A temporary permit has been issued pursuant to K.S.A. 41-1201 or 41-2703, and amendments thereto, ~~or K.S.A. 2020 Supp. 41-1201, and amendments thereto~~, for such an event;

(B) a caterer's licensee has provided the required notification for a catered event pursuant to K.S.A. 41-2643, and amendments thereto; 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 consumption will occur. No alcoholic liquor may be consumed inside vehicles while on public streets, alleys, roads or highways at any time.

(4) No person shall remove any alcoholic liquor from inside the boundaries of an event as designated by the governing body of any city, county or township, from the boundaries of a catered event or from the extended licensed premises of a public venue, hotel, hotel caterer, drinking establishment caterer or drinking establishment. 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.

(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. ~~2020 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 indi-

vidual 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 41-354, ~~and amendments thereto or K.S.A. 2020 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. ~~2020 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, *within boundaries that have been marked with a three-dimensional barrier*, 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 that 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. 41-2703, and amendments thereto, or K.S.A. 2020 Supp. 41-1201, and amendments thereto, authorizing the sale and serving of such wine or beer, or both, or as authorized by the Kansas state fair board, by the holder of a temporary permit in accordance with the provisions of K.S.A. 41-1201(g), and amendments thereto~~; 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. ~~2020 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 al-

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coholic 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 that~~ 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.

(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, "common consumption area" ~~has means the same meaning as that term is defined in K.S.A. 41-2659, and amendments thereto.~~

Sec. 6. K.S.A. 41-1201 is hereby amended to read as follows: 41-1201. (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) (1) 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.

(2) ~~No city, county or township shall charge more than a \$25 non-refundable fee for each day for which the permit is issued.~~

(e) Each application for a temporary permit shall specify the premises for which ~~they are~~ such permit is 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.

(f) (1) (A) 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)~~ (i) 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)~~ (ii) a written request for such consumption and possession of such alcoholic liquor has been made to the local governing body; and ~~(C)~~ (iii) the event has been approved by the governing body of such city, county or township by ordinance or resolution.

(B) The boundaries of any such event shall be clearly marked by signs, a posted map or other means ~~which that~~ 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.

(g) (1) *A temporary permit may be issued for the sale of wine, beer or other alcoholic liquor on the Kansas state fairgrounds during the days of the Kansas state fair, or as authorized by the Kansas state fair board, if the Kansas state fair board has authorized such consumption and possession of such wine, beer or other alcoholic liquor. Each application for such temporary permit shall specify the premises within the fairgrounds for which the permit is issued, including a diagram of the premises covered by the temporary permit. Such diagram shall match the entirety of the premises as leased from the Kansas state fair board. The boundaries of the Kansas state fairgrounds shall be clearly marked by signs, a posted map or other means that reasonably identify the area in which wine, beer or other alcoholic liquor, may be possessed or consumed at the state fair.*

(2) *Each temporary permit holder selling wine, beer or other alcoholic liquor for consumption on the premises of the Kansas state fairgrounds that is covered by such temporary permit shall be liable for all violations of laws governing the sale and consumption of such alcoholic liquor that occur on such temporary premises.*

(3) *Any temporary permit holder who has received a temporary permit for the sale of wine, beer or other alcoholic liquor on the Kansas state fairgrounds may allow such wine, beer or other alcoholic liquor to be removed from the temporary permit premises and onto the Kansas state fairgrounds.*

(h) (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,~~ other alcoholic liquor 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,~~ other alcoholic liquor 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.

~~(h)~~(i) An application for a temporary permit may be rejected by the director if:

(1) The applicant has been granted ~~four~~ 12 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; ~~or~~

(6) *the applicant has not remitted all liquor drink taxes due from a previous temporary permit.*

~~(i)~~(j) (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.

~~(j)~~(k) A temporary permit shall not be transferable or assignable.

~~(k)~~(l) Each temporary permit holder shall not employ or use the services of any person:

(1) Who is under the age of 18 years of age to serve alcoholic liquor;

(2) who is under the age of 21 years of age to mix or dispense drinks containing alcoholic liquor;

(3) who is under the age of 21 years of age 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.

Sec. 7. K.S.A. 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 that 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 or cereal malt beverage 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 or cereal malt beverage may be sold or consumed on the street, alley, road, sidewalk or highway.

(d) Notwithstanding the provisions of this section, a license under this act shall be issued to a farm winery or producer licensee who meets the requirements for a license under this act and who is a registered agritourism operator as defined in K.S.A. 32-1432, and amendments thereto. Such license shall not be denied on the basis of any zoning regulation or other regulation, ordinance or resolution of any city or county.

Sec. 8. K.S.A. 41-2703 is hereby amended to read as follows: 41-2703.

(a) After examination of an application for a retailer's license, the board of county commissioners or the director shall, if they approve the same, issue a license to the applicant. The governing body of the city shall, if the applicant is qualified as provided by law, issue a license to such applicant.

(b) No retailer's license shall be issued to:

~~(1) A person who is not of good character and reputation in the community in which the person resides.~~

~~(2) A person who is not a citizen of the United States;~~

~~(3)(2) a person who, within two years immediately preceding the date of application approval, has been convicted of, released from incarceration for or released from probation or parole for a felony or any crime involving moral turpitude, drunkenness, driving a motor vehicle while under the influence of intoxicating liquor or violation of any other intoxicating liquor law of any state or of the United States;~~

~~(4)(3) a partnership, unless all the members of the partnership are otherwise qualified to obtain a license;~~

~~(5)(4) a corporation, if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, would be ineligible to receive a license hereunder for any reason other than the citizenship requirements;~~

~~(6)(5) a person whose place of business is conducted by a manager or agent unless the manager or agent possesses all the qualifications of a licensee;~~

~~(7)(6) a person whose spouse would be ineligible to receive a retailer's license for any reason other than citizenship requirements or age, except that this paragraph shall not apply in determining eligibility for a renewal license; and~~

~~(8)(7) a person whose spouse has been convicted of a felony or other crime that would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act.~~

(c) After examination of an application for a retailer's license, the board of county commissioners or the governing body of a city may deny a license to a person, partnership or corporation if any manager, officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of such corporation, has been an officer, manager, director or a stockholder owning in the aggregate more than 25% of the stock, of a corporation that has:

(1) Had a retailer's license revoked under K.S.A. 41-2708, and amendments thereto; or

(2) been convicted of a violation of the club and drinking establishment act or the cereal malt beverage laws of this state.

(d) Notwithstanding any generally applicable grant of discretion that may be provided pursuant to subsection (a), if an applicant has been issued a farm winery license pursuant to K.S.A. 41-316, and amendments thereto, or a producer's license pursuant to K.S.A. 41-355, and amendments thereto, an application for a retailers' license shall be approved by the board of county commissioners, the governing body of the city or the director, subject to the requirements of subsections (b) and (c).

(e) Retailers' licenses shall be issued either on an annual basis or for the calendar year. If such licenses are issued on an annual basis, the board of county commissioners or the governing body of the city shall notify the distributors supplying the county or city on or before April 1 of the year if a retailer's license is not renewed.

(f) In addition to, and consistent with the requirements of K.S.A. 41-2701 et seq., and amendments thereto, the board of county commissioners of any county or the governing body of any city may provide by resolution or ordinance for the issuance of a special event retailers' permit that shall allow the permit holder to offer for sale, sell and serve

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cereal malt beverage for consumption on unpermitted premises, that may be open to the public, subject to the following:

(1) A special event retailers' permit shall specify the premises for which the permit is issued;

(2) a special event retailers' permit shall be issued for the duration of the special event, the dates and hours of which shall be specified in the permit;

(3) not more than four special event retailers' permits may be issued to any one applicant in a calendar year; and

(4) a special event retailers' permit shall not be transferable or assignable.

(g) A special event retailers' permit holder shall not be subject to the provisions of the beer and cereal malt beverage keg registration act, K.S.A. 41-2901 et seq., and amendments thereto.

Sec. 9. K.S.A. 41-2704 is hereby amended to read as follows: 41-2704. (a) In addition to and consistent with the requirements of the Kansas cereal malt beverage act, the board of county commissioners of any county or the governing body of any city may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary and health conditions of places licensed pursuant to this act and may establish zones within which no such place may be located.

(b) Within any city where the days of sale at retail of cereal malt beverage in the original package have not been expanded as provided by K.S.A. 41-2911, and amendments thereto, or have been so expanded and subsequently restricted as provided by K.S.A. 41-2911, and amendments thereto, no cereal malt beverages or beer containing not more than 6% alcohol by volume may be sold:

(1) Between the hours of 12 midnight and 6 a.m.; or

(2) on Sunday, except in a place of business which is licensed to sell cereal malt beverage for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises and which is located in a county where such sales on Sunday have been authorized by resolution of the board of county commissioners of the county or in a city where such sales on Sunday have been authorized by ordinance of the governing body of the city.

(c) Within any city where the days of sale at retail of cereal malt beverage in the original package have been expanded as provided by K.S.A. 41-2911, and amendments thereto, and have not been subsequently restricted as provided in K.S.A. 41-2911, and amendments thereto, no person shall sell at retail cereal malt beverage or beer containing not more than 6% alcohol by volume:

(1) Between the hours of 12 midnight and 6 a.m.;

(2) in the original package not earlier than 9 a.m. and not later than 8 p.m. on Sunday;

(3) on Easter Sunday; or

(4) for consumption on the licensed premises on Sunday, except in a place of business which is licensed to sell cereal malt beverage for consumption on the premises, which derives not less than 30% of its gross receipts from the sale of food for consumption on the licensed premises and which is located in a county where such sales on Sunday have been authorized by resolution of the board of county commissioners of the county or in a city where such sales on Sunday have been authorized by ordinance of the governing body of the city.

(d) No private rooms or closed booths shall be operated in a place of business, but this provision shall not apply if the licensed premises also are licensed as a club pursuant to the club and drinking establishment act.

(e) Each place of business shall be open to the public and to law enforcement officers at all times during business hours, except that a premises licensed as a club pursuant to the club and drinking establishment act shall be open to law enforcement officers and not to the public.

(f) Except as otherwise provided by this subsection, no licensee shall permit a person under the legal age for consumption of cereal malt beverage or beer containing not more than 6% alcohol by volume to consume or purchase any cereal malt beverage in or about a place of business. A licensee's employee who is not less than 18 years of age may dispense or sell cereal malt beverage or beer containing not more than 6% alcohol by volume, if:

(1) The licensee's place of business is licensed only to sell at retail cereal malt beverage or beer containing not more than 6% alcohol by volume in the original package and not for consumption on the premises; or

(2) the licensee's place of business is a licensed food service establishment, as defined by K.S.A. 36-501, and amendments thereto, and not less than 50% of the gross receipts from the licensee's place of business is derived from the sale of food for consumption on the premises of the licensed place of business.

(g) No person shall have any alcoholic liquor, except beer containing not more than 6% alcohol by volume, in such person's possession while in a place of business, unless the premises are currently licensed as a club or drinking establishment pursuant to the club and drinking establishment act or the business is a farm winery licensed pursuant to K.S.A. 41-316, and amendments thereto, or a producer licensed pursuant to K.S.A. 41-355, and amendments thereto.

(h) Malt beverages may be sold on premises that are licensed pursuant to both the Kansas cereal malt beverage act and the club and drinking establishment act at any time when alcoholic liquor is allowed by law to be served on the premises.

Sec. 10. K.S.A. 79-4108 is hereby amended to read as follows: 79-4108. (a) All revenue collected or received by the director of taxation from taxes imposed by K.S.A. 79-4101 through 79-4105, 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, except as provided for in subsection (b), the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. The state treasurer shall transfer any moneys remaining in the county and city alcoholic liquor control enforcement fund on the effective date of this act to the state general fund.

(b) For each remittance of the taxes collected upon the gross receipts derived from the sale of alcoholic liquor to consumers while on the Kansas state fairgrounds, 30% shall be credited to the state general fund, and the remainder shall be credited to the state fair capital improvements fund established pursuant to K.S.A. 2-223, and amendments thereto. The provisions of this subsection shall expire and have no effect if the state fair is located outside the city limits of the city of Hutchinson, Kansas.

Sec. 11. K.S.A. 79-41a03 is hereby amended to read as follows: 79-41a03. (a) The tax levied and collected pursuant to K.S.A. 79-41a02, and amendments thereto, shall become due and payable by the club, caterer, drinking establishment, public venue or temporary permit holder monthly, or on or before the 25th day of the month immediately succeeding the month in which it is collected, but any club, caterer, drinking establishment, public venue or temporary permit holder filing an annual or quarterly return under the Kansas retailers' sales tax act, as prescribed in K.S.A. 79-3607, and amendments thereto, shall, upon such conditions as the secretary of revenue may prescribe, pay the tax required by this act on the same basis and at the same time the club, caterer, drinking establishment, public venue or temporary permit holder pays such retailers' sales tax. Each club, caterer, drinking establishment, public venue or temporary permit holder shall make a true report to the department of revenue, on a form prescribed by the secretary of revenue, providing such information as may be necessary to determine the amounts to which any such tax shall apply for all gross receipts derived from the sale of alcoholic liquor by the club, caterer, drinking establishment, public venue or temporary permit holder for the applicable month or months, which report shall be accompanied by the tax disclosed thereby. Records of gross receipts derived from the sale of alcoholic liquor shall be kept separate and apart from the records of other retail sales made by a club, caterer, drinking establishment, public venue or temporary permit holder in order to facilitate the examination of books and records as provided herein.

(b) The secretary of revenue or the secretary's authorized representative shall have the right at all reasonable times during business hours to make such examination and inspection of the books and records of a club, caterer, drinking establishment, public venue or temporary permit holder as may be necessary to determine the accuracy of such reports required hereunder.

(c) The secretary of revenue is hereby authorized to administer and collect the tax imposed hereunder and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement of the collection thereof. Whenever any club, caterer, drinking establishment, public venue or temporary permit holder liable to pay the tax imposed hereunder refuses or neglects to pay the same, the amount, including any penalty, shall be collected in the manner prescribed for the collection of the retailers' sales tax by K.S.A. 79-3617, and amendments thereto.

(d) (1) The secretary of revenue shall remit all revenue collected under the provisions of this act to the state treasurer in accordance with

the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury.

(2) *Except as provided for in paragraph (3) and subject to the maintenance requirements of the local alcoholic liquor refund fund created under K.S.A. 79-41a09, and amendments thereto, 25% of the remittance shall be credited to the state general fund, 5% shall be credited to the community alcoholism and intoxication programs fund created by K.S.A. 41-1126, and amendments thereto, and the balance shall be credited to the local alcoholic liquor fund created by K.S.A. 79-41a04, and amendments thereto.*

(3) *For each remittance of the taxes collected upon the gross receipts derived from the sale of alcoholic liquor by any temporary permit holder to consumers while on the Kansas state fairgrounds, 30% shall be credited to the state general fund, and the remainder shall be credited to the state fair capital improvements fund established pursuant to K.S.A. 2-223, and amendments thereto. The provisions of this subsection shall expire and have no effect if the state fair is located outside the city limits of the city of Hutchinson, Kansas.*

(e) Whenever, in the judgment of the secretary of revenue, it is necessary, in order to secure the collection of any tax, penalties or interest due, or to become due, under the provisions of this act, the secretary may require any person subject to such tax to file a bond with the director of taxation under conditions established by and in such form and amount as prescribed by rules and regulations adopted by the secretary.

(f) The amount of tax imposed by this act shall be assessed within three years after the return is filed, and no proceedings in court for the collection of such taxes shall be begun after the expiration of such period except in the cases of fraud. In the case of a false or fraudulent return with intent to evade tax, the tax may be assessed or a proceeding in court for collection of such tax may be begun at any time, within two years from the discovery of such fraud. No refund or credit shall be allowed by the director after three years from the date of payment of the tax as provided in this act unless before the expiration of such period a claim therefor is filed by the taxpayer, and no suit or action to recover on any claim for refund shall be commenced until after the expiration of six months from the date of filing a claim therefor with the director. Before the expiration of time prescribed in this section for the assessment of additional tax or the filing of a claim for refund, the director is hereby authorized to enter into an agreement in writing with the taxpayer consenting to the extension of the periods of limitations for the assessment of tax or for the filing of a claim for refund, at any time prior to the expiration of the periods of limitations. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

Sec. 12. K.S.A. 41-308, 41-311, 41-719, 41-1201, 41-2608, 41-2703, 41-2704, 79-4108 and 79-41a03 are hereby repealed.

Sec. 13. On and after January 1, 2023, K.S.A. 41-102 and 41-501 are hereby repealed.

Sec. 14. This act shall take effect and be in force from and after its publication in the Kansas register.

Doc. No. 050081

(Published in the Kansas Register April 28, 2022.)

Senate Bill No. 200

AN ACT concerning the state board of pharmacy; expanding the pharmacist's scope of practice to include initiation of therapy for certain health conditions; authorizing the collaborative drug therapy management advisory committee to adopt a statewide protocol for such therapy; adding to the list of persons who may receive prescription monitoring program data; providing requirements for data security and user and delegate access; increasing the number of members of the prescription monitoring program advisory committee; amending K.S.A. 65-1626a, 65-1682, 65-1683, 65-1685, 65-1687 and 65-1689 and repealing the existing sections.

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

New Section 1. (a) A pharmacist may initiate therapy within the framework of a statewide protocol for the following health conditions:

- (1) Influenza;
- (2) streptococcal pharyngitis; or

- (3) urinary tract infection.
- (b) The collaborative drug therapy management advisory committee established pursuant to K.S.A. 65-1677, and amendments thereto, may adopt a statewide protocol for each condition listed in subsection (a). In establishing such statewide protocols, the committee shall specify:
 - (1) The medications or categories of medications included in the protocol for each health condition;
 - (2) the training or qualifications required for pharmacists to implement the protocols;
 - (3) requirements for documentation and maintenance of records, including patient inclusion and exclusion criteria, medical referral criteria, patient assessment tools based on current clinical guidelines, follow-up monitoring or care plans and the pharmacist's adherence to the applicable protocols; and
 - (4) communication requirements, including, but not limited to, notification to the patient's personal or primary care provider.
- (c) The board may deny an application or renewal or revoke or suspend the license of a pharmacist upon a finding that the pharmacist has violated the provisions of this section or failed to practice within the framework of statewide protocols established pursuant to this section by the collaborative drug therapy management advisory committee.
- (d) This section shall take effect and be in force on and after July 1, 2022.

Sec. 2. On and after July 1, 2022, K.S.A. 65-1626a is hereby amended to read as follows: 65-1626a. (a) For the purpose of the pharmacy act of the state of Kansas, the following ~~persons~~ *individuals* shall be deemed to be engaged in the practice of pharmacy:

- (1) ~~Persons~~ *Individuals* who publicly profess to be a pharmacist, or publicly profess to assume the duties incident to being a pharmacist and their knowledge of drugs or drug actions, or both; and
- (2) ~~persons~~ *individuals* who attach to their name any words or abbreviation indicating that they are a pharmacist licensed to practice pharmacy in Kansas.
 - (b) *As used in this section:*
 - (1) "Practice of pharmacy" means:
 - (A) The interpretation and evaluation of prescription orders;
 - (B) the compounding, dispensing and labeling of drugs and devices pursuant to prescription orders;
 - (C) the administering of vaccine pursuant to a vaccination protocol;
 - (D) the participation in drug selection according to state law and participation in drug utilization reviews;
 - (E) the proper and safe storage of prescription drugs and prescription devices and the maintenance of proper records thereof in accordance with law;
 - (F) consultation with patients and other health care practitioners about the safe and effective use of prescription drugs and prescription devices;
 - (G) performance of collaborative drug therapy management pursuant to a written collaborative practice agreement with one or more physicians who have an established physician-patient relationship; ~~and~~
 - (H) participation in the offering or performing of those acts, services, operations or transactions necessary in the conduct, operation, management and control of a pharmacy; ~~and~~
 - (I) *initiation of therapy for the conditions specified in section 1, and amendments thereto.*

~~Nothing in this section shall be construed to add any additional requirements for registration or for a permit under the pharmacy act of the state of Kansas or for approval under subsection (g) of K.S.A. 65-1643; and amendments thereto, or to prevent persons other than pharmacists from engaging in drug utilization review, or to require persons lawfully in possession of prescription drugs or prescription devices to meet any storage or record keeping requirements except such storage and record keeping requirements as may be otherwise provided by law or to affect any person consulting with a health care practitioner about the safe and effective use of prescription drugs or prescription devices.~~

- (2) "Collaborative drug therapy management" means a practice of pharmacy where a pharmacist performs certain pharmaceutical-related patient care functions for a specific patient which have been delegated to the pharmacist by a physician through a collaborative practice agreement. A physician who enters into a collaborative practice agreement is responsible for the care of the patient following initial diagnosis and assessment and for the direction and supervision of the pharmacist throughout the collaborative drug therapy management process. Nothing in this subsection shall be construed to permit a pharmacist to alter a physician's or

(continued)

ders or directions, diagnose or treat any disease, independently prescribe drugs or independently practice medicine and surgery.

(3) "Collaborative practice agreement" means a written agreement or protocol between one or more pharmacists and one or more physicians that provides for collaborative drug therapy management. Such collaborative practice agreement shall contain certain specified conditions or limitations pursuant to the collaborating physician's order, standing order, delegation or protocol. A collaborative practice agreement shall be: (A) Consistent with the normal and customary specialty, competence and lawful practice of the physician; and (B) appropriate to the pharmacist's training and experience.

(4) "Physician" means a person licensed to practice medicine and surgery in this state.

(c) *Nothing in this section shall be construed to:*

(1) *Add any additional requirements for registration or for a permit under the pharmacy act of the state of Kansas or for approval under K.S.A. 65-1643(g), and amendments thereto;*

(2) *prevent persons other than pharmacists from engaging in drug utilization review;*

(3) *require persons lawfully in possession of prescription drugs or prescription devices to meet any storage or record keeping requirements except such storage and record keeping requirements as may be otherwise provided by law; or*

(4) *affect any person consulting with a healthcare practitioner about the safe and effective use of prescription drugs or prescription devices.*

Sec. 3. K.S.A. 65-1682 is hereby amended to read as follows: 65-1682. As used in this act, unless the context otherwise requires:

(a) "Audit trail information" means information produced regarding requests for prescription monitoring program data that the board and advisory committee use to monitor compliance with this act.

(b) "Board" means the state board of pharmacy.

(c) "Delegate" means:

(1) *A registered nurse, licensed practical nurse, respiratory therapist, emergency medical responder, paramedic, dental hygienist, pharmacy technician or pharmacy intern who has registered for access to the program database as an agent of a practitioner or pharmacist to request program data on behalf of the practitioner or pharmacist;*

(2) *a death investigator who has registered for limited access to the program database as an agent of a medical examiner, coroner or another person authorized under law to investigate or determine causes of death; or*

(3) *an individual authorized to access the program database by the board in rules and regulations.*

(b)(d) "Dispenser" means a practitioner, pharmacy or pharmacist who delivers a scheduled substance or drug of concern to an ultimate user, but does not include:

(1) *A licensed hospital pharmacy that distributes such substances for the purpose of inpatient hospital care;*

(2) *a medical care facility as defined in K.S.A. 65-425, and amendments thereto, practitioner or other authorized person who administers such a substance;*

(3) *a registered wholesale distributor of such substances;*

(4) *a veterinarian licensed by the Kansas board of veterinary examiners who dispenses or prescribes a scheduled substance or drug of concern; or*

(5) *a practitioner who has been exempted from the reporting requirements of this act in rules and regulations promulgated by the board.*

(e)(e) "Drug of concern" means any drug that demonstrates a potential for abuse and is designated as a drug of concern in rules and regulations promulgated by the board.

(d)(f) "Patient" means the ~~person~~ *individual* who is the ultimate user of a drug for whom a prescription is issued or for whom a drug is dispensed, ~~or both.~~

(e)(g) "Pharmacist" means an individual currently licensed by the board to practice the profession of pharmacy in this state.

(h) "Pharmacy" means *a premises, laboratory, area or other place currently registered with the board where scheduled substances or drugs of concern are offered for sale or dispensed in this state.*

(f)(i) "Practitioner" means ~~a person~~ *an individual* licensed to practice medicine and surgery, dentist, podiatrist, optometrist or other ~~person~~ *individual* authorized by law to prescribe or dispense scheduled substances and drugs of concern.

(g)(j) "Program" means *the prescription monitoring program.*

(k) "Scheduled substance" means controlled substances included in schedules II, III or IV of the schedules designated in K.S.A. 65-4107,

65-4109 and 65-4111, and amendments thereto, respectively, or the federal controlled substances act (21 U.S.C. § 812).

Sec. 4. K.S.A. 65-1683 is hereby amended to read as follows: 65-1683. (a) The board shall establish and maintain a prescription monitoring program for the monitoring of scheduled substances and drugs of concern dispensed in this state or dispensed to an address in this state.

(b) Each dispenser shall submit to the board by electronic means information required by the board regarding each prescription dispensed for a substance included under subsection (a). The board shall promulgate rules and regulations specifying the nationally recognized telecommunications format to be used for submission of information that each dispenser shall submit to the board. Such information may include, but not be limited to:

- (1) The dispenser identification number;
- (2) the date the prescription is filled;
- (3) the prescription number;
- (4) whether the prescription is new or is a refill;
- (5) the national drug code for the drug dispensed;
- (6) the quantity dispensed;
- (7) the number of days' supply of the drug;
- (8) the patient identification number;
- (9) the patient's name;
- (10) the patient's address;
- (11) the patient's date of birth;
- (12) the prescriber identification number;
- (13) the date the prescription was issued by the prescriber; ~~and~~
- (14) the source of payment for the prescription;
- (15) *the diagnosis code;*
- (16) *the patient's species code; and*
- (17) *the date the prescription was sold.*

(c) The board shall promulgate rules and regulations specifying the transmission methods and frequency of the dispenser submissions required under subsection (b).

(d) ~~The board may issue a waiver to a dispenser that is unable to submit prescription information by electronic means. Such waiver may permit the dispenser to submit prescription information by paper form or other means, provided that all information required by rules and regulations is submitted in this alternative format. The board may, in consultation with the advisory committee, enable features and include additional information to enhance the program database. Such information may include, but not be limited to:~~

- (1) *The date or fact of death;*
- (2) *the dispensation or administration of emergency opioid antagonists, as defined by K.S.A. 65-16,127, and amendments thereto; and*
- (3) *the data related to an overdose event.*

(e) The board is hereby authorized to apply for and to accept grants and may accept any donation, gift or bequest made to the board for furthering any phase of the prescription monitoring program.

(f) The board shall remit all moneys received by it under subsection (e) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the non-federal gifts and grants 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 president of the board or a person designated by the president.

Sec. 5. K.S.A. 65-1685 is hereby amended to read as follows: 65-1685. (a) ~~The prescription monitoring program database, all information contained therein and any records maintained by the board, or by any entity contracting with the board, submitted to, maintained or stored as a part of the database, including audit trail information, shall be privileged and confidential, shall not be subject to subpoena or discovery in civil proceedings and may only be used for investigatory or evidentiary purposes related to violations of state or federal law and regulatory activities of entities charged with administrative oversight of those persons individuals engaged in the prescribing or dispensing of scheduled substances and drugs of concern, shall not be a public record and shall not be subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto, except as provided in subsections (c) and (d).~~

(b) The board shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted and maintained is not disclosed to ~~persons individuals~~ except as provided in subsections (c) and (d).

(c) The board is hereby authorized to provide data in the ~~prescription monitoring~~ program to the following ~~persons~~ individuals:

(1) ~~Persons~~ Individuals authorized to prescribe or dispense scheduled substances and drugs of concern, for the purpose of providing medical or pharmaceutical care for their patients;

(2) an individual who requests the individual's own prescription monitoring information in accordance with procedures established by the board;

(3) designated representatives from the professional licensing, certification or regulatory agencies charged with administrative oversight of those ~~persons~~ individuals engaged in the prescribing or dispensing of scheduled substances and drugs of concern;

(4) local, state and federal law enforcement or prosecutorial officials engaged in the administration, investigation or enforcement of the laws governing scheduled substances and drugs of concern subject to the requirements in K.S.A. 22-2502, and amendments thereto;

(5) designated representatives from the department of health and environment regarding authorized medicaid program recipients *or practitioners*;

(6) ~~persons~~ individuals authorized by a grand jury subpoena, inquisition subpoena or court order in a criminal action;

(7) personnel of the prescription monitoring program advisory committee for the purpose of operation of the program;

(8) personnel of the board for purposes of *operation of the program and administration and enforcement of this act or the uniform controlled substances act, K.S.A. 65-4101 et seq., and amendments thereto*;

(9) ~~persons~~ individuals authorized to prescribe or dispense scheduled substances and drugs of concern, when an individual is obtaining prescriptions in a manner that appears to be misuse, abuse or diversion of scheduled substances or drugs of concern; ~~and~~

(10) medical examiners, coroners or other ~~persons~~ individuals authorized under law to investigate or determine causes of death;

(11) *persons operating a practitioner or pharmacist impaired provider program in accordance with K.S.A. 65-4924, and amendments thereto, for the purpose of reviewing drugs dispensed to a practitioner or pharmacist enrolled in the program*;

(12) *delegates of individuals authorized by paragraphs (1), (9) and (10)*;

(13) *individuals or organizations notified by the advisory committee as provided in subsection (g)*;

(14) *practitioners or pharmacists conducting research approved by an institutional review board who have obtained patient consent for the release of program data*; and

(15) *an overdose fatality review board established by the state of Kansas.*

(d) An individual registered for access to the program database shall notify the board in writing within 30 calendar days of any action that would disqualify the individual from being authorized to receive program data as provided in subsection (c).

(e) The state board of healing arts, board of nursing, Kansas dental board and board of examiners in optometry shall notify the board in writing within 30 calendar days of any denial, suspension, revocation or other administrative limitation of a practitioner's license or registration that would disqualify the practitioner from being authorized to receive program data as provided in subsection (c).

(f) A practitioner or pharmacist shall notify the board in writing within 30 calendar days of any action that would disqualify a delegate from being authorized to receive program data on behalf of the practitioner or pharmacist.

(g) The prescription monitoring program advisory committee established pursuant to K.S.A. 65-1689, and amendments thereto, is authorized to review and analyze the program data for purposes of identifying patterns and activity of concern.

(1) If a review of information appears to indicate a ~~person~~ an individual may be obtaining prescriptions in a manner that may represent misuse or abuse of ~~controlled~~ scheduled substances and drugs of concern, the advisory committee is authorized to notify the prescribers and dispensers who prescribed or dispensed the prescriptions. *If the review does not identify a recent prescriber as a point of contact for potential clinical intervention, the advisory committee is authorized to notify the disability and behavioral health services section of the Kansas department for aging and disability services for the purpose of offering confidential treatment services. Further disclosure of information is prohibited.* If the review identifies patterns or other evidence sufficient to create a reasonable suspicion of criminal activity, the advisory committee is authorized to notify the appropriate law enforcement agency.

(2) If a review of information appears to indicate that a violation of state or federal law relating to prescribing ~~controlled~~ scheduled substances and drugs of concern may have occurred, or that a prescriber or dispenser has knowingly prescribed, dispensed or obtained ~~controlled~~

scheduled substances and drugs of concern in a manner that is inconsistent with recognized standards of care for the profession, the advisory committee shall determine whether a report to the professional licensing, certification or regulatory agencies charged with administrative oversight of those ~~persons~~ individuals engaged in prescribing or dispensing of ~~controlled~~ scheduled substances and drugs of concern or to the appropriate law enforcement agency is warranted.

(A) For purposes of such determination the advisory committee may, in consultation with the appropriate regulatory agencies and professional organizations, establish criteria regarding appropriate standards and utilize volunteer peer review committees of professionals with expertise in the particular practice to create such standards and review individual cases.

(B) The peer review committee or committees appointed herein shall have authority to request and receive information in the ~~prescription monitoring~~ program database from the director of the ~~prescription monitoring~~ program.

(C) If the determination is made that a referral to a regulatory or law enforcement agency is not warranted but educational or professional advising might be appropriate, the advisory committee may refer the prescribers or dispensers to other such resources.

(3) *If a review of information appears to indicate that program data has been accessed or used in violation of state or federal law, the advisory committee shall determine whether a report to the professional licensing, certification or regulatory agencies charged with administrative oversight of those individuals engaged in prescribing or dispensing of scheduled substances and drugs of concern is warranted and may make such report.*

(e) The board is hereby authorized to provide ~~data in the prescription monitoring~~ program data to public or private entities for statistical, research or educational purposes after removing information that could be used to identify individual practitioners, dispensers, patients or ~~persons~~ individuals who received prescriptions from dispensers.

(f) *The board is hereby authorized to provide a medical care facility with its program data for statistical, research or education purposes after removing information that could be used to identify individual practitioners or individuals who received prescriptions from dispensers.*

(g) *The board may, in its discretion, block any user's access to the program database if the board has reason to believe that access to the data is or may be used by such user in violation of state or federal law.*

Sec. 6. K.S.A. 65-1687 is hereby amended to read as follows: 65-1687. (a) All information collected for the prescription monitoring program database and any records maintained by the board, or by any entity contracting with the board, submitted to, maintained or stored as a part of the database, shall be retained for five years. ~~Such information and records shall then be destroyed unless a law enforcement entity or an entity charged with administrative oversight of those persons engaged in the prescribing or dispensing of scheduled substances and drugs of concern has submitted a written request to the board for retention of specific information or records in accordance with procedures adopted by the board~~

(b) *Program data shall not be stored outside of the program database, with the following exceptions:*

(1) *Temporary storage necessary to deliver program data to electronic health records or pharmacy management systems approved by the board;*

(2) *retention of specific information or records related to an investigation or proceeding under administrative or criminal law;*

(3) *program data provided under K.S.A. 65-1685(e), and amendments thereto; or*

(4) *board retention of information for purposes of operation of the program and administration and enforcement of this act or the uniform controlled substances act, K.S.A. 65-4101 et seq., and amendments thereto.*

Sec. 7. K.S.A. 65-1689 is hereby amended to read as follows: 65-1689. (a) There is hereby created the ~~prescription monitoring~~ program advisory committee which, subject to the oversight of the board, shall be responsible for the operation of the ~~prescription monitoring~~ program. The advisory committee shall consist of at least ~~nine~~ 10 members appointed by the board as follows:

(1) Two licensed physicians, one nominated by the Kansas medical society and one nominated by the Kansas association of osteopathic medicine;

(2) two licensed pharmacists nominated by the Kansas pharmacists association;

(3) one person representing the Kansas bureau of investigation nominated by the attorney general;

(continued)

(4) one person representing the university of Kansas school of medicine nominated by the dean of such school;

(5) one person representing the university of Kansas school of pharmacy nominated by the dean of such school;

(6) one licensed dentist nominated by the Kansas dental association; ~~and~~

(7) one person representing the Kansas hospital association nominated by such association;

(8) *one licensed advanced practice provider nominated by either the board of nursing or the state board of healing arts; and*

(9) the board may also appoint other persons authorized to prescribe or dispense scheduled substances and drugs of concern, recognized experts and representatives from law enforcement.

(b) The appointments to the advisory committee shall be for terms of three years.

(c) The advisory committee shall elect a chairperson from among its members who shall serve a one-year term. The chairperson may serve consecutive terms.

(d) The advisory committee, in accordance with K.S.A. 75-4319, and amendments thereto, may recess for a closed or executive meeting when it is considering matters relating to identifiable patients or providers.

(e) Upon the expiration of the term of office of any member of the advisory committee on or after the effective date of this act, and in any case of a vacancy existing on or after the effective date of this act, a successor shall be appointed by the board pursuant to this section.

(f) All members of the advisory committee shall serve without compensation.

Sec. 8. K.S.A. 65-1682, 65-1683, 65-1685, 65-1687 and 65-1689 are hereby repealed.

Sec. 9. On and after July 1, 2022, K.S.A. 65-1626a is hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the Kansas register.

Doc. No. 050082

(Published in the Kansas Register April 28, 2022.)

Senate Bill No. 343

AN ACT concerning persons with disabilities; preserving families that include a parent who is blind; providing for certain considerations relating to cases involving legal custody, residency, parenting time, children in need of care, adoption, foster care and guardianship; relating to statutory terminology; updating the term "hearing impairment" to "hard of hearing" and other related terms concerning persons with hearing loss; amending K.S.A. 19-2698, 36-517, 39-1107, 65-3276, 65-6511, 72-3253, 72-3404, 75-3740, 75-5391, 75-5399 and 76-1001b and K.S.A. 2021 Supp. 50-676 and repealing the existing sections.

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

New Section 1. (a) The purpose of sections 1 through 3, and amendments thereto, is to protect the best interests of children parented by blind individuals or children who could be parented by blind individuals through the establishment of procedural safeguards that require adherence to the federal Americans with disabilities act of 1990, and respect for the due process and equal protection rights of parents and prospective parents who are blind in the context of child welfare, foster care, family law and adoption.

(b) The legislature hereby finds and declares that:

(1) Blind individuals continue to face unfair, preconceived and unnecessary societal biases as well as antiquated attitudes regarding such individuals' ability to successfully parent their children;

(2) blind individuals face these biases and preconceived attitudes in family and dependency law proceedings where legal custody, residency and parenting time are at stake and in public and private adoption, guardianship and foster care proceedings;

(3) because of these societal biases and antiquated attitudes, children of blind parents are unnecessarily being removed from their parents' care or being restricted from enjoying meaningful time with their parents; and

(4) children are being denied the opportunity to enjoy the experience of living in loving homes with blind parents or other blind caretakers.

New Sec. 2. As used in sections 1 through 3, and amendments thereto:

(a) "Blind" or "blindness" means a central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye that has a limitation in the field of vision so that the widest diameter of the visual field subtends an angle no greater than 20 degrees is considered to have a central visual acuity of 20/200 or less. The term "blind" or "blindness" includes any degenerative condition that reasonably can be expected to result in blindness.

(b) "Family foster home" means a child care facility that is a private residence, including any adjacent grounds, where a person provides care for 24 hours per day for one or more children in foster care and for which a license is required under K.S.A. 65-501 et seq., and amendments thereto.

(c) "Supportive parenting services" means services, including, but not limited to, services, aids and supports that may assist a parent or prospective parent who is blind in the effective use of non-visual techniques and other alternative methods to enable the parent or prospective parent to discharge parental responsibilities as successfully as a parent who is not blind.

New Sec. 3. (a) In any action brought under article 22 or article 27 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto:

(1) A parent's blindness shall not serve as a basis for denial or restriction of legal custody, residency or parenting time when such legal custody, residency or parenting time is determined to be otherwise in the best interests of the child;

(2) (A) if a parent's blindness is alleged to not be in the best interests of a child, the party asserting such allegation shall have the burden of proving by clear and convincing evidence that the parent's blindness is not in the best interests of the child;

(B) if a party asserting an allegation described in subparagraph (A) has satisfied such party's burden of proof, the blind parent shall have the opportunity to present evidence that, with the implementation of supportive parenting services, placement with such parent is in the best interests of the child; and

(C) the court may issue an order requiring that supportive parenting services be implemented, and the parties may request that the court review the need for continuing such supportive parenting services after a reasonable period of time; and

(3) if a court denies or otherwise restricts a blind parent's request for legal custody, residency or parenting time, the court shall make specific findings of fact stating the basis for its decision, including reasons why the provision of supportive parenting services is not a reasonable accommodation that is required to prevent such denial or restriction.

(b) In any action brought under article 21 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, a prospective parent's blindness shall not serve as a basis for the denial of such prospective parent's participation in any adoption when such adoption is determined to be otherwise in the best interests of the child.

(c) In any action brought under article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, an individual's blindness shall not serve as a basis for the denial of such individual's appointment as a guardian when such appointment is determined to be otherwise in the best interests of the child.

(d) An individual's blindness shall not serve as a basis for the denial or restriction of such individual's licensure as a family foster home.

(e) (1) In any action brought under article 22 of chapter 38 of the Kansas Statutes Annotated, and amendments thereto, an individual's blindness shall not serve as a basis for an order of temporary custody, adjudication, disposition, finding of unfitness or termination of parental rights.

(2) If a court issues an order of temporary custody, adjudication, disposition, finding of unfitness or termination of parental rights that is adverse to an individual who is a party to the proceeding and who is blind, the court shall make specific findings of fact stating the basis for its decision, including reasons why the provision of supportive parenting services is not a reasonable accommodation that is required to prevent such adverse order.

Sec. 4. K.S.A. 19-2698 is hereby amended to read as follows: 19-2698. (a) The board of county commissioners of any county may levy a tax not to exceed $\frac{1}{2}$ mill on all taxable tangible property within the county for the purpose of assisting in the provision of services for persons with physically handicapping conditions, but such tax shall not be used for the purposes for which a tax is authorized under K.S.A. 12-1680, 19-4004, 19-4011, 65-212 and 65-215, and amendments thereto.

The board shall adopt a resolution stating its intent to levy the tax and the purpose therefor. The resolution shall be published once each week for two consecutive weeks in a newspaper of general circulation in the county. If a petition signed by at least 5% of the qualified voters of the county is filed with the county election officer, the board shall submit the proposition for approval by a majority of the qualified voters of the county voting at an election thereon. The election shall be called and held in the manner provided by the general bond law.

(b) If a petition signed by not less than 5% of the registered voters of any county is filed with the county election officer requesting an election on the question of whether a tax levy not to exceed $\frac{1}{2}$ mill on all taxable tangible property within the county shall be made for the purpose of assisting in the provision of services for persons with physically handicapping conditions, the board of county commissioners shall submit the proposition for approval by a majority of the qualified voters of the county voting at an election thereon. The election shall be called and held in the manner provided by the general bond law. If such proposition is approved, the board of county commissioners shall levy such tax for such purpose. No such tax shall be used for the purposes for which a tax is authorized under K.S.A. 12-1680, 19-4004, 19-4011, 65-212 and 65-215, and amendments thereto.

(c) As used in this section, "physically handicapping condition" means the physical condition of a person, whether congenital or acquired by accident, injury or disease which that constitutes a substantial disability, including but not limited to blindness and hearing impairments loss.

Sec. 5. K.S.A. 36-517 is hereby amended to read as follows: 36-517. Every licensed lodging establishment designated as a hotel shall provide at no additional charge to deaf and hearing impaired or hard of hearing guests, upon request of such guests, portable smoke detectors of the type suitable for providing visual warning to such guests, or a room equipped with fixed visual warning smoke detectors or a ground floor guest room accessible to the out-of-doors. Each licensed lodging establishment designated as a hotel shall have available for such guests not less than one portable visual warning smoke detector, or one room equipped with a fixed visual warning smoke detector or one ground floor guest room accessible to the out-of-doors for each 50 guest rooms of such lodging establishment, except that no such lodging establishment designated as a hotel shall be required to have more than a total of six portable visual warning smoke detectors, or six rooms equipped with fixed visual warning smoke detectors or six ground floor guest rooms accessible to the out-of-doors nor shall any such lodging establishment have less than one such smoke detector, or one room equipped with a fixed visual warning smoke detector or one ground floor guest room accessible to the out-of-doors.

Sec. 6. K.S.A. 39-1107 is hereby amended to read as follows: 39-1107. Every hearing impaired person who is deaf or hard of hearing has the right to be accompanied by a hearing assistance dog, specially selected, trained and tested for the purpose of hearing assistance, in or upon any of the places listed in K.S.A. 39-1101, and amendments thereto, in the acquisition and use of rental, residential housing and in the purchase and use of residential housing without being required to pay an extra charge for the hearing assistance dog. The hearing impaired person who is deaf or hard of hearing shall be liable for any damage done to the premises or facilities by such dog.

Sec. 7. K.S.A. 2021 Supp. 50-676 is hereby amended to read as follows: 50-676. As used in K.S.A. 50-676 through 50-679, and amendments thereto:

- (a) "Elder person" means a person who is 60 years of age or older.
- (b) "Disabled person" means a person who has physical or mental impairment, or both, which that substantially limits one or more of such person's major life activities.
- (c) "Immediate family member" means parent, child, stepchild or spouse.
- (d) "Major life activities" includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.
- (e) "Member of the military" means a member of the armed forces or national guard on active duty or a member of an active reserve unit in the armed forces or national guard.
- (f) "Physical or mental impairment" means the following:
 - (1) Any physiological disorder or condition, cosmetic disfigurement or anatomical loss substantially affecting one or more of the following body systems:

- (A) Neurological;
- (B) musculoskeletal;
- (C) special sense organs;
- (D) respiratory, including speech organs;
- (E) cardiovascular;
- (F) reproductive;
- (G) digestive;
- (H) genitourinary;
- (I) hemic and lymphatic;
- (J) skin; or
- (K) endocrine; or

(2) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, emotional or mental illness and specific learning disabilities.

The term "physical or mental impairment" includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairment, visual, language and hearing disorders, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability and emotional illness.

(g) "Protected consumer" means:

- (1) An elder person;
- (2) a disabled person;
- (3) a veteran;
- (4) the surviving spouse of a veteran;
- (5) a member of the military; and
- (6) an immediate family member of a member of the military.

(h) "Substantially limits" means:

- (1) Unable to perform a major life activity that the average person in the general population can perform; or
- (2) significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as compared to the condition, manner or duration under which the average person in the general population can perform that same major life activity. Minor temporary ailments or injuries shall not be considered physical or mental impairments which that substantially limit a person's major life activities. Minor temporary ailments include, but are not limited to, colds, influenza or sprains or minor injuries.

(i) "Veteran" means a person who has served in the armed forces of the United States of America and separated from the armed forces under honorable conditions.

Sec. 8. K.S.A. 65-3276 is hereby amended to read as follows: 65-3276. (a) The following findings and purpose shall apply to this section:

- (1) A mental or physical disability does not diminish an individual's right to health care healthcare;
- (2) the federal Americans with disabilities act prohibits discrimination against individuals with disabilities, yet many individuals with disabilities still experience discrimination in accessing critical health care healthcare services;
- (3) in other states nationwide, individuals with mental and physical disabilities have historically been denied life-saving organ transplants based on assumptions that their lives are less worthy, that they are incapable of complying with post-transplantation medical requirements or that they lack adequate support systems to ensure compliance with post-transplantation medical requirements;
- (4) although organ transplant centers must consider medical and psychosocial criteria when determining if a patient is suitable to receive an organ transplant, transplant centers that participate in medicare, the state program for medical assistance and other federally funded programs are required to use patient selection criteria that result in a fair and nondiscriminatory distribution of organs; and
- (5) state residents in need of organ transplants are entitled to assurances that they will not encounter discrimination on the basis of a disability.
 - (b) A covered entity may not solely on the basis of an individual's disability:
 - (1) Consider a qualified individual ineligible to receive an anatomical gift or organ transplant;
 - (2) deny medical and other services related to organ transplantation, including evaluation, surgery, counseling, and post-transplantation treatment and services;
 - (3) refuse to refer the individual to a transplant center or a related specialist for the purpose of evaluation or receipt of an organ transplant;
 - (4) refuse to place a qualified individual on an organ transplant waiting list; or

(continued)

(5) place a qualified individual at a lower-priority position on an organ transplant waiting list than the position at which the qualified individual would have been placed if not for the disability.

(c) (1) Subject to paragraph (2) ~~of this subsection~~, a covered entity may take an individual's disability into account when making treatment or coverage recommendations or decisions, solely to the extent that the disability has been found by a physician, following an individualized evaluation of the individual, to be medically significant to the provision of the anatomical gift.

(2) If an individual has the necessary support system to assist the individual in complying with post-transplantation medical requirements, a covered entity may not consider the individual's inability to independently comply with the post-transplantation medical requirements to be medically significant for the purposes of paragraph (1) ~~of this subsection~~.

(d) A covered entity shall make reasonable modifications in policies, practices or procedures, when the modifications are necessary to allow an individual with a disability access to services, including transplantation-related counseling, information, coverage or treatment, unless the covered entity can demonstrate that making the modifications would fundamentally alter the nature of the services.

(e) A covered entity shall take such steps as may be necessary to ensure that an individual with a disability is not denied services, including transplantation-related counseling, information, coverage or treatment, due to the absence of auxiliary aids and services, unless the covered entity can demonstrate that taking the steps would fundamentally alter the nature of the services being offered or would result in an undue burden.

(f) Nothing in this section shall be construed to require a covered entity to make a referral or recommendation for or perform a medically inappropriate organ transplant.

(g) (1) If a covered entity violates this section, the affected individual may bring an action in the appropriate district court for injunctive or other equitable relief.

(2) In an action brought under paragraph (1) ~~of this subsection~~, the district court shall:

(A) Schedule a hearing as soon as possible; and

(B) apply the same standards in rendering a judgment in the action as would be applied in an action brought in federal court under the federal Americans with disabilities act.

(h) As used in this section:

(1) "Anatomical gift" means the donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation or transfusion.

(2) "Auxiliary aids and services" includes:

(A) Qualified interpreters or other effective methods of making aurally delivered materials available to individuals ~~with hearing impairments~~ *who are deaf or hard of hearing*;

(B) qualified readers, taped texts, texts in accessible electronic format or other effective methods of making visually delivered materials available to individuals with visual impairments; and

(C) supported decision-making services, including:

(i) The use of a support individual to assist in making medical decisions, communicating information to the individual or ascertaining an individual's wishes;

(ii) the provision of information to a person designated by the individual consistent with the federal health insurance portability and accountability act and other applicable laws and regulations governing the disclosure of health information;

(iii) if an individual has a court-appointed guardian or other individual responsible for making medical decisions on behalf of the individual, any measures used to ensure that the individual is included in decisions involving the individual's ~~health care~~ *healthcare* and that medical decisions are in accordance with the individual's own expressed interests; and

(iv) any other aid or service that is used to provide information in a format that is easily understandable and accessible to individuals with cognitive, neurological, developmental or intellectual disabilities.

(3) "Covered entity" means:

(A) A licensed ~~health care~~ *healthcare* provider, as defined in K.S.A. 40-3401, and amendments thereto;

(B) a medical care facility as defined in K.S.A. 65-425, and amendments thereto;

(C) a laboratory;

(D) a state psychiatric hospital, as defined in K.S.A. 59-2946, and amendments thereto;

(E) an adult care home, as defined in K.S.A. 65-3501, and amendments thereto;

(F) a group home as defined in K.S.A. 12-736, and amendments thereto;

(G) an institutional medical unit in a correctional facility; or

~~(H)~~ *(H)* any entity responsible for potential recipients of the anatomical gift.

(4) "Disability" has the meaning stated in the federal Americans with disabilities act.

(5) "Organ transplant" means the transplantation or transfusion of a part of a human body into the body of another individual for the purpose of treating or curing a medical condition.

(6) "Qualified individual" means an individual who:

(A) Has a disability; and

(B) meets the essential eligibility requirements for the receipt of an anatomical gift, with or without:

(i) The support networks available to the individual;

(ii) the provision of auxiliary aids and services; or

(iii) reasonable modifications to the policies or practices of a covered entity, including modifications to allow:

(a) Communication with individuals responsible for supporting the individual with post-surgical and post-transplantation care, including medication; and

(b) the consideration of support networks available to the individual, including family, friends, and home and community based services funded through the state program of medical assistance, or another health plan in which the individual is enrolled, or any program or source of funding available to the individual, in determining whether the individual is able to comply with post-transplantation medical requirements.

Sec. 9. K.S.A. 65-6511 is hereby amended to read as follows: 65-6511. The provisions of this act shall not apply to:

(a) Personnel employed by the United States government;

(b) ~~health care~~ *healthcare* providers as defined by K.S.A. 65-4921, and amendments thereto, or exempt licensees under the Kansas healing arts act who are providing services within the lawful scope of their authority so long as they do not hold themselves out to the public by a title set forth in K.S.A. 65-6504, and amendments thereto;

(c) persons duly credentialed by this state as a teacher of the deaf or ~~hearing impaired~~ *hard of hearing* who are providing services within the lawful scope of their authority so long as they do not hold themselves out to the public by a title set forth in K.S.A. 65-6504, and amendments thereto;

(d) the activities and services of persons pursuing a course of study leading to a degree in speech-language pathology or audiology at a college or university provided that:

(1) These activities and services constitute a part of the organized course of study at that institution;

(2) such persons are designated by a title such as intern, trainee, student, or by other such title clearly indicating the status appropriate to their level of education; and

(3) such persons work under the supervision of a person licensed by this state to practice speech-language pathology or audiology.

(e) an employee or other person under the supervision of a person licensed to practice medicine and surgery in this state so long as such persons do not hold themselves out to the public by a title set forth in K.S.A. 65-6504, and amendments thereto; or

(f) persons licensed or holding a certificate of endorsement to engage in the practice of dispensing and fitting hearing aids under the hearing aid act when practicing under and in accordance with the hearing aid act so long as such persons do not hold themselves out to the public by a title set forth in K.S.A. 65-6504, and amendments thereto.

Sec. 10. K.S.A. 72-3253 is hereby amended to read as follows: 72-3253. The state board of education may provide for the teaching of American sign language in accredited schools and all pupils thereof, whether ~~hearing- or hearing-impaired~~ *deaf or hard of hearing*, may be given instruction in American sign language.

Sec. 11. K.S.A. 72-3404 is hereby amended to read as follows: 72-3404. As used in this act:

(a) "School district" means any public school district.

(b) "Board" means the board of education of any school district.

(c) "State board" means the state board of education.

(d) "Department" means the state department of education.

(e) "State institution" means any institution under the jurisdiction of a state agency.

(f) "State agency" means the Kansas department for children and families, the Kansas department for aging and disability services, the department of corrections and the juvenile justice authority.

(g) "Exceptional children" means persons who are children with disabilities or gifted children and are school age, to be determined in accordance with rules and regulations adopted by the state board, ~~which~~ whose age may differ from the ages of children required to attend school under the provisions of K.S.A. 72-3120, and amendments thereto.

(h) "Gifted children" means exceptional children who are determined to be within the gifted category of exceptionality as such category is defined by the state board.

(i) "Special education" means specially designed instruction provided at no cost to parents to meet the unique needs of an exceptional child, including:

(1) instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and

(2) instruction in physical education.

(j) "Special teacher" means a person, employed by or under contract with a school district or a state institution to provide special education or related services, who is *qualified to*:

(1) ~~Qualified to~~ Provide special education or related services to exceptional children as determined pursuant to standards established by the state board; or

(2) ~~qualified to~~ assist in the provision of special education or related services to exceptional children as determined pursuant to standards established by the state board.

(k) "State plan" means the state plan for special education and related services authorized by this act.

(l) "Agency" means boards and the state agencies.

(m) "Parent" means:

(1) A natural parent;

(2) an adoptive parent;

(3) a person acting as parent;

(4) a legal guardian;

(5) an education advocate; or

(6) a foster parent, if the foster parent has been appointed the education advocate of an exceptional child.

(n) "Person acting as parent" means a person such as a grandparent, stepparent or other relative with whom a child lives or a person other than a parent who is legally responsible for the welfare of a child.

(o) "Education advocate" means a person appointed by the state board in accordance with the provisions of K.S.A. 38-2218, and amendments thereto. A person appointed as an education advocate for a child shall not be:

(1) An employee of the agency ~~which~~ who is required by law to provide special education or related services for the child;

(2) an employee of the state board, the department, or any agency ~~which~~ that is directly involved in providing educational services for the child; or

(3) any person having a professional or personal interest ~~which~~ that would conflict with the interests of the child.

(p) "Free appropriate public education" means special education and related services that:

(1) Are provided at public expense, under public supervision and direction, and without charge;

(2) meet the standards of the state board;

(3) include an appropriate preschool, elementary; or secondary school education; and

(4) are provided in conformity with an individualized education program.

(q) "Federal law" means the individuals with disabilities education act, as amended.

(r) "Individualized education program" or "IEP" means a written statement for each exceptional child that is developed, reviewed, and revised in accordance with the provisions of K.S.A. 72-3429, and amendments thereto.

(s) (1) "Related services" means transportation, and such developmental, corrective, and other supportive services, including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the child's IEP, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only, as may be required to assist an exception-

al child to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

(2) "Related services" shall not mean any medical device that is surgically implanted or the replacement of any such device.

(t) "Supplementary aids and services" means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable children with disabilities to be educated with nondisabled children to the maximum extent appropriate.

(u) "Individualized education program team" or "IEP team" means a group of individuals composed of:

(1) The parents of a child;

(2) at least one regular education teacher of the child; if the child is, or may be, participating in the regular education environment;

(3) at least one special education teacher or, where appropriate, at least one special education provider of the child;

(4) a representative of the agency directly involved in providing educational services for the child who is:

(A) ~~is~~ Qualified to provide; or supervise the provision of; specially designed instruction to meet the unique needs of exceptional children;

(B) ~~is~~ knowledgeable about the general curriculum; and

(C) ~~is~~ knowledgeable about the availability of resources of the agency;

(5) an individual who can interpret the instructional implications of evaluation results;

(6) at the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate; and

(7) whenever appropriate, the child.

(v) "Evaluation" means a multisourced and multidisciplinary examination, conducted in accordance with the provisions of K.S.A. 72-3428, and amendments thereto, to determine whether a child is an exceptional child.

(w) "Independent educational evaluation" means an examination ~~which~~ that is obtained by the parent of an exceptional child and performed by an individual or group of individuals who meet state and local standards to conduct such an examination.

(x) "Elementary school" means any nonprofit institutional day or residential school that offers instruction in any or all of the grades kindergarten through nine.

(y) "Secondary school" means any nonprofit institutional day or residential school that offers instruction in any or all of the grades nine through 12.

(z) "Children with disabilities" means *children who*:

(1) ~~Children with~~ Have an intellectual disability, hearing ~~impairments~~ loss including deafness, speech or language ~~impairments~~ disorders, visual impairments including blindness, emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disabilities and who, by reason thereof, need special education and related services; and

(2) ~~children~~ are experiencing one or more developmental delays and, by reason thereof, need special education and related services if such children are ages three through nine.

(aa) "Substantial change in placement" means the movement of an exceptional child, for more than 25% of the child's school day, from a less restrictive environment to a more restrictive environment or from a more restrictive environment to a less restrictive environment.

(bb) "Material change in services" means an increase or decrease of 25% or more of the duration or frequency of a special education service, a related service or a supplementary aid or a service specified on the IEP of an exceptional child.

(cc) "Developmental delay" means such a deviation from average development in one or more of the following developmental areas, as determined by appropriate diagnostic instruments and procedures, as indicates that special education and related services are required:

(1) Physical;

(2) cognitive;

(3) adaptive behavior;

(4) communication; or

(5) social or emotional development.

(dd) "Homeless children" means "homeless children and youths" as defined in the federal McKinney-Vento homeless assistance act, 42 U.S.C. § 11434a.

(ee) "Limited English proficient" means an individual who meets the qualifications specified in section 9101 of the federal elementary and secondary education act of 1965, as amended.

(continued)

Sec. 12. K.S.A. 75-3740 is hereby amended to read as follows: 75-3740. (a) Except as provided by K.S.A. 75-3740b, and amendments thereto, and subsections (b) and (k), all contracts and purchases made by or under the supervision of the director of purchases or any state agency for which competitive bids are required shall be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, terms of delivery, and other conditions imposed in the call for bids.

(b) A contract shall be awarded to a certified business or disabled veteran business which is also a responsible bidder, whose total bid cost is not more than 10% higher than the lowest competitive bid. Such contract shall contain a promise by the certified business that the percentage of employees that are individuals with disabilities will be maintained throughout the contract term and a condition that the certified business shall not subcontract for goods or services in an aggregate amount of more than 25% of the total bid cost.

(c) The director of purchases shall have power to decide as to the lowest responsible bidder for all purchases, but if:

(1) (A) A responsible bidder purchases from a qualified vendor goods or services on the list certified by the director of purchases pursuant to K.S.A. 75-3317 et seq., and amendments thereto, the dollar amount of such purchases made during the previous fiscal year shall be deducted from the original bid received from such bidder for the purpose of determining the lowest responsible bid, except that such deduction shall not exceed 10% of the original bid received from such bidder; or

(B) a responsible bidder purchases from a certified business the dollar amount of such purchases made during the previous fiscal year shall be deducted from the original bid received from such bidder for the purpose of determining the lowest responsible bid, except that such deduction shall not exceed 10% of the original bid received from such bidder;

(2) the dollar amount of the bid received from the lowest responsible bidder from within the state is identical to the dollar amount of the bid received from the lowest responsible bidder from without the state, the contract shall be awarded to the bidder from within the state; and

(3) in the case of bids for paper products specified in K.S.A. 75-3740b, and amendments thereto, the dollar amounts of the bids received from two or more lowest responsible bidders are identical, the contract shall be awarded to the bidder whose bid is for those paper products containing the highest percentage of recycled materials.

(d) (1) Any or all bids may be rejected, and a bid shall be rejected if it contains any material alteration or erasure made after the bid is opened. The director of purchases may reject the bid of any bidder who is in arrears on taxes due the state, who is not properly registered to collect and remit taxes due the state or who has failed to perform satisfactorily on a previous contract with the state. The secretary of revenue is hereby authorized to exchange such information with the director of purchases as is necessary to effectuate the preceding sentence notwithstanding any other provision of law prohibiting disclosure of the contents of taxpayer records or information. Prior to determining the lowest responsible bidder on contracts for construction of buildings or for major repairs or improvements to buildings for state agencies, the director of purchases shall consider *the*:

(1) ~~The~~(A) Criteria and information developed by the secretary of administration, with the advice of the state building advisory commission to rate contractors on the basis of their performance under similar contracts with the state, local governmental entities and private entities, in addition to other criteria and information available; and

(2) ~~the~~(B) recommendations of the project architect, or, if there is no project architect, the recommendations of the secretary of administration or the agency architect for the project as provided in K.S.A. 75-1254, and amendments thereto.

(2) In any case where competitive bids are required and where all bids are rejected, new bids shall be called for as in the first instance, unless otherwise expressly provided by law or the state agency elects not to proceed with the procurement.

(e) Before the awarding of any contract for construction of a building or the making of repairs or improvements upon any building for a state agency, the director of purchases shall receive written approval from the state agency for which the building construction project has been approved, that the bids generally conform with the plans and specifications prepared by the project architect, by the secretary of administration or by the agency architect for the project, as the case may be, so as to avoid error and mistake on the part of the contractors. In all cases where material described in a contract can be obtained from any

state institution, the director of purchases shall exclude the same from the contract.

(f) All bids with the names of the bidders and the amounts thereof, together with all documents pertaining to the award of a contract, shall be made a part of a file or record and retained by the director of purchases for five years, unless reproduced as provided in K.S.A. 75-3737, and amendments thereto, and shall be open to public inspection at all reasonable times.

(g) As used in this section:

(1) "Certified business" means any business certified as provided by subsection (l) 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 10% 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 as a condition to the certified business being awarded a contract pursuant to subsection (b); and

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

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

(A) Is certified by the Kansas department for aging and disability services or by the Kansas department for children and families which administers the rehabilitation services program as having a physical or mental impairment ~~which~~ *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 (g)(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;

(3) "physical or mental impairment" means:

(A) Any physiological disorder or condition, cosmetic disfigurement or anatomical loss substantially affecting one or more of the following body systems:

(i) Neurological;

(ii) musculoskeletal;

(iii) special sense organs;

(iv) respiratory, including speech organs;

(v) cardiovascular;

(vi) reproductive;

(vii) digestive;

(viii) genitourinary;

(ix) hemic and lymphatic;

(x) skin; or

(xi) endocrine; or

(B) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, mental illness and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to, ~~such diseases and conditions as~~ orthopedic, ~~visual, speech and hearing impairment~~ *visual, language and hearing disorders*, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis and intellectual disability; and

(4) "project architect" ~~shall have the meaning ascribed thereto means the same as defined in~~ K.S.A. 75-1251, and amendments thereto;

(5) "disabled veteran" means a person verified by the Kansas commission on veterans affairs office to have served in the armed forces of the United States and who is entitled to compensation for a service-connected disability, according to the laws administered by the *United States department of veterans administration affairs*, or who is entitled to compensation for the loss, or permanent loss of use, of one or both feet

or one or both hands, or for permanent visual impairment of both eyes to a prescribed degree;

(6) “disabled veteran business” means a business certified annually 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, and is verified by the *Kansas* commission on veterans affairs office that:

(A) Not less than 51% is owned by one or more disabled veterans or, in the case of a publicly owned business, not less than 51% of the stock is owned by one or more disabled veterans;

(B) the management and daily business operations are controlled by one or more disabled veterans; and

(C) such business maintains the requirements of subparagraphs (A) and (B) during the entire contract term.

(h) Any state agency authorized by the director of purchases to make purchases pursuant to K.S.A. 75-3739(e), and amendments thereto, shall consider any unsolicited proposal for goods or services under this section.

(i) The secretary of administration and the secretary for aging and disability services, jointly, shall adopt rules and regulations as necessary to effectuate the purpose of this section.

(j) ~~On and after January 13, 2014,~~ At the beginning of each regular session of the legislature, the secretary of administration and the secretary for aging and disability services shall submit to the social services budget committee of the house of representatives and the appropriate subcommittee of the committee on ways and means of the senate, a written report on *the number of*:

(1) ~~The number of~~ Certified businesses certified by the department of administration during the previous fiscal year;

(2) ~~the number of~~ certified businesses awarded contracts pursuant to subsection (b) during the previous fiscal year;

(3) ~~the number of~~ contracts awarded pursuant to subsection (b) to each certified business during the previous fiscal year;

(4) ~~the number of~~ individuals with disabilities removed from, reinstated to or not reinstated to home and community based services or other medicaid program services during the previous fiscal year as a result of employment with a certified business;

(5) ~~the number of~~ individuals employed by each certified business during the previous fiscal year; and

(6) ~~the number of~~ individuals with disabilities employed by each certified business during the previous fiscal year.

(k) When a state agency is receiving bids to purchase passenger motor vehicles, such agency shall follow the procedures prescribed in subsection (c)(2), except in the case where one of the responsible bidders offers motor vehicles ~~which that~~ are assembled in Kansas. In such a case, 3% of the bid of the responsible bidder ~~which that~~ offers motor vehicles assembled in Kansas shall be subtracted from the bid amount, and that amount shall be used to determine the lowest bid pursuant to subsection (c)(2). This subsection shall only apply to bids ~~which that~~ match the exact motor vehicle specifications of the agency purchasing passenger motor vehicles.

(l) The secretary of administration shall certify that a business meets the requirements for a certified business as defined in subsection (g), and shall recertify such business as having met such requirements every three years thereafter. ~~Businesses already certified for 2017 as provided in this section on July 1, 2017, shall be recertified every three years thereafter.~~

Sec. 13. K.S.A. 75-5391 is hereby amended to read as follows: 75-5391. (a) There is hereby established within the Kansas department for children and families the Kansas commission for the deaf and hard of hearing. The commission shall:

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

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

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

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

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

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

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

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

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

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

(b) Except as otherwise provided by this act, all budgeting, purchasing and related management functions of the Kansas commission for the deaf and hard of hearing shall be administered under the direction and supervision of the secretary for children and families. Within the limitations of available appropriations, the secretary for children and families shall provide additional clerical and other assistance as may be required for the commission.

Sec. 14. K.S.A. 75-5399 is hereby amended to read as follows: 75-5399. ~~When~~ As used in this act:

(a) “Individuals with disabilities” means individuals with intellectual disability, hearing ~~impairments~~ *loss* including deafness, speech or language ~~impairments~~ *disorders*, visual impairments including blindness, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments or specific learning disabilities.

(b) “Transition services” means a coordinated set of activities for a student, designed within an outcome-oriented process, which promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living or community participation. The coordinated set of activities shall be based upon the individual student’s needs, taking into account the student’s preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives and, when appropriate, acquisition of daily living skills and functional vocational evaluation.

(c) “Transition planning services” means rehabilitation counseling, information and referral to community services for students age 16 and older in secondary special education programs.

(d) “Local education authority” means the special education inter-local or cooperative or school district responsible for the local special education program.

(e) “Special education program” means services that are provided pursuant to public law 94-142 (the education of all handicapped children’s act), as implemented in Kansas through K.S.A. 72-3403 et seq., and amendments thereto, and public law 101-476 (the individuals with disabilities education act).

(f) “Secretary” means the secretary for children and families or the designee of the secretary.

(g) “Local transition council” means a representative group of persons with disabilities and their families, school personnel, adult service agency personnel and members of the general public, such as employers ~~which that~~ develops an annual plan to improve secondary special education, transition and transition planning services.

Sec. 15. K.S.A. 76-1001b is hereby amended to read as follows: 76-1001b. (a) The state board of education may adopt rules and regulations for the admission of students to the Kansas state school for the deaf. Such students may be admitted as day students or as resident students.

(b) Every resident of the state who is within the age of eligibility for admission, as determined by the state board of education, and who is unable to materially benefit from attendance in the public schools because of a hearing ~~impairment~~ *loss*, as determined under article 9 of chapter 72 of Kansas Statutes Annotated, *and amendments thereto*, shall be entitled to admission to the Kansas state school for the deaf. Non-residents of the state may be admitted to the Kansas state school for the deaf until maximum enrollment is attained so long as such admittance does not result in the exclusion of any eligible resident of the state from ~~said~~ *such* school.

(continued)

Sec. 16. K.S.A. 19-2698, 36-517, 39-1107, 65-3276, 65-6511, 72-3253, 72-3404, 75-3740, 75-5391, 75-5399 and 76-1001b and K.S.A. 2021 Supp. 50-676 are hereby repealed.

Sec. 17. This act shall take effect and be in force from and after its publication in the Kansas register.

Doc. No. 050083

(Published in the Kansas Register April 28, 2022.)

Senate Bill No. 453

AN ACT concerning health professions and practices; relating to unlicensed employees working in adult care homes; requiring unlicensed employee training courses to be taught and evaluated by professional licensed nurses; requiring a demonstration of skills to successfully complete training courses; licensees of the behavioral sciences regulatory board; allowing board-approved postgraduate experience to count toward graduate level supervised clinical practicum of supervised professional experience; permitting current master's and clinical level licensees to take the addiction counselor's test; amending K.S.A. 39-936 and 65-5115 and K.S.A. 2021 Supp. 65-6306 and 65-6610 and repealing the existing sections.

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

Section 1. K.S.A. 39-936 is hereby amended to read as follows: 39-936. (a) The presence of each resident in an adult care home shall be covered by a statement provided at the time of admission, or prior thereto, setting forth the general responsibilities and services and daily or monthly charges for such responsibilities and services. Each resident shall be provided with a copy of such statement, with a copy going to any individual responsible for payment of such services and the adult care home shall keep a copy of such statement in the resident's file. No such statement shall be construed to relieve any adult care home of any requirement or obligation imposed upon it by law or by any requirement, standard or rule and regulation adopted pursuant thereto.

(b) A qualified person ~~or persons~~ shall be in attendance at all times ~~upon when residents receiving~~ receive accommodation, board, care, training or treatment in adult care homes. The licensing agency may establish necessary standards and rules and regulations prescribing the number, qualifications, training, standards of conduct and integrity for such qualified person ~~or persons~~ attendant upon the residents.

(c) (1) The licensing agency shall require ~~unlicensed employees of unlicensed employees working in an adult care home, except an adult care home licensed for the provision of services to people with intellectual disability that has been granted an exception by the secretary for aging and disability services upon a finding by the licensing agency that an appropriate approved training program for unlicensed employees-certified nurse aides is in place for such adult care home, employed on and after the effective date of this act~~ who provide direct, individual care to residents and who do not administer medications to residents and who have not completed a course of education and training relating to resident care and treatment approved by the secretary for aging and disability services or are not participating in such a course ~~on the effective date of this act~~ to complete successfully 40 hours of training in basic resident care skills. Any ~~unlicensed person~~ unlicensed employee who has not completed *at least 40 hours of the certified nurse aide training relating to resident care and treatment approved by the secretary for aging and disability services or who is not making progress to complete the course of education and training required by the secretary for aging and disability services under paragraph (2) within four months following completion of such 40 hours* shall not provide direct, individual care to residents.

(A) ~~The 40 hours of training shall be supervised by a registered professional nurse and the content and administration thereof shall comply with rules and regulations adopted by the secretary for aging and disability services and remaining hours in the certified nurse aide training shall be performed under the general supervision of a course supervisor. The course supervisor shall be defined in rules and regulations and approved by the secretary for aging and disability services. As used in this subparagraph, "supervision" means the same as defined in K.S.A. 65-1165, and amendments thereto. The 40 hours of training may be prepared and administered by an adult care home, hospital, as defined in K.S.A. 65-425, and amendments thereto, hospice or program for all-inclusive care for the elderly or by any other qualified person~~ course sponsor and may be conducted on the premises

of the adult care home, hospital, hospice or program for all-inclusive care for the elderly. The 40 hours of training required in this section shall be a part of ~~any course of education and training~~ an approved certified nurse aide training course required by the secretary for aging and disability services under subsection (c)(2).

(B) ~~Each instructor under the supervision of a course supervisor of the certified nurse aide training course shall be licensed to practice in Kansas and in good standing. As used in this subparagraph, "in good standing" includes the possession of a license, certificate or registration that is subject to probation or non-disciplinary conditions, limitations or restrictions, but does not include a license, certificate or registration that is revoked, canceled or surrendered or subject to pending license-related disciplinary action. If the records of the Kansas department for aging and disability services reflect that an individual has a prohibiting offense, such license, certificate or registration shall not be considered "in good standing." Any license, certificate or registration that is subject to disciplinary conditions, limitations or restrictions shall remain subject to such conditions, limitations or restrictions.~~

(C) Training for paid nutrition assistants shall consist of at least eight hours of instruction, at a minimum, that meets the requirements of 42 C.F.R. § 483.160.

(2) The licensing agency may require ~~unlicensed employees of unlicensed employees working in an adult care home, except an adult care home licensed for the provision of services to people with intellectual disability that has been granted an exception by the secretary for aging and disability services upon a finding by the licensing agency that an appropriate training program for unlicensed employees~~ certified nurse aides is in place for such adult care home, who provide direct, individual care to residents and who do not administer medications to residents and who do not meet the definition of paid nutrition assistant under K.S.A. 39-923(a)(27), and amendments thereto, after 90 days of employment to successfully complete an approved course of instruction and an examination relating to resident care and treatment as a condition to continued employment by an adult care home.

(A) A course of instruction may be prepared and administered by any adult care home, hospital, as defined in K.S.A. 65-425, and amendments thereto, hospice or program for all-inclusive care for the elderly or by any other qualified person. A course of instruction prepared and administered by an adult care home, hospital, hospice or program for all-inclusive care for the elderly may be conducted on the premises of the adult care home, hospital, hospice or program for all-inclusive care for the elderly that prepared and that will administer the course of instruction.

(B) ~~As evidence of successful completion of the training course, such unlicensed employees shall demonstrate competency in a list of skills that are identified and prescribed by the secretary for aging and disability services. The skills demonstration shall be evaluated by a registered professional nurse licensed, including multistate licensure privilege, and in good standing in this state. Such registered professional nurse shall have at least one year of licensed nurse experience providing care for the elderly or chronically ill in a healthcare setting approved by the secretary for aging and disability services. As used in this subparagraph, "in good standing" includes the possession of a license, certificate or registration that is subject to probation or non-disciplinary conditions, limitations or restrictions, but does not include a license, certificate or registration that is revoked, canceled or surrendered or subject to pending license-related disciplinary action. If the records of the Kansas department for aging and disability services reflect that an individual has a prohibiting offense, such license, certificate or registration shall not be considered "in good standing." Any license, certificate or registration that is subject to disciplinary conditions, limitations or restrictions shall remain subject to such conditions, limitations or restrictions.~~

(3) The licensing agency shall not require ~~unlicensed employees of unlicensed employees working in an adult care home who provide direct, individual care to residents and who do not administer medications to residents to enroll in any particular approved course of instruction as a condition to the taking of an examination, but the secretary for aging and disability services shall prepare guidelines for the preparation and administration of courses of instruction and shall approve or disapprove courses of instruction.~~

(4) ~~Unlicensed employees of~~ Unlicensed employees working in adult care homes who provide direct, individual care to residents and who do not administer medications to residents may enroll in any approved course of instruction and upon completion of the approved course of instruction shall be eligible to take an examination. The examination shall be:

(A) Prescribed by the secretary for aging and disability services; ~~shall be;~~

(B) reasonably related to the duties performed by ~~unlicensed employees of unlicensed employees working in adult care homes who pro-~~

vide direct, individual care to residents and who do not administer medications to residents; and shall be

(C) the same examination given by the secretary for aging and disability services to all ~~unlicensed employees of unlicensed employees working in adult care homes who provide direct, individual care to residents and who do not administer medications.~~

(3)(5) The secretary for aging and disability services shall fix, charge and collect a fee to cover all or any part of the costs of the licensing agency under this subsection. The fee shall be fixed by rules and regulations of the secretary for aging and disability services. The fee 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 health occupations credentialing fee fund created by K.S.A. 39-979, and amendments thereto.

(4)(6) The secretary for aging and disability services shall establish a state registry containing information about ~~unlicensed employees of certified nurse aides working in adult care homes who provide direct, individual care to residents and who do not administer medications in compliance with the requirements pursuant to PL 100-203, subtitle C, as amended November 5, 1990.~~

(5)(7) No adult care home shall use an individual as an ~~unlicensed employee of the working as a certified nurse aide in an adult care home who provides direct, individual care to residents and who does not administer medications unless the facility has inquired of the state registry as to information contained in the registry concerning the individual.~~

(6)(8) (A) ~~Beginning July 1, 1993, The adult care home must shall require any unlicensed employee of the certified nurse aide working in an adult care home who to complete an approved refresher course if such employee:~~

- (i) Provides direct, individual care to residents ~~and who;~~
- (ii) does not administer medications; ~~and who~~
- (iii) since passing the examination required under paragraph (2) ~~of this subsection, has had a continuous period of 24 consecutive months during none of which when the unlicensed employee certified nurse aide has not provided direct, individual care to residents to complete an approved refresher course.~~

(B) The secretary for aging and disability services shall prepare guidelines for the preparation and administration of refresher courses and shall approve or disapprove courses.

(d) Any person who has been employed as an ~~unlicensed employee of a certified nurse aide working in an adult care home in another state may be so employed in this state without an examination if the secretary for aging and disability services determines that such other state requires training or examination, or both, for such employees at least equal to that required by this state.~~

(e) All medical care and treatment shall be given under the direction of a ~~physician authorized person licensed by the state board of healing arts to practice under the laws of this state medicine and surgery and shall be provided promptly as needed.~~

(f) No adult care home shall require as a condition of admission to or as a condition to continued residence in the adult care home that a person change from a supplier of medication needs of their choice to a supplier of medication selected by the adult care home. Nothing in this subsection (f) shall be construed to abrogate or affect any agreements entered into prior to the effective date of this act between the adult care home and any person seeking admission to or resident of the adult care home.

(g) Except in emergencies as defined by rules and regulations of the licensing agency and except as otherwise authorized under federal law, no resident may be transferred from or discharged from an adult care home involuntarily unless the resident or legal guardian of the resident has been notified in writing at least 30 days in advance of a transfer or discharge of the resident.

(h) No resident who relies in good faith upon spiritual means or prayer for healing shall, if such resident objects thereto, be required to undergo medical care or treatment.

Sec. 2. K.S.A. 65-5115 is hereby amended to read as follows: 65-5115. (a) The secretary may require, as a condition to continued employment by a home health agency that home health aides, within 90 days of employment, successfully complete an approved course of instruction and take and satisfactorily pass an examination prescribed by the secretary.

(b) A course of instruction for home health aides may be prepared and administered by any home health agency or by any other qualified person. A course of instruction prepared and administered by a home

health agency may be conducted on the premises of the home health agency ~~which that prepared and which will administer the course of instruction. The secretary shall not require home health aides to enroll in any particular approved course of instruction, but the secretary shall prepare guidelines for the preparation and administration of courses of instruction and shall approve or disapprove courses of instruction.~~

(c) The secretary ~~may shall~~ not require that home health aides complete the course of instruction and pass the examination established pursuant to K.S.A. ~~39-936(c)(3) 39-936(c)(5)~~, and amendments thereto, before enrolling in an approved course of instruction authorized by this section. Home health aides may enroll in any approved course of instruction.

(d) The examination required ~~under by~~ this section shall be prescribed by the secretary and shall be reasonably related to the duties performed by home health aides. The same examination shall be given by the secretary to all home health aides.

(e) The secretary shall fix, charge and collect an examination fee to cover all or any part of the cost of the examination required ~~under subsection (a) by this section.~~ The examination fee shall be fixed by rules and regulations of the secretary. The examination fee shall be deposited in the state treasury and credited to the state general fund.

Sec. 3. K.S.A. 2021 Supp. 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 has:

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

(3) 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 has:

(1) *Except as provided in subsection (f)*, 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) passed an examination approved by the board for this purpose; and

(3) 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 has:

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

(4) 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 *or additional postgraduate supervised experience as determined by the board;*

(D) has completed as part of or in addition to the requirements of subsection (c) not less than two years of postgraduate supervised professional experience, in accordance with a clinical supervision

(continued)

plan approved by the board of not less than 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 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, 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 subparagraphs (B) and (C), 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 subparagraphs (B), (C) and (D), 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 that 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.

(f) (1) *Notwithstanding any pending candidacy for accreditation of the masters of social work program at Fort Hays state university, the board shall:*

(A) *Accept a master's degree from such program as from an accredited college or university for the purpose of issuing a license as a master social worker to an applicant under subsection (b); and*

(B) *not impose any additional or alternative requirements to accreditation upon an applicant with such degree based on such program's pending candidacy for accreditation.*

(2) *The provisions of this subsection shall apply retroactively and shall expire on July 1, 2023.*

Sec. 4. K.S.A. 2021 Supp. 65-6610 is hereby amended to read as follows: 65-6610. (a) An applicant for licensure as an addiction counselor shall furnish evidence that the applicant:

(1) Has attained 21 years of age;

(2) (A) has completed at least a baccalaureate degree from an addiction counseling program that is part of a college or university approved by the board;

(B) has completed at least a baccalaureate degree from a college or university approved by the board. As part of, or in addition to, the baccalaureate degree coursework, such applicant shall also complete a minimum number of semester hours of coursework on substance use disorders as approved by the board; ~~or~~

(C) is currently licensed in Kansas as a licensed baccalaureate social worker and has completed a minimum number of semester hours of coursework on substance use disorders as approved by the board; or

(D) *is currently licensed in Kansas by the board as a master social worker, specialist clinical social worker, professional counselor, clinical professional counselor, marriage and family therapist, clinical marriage and family therapist, master's level psychologist, clinical psychotherapist or psychologist. Such licensees shall be eligible to take the examination as required by paragraph (3);*

(3) has passed an examination approved by the board;

(4) has satisfied the board that the applicant is a person who merits the public trust; and

(5) has paid the application fee established by the board under K.S.A. 65-6618, and amendments thereto.

(b) Applications for licensure as a master's addiction counselor shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

(1) (A) Has attained 21 years of age;

(B) (i) has completed at least a master's degree from an addiction counseling program that is part of a college or university approved by the board;

(ii) has completed at least a master's degree from a college or university approved by the board. As part of or in addition to the master's degree coursework, such applicant shall also complete a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; or

(iii) is currently licensed in Kansas as a licensed master social worker, licensed professional counselor, licensed marriage and family therapist or licensed master's level psychologist;

(C) has passed an examination approved by the board;

(D) has satisfied the board that the applicant is a person who merits the public trust; and

(E) has paid the application fee fixed under K.S.A. 65-6618, and amendments thereto; or

(2) (A) has met the following requirements on or before July 1, 2016:

(i) Holds an active license by the board as an addiction counselor; and

(ii) has completed at least a master's degree in a related field from a college or university approved by the board; and

(B) has completed six hours of continuing education in the diagnosis and treatment of substance use disorders during the three years immediately preceding the application date.

(c) Applications for licensure as a clinical addiction counselor shall be made to the board on a form and in the manner prescribed by the board. Each applicant shall furnish evidence satisfactory to the board that the applicant:

(1) Has attained 21 years of age;

(2) (A) (i) has completed at least a master's degree from an addiction counseling program that is part of a college or university approved by the board; and

(ii) has completed 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 3,000 hours of supervised professional experience, including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, except that the board may waive 1/2 of the hours required by this clause for an individual who has a doctoral degree

in addition counseling or a related field approved by the board and who completes the required 1/2 of the hours in not less than one year of supervised professional experience; or

(B) (i) has completed at least a master’s degree from a college or university approved by the board. As part of or in addition to the master’s degree coursework, such applicant shall also complete a minimum number of semester hours of coursework supporting the diagnosis and treatment of substance use disorders as approved by the board; and

(ii) has completed 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 3,000 hours of supervised professional experience, including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with individuals, couples, families or groups and not less than 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, except that the board may waive 1/2 of the hours required by this clause for an individual who has a doctoral degree in addiction counseling or a related field approved by the board and who completes the required 1/2 of the hours in not less than one year of supervised professional experience; or

(C) (i) has completed a master’s degree from a college or university approved by the board and is licensed by the board as a licensed master’s addiction counselor; and

(ii) has completed 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 3,000 hours of supervised professional experience, including at least 1,500 hours of direct client contact conducting substance abuse assessments and treatment with

individuals, couples, families or groups and not less than 100 hours of face-to-face clinical supervision, as defined by the board in rules and regulations, including not less than 50 hours of individual supervision, except that the board may waive the requirement that such supervision be face-to-face upon a finding of extenuating circumstances, integrating diagnosis and treatment of substance use disorders with use of the diagnostic and statistical manual of mental disorders of the American psychiatric association, except that the board may waive 1/2 of the hours required by this clause for an individual who has a doctoral degree in addiction counseling or a related field approved by the board and who completes the required 1/2 of the hours in not less than one year of supervised professional experience; or

(D) is currently licensed in Kansas as a licensed psychologist, licensed specialist clinical social worker, licensed clinical professional counselor, licensed clinical psychotherapist or licensed clinical marriage and family therapist and provides to the board an 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;

- (3) has passed an examination approved by the board;
- (4) has satisfied the board that the applicant is a person who merits the public trust; and
- (5) has paid the application fee fixed under K.S.A. 65-6618, and amendments thereto.

Sec. 5. K.S.A. 39-936 and 65-5115 and K.S.A. 2021 Supp. 65-6306 and 65-6610 are hereby repealed.

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

Doc. No. 050084

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended, and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2009 Volumes of the *Kansas Administrative Regulations* and the 2021 Supplement of the *Kansas Administrative Regulations*. Regulations can also be found at http://www.sos.ks.gov/pubs/pubs_kar.aspx.

AGENCY 1: DEPARTMENT OF ADMINISTRATION

Reg. No.	Action	Register
1-18-1a	Amended	V. 40, p. 1490
1-18-2	Revoked	V. 40, p. 1490

AGENCY 4: DEPARTMENT OF AGRICULTURE

Reg. No.	Action	Register
4-8-13	Amended	V. 40, p. 320
4-8-14a	Amended	V. 40, p. 320
4-8-27	Amended	V. 40, p. 320
4-8-28	Amended	V. 40, p. 320
4-8-29	Amended	V. 40, p. 320
4-8-30	Amended	V. 40, p. 320
4-8-31	Amended	V. 40, p. 320
4-8-32	Amended	V. 40, p. 320
4-8-33	Amended	V. 40, p. 320
4-8-34	Amended	V. 40, p. 321
4-8-35	Amended	V. 40, p. 321

4-8-36	Amended	V. 40, p. 321
4-8-37	Amended	V. 40, p. 321
4-8-38	Amended	V. 40, p. 321
4-8-39	Amended	V. 40, p. 321
4-8-40	Amended	V. 40, p. 321
4-8-41	Revoked	V. 40, p. 321
4-8-42	Revoked	V. 40, p. 321
4-8-43	Revoked	V. 40, p. 321
4-8-44	New	V. 40, p. 321
4-8-45	New	V. 40, p. 322
4-8-46	New	V. 40, p. 322
4-8-47	New	V. 40, p. 322
4-8-48	New	V. 40, p. 322
4-34-1	Amended	V. 40, p. 191
4-34-24	Amended (T)	V. 40, p. 1322
4-34-24	Amended	V. 40, p. 1663
4-34-25	Amended (T)	V. 40, p. 1323
4-34-25	Amended	V. 40, p. 1664
4-34-29	Amended (T)	V. 40, p. 1324
4-34-29	Amended	V. 40, p. 1665

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES

Reg. No.	Action	Register
5-19-1	New	V. 40, p. 1680
5-19-2	New	V. 40, p. 1681
5-19-3	New	V. 40, p. 1681
5-19-4	New	V. 40, p. 1682
5-19-5	New	V. 40, p. 1682

AGENCY 7: SECRETARY OF STATE

Reg. No.	Action	Register
7-30-1	Revoked	V. 41, p. 629
7-32-1	Revoked	V. 41, p. 629
7-32-2	Revoked	V. 41, p. 629
7-35-1	Revoked	V. 41, p. 629
7-35-2	Revoked	V. 40, p. 629
7-48-1	New	V. 40, p. 263

AGENCY 10: BUREAU OF INVESTIGATION

Reg. No.	Action	Register
10-22-1	Amended	V. 41, p. 152

AGENCY 11: DEPARTMENT OF AGRICULTURE—DIVISION OF CONSERVATION

Reg. No.	Action	Register
11-9-5	Amended	V. 40, p. 427

AGENCY 17: OFFICE OF THE STATE BANK COMMISSIONER

Reg. No.	Action	Register
17-24-2	Amended	V. 41, p. 185

AGENCY 21: HUMAN RIGHTS COMMISSION

Reg. No.	Action	Register
21-40-10	Revoked	V. 40, p. 265
21-41-1	Revoked	V. 40, p. 265
21-41-2	Amended	V. 40, p. 265
21-41-3	Amended	V. 40, p. 265
21-41-4	Revoked	V. 40, p. 265
21-41-6	Amended	V. 40, p. 265
21-41-8	Amended	V. 40, p. 265
21-41-10	Amended	V. 40, p. 265
21-41-11	Revoked	V. 40, p. 265

AGENCY 22: STATE FIRE MARSHAL

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22-26-1	New (T)	V. 40, p. 1034
22-26-1	New	V. 40, p. 1444
22-26-2	New (T)	V. 40, p. 1035
22-26-2	New	V. 40, p. 1445
22-26-3	New (T)	V. 40, p. 1035
22-26-3	New	V. 40, p. 1445
22-26-4	New (T)	V. 40, p. 1036
22-26-5	New (T)	V. 40, p. 1037

22-26-5	New	V. 40, p. 1446	28-35-505	Amended	V. 41, p. 457	88-29-17	Revoked	V. 41, p. 83
22-26-6	New (T)	V. 40, p. 1037	28-35-700	Amended	V. 41, p. 457	88-29a-1	Revoked	V. 41, p. 83
22-26-6	New	V. 40, p. 1446	28-65-1	Amended	V. 40, p. 318	88-29a-5	Revoked	V. 41, p. 83
22-26-7	New (T)	V. 40, p. 1037	28-65-2	Amended	V. 40, p. 318	88-29a-6	Revoked	V. 41, p. 83
22-26-7	New	V. 40, p. 1446	28-65-3	Amended	V. 40, p. 318	88-29a-7	Revoked	V. 41, p. 83
22-26-8	New (T)	V. 40, p. 1037	28-65-4	Amended	V. 40, p. 319	88-29a-7a	Amended	V. 41, p. 83
22-26-8	New	V. 40, p. 1447				88-29a-8	Revoked	V. 41, p. 84
22-26-9	New (T)	V. 40, p. 1038	AGENCY 40: INSURANCE DEPARTMENT			88-29a-8c	Revoked	V. 41, p. 84
22-26-9	New	V. 40, p. 1447	Reg. No.	Action	Register	88-29a-9	Revoked	V. 41, p. 84
22-26-10	New (T)	V. 40, p. 1038	40-1-28	Amended	V. 40, p. 191	88-29a-10	Revoked	V. 41, p. 84
22-26-10	New	V. 40, p. 1447	40-1-52	New	V. 40, p. 191	88-29a-11	Revoked	V. 41, p. 84
22-26-11	New (T)	V. 40, p. 1038	AGENCY 60: BOARD OF NURSING			88-29a-18	Revoked	V. 41, p. 84
22-26-11	New	V. 40, p. 1447	Reg. No.	Action	Register	88-29a-19	Revoked	V. 41, p. 84
22-26-12	New (T)	V. 40, p. 1039	60-1-102	Amended	V. 40, p. 1707	88-29b-1	Revoked	V. 41, p. 84
22-26-12	New	V. 40, p. 1448	60-1-104	Amended	V. 40, p. 1708	88-29b-3	Amended	V. 41, p. 84
22-26-13	New (T)	V. 40, p. 1039	60-2-101	Amended	V. 40, p. 1709	88-29b-4	Amended	V. 41, p. 84
22-26-13	New	V. 40, p. 1448	60-2-102	Amended	V. 40, p. 1710	88-29b-5	Revoked	V. 41, p. 85
22-26-14	New (T)	V. 40, p. 1039	60-2-103	Amended	V. 40, p. 1711	88-29b-6	Revoked	V. 41, p. 85
22-26-14	New	V. 40, p. 1448	60-2-104	Amended	V. 40, p. 1712	88-29b-7	Revoked	V. 41, p. 85
22-26-15	New (T)	V. 40, p. 1040	60-2-105	Amended	V. 40, p. 1713	88-29b-7a	Amended	V. 41, p. 85
22-26-16	New (T)	V. 40, p. 1040	60-2-106	Amended	V. 40, p. 1713	88-29b-8	Revoked	V. 41, p. 85
22-26-16	New	V. 40, p. 1449	60-2-107	Amended	V. 40, p. 1713	88-29b-8c	Revoked	V. 41, p. 85
			60-2-108	Amended	V. 40, p. 1714	88-29b-9	Revoked	V. 41, p. 85
AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT			60-3-101	Amended (T)	V. 41, p. 185	88-29b-10	Revoked	V. 41, p. 85
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28-1-40	Amended	V. 40, p. 1797	60-11-103	Amended (T)	V. 41, p. 186	88-29c-5	Amended	V. 41, p. 86
28-1-41	Amended	V. 40, p. 1797	AGENCY 61: BOARD OF BARBERING			88-29c-6	Amended	V. 41, p. 87
28-1-42	Amended	V. 40, p. 1797	Reg. No.	Action	Register	88-29c-7	Amended	V. 41, p. 87
28-1-43	Amended	V. 40, p. 1797	61-4-3	New	V. 40, p. 161	88-29c-8	Amended	V. 41, p. 87
28-1-44	Amended	V. 40, p. 1798	AGENCY 66: BOARD OF TECHNICAL PROFESSIONS			88-29c-8c	Amended	V. 41, p. 88
28-16-28b	Amended	V. 41, p. 409	Reg. No.	Action	Register	88-29c-9	Amended	V. 41, p. 88
28-16-28e	Amended	V. 41, p. 412	66-7-1	Amended	V. 41, p. 40	88-29d-1	Amended	V. 41, p. 89
28-16-28f	Amended	V. 41, p. 414	66-12-1	Amended	V. 40, p. 670	88-29d-5	Amended	V. 41, p. 90
28-16-28g	Amended	V. 41, p. 416	AGENCY 69: BOARD OF COSMETOLOGY			88-29d-6	Amended	V. 41, p. 91
28-16-28h	Amended	V. 41, p. 416	Reg. No.	Action	Register	88-29d-7	Amended	V. 41, p. 91
28-18-1	Amended	V. 40, p. 1547	69-1-4	Amended	V. 40, p. 1522	88-29d-8	Amended	V. 41, p. 92
28-18-4	Amended	V. 40, p. 1186	69-6-2	Amended	V. 40, p. 1522	88-29d-8c	Amended	V. 41, p. 92
28-18-14	Amended	V. 40, p. 1550	69-15-31	Amended	V. 40, p. 1522	88-29d-9	Amended	V. 41, p. 92
28-18-16	Amended	V. 40, p. 1551	AGENCY 82: STATE CORPORATION COMMISSION			88-29d-10	Amended	V. 41, p. 93
28-18-17	Amended	V. 40, p. 1551	Reg. No.	Action	Register	AGENCY 91: DEPARTMENT OF EDUCATION		
28-18a-4	Amended	V. 40, p. 1187	82-4-30a	Amended (T)	V. 39, p. 1383	Reg. No.	Action	Register
28-18a-24	Amended	V. 40, p. 1552	82-4-30a	Amended	V. 40, p. 160	91-31-31	Amended	V. 40, p. 1399
28-35-135a	Amended	V. 41, p. 435	82-11-2	Amended	V. 40, p. 1636	91-31-32	Amended	V. 40, p. 1401
28-35-135a	Amended	V. 41, p. 437	82-11-3	Amended	V. 40, p. 1636	91-31-33	Amended	V. 40, p. 1401
28-35-135c	Amended	V. 41, p. 438	82-11-4	Amended	V. 40, p. 1638	91-31-34	Amended	V. 40, p. 1401
28-35-135f	Amended	V. 41, p. 439	82-11-6	Amended	V. 40, p. 1643	91-31-35	Amended	V. 40, p. 1402
28-35-135i	Amended	V. 41, p. 440	82-11-7	Amended	V. 40, p. 1645	91-31-36	Amended	V. 40, p. 1402
28-35-135l	Amended	V. 41, p. 441	82-11-10	Amended	V. 40, p. 1645	91-31-37	Amended	V. 40, p. 1403
28-35-135m	Amended	V. 41, p. 442	AGENCY 86: REAL ESTATE COMMISSION			91-31-38	Amended	V. 40, p. 1403
28-35-135n	Amended	V. 41, p. 442	Reg. No.	Action	Register	91-31-39	Revoked	V. 40, p. 1403
28-35-135o	Amended	V. 41, p. 442	86-3-10	Amended	V. 40, p. 497	91-31-40	Amended	V. 40, p. 1403
28-35-135s	Amended	V. 41, p. 443	86-3-18	Amended	V. 40, 497	91-31-41	Amended	V. 40, p. 1404
28-35-135u	Amended	V. 41, p. 444	86-3-21	Revoked	V. 40, p. 498	91-31-42	Amended	V. 40, p. 1404
28-35-178a	Amended	V. 41, p. 445	86-3-22	Amended	V. 40, p. 498	91-31-43	New	V. 40, p. 1404
28-35-178i	Amended	V. 41, p. 445	AGENCY 88: BOARD OF REGENTS			AGENCY 92: DEPARTMENT OF REVENUE		
28-35-181d	Amended	V. 41, p. 446	Reg. No.	Action	Register	Reg. No.	Action	Register
28-35-181j	Amended	V. 41, p. 447	88-29-12	Revoked	V. 41, p. 83	92-19-47	Revoked	V. 40, p. 290
28-35-181m	Amended	V. 41, p. 448	88-29-13	Revoked	V. 41, p. 83	92-19-67	Revoked	V. 40, p. 290
28-35-181r	Amended	V. 41, p. 450	88-29-14	Revoked	V. 41, p. 83	92-51-34a	Amended	V. 40, p. 1225
28-35-181u	New	V. 41, p. 450	88-29-15	Revoked	V. 41, p. 83	AGENCY 100: BOARD OF HEALING ARTS		
28-35-181v	New	V. 41, p. 451	88-29-16	Revoked	V. 41, p. 83	Reg. No.	Action	Register
28-35-192e	Amended	V. 41, p. 451	AGENCY 86: REAL ESTATE COMMISSION			100-6-2	Amended	V. 40, p. 571
28-35-192f	Amended	V. 41, p. 451	Reg. No.	Action	Register	100-6-2a	New	V. 40, p. 290
28-35-192h	Amended	V. 41, p. 451	86-3-10	Amended	V. 40, p. 497	100-6-7	New (T)	V. 40, p. 1321
28-35-195a	Amended	V. 41, p. 452	86-3-18	Amended	V. 40, 497	100-6-7	New	V. 40, p. 1490
28-35-196a	Amended	V. 41, p. 452	86-3-21	Revoked	V. 40, p. 498	100-8-3	New	V. 40, p. 572
28-35-227c	Amended	V. 41, p. 452	86-3-22	Amended	V. 40, p. 498	100-15-4	Amended	V. 40, p. 572
28-35-231c	Amended	V. 41, p. 452	AGENCY 88: BOARD OF REGENTS			100-15-5	Amended	V. 40, p. 573
28-35-264	Amended	V. 41, p. 452	Reg. No.	Action	Register	100-28a-5	Amended	V. 40, p. 1096
28-35-282a	Amended	V. 41, p. 453	88-29-12	Revoked	V. 41, p. 83	100-28a-16	Amended	V. 40, p. 1097
28-35-291	Amended	V. 41, p. 454	88-29-13	Revoked	V. 41, p. 83			
28-35-450	Amended	V. 41, p. 455	88-29-14	Revoked	V. 41, p. 83			
28-35-500	Amended	V. 41, p. 455	88-29-15	Revoked	V. 41, p. 83			
28-35-500a	New	V. 41, p. 455	88-29-16	Revoked	V. 41, p. 83			
28-35-504	Amended	V. 41, p. 455						
28-35-504a	New	V. 41, p. 456						

AGENCY 108: STATE EMPLOYEE HEALTH CARE COMMISSION

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108-1-1	Amended	V. 40, p. 1714
108-1-3	Amended	V. 40, p. 1716
108-1-4	Amended	V. 40, p. 1718

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

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109-1-1	Amended	V. 40, p. 1721
109-2-1	Amended	V. 40, p. 1723
109-3-1	Revoked	V. 40, p. 1723
109-3-3	Amended	V. 40, p. 1522
109-3-5	Amended	V. 40, p. 1524
109-5-1	Amended	V. 40, p. 1723
109-5-3	Amended	V. 40, p. 1724
109-5-6	Amended	V. 40, p. 1724
109-6-2	Amended	V. 40, p. 1724
109-6-4	New	V. 40, p. 1724
109-7-1	Amended	V. 40, p. 1725
109-10-3	Revoked	V. 40, p. 1725
109-10-6	Revoked	V. 40, p. 1725
109-10-7	Revoked	V. 40, p. 1725
109-11-1a	Amended	V. 40, p. 1725
109-11-3a	Amended	V. 40, p. 1726
109-11-4a	Amended	V. 40, p. 1726
109-11-6a	Amended	V. 40, p. 1726
109-11-7	Amended	V. 40, p. 1727
109-11-8	Amended	V. 40, p. 1727
109-11-9	Revoked	V. 40, p. 1727
109-15-1	Amended	V. 40, p. 1727
109-15-2	Amended	V. 40, p. 1728
109-15-3	New	V. 40, p. 1728
109-17-1	New	V. 40, p. 1729
109-17-2	New	V. 40, p. 1730
109-17-3	New	V. 40, p. 1730
109-17-4	New	V. 40, p. 1731

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December

28, 2000 *Kansas Register*. A list of regulations filed from 2001 through 2003 can be found in the Vol. 22, No. 52, December 25, 2003 *Kansas Register*. A list of regulations filed from 2004 through 2005 can be found in the Vol. 24, No. 52, December 29, 2005 *Kansas Register*. A list of regulations filed from 2006 through 2007 can be found in the Vol. 26, No. 52, December 27, 2007 *Kansas Register*. A list of regulations filed from 2008 through November 2009 can be found in the Vol. 28, No. 53, December 31, 2009 *Kansas Register*. A list of regulations filed from December 1, 2009, through December 21, 2011, can be found in the Vol. 30, No. 52, December 29, 2011 *Kansas Register*. A list of regulations filed from December 22, 2011, through November 6, 2013, can be found in the Vol. 32, No. 52, December 26, 2013 *Kansas Register*. A list of regulations filed from November 7, 2013, through December 31, 2015, can be found in the Vol. 34, No. 53, December 31, 2015 *Kansas Register*. A list of regulations filed from 2016 through 2017, can be found in the Vol. 36, No. 52, December 28, 2017 *Kansas Register*. A list of regulations filed from 2018 through 2019, can be found in the Vol. 38, No. 52, December 26, 2019 *Kansas Register*. A list of regulations filed from 2020 through 2021, can be found in the Vol. 40, No. 52, December 30, 2021 *Kansas Register*.

Reg. No.	Action	Register
111-4-3681	Amended	V. 41, p. 225
111-4-3695	New	V. 41, p. 225
111-4-3696	New	V. 41, p. 227
111-4-3697	New	V. 41, p. 228
111-4-3698	New	V. 41, p. 229
111-4-3690	New	V. 41, p. 230
111-4-3700	New	V. 41, p. 231
111-4-3701	New	V. 41, p. 233
111-4-3702	New	V. 41, p. 234
111-4-3703	New	V. 41, p. 362
111-4-3704	New	V. 41, p. 363
111-4-3705	New	V. 41, p. 364
111-4-3706	New	V. 41, p. 365

111-4-3707	New	V. 41, p. 366
111-4-3708	New	V. 41, p. 497
111-4-3709	New	V. 41, p. 499
111-5-248	New	V. 41, p. 502
111-9-229	New	V. 41, p. 502
111-9-230	New	V. 41, p. 503
111-19-2a	Amended	V. 41, p. 503
111-19-121	New	V. 41, p. 368
111-19-122	New	V. 41, p. 368
111-19-123	New	V. 41, p. 504

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-1-1	Amended	V. 40, p. 498
115-3-1	Amended	V. 40, p. 1131
115-3-2	Amended	V. 40, p. 721
115-4-4	Amended	V. 40, p. 1132
115-4-4a	Amended	V. 40, p. 1683
115-4-6	Amended	V. 40, p. 500
115-8-1	Amended	V. 40, p. 1133
115-9-6	Amended	V. 40, p. 721
115-17-2	Amended	V. 40, p. 1683
115-18-13	Revoked	V. 40, p. 721
115-30-3	Amended	V. 40, p. 1684

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-8-3	Amended	V. 40, p. 920

AGENCY 132: 911 COORDINATING COUNCIL

Reg. No.	Action	Register
132-1-1	Revoked	V. 40, p. 1422
132-1-2	New	V. 40, p. 1422
132-2-1	Amended	V. 40, p. 1422
132-3-1	Amended	V. 40, p. 1422
132-4-1	Amended	V. 40, p. 1422
132-4-2	New	V. 40, p. 1423
132-4-3	New	V. 40, p. 1423
132-5-1	New	V. 40, p. 1423
132-6-1	New	V. 40, p. 1423

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