

Kansas Register

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May 4, 2023

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Cover Artwork: Flint Hill in Spring, Geary County
 Photo by Todd Caywood

Senate Bill 123, concerning postsecondary education; enacting the Kansas adult learner grant act; establishing a grant program for adult learners to pursue certain fields of study; providing for workforce retention income tax credits; creating the Kansas adult learner grant program fund; enacting the career technical education credential and transition incentive for employment success act; requiring school districts to pay for the cost of assessments for students to obtain an approved career technical education credential; relating to residency determination of certain students; deeming veterans and dependents or spouses of such veterans who were stationed in the state for at least 11 months as residents for purposes of tuition and fees; expanding the eligible fields of study under the Kansas promise scholarship act; establishing a maximum scholarship amount for certain private postsecondary educational institutions484

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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 5-1-23 through 5-7-23

| Term | Rate |
|-------------|-------------|
| 1-89 days | 4.83% |
| 3 months | 4.91% |
| 6 months | 4.85% |
| 12 months | 4.66% |
| 18 months | 4.27% |
| 2 years | 4.02% |

Joel Oliver
Executive Director
Chief Investment Officer
Pooled Money Investment Board

Doc. No. 051097

State of Kansas

Secretary of State

Notice of Code Mortgage Rate for May 2023

Pursuant to the provisions of K.S.A. 16a-1-301, Section 11, the code mortgage rate during the period of May 1-31, 2023, is 12 percent. The reference rate referred to in the definition of "code mortgage rate" set forth in K.S.A. 16a-1-301(11)(b)(i) is discontinued, has become impractical to use, and/or is otherwise not readily ascertainable from the Federal Home Loan Mortgage Corporation.

Scott Schwab
Secretary of State

Doc. No. 051103

State of Kansas

Kansas Public Employees Retirement System

Request for Proposals

The Kansas Public Employees Retirement System (KPERs) seeks competitive proposals from qualifying proxy voting firms with an interest in assisting KPERs with its proxy voting. The Request for Proposals (RFP) provides information on KPERs' investment division and the services it seeks and establishes the specifications and requirements for submitting proposals.

Details are available in the RFP documents on at <http://www.kpers.org>. Proposals must be sent electronically to Bruce Fink, at bfink@kpers.org and must be received by 5:00 p.m. (Central Time) May 25, 2023. Please email Bruce Fink directly for more information.

Alan D. Conroy
Executive Director
Kansas Public Employees Retirement System

Doc. No. 051113

(Published in the Kansas Register May 4, 2023.)

Kansas City, Kansas Community College

Request for Proposals

Kansas City, Kansas Community College (KCKCC) is seeking proposals for interior cleaning services at their Technical Education Centers. For more information, please visit our website at <https://www.kckcc.edu/about/organization/financial-services/doingbusiness/index.html>.

Linda Burgess
Purchasing Coordinator
Kansas City, Kansas Community College

Doc. No. 051114

(Published in the Kansas Register May 4, 2023.)

Kansas City, Kansas Community College

Request for Proposals

Kansas City, Kansas Community College (KCKCC) is seeking proposals for leasing of two 35-passenger buses. For more information, please visit our website at <https://www.kckcc.edu/about/organization/financial-services/doingbusiness/index.html>.

Linda Burgess
Purchasing Coordinator
Kansas City, Kansas Community College

Doc. No. 051115

State of Kansas

Department of Health and Environment

Notice Concerning Proposed Kansas Air Quality Class I Operating Permit Renewal

Notice is hereby given that the Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality operating permit. Hamm Sanitary Landfill has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et al. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards, and requirements applicable to each source; and the monitoring, record keeping, and reporting requirements applicable to each source as of the effective date of permit issuance.

Hamm Sanitary Landfill, PO Box 17, Perry, KS 66073, owns and operates a solid waste landfill located at 16984 3rd St., Lawrence, Douglas County, KS 66044.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review during normal business hours of 8:00 a.m. to 5:00 p.m. at the KDHE, Bureau of Air (BOA), 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366 and at the Northeast District Office, 800 W. 24th St., Lawrence, KS 66046. To obtain or review the proposed permit and supporting documentation, contact Meaghan Conant, 785-296-8142, at the central office of the KDHE or Wendi Kessler, 785-330-8611, at the Northeast District Office. The standard departmental cost will be assessed for any copies requested. The proposed permit, accompanied with supporting information, is available, free of charge, at the KDHE BOA Public Notice website at <https://www.kdhe.ks.gov/413/Public-Notices>.

Please direct written comments or questions regarding the proposed permit to Meaghan Conant, KDHE, BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than 12:00 p.m. Monday, June 5, 2023.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Meaghan Conant,

KDHE BOA, 1000 SW Jackson, Suite 310, Topeka, KS 66612-1366, no later than 12:00 p.m. Monday, June 5, 2023, in order for the Secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency (EPA) has a 45-day review period, which will start concurrently with the public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition period will directly follow the EPA's 45-day review period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Keith Johnson, U.S. EPA, Region 7, Air Permitting and Compliance Branch, 11201 Renner Blvd., Lenexa, KS 66219, phone 913-551-7960, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Janet Stanek
Secretary
Department of Health and Environment

Doc. No. 051102

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. The annual DMEPOS reimbursement rates will be increased to 80% of Medicare. The SPA will also add self-monitoring blood pressure (BP) devices to the DME list for pregnant women at risk for gestational hypertension, and for persons with heart failure or end-stage renal disease (ERSD).

The proposed effective date for the State Plan Amendment (SPA) is July 1, 2023.

| Fee-For-Service Only | Estimated Federal Financial Participation |
|-----------------------------|--|
| FFY 2023 | \$14,826 |
| FFY 2024 | \$60,505 |

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 June 5, 2023.

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

Sarah Fertig
State Medicaid Director
Division of Health Care Finance
Department of Health and Environment

Doc. No. 051100

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. The Global Pregnancy Rates will be increased to 70% of Medicare.

The proposed effective date for the State Plan Amendment (SPA) is July 1, 2023.

| Fee-For-Service Only | Estimated Federal Financial Participation |
|-----------------------------|--|
| FFY 2023 | \$150 |
| FFY 2024 | \$605 |

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 June 5, 2023.

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

Sarah Fertig
State Medicaid Director
Division of Health Care Finance
Department of Health and Environment

Doc. No. 051101

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 university, 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
Wichita State University

Doc. No. 051040

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 info: phone: 620-341-5137, email: purchaseorders@emporia.edu. Mailing address: Emporia State University Purchasing, Campus Box 4021, 1 Kellogg Cir., Emporia, KS 66801.

Fort Hays State University – Electronic bid postings: <http://www.fhsu.edu/purchasing/bids>. Additional contact info: phone: 785- 628-4251, 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

(continued)

State University’s Vendor Bid Submission Secure File Upload portal, <https://www.k-state.edu/finsvcs/purchasing/bidsubmission.html>. Division of Financial Services/Purchasing, 2323 Anderson Ave., Kansas State University, Manhattan, KS 66506. Additional contact info: phone: 785-532- 6214, email: kspurch@k-state.edu.

Pittsburg State University – Bid postings: <https://www.pittstate.edu/office/purchasing>. Additional contact info: phone: 620-235-4167, email: swburke@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 accept paper bids until further notice. Additional contact info: email: purchasing@ku.edu. Mailing address: University of Kansas, Procurement Department, 1246 W. Campus Rd., Room 20, Lawrence, KS 66045.

University of Kansas Medical Center – Electronic bid postings: <http://www.kumc.edu/finance/purchasing/bid-opportunities.html>. Additional contact info: phone: 913-588-1117. Email: hunkemoore@kumc.edu. Due to Covid-19, the University of Kansas Medical Center will not be accepting paper bids until further notice.

Wichita State University – Bid postings: https://www.wichita.edu/services/purchasing/Bid_Documents/Bid_Documents.php. Additional contact info: 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.

Ephrom Marks
Assistant Director
Purchasing/Strategic Sourcing
University of Kansas

Doc. No. 050524

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/sokfspdsc/SUPPLIER/ERP/c/SCP_PUBLIC_MENU_FL.SCP_PUB_BID_CMP_FL.GBL.

| | | |
|------------|------------|--|
| 05/22/2023 | EVT0009194 | Legal Services |
| 05/24/2023 | EVT0009196 | Suppressor Covers |
| 05/31/2023 | EVT0009197 | Toxicology Blood Alcohol Kits |
| 05/15/2023 | EVT0009199 | Evidence Management System – Hardware and Software |
| 06/02/2023 | EVT0009215 | Security Shutters for KBI Forensic Lab |
| 05/31/2023 | EVT0009221 | Two (2) 2024 Model F550 Plow Trucks |
| 05/25/2023 | EVT0009225 | Epoxy Coating Showers |

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

https://supplier.sok.ks.gov/psc/sokfspdsc/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>

05/25/2023 A-013975(A) Recirculating Aquaculture Facility – Phase 2

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

Todd Herman
Director
Office of Procurement and Contracts
Department of Administration

Doc. No. 051112

State of Kansas

Legislative Division of Post Audit

Notice to Bidders

Invitation for Bids (IFB) for an evaluation of the state’s 911 system will be accepted until 12:00 p.m. June 1, 2023, at Legislative Division of Post Audit, 800 SW Jackson, Suite 1200, Topeka, KS 66612.

State law requires the audit of the 911 system to determine: (1) the status of 911 service implementation (note: at this time there is at most one Public Safety Answering Points (PSAP) who is not on the system); (2) whether the moneys received by PSAPs pursuant to this act are being used appropriately; and (3) whether the amount of moneys collected pursuant to the act is adequate. These requirements are addressed in sections 4.3.1, 4.3.2, and 4.3.3 of the IFB.

Copies of the full IFB, project specifications, and prior audits on this topic can be accessed at <http://www.kslpa.org>.

Legislative Division of Post Audit will evaluate the bids based on the evaluation as described in the IFB. The current evaluation requires several mandatory items and three scale-evaluated items. The mandatory items are listed in section 2.3 of the IFB and include things such as meeting the requirements of the IFB and independence. The scale-evaluated items are listed in section 2.4 of the IFB, and are the firm qualifications (25%), staff qualifications (50%), and proposed fee (25%).

Timeline

- Invitations of Bids Posted: May 4, 2023
- Pre-bid conference: May 18, 2023
- Bid proposal opening: June 1, 2023
- Contract awarded: June or July 2023

Chris Clard
Legislative Post Auditor
Legislative Division of Post Audit

Doc. No. 051099

(Published in the Kansas Register May 4, 2023.)

Sourcewell

Notice to Bidders

Sourcewell, a State of Minnesota local government entity and public agency, is issuing this Invitation for Bids (IFB) on behalf of its participating entities to create indefinite delivery-indefinite quantity construction (IDIQ) contracts that may be used by those participating entities for projects related to construction or the repair, alteration, modernization, or renovation of buildings, structures, or other real property.

This IFB consists of the following parts:

1. Invitation for Bids, including map of regions
2. Template IDIQ construction contract
3. IDIQ contract general terms and conditions
4. Construction task catalog
5. Technical specifications

A full copy of the IFB can be found on the Sourcewell Procurement Portal at <https://proportal.sourcewell-mn.gov>, and only bids submitted through the Sourcewell Procurement Portal will be considered. Bids are due no later than 4:30 p.m. (Central Time) June 13, 2022. Late bids will not be considered.

Michael Muñoz
Procurement Analyst
Sourcewell

Doc. No. 051098

(Published in the Kansas Register May 4, 2023.)

City of Baldwin City, Kansas

**Summary Notice of Bond Sale
\$4,185,000***

**General Obligation Bonds
Series 2023-A**

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

Bids

Subject to the Notice of Bond Sale dated April 18, 2023 (the "Notice"), written, email, and electronic (as explained below) bids for the purchase of the above-referenced General Obligation Bonds, Series 2023-A (the "Bonds") of the City of Baldwin City, Kansas (the "Issuer") herein described will be received on behalf of the undersigned Clerk of the Issuer at the email address hereinafter set forth in the case of email bids, and via PARITY® in the case of electronic bids, until 11:00 a.m. (Central Time) (the "Submittal Hour"), Tuesday, May 16, 2023, for the purchase of the above-referenced bonds (the "Bonds"). No bid of less than 98.9% 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 1, 2023, and will become due in principal installments on September 1, as follows:

| Stated Maturity (Sept. 1) | Principal Amount* | Stated Maturity (Sept. 1) | Principal Amount* |
|---------------------------|-------------------|---------------------------|-------------------|
| 2028 | \$175,000 | 2036 | \$275,000 |
| 2029 | 180,000 | 2037 | 285,000 |
| 2030 | 185,000 | 2038 | 295,000 |
| 2031 | 195,000 | 2039 | 410,000 |
| 2032 | 195,000 | 2040 | 430,000 |
| 2033 | 205,000 | 2041 | 450,000 |
| 2034 | 215,000 | 2042 | 470,000 |
| 2035 | 220,000 | | |

* Subject to change, see the Notice

The Bonds will bear interest from the Dated Date at rates to be determined when the Bonds are sold as hereinafter provided, which interest will be payable semiannually on March 1 and September 1, in each year, beginning on March 1, 2024 (the "Interest Payment Dates").

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 cashier's or certified check drawn on a bank located in the United States of America or a wire transfer in Federal Reserve funds immediately available for use by the Issuer in the amount of \$83,700.

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 1, 2023, 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 2022 is \$50,059,246. The total general obligation indebtedness of the Issuer as of the Dated Date, including the Bonds being sold, is \$19,345,000.

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 undersigned, or from the Municipal Advisor, at the addresses set forth below:

Issuer

City of Baldwin City, Kansas
Attn: Amara Packard, Clerk
803 8th St.

(continued)

PO Box 86
Baldwin City, KS 66006
785-594-6427
apackard@baldwincity.org

Municipal Advisor–Email 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
bids@bakertilly.com

Dated April 18, 2023.

Amara Packard
Clerk
City of Baldwin City, Kansas

Doc. No. 051116

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 May 4, 2023.)

House Bill No. 2024

AN ACT concerning children and minors; relating to the revised Kansas code for care of children, federal Indian child welfare act, newborn infant protection act; relating to procedures in investigations of child abuse or neglect; requiring a child abuse review and evaluation referral; creating a program in the department of health and environment for the training and payment for child abuse reviews and exams; enacting the Representative Gail Finney memorial foster care bill of rights; granting rights to kinship caregivers under the revised Kansas code for care of children; allowing the surrender of physical custody of an infant to a newborn safety device; requiring inquiries and reporting of Indian child status; adding the requirement of great bodily harm to the crime of child abandonment to qualify for immunity; amending K.S.A. 38-2202, 38-2203, 38-2226, 38-2258, 38-2261 and 38-2282 and K.S.A. 2022 Supp. 21-5605 and repealing the existing sections.

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

New Section 1. (a) (1) When an investigation of child abuse or neglect conducted pursuant to K.S.A. 38-2226, and amendments thereto, includes a CARE referral that a child abuse medical resource center has recommended a CARE exam be conducted and the CARE provider determines a child has been subjected to physical abuse, emotional abuse, medical neglect or physical neglect, such determination shall be reported in a completed review and provided to the secretary for children and families and the local law enforcement agency or the agency's designee.

(2) When the secretary receives a completed review pursuant to paragraph (1), the secretary shall consider and include the completed review in making recommendations regarding the care, safety and placement of the child and maintain the completed review in the case record.

(3) Reviews conducted pursuant to paragraph (1) shall be confidential and not be disclosed except as provided in this section and K.S.A. 38-2209 through 38-2213, and amendments thereto.

(b) To provide forensic evaluation services to a child alleged to be a victim of physical abuse, emotional abuse, medical neglect or physical neglect in investigations that include a CARE exam:

(1) Child abuse medical resource centers may collaborate directly or through technology with CARE providers to provide forensic medical evaluations, medical training, support, mentoring and peer review to enhance the skill and role of child abuse medical resource centers and the CARE providers in a multidisciplinary context;

(2) CARE providers and child abuse medical resource centers shall provide and receive specialized training for medical evaluations conducted in a hospital, child advocacy center or by a private healthcare professional without the need for an agreement between such center and provider; and

(3) the CARE network shall develop recommendations concerning the medical-based screening process and forensic evidence collection for a child and provide such recommendations to CARE providers, child advocacy centers, hospitals and licensed practitioners.

(c) To implement and administer this section, the secretary of health and environment shall:

(1) Provide training for CARE providers to establish and maintain compliance with the requirements of K.S.A. 38-2202, and amendments thereto;

(2) assist in the implementation of subsection (b);

(3) pay for and manage a network referral system database; and

(4) adopt rules and regulations as necessary, subject to available appropriations.

(d) (1) A provider shall submit all charges for payment of reviews and CARE exams to the secretary of health and environment within 90 days after a review or exam has been performed.

(2) The secretary of health and environment shall pay all charges directly to the provider within 30 days after being submitted.

(3) The payment amount shall be for the exam at the rate not to exceed \$750 for providing such exam, excluding costs for treatment that may be required due to the diagnosis, or any facility fees, supplies or laboratory or radiology testing.

(4) If a provider is found to have submitted fraudulent charges, such provider shall be banned from the CARE network and the secretary of health and environment shall report such incident to the provider's licensing board. Such licensing board shall investigate such report to determine whether unprofessional conduct has occurred.

(5) On or before January 31, 2024, the secretary of health and environment shall prepare and present a report to the house of representatives standing committee on child welfare and foster care and the senate standing committee on public health and welfare, or their successor committees, of the activities and operations under this section. Such report shall include:

(A) The number of providers who have submitted charges;

(B) the number of reviews and CARE exams performed;

(C) average charge submitted per review and CARE exam;

(D) total amount paid out to providers;

(E) the average number of days between when:

(i) A review or CARE exam is performed and charges are submitted; and

(ii) charges are submitted and paid to a provider; and

(F) any findings of fraudulent charges.

(e) There is hereby established in the state treasury the child abuse review and evaluation fund, and such fund shall be administered by the secretary of health and environment. All expenditures from the child abuse review and evaluation fund shall be for payments of reviews, CARE exams, training of CARE providers and the implementation and administration of subsection (b), as needed. All expenditures from the child abuse review and evaluation fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or the secretary's designee. All moneys received for reviews, CARE exams and CARE provider training 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 child abuse review and evaluation fund.

(f) This section shall be a part of and supplemental to the revised Kansas code for care of children.

New Sec. 2. (a) This section shall be known and may be cited as the Representative Gail Finney memorial foster care bill of rights.

(b) Consistent with the policy of the state expressed in K.S.A. 38-2201 et seq., and amendments thereto, in order to ensure proper care and protection of a child in need of care in the child welfare system, unless otherwise ordered by the court, such child shall have the right to:

(1) Live in a safe, comfortable placement, in accordance with K.S.A. 38-2255, and amendments thereto:

(A) Where such child lives in the least restrictive environment;
 (B) where such child shall be treated with respect, have a place to store belongings and receive healthy food, adequate clothing and appropriate personal hygiene products;

(C) with siblings when possible; and
 (D) upon proper investigation and consideration in accordance with K.S.A. 38-2242, and amendments thereto, with a relative, kinship care placement or someone from such child's community with similar religious beliefs or ethnic heritage;

(2) have visits with family;
 (3) have as few placements as possible;
 (4) have and maintain belongings by:
 (A) Making a list of belongings to have when placed out of home;
 (B) providing such list of belongings to such child's case manager;
 (C) bringing such belongings when placed out of home; and
 (D) if going on a visit or to a new placement, having belongings packed and transportable for the visit or move;

(5) have access to all appropriate school supplies, services, tutoring, extra-curricular, cultural and personal enrichment activities;

(6) attend school daily in accordance with K.S.A. 38-2218, and amendments thereto;

(7) receive a high school diploma if such child has earned the standard credits in accordance with K.S.A. 38-2285, and amendments thereto;

(8) be notified of all hearings held pursuant to the revised Kansas code for care of children, when age or developmentally appropriate;

(9) attend, in person or virtually, all court hearings held pursuant to the revised Kansas code for care of children, when age or developmentally appropriate;

(10) address the court regarding any proposed placement or placement change in accordance with K.S.A. 38-2262, and amendments thereto, when age or developmentally appropriate;

(11) have a guardian ad litem represent the best interests of the child, in accordance with K.S.A. 38-2205, and amendments thereto, and contact such child regularly;

(12) request an attorney who will represent the position of the child, if different than the determinations of the guardian ad litem, in accordance with K.S.A. 38-2205, and amendments thereto;

(13) have privacy to send and receive unopened mail and make and receive phone calls;

(14) have regular and private contact with and access to case managers, attorneys and advocates;

(15) access accurate and necessary information for such child's well-being from case managers, guardians and any person who is by law liable to maintain, care for or support the child;

(16) have as few changes in case managers as possible;

(17) contact a case manager's supervisor if there is a conflict that cannot be resolved between such child and such child's case manager;

(18) report a violation of this section without fear of punishment, interference, coercion or retaliation; and

(19) when transitioning out of the child welfare system:

(A) Be an active participant in developing a transition plan, as defined in K.S.A. 38-2202, and amendments thereto;

(B) have services and benefits explained;

(C) have a checking or savings account;

(D) learn to manage money, when age or developmentally appropriate;

(E) learn job skills that are age or developmentally appropriate; and

(F) be involved in life skills training and activities.

(c) Consistent with the policy of the state expressed in K.S.A. 38-2201 et seq., and amendments thereto, in order to ensure active participation of foster parents and kinship caregivers as an integral, indispensable and vital role in the state's efforts to care for children in the custody of the secretary, unless otherwise ordered by the court, such foster parents and kinship caregivers shall have the right to:

(1) Be treated by the Kansas department for children and families and other child welfare system stakeholders with dignity, respect and trust as a primary provider of care and support and a member of the professional team caring for a child in the custody of the secretary;

(2) not be discriminated in accordance with the Kansas act against

discrimination, K.S.A. 44-1001, et seq., and amendments thereto, and federal law;

(3) continue with such foster parents' and kinship caregivers' own family values and beliefs with consideration given to the special needs of children who have experienced trauma and separation from their biological families, if the values and beliefs of the child and the biological family are respected and not infringed upon;

(4) make decisions concerning the child consistent with the policies, procedures and other directions of the Kansas department for children and families and within the limits of state and federal law;

(5) receive standardized preservice training by the Kansas department for children and families or the department's designee and at appropriate intervals to meet mutually assessed needs of the child, such foster parents and kinship caregivers;

(6) receive timely financial reimbursement and be notified of any costs or expenses for which such foster parents and kinship caregivers may be eligible for reimbursement in accordance with K.S.A. 38-2216, and amendments thereto;

(7) receive information regarding services and contact the Kansas department for children and families or the department's designee during regular business hours and, in the event of an emergency, by telephone after business hours;

(8) receive any information on issues concerning the child and known to the Kansas department for children and families or the department's designee that is relevant to the care of the child or that may jeopardize the health and safety of the foster family, the kinship care placement or the child or alter the manner in which care and services should be administered prior to the placement of such child;

(9) discuss known information regarding the child prior to placement and be provided additional information from the Kansas department for children and families or the department's designee as such information becomes available under state and federal law;

(10) refuse placement of a child in such foster parents' and kinship caregivers' home or request the removal of a child from such foster parents' and kinship caregivers' home after providing reasonable notice;

(11) receive any available information through the Kansas department for children and families regarding the number of times a child has been placed and the reasons for such placements, and receive the names and phone numbers of any previous placements if such placements have authorized such a release by law;

(12) receive information from the Kansas department for children and families that is relevant to the care of a child when the child is placed with such foster parents and kinship caregivers;

(13) provide input and participate in the case planning process for the child and participate in and be informed about the planning of visitation between the child and the child's biological family, recognizing that visitation with the child's biological family is important, in accordance with K.S.A. 38-2255, and amendments thereto;

(14) communicate with the child's child welfare case management provider and share and obtain relevant and appropriate information regarding such child's placement;

(15) communicate with members of the child's professional team, including, but not limited to, such child's child welfare management provider, therapists, physicians and teachers as allowed by rules and regulations and state and federal law, for the purpose of participating in such child's case plan;

(16) be notified in advance of any court hearing or review where the case plan or permanency of the child is an issue, including periodic reviews held by the court, in accordance with the revised Kansas code for care of children;

(17) be considered as a placement option, if a child who was formerly placed with such parents or kinship caregivers is in the custody of the secretary again;

(18) continue contact and communication with a child subsequent to the child's placement from such foster parents' and kinship caregivers' home, subject to the approval of the child and the child's biological parents, if such biological parents' rights have not been terminated;

(19) direct questions to the Kansas department for children and families regarding information, concerns, policy violations and a corrective action plan relating to licensure as a family foster home;

(20) have the rights described in this section be given full consideration when the Kansas department for children and families develops and approves policies regarding placement and permanency;

(21) submit a report to the court pursuant to K.S.A. 38-2261, and amendments thereto; and

(continued)

(22) request a court hearing regarding a change of placement notice pursuant to K.S.A. 38-2258, and amendments thereto, if a child has been placed with the same foster parents for six months or longer.

(d) (1) The secretary shall provide written and oral notification to foster youth, foster parents and kinship caregivers of the rights created under this section and information for filing complaints.

(2) The secretary shall make a list of the rights created under this section digitally available on the secretary's website.

(3) Each child welfare management provider shall make available physical and digital copies of a list of the rights created under this section.

(e) This section shall not be construed to create a private right of action independent of the revised Kansas code for care of children, but may be enforced through equitable relief as a part of the corresponding case under the revised Kansas code for care of children.

(f) This section shall be a part of and supplemental to the revised Kansas code for care of children.

Sec. 3. K.S.A. 2022 Supp. 21-5605 is hereby amended to read as follows: 21-5605. (a) Abandonment of a child is leaving a child under the age of 16 years, in a place where such child may suffer because of neglect by the parent, guardian or other person to whom the care and custody of such child shall have been entrusted, when done with intent to abandon such child.

(b) Aggravated abandonment of a child is abandonment of a child, as defined in subsection (a), which results in great bodily harm.

(c) (1) Abandonment of a child is a severity level 8, person felony.

(2) Aggravated abandonment of a child is a severity level 5, person felony.

(d) No parent or other person having lawful custody of an infant shall be prosecuted for a violation of subsection (a), if such parent or person surrenders custody of an infant in the manner provided by K.S.A. 38-2282, and amendments thereto, and if such infant has not suffered *great* bodily harm.

(e) A person who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any form of battery or homicide.

Sec. 4. K.S.A. 38-2203 is hereby amended to read as follows: 38-2203. (a) Proceedings concerning any child who may be a child in need of care shall be governed by this code, except in those instances when the court knows or has reason to know that an Indian child is involved in the proceeding, in which case, the Indian child welfare act of 1978, 25 U.S.C. § 1901 et seq., applies. The Indian child welfare act may apply to: The filing to initiate a child in need of care proceeding, K.S.A. 38-2234, and amendments thereto; ex parte custody orders, K.S.A. 38-2242, and amendments thereto; temporary custody hearing, K.S.A. 38-2243, and amendments thereto; adjudication, K.S.A. 38-2247, and amendments thereto; burden of proof, K.S.A. 38-2250, and amendments thereto; disposition, K.S.A. 38-2255, and amendments thereto; permanency hearings, K.S.A. 38-2264, and amendments thereto; termination of parental rights, K.S.A. 38-2267, 38-2268 and 38-2269, and amendments thereto; establishment of permanent custodianship, K.S.A. 38-2268 and 38-2272, and amendments thereto; *the newborn infant protection act*, K.S.A. 38-2282, and amendments thereto; *the Representative Gail Finney memorial foster care bill of rights, section 2, and amendments thereto*; the placement of a child in any foster, pre-adoptive and adoptive home and the placement of a child in a guardianship arrangement under article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto.

(b) Subject to the uniform child custody jurisdiction and enforcement act, K.S.A. 2022 Supp. 23-37,101 through 23-37,405, and amendments thereto, the district court shall have original jurisdiction of proceedings pursuant to this code.

(c) The court acquires jurisdiction over a child by the filing of a petition pursuant to this code or upon issuance of an ex parte order pursuant to K.S.A. 38-2242, and amendments thereto. When the court acquires jurisdiction over a child in need of care, jurisdiction may continue until the child has: (1) Become 18 years of age, or until June 1 of the school year during which the child became 18 years of age if the child is still attending high school unless there is no court approved transition plan, in which event jurisdiction may continue until a transition plan is approved by the court or until the child reaches the age of 21; (2) been adopted; or (3) been discharged by the court. Any child 18 years of age or over may request, in writing to the court, that the jurisdiction of the court cease. The court shall give notice of the request to all parties and interested parties and 30 days after receipt of the request, jurisdiction will cease.

(d) When it is no longer appropriate for the court to exercise jurisdiction over a child, the court, upon its own motion or the motion of a party or interested party at a hearing or upon agreement of all parties or interested parties, shall enter an order discharging the child. Except upon request of the child pursuant to subsection (c), the court shall not enter an order discharging a child until June 1 of the school year during which the child becomes 18 years of age if the child is in an out-of-home placement, is still attending high school and has not completed the child's high school education.

(e) When a petition is filed under this code, a person who is alleged to be under 18 years of age shall be presumed to be under that age for the purposes of this code, unless the contrary is proved.

(f) A court's order issued in a proceeding pursuant to this code, shall take precedence over such orders in a civil custody case, a proceeding under article 31 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, protection from abuse act, or a comparable case in another jurisdiction, except as provided by K.S.A. 2022 Supp. 23-37,101 through 23-37,405, and amendments thereto, uniform child custody jurisdiction and enforcement act.

Sec. 5. K.S.A. 38-2202 is hereby amended to read as follows: 38-2202. As used in the revised Kansas code for care of children, unless the context otherwise indicates:

(a) "Abandon" or "abandonment" means to forsake, desert or, without making appropriate provision for substitute care, cease providing care for the child.

(b) "Adult correction facility" means any public or private facility, secure or nonsecure, that is used for the lawful custody of accused or convicted adult criminal offenders.

(c) "Aggravated circumstances" means the abandonment, torture, chronic abuse, sexual abuse or chronic, life threatening neglect of a child.

(d) "Child in need of care" means a person less than 18 years of age at the time of filing of the petition or issuance of an ex parte protective custody order pursuant to K.S.A. 38-2242, and amendments thereto, who:

(1) Is without adequate parental care, control or subsistence and the condition is not due solely to the lack of financial means of the child's parents or other custodian;

(2) is without the care or control necessary for the child's physical, mental or emotional health;

(3) has been physically, mentally or emotionally abused or neglected or sexually abused;

(4) has been placed for care or adoption in violation of law;

(5) has been abandoned or does not have a known living parent;

(6) is not attending school as required by K.S.A. 72-3421 or 72-3120, and amendments thereto;

(7) except in the case of a violation of K.S.A. 41-727, ~~K.S.A. 74-8810(j), K.S.A. 79-3321(m)~~ or (n), or K.S.A. 2022 Supp. 21-6301(a)(14), and amendments thereto, or, except as provided in paragraph (12), does an act which, when committed by a person under 18 years of age, is prohibited by state law, city ordinance or county resolution, but which is not prohibited when done by an adult;

(8) while less than 10 years of age, commits any act that if done by an adult would constitute the commission of a felony or misdemeanor as defined by K.S.A. 2022 Supp. 21-5102, and amendments thereto;

(9) is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian;

(10) is willfully and voluntarily absent at least a second time from a court ordered or designated placement, or a placement pursuant to court order, if the absence is without the consent of the person with whom the child is placed or, if the child is placed in a facility, without the consent of the person in charge of such facility or such person's designee;

(11) has been residing in the same residence with a sibling or another person under 18 years of age, who has been physically, mentally or emotionally abused or neglected, or sexually abused;

(12) while less than 10 years of age commits the offense defined in K.S.A. 2022 Supp. 21-6301(a)(14), and amendments thereto;

(13) has had a permanent custodian appointed and the permanent custodian is no longer able or willing to serve; or

(14) has been subjected to an act that would constitute human trafficking or aggravated human trafficking, as defined by K.S.A. 2022 Supp. 21-5426, and amendments thereto, or commercial sexual exploitation of a child, as defined by K.S.A. 2022 Supp. 21-6422, and amendments thereto, or has committed an act which, if committed by an adult, would constitute selling sexual relations, as defined by K.S.A. 2022 Supp. 21-6419, and amendments thereto.

(e) “Child abuse medical resource center” means a medical institution affiliated with an accredited children’s hospital or a recognized institution of higher education that has an accredited medical school program with board-certified child abuse pediatricians who provide training, support, mentoring and peer review to CARE providers on CARE exams.

(f) “Child abuse review and evaluation exam” or “CARE exam” means a forensic medical evaluation of a child alleged to be a victim of abuse or neglect conducted by a CARE provider.

(g) “Child abuse review and evaluation network” or “CARE network” means a network of CARE providers, child abuse medical resource centers and any medical provider associated with a child advocacy center that has the ability to conduct a CARE exam that collaborate to improve services provided to a child alleged to be a victim of abuse or neglect.

(h) “Child abuse review and evaluation provider” or “CARE provider” means a person licensed to practice medicine and surgery, advanced practice registered nurse or licensed physician assistant who performs CARE exams of and provides medical diagnosis and treatment to a child alleged to be a victim of abuse or neglect and who receives:

(1) Kansas-based initial intensive training regarding child maltreatment from the CARE network;

(2) continuous trainings on child maltreatment from the CARE network; and

(3) peer review and new provider mentoring regarding medical evaluations from a child abuse medical resource center.

(i) “Child abuse review and evaluation referral” or “CARE referral” means a brief written review of allegations of physical abuse, emotional abuse, medical neglect or physical neglect submitted by the secretary or law enforcement agency to a child abuse medical resource center for a recommendation of such child’s need for medical care that may include a CARE exam.

(j) “Citizen review board” is a group of community volunteers appointed by the court and whose duties are prescribed by K.S.A. 38-2207 and 38-2208, and amendments thereto.

(k) “Civil custody case” includes any case filed under chapter 23 of the Kansas Statutes Annotated, and amendments thereto, the Kansas family law code, article 11 of chapter 38 of the Kansas Statutes Annotated, and amendments thereto, determination of parentage, article 21 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, adoption and relinquishment act, or article 30 of chapter 59 of the Kansas Statutes Annotated, and amendments thereto, guardians and conservators.

(l) “Court-appointed special advocate” means a responsible adult other than an attorney guardian ad litem who is appointed by the court to represent the best interests of a child, as provided in K.S.A. 38-2206, and amendments thereto, in a proceeding pursuant to this code.

(m) “Custody” whether temporary, protective or legal, means the status created by court order or statute that vests in a custodian, whether an individual or an agency, the right to physical possession of the child and the right to determine placement of the child, subject to restrictions placed by the court.

(n) “Extended out of home placement” means a child has been in the custody of the secretary and placed with neither parent for 15 of the most recent 22 months beginning 60 days after the date at which a child in the custody of the secretary was removed from the child’s home.

(o) “Educational institution” means all schools at the elementary and secondary levels.

(p) “Educator” means any administrator, teacher or other professional or paraprofessional employee of an educational institution who has exposure to a pupil specified in K.S.A. 72-6143(a), and amendments thereto.

(q) “Harm” means physical or psychological injury or damage.

(r) “Interested party” means the grandparent of the child, a person with whom the child has been living for a significant period of time when the child in need of care petition is filed, and any person made an interested party by the court pursuant to K.S.A. 38-2241, and amendments thereto, or Indian tribe seeking to intervene that is not a party.

(s) “Jail” means:

- (1) An adult jail or lockup; or
- (2) a facility in the same building or on the same grounds as an adult jail or lockup, unless the facility meets all applicable standards and licensure requirements under law and there is: (A) Total separation of the juvenile and adult facility spatial areas such that there could be no haphazard or accidental contact between juvenile and adult residents in the respective facilities; (B) total separation in all juvenile and adult program activities within the facilities, including recreation, education, counseling, health care, dining, sleeping and general living

activities; and (C) separate juvenile and adult staff, including management, security staff and direct care staff such as recreational, educational and counseling.

(t) “Juvenile detention facility” means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders that must not be a jail.

(u) “Juvenile intake and assessment worker” means a responsible adult authorized to perform intake and assessment services as part of the intake and assessment system established pursuant to K.S.A. 75-7023, and amendments thereto.

(v) “Kinship care placement” means the placement of a child in the home of an adult with whom the child or the child’s parent already has close emotional ties.

(w) “Kinship caregiver” means an adult who the secretary has selected for placement for a child in need of care with whom the child or the child’s parent already has close emotional ties.

(x) “Law enforcement officer” means any person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes.

(y) “Multidisciplinary team” means a group of persons, appointed by the court under K.S.A. 38-2228, and amendments thereto, that has knowledge of the circumstances of a child in need of care.

(z) “Neglect” means acts or omissions by a parent, guardian or person responsible for the care of a child resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child’s parents or other custodian. Neglect may include, but shall not be limited to:

(1) Failure to provide the child with food, clothing or shelter necessary to sustain the life or health of the child;

(2) failure to provide adequate supervision of a child or to remove a child from a situation that requires judgment or actions beyond the child’s level of maturity, physical condition or mental abilities and that results in bodily injury or a likelihood of harm to the child; or

(3) failure to use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening. A parent legitimately practicing religious beliefs who does not provide specified medical treatment for a child because of religious beliefs shall, not for that reason, be considered a negligent parent; however, this exception shall not preclude a court from entering an order pursuant to K.S.A. 38-2217(a)(2), and amendments thereto.

(aa) “Parent” when used in relation to a child or children, includes a guardian and every person who is by law liable to maintain, care for or support the child.

(bb) “Party” means the state, the petitioner, the child, any parent of the child and an Indian child’s tribe intervening pursuant to the Indian child welfare act.

(cc) “Permanency goal” means the outcome of the permanency planning process, which may be reintegration, adoption, appointment of a permanent custodian or another planned permanent living arrangement.

(dd) “Permanent custodian” means a judicially approved permanent guardian of a child pursuant to K.S.A. 38-2272, and amendments thereto.

(ee) “Physical, mental or emotional abuse” means the infliction of physical, mental or emotional harm or the causing of a deterioration of a child and may include, but shall not be limited to, maltreatment or exploiting a child to the extent that the child’s health or emotional well-being is endangered.

(ff) “Placement” means the designation by the individual or agency having custody of where and with whom the child will live.

(gg) “Qualified residential treatment program” means a program designated by the secretary for children and families as a qualified residential treatment program pursuant to federal law.

(hh) “Reasonable and prudent parenting standard” means the standard characterized by careful and sensible parental decisions that maintain the health, safety and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural and social activities.

(ii) “Relative” means a person related by blood, marriage or adoption.

(continued)

(dd)(jj) "Runaway" means a child who is willfully and voluntarily absent from the child's home without the consent of the child's parent or other custodian.

(ee)(kk) "Secretary" means the secretary for children and families or the secretary's designee.

(ff)(ll) "Secure facility" means a facility, other than a staff secure facility or juvenile detention facility, that is operated or structured so as to ensure that all entrances and exits from the facility are under the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or that relies on locked rooms and buildings, fences or physical restraint in order to control behavior of its residents. No secure facility shall be in a city or county jail.

(gg)(mm) "Sexual abuse" means any contact or interaction with a child in which the child is being used for the sexual stimulation of the perpetrator, the child or another person. Sexual abuse shall include, but is not limited to, allowing, permitting or encouraging a child to:

(1) Be photographed, filmed or depicted in pornographic material; or

(2) Be subjected to aggravated human trafficking, as defined in K.S.A. 2022 Supp. 21-5426(b), and amendments thereto, if committed in whole or in part for the purpose of the sexual gratification of the offender or another, or be subjected to an act that would constitute conduct proscribed by article 55 of chapter 21 of the Kansas Statutes Annotated or K.S.A. 2022 Supp. 21-6419 or 21-6422, and amendments thereto.

(hh)(nn) "Shelter facility" means any public or private facility or home, other than a juvenile detention facility or staff secure facility, that may be used in accordance with this code for the purpose of providing either temporary placement for children in need of care prior to the issuance of a dispositional order or longer term care under a dispositional order.

(ii)(oo) "Staff secure facility" means a facility described in K.S.A. 65-535, and amendments thereto: (1) That does not include construction features designed to physically restrict the movements and activities of juvenile residents who are placed therein; (2) that may establish reasonable rules restricting entrance to and egress from the facility; and (3) in which the movements and activities of individual juvenile residents may, for treatment purposes, be restricted or subject to control through the use of intensive staff supervision. No staff secure facility shall be in a city or county jail.

(jj)(pp) "Transition plan" means, when used in relation to a youth in the custody of the secretary, an individualized strategy for the provision of medical, mental health, education, employment and housing supports as needed for the adult and, if applicable, for any minor child of the adult, to live independently and specifically provides for the supports and any services for which an adult with a disability is eligible including, but not limited to, funding for home and community based services waivers.

(kk)(qq) "Youth residential facility" means any home, foster home or structure that provides 24-hour-a-day care for children and that is licensed pursuant to article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 6. K.S.A. 38-2226 is hereby amended to read as follows: 38-2226. (a) *Investigation for child abuse or neglect.* The secretary and law enforcement officers shall have the duty to receive and investigate reports of child abuse or neglect for the purpose of determining whether the report is valid and whether action is required to protect a child. Any person or agency which maintains records relating to the involved child which are relevant to any investigation conducted by the secretary or law enforcement agency under this code shall provide the secretary or law enforcement agency with the necessary records to assist in investigations. In order to provide such records, the person or agency maintaining the records shall receive from the secretary or law enforcement: (1) A written request for information; and (2) a written notice that the investigation is being conducted by the secretary or law enforcement. If the secretary and such officers determine that no action is necessary to protect the child but that a criminal prosecution should be considered, such law enforcement officers shall make a report of the case to the appropriate law enforcement agency.

(b) *Joint investigations.* When a report of child abuse or neglect indicates: (1) That there is serious physical harm to, serious deterioration of or sexual abuse of the child; and (2) that action may be required to protect the child, the investigation shall be conducted as a joint effort between the secretary and the appropriate law enforcement agency or agencies, with a free exchange of information between them pursuant

to K.S.A. 38-2210, and amendments thereto. If a statement of a suspect is obtained by either agency, a copy of the statement shall be provided to the other.

(c) *Investigation of certain cases.* Suspected child abuse or neglect which occurs in an institution operated by the Kansas department of corrections shall be investigated by the attorney general or secretary of corrections. Any suspected child abuse or neglect in an institution operated by the Kansas department for aging and disability services, or by persons employed by the Kansas department for aging and disability services or the Kansas department for children and families, or of children of persons employed by either department, shall be investigated by the appropriate law enforcement agency.

(d) *Coordination of investigations by county or district attorney.* If a dispute develops between agencies investigating a reported case of child abuse or neglect, the appropriate county or district attorney shall take charge of, direct and coordinate the investigation.

(e) *Investigations concerning certain facilities.* Any investigation involving a facility subject to licensing or regulation by the secretary of health and environment shall be promptly reported to the state secretary of health and environment.

(f) *Cooperation between agencies.* Law enforcement agencies and the secretary shall assist each other in taking action which is necessary to protect a child regardless of which agency conducted the initial investigation.

(g) *Cooperation between school personnel and investigative agencies.*

(1) Educational institutions, the secretary and law enforcement agencies shall cooperate with each other in the investigation of reports of suspected child abuse or neglect. The secretary and law enforcement agencies shall have access to a child in a setting designated by school personnel on the premises of an educational institution. Attendance at an interview conducted on such premises shall be at the discretion of the agency conducting the interview, giving consideration to the best interests of the child. To the extent that safety and practical considerations allow, law enforcement officers on such premises for the purpose of investigating a report of suspected child abuse or neglect shall not be in uniform.

(2) The secretary or a law enforcement officer may request the presence of school personnel during an interview if the secretary or officer determines that the presence of such person might provide comfort to the child or facilitate the investigation.

(h) *Visual observation required.* As part of any investigation conducted pursuant to this section, the secretary, or the secretary's designee, or the law enforcement agency, or such agency's designee, that is conducting the investigation shall visually observe the child who is the alleged victim of abuse or neglect. In the case of a joint investigation conducted pursuant to subsection (b), the secretary and the investigating law enforcement agency, or the designees of the secretary and such agency, shall both visually observe the child who is the alleged victim of abuse or neglect. All investigation reports shall include the date, time and location of any visual observation of a child that is required by this subsection.

(i) *Child abuse review and evaluation referrals.* (1) Upon investigation by law enforcement or assignment by the secretary of any investigation of physical abuse or physical neglect conducted pursuant to this section that concerns a child five years of age or younger, the secretary, the law enforcement agency or the agency's designee shall make a CARE referral for such child.

(2) In any other investigation of physical abuse, emotional abuse, medical neglect or physical neglect conducted pursuant to this section, the secretary, the law enforcement agency or the agency's designee may make a CARE referral for such child.

Sec. 7. K.S.A. 38-2258 is hereby amended to read as follows: 38-2258. (a) Except as provided in K.S.A. 38-2255(d)(2) and 38-2259, and amendments thereto, if a child has been in the same foster home, kinship care placement or shelter facility for six months or longer, or has been placed by the secretary in the home of a parent or relative, the secretary shall give written notice of any plan to move the child to a different placement unless the move is to the selected preadoptive family for the purpose of facilitating adoption. The notice shall be given to: (1) The court having jurisdiction over the child; (2) the petitioner; (3) the attorney for the parents, if any; (4) each parent whose address is available; (5) the foster parent or custodian from whose home or shelter facility it is proposed to remove the child; (6) the child, if 12 or more years of age; (7) the child's guardian ad litem; (8) any other party or interested party; and (9) the child's court appointed special advocate.

(b) The notice shall state the placement to which the secretary plans to transfer the child and the reason for the proposed action. The notice

shall be mailed by first class mail 30 days in advance of the planned transfer, except that the secretary shall not be required to wait 30 days to transfer the child if all persons enumerated in subsection (a)(2) through (8) consent in writing to the transfer.

(c) Within 14 days after receipt of the notice, any person enumerated in subsection (a)(2) through (8) receiving notice as provided above may request, either orally or in writing, that the court conduct a hearing to determine whether or not the change in placement is in the best interests of the child concerned. When the request has been received, the court shall schedule a hearing and immediately notify the secretary of the request and the time and date the matter will be heard. The court shall give notice of the hearing to persons enumerated in subsection (a) (2) through (9). If the court does not receive a request for hearing within the specified time, the change in placement may occur prior to the expiration of the 30 days. The secretary shall not change the placement of the child, except for the purpose of adoption, unless the change is approved by the court.

(d) When, after the notice set out above, a child in the custody of the secretary is removed from the home of a parent after having been placed in the home of a parent for a period of six months or longer, the secretary shall request a finding that:

(1) (A) The child is likely to sustain harm if not immediately removed from the home;

(B) allowing the child to remain in home is contrary to the welfare of the child; or

(C) immediate placement of the child is in the best interest of the child; and

(2) reasonable efforts have been made to maintain the family unit and prevent the unnecessary removal of the child from the child's home or that an emergency exists which threatens the safety to the child.

(e) The secretary shall present to the court in writing the efforts to maintain the family unit and prevent the unnecessary removal of the child from the child's home. In making the findings, the court may rely on documentation submitted by the secretary or may set the date for a hearing on the matter. If the secretary requests such finding, the court, not more than 45 days from the date of the request, shall provide the secretary with a written copy of the findings by the court for the purpose of documenting these orders.

Sec. 8. K.S.A. 38-2261 is hereby amended to read as follows: 38-2261. The secretary shall notify the foster parent or ~~parents~~ *kinship caregivers* that the foster parent or ~~parents~~ *kinship caregivers* have a right to submit a report. Copies of the report shall be available to the parties and interested parties. The report made by foster parents shall be on a form created and provided by the Kansas department for children and families.

Sec. 9. K.S.A. 38-2282 is hereby amended to read as follows: 38-2282. (a) This section shall be known and may be cited as the newborn infant protection act. The purpose of this section is to protect newborn children from injury and death caused by abandonment by a parent; and to provide safe and secure alternatives to such abandonment. *This section shall not abridge the rights or obligations created by the Indian child welfare act of 1978, 25 U.S.C. § 1901 et seq.*

(b) As used in this section:

(1) "Newborn safety device" means a container designed to safely accept delivery of an infant and that is:

(A) Voluntarily installed in a facility described in subsection (c)(1)(A) that is staffed 24 hours per day by an employee of such facility or has a dual alarm system that will dispatch first responders when all employees of the facility are unavailable;

(B) located on a structural wall in an area that is conspicuous and visible to employees of the facility described in subsection (c)(1)(A);

(C) equipped with an automatic lock that would restrict access to the device from the outside of the facility described in subsection (c)(1)(A) when an infant is placed inside the device;

(D) equipped with a temperature control; and

(E) equipped with an alarm system described in subsection (c)(3) that is triggered by an infant being placed inside the device;

(2) "non-relinquishing parent" means the biological parent of an infant who does not leave surrender the infant with any person listed in subsection (e) in accordance with this section; and

(3) "relinquishing parent" means the biological parent or person having legal custody of an infant who leaves surrenders the infant with any person listed in subsection (e) in accordance with this section.

(c) (1) A person purporting to be an infant's parent or other person having lawful custody of an infant who is not more than 60 days old or

younger and who has not suffered great bodily harm as determined by a person licensed to practice medicine and surgery, advanced practice registered nurse or licensed physician assistant may surrender physical custody of the infant to any either:

(A) An employee who is on duty at a police station, sheriff's office, law enforcement center, fire station, city or county health department or medical care facility as defined by K.S.A. 65-425, and amendments thereto. Such employee shall, without a court order, take physical custody of an infant surrendered pursuant to this section; or

(B) a newborn safety device installed at a facility described in subparagraph (A). An employee of such facility shall, without a court order, take physical custody of an infant surrendered pursuant to this section.

(2) A relinquishing parent voluntarily surrendering an infant under this subsection shall not be required to reveal personally identifiable information, but may be offered the opportunity to provide information concerning the infant's familial or medical history or information described in subsection (k).

(3) A facility described in this subsection that installs a newborn safety device shall install a dual alarm system connected to the physical location of the device. Such dual alarm system shall be tested at least once per week and visually checked at least twice per day to ensure such alarm is in working order.

(d) ~~Any~~ An employee of a facility described in subsection (c)(1) (A) to whom an infant is delivered pursuant to this section shall not reveal the name or other personally identifiable information of the person who delivered the infant unless there is a reasonable suspicion that the infant has been abused or neglected suffered great bodily harm or such information is required pursuant to subsection (k), and such facility and its employees shall be immune from administrative, civil or criminal liability for any action taken pursuant to this subsection. Such immunity shall not extend to any acts or omissions, including negligent or intentional acts or omissions, occurring after the acceptance of the infant.

(e) If an infant is delivered pursuant to this section to any a facility described in subsection (c)(1)(A) that is not a medical care facility, the employee of such facility who takes physical custody of the infant shall arrange for the immediate transportation of the infant to the nearest medical care facility as defined by K.S.A. 65-425, and amendments thereto. The medical care facility, its employees, agents and medical staff shall perform treatment in accordance with the prevailing standard of care as necessary to protect the physical health and safety of the infant and shall be immune from administrative, civil and criminal liability for treatment performed consistent with such standard.

(f) As soon as possible after an employee of any a facility described in subsection (c)(1)(A) takes physical custody of an infant without a court order pursuant to this section, such person employee shall notify a local law enforcement agency that the person employee has taken physical custody of an infant pursuant to this section. Upon receipt of such notice a law enforcement officer from such law enforcement agency shall take custody of the infant as an abandoned infant. The law enforcement agency shall report the surrender of the infant to the secretary and deliver the infant to a facility or person designated by the secretary pursuant to K.S.A. 38-2232, and amendments thereto.

(g) Any person, city or county or agency thereof or medical care facility taking physical custody of an infant surrendered pursuant to this section shall perform any act necessary to protect the physical health or safety of the infant, and shall be immune from liability for any injury to the infant that may result therefrom.

(h) (1) A relinquishing parent shall be immune from civil or criminal liability for action taken pursuant to this section only if:

(A) The relinquishing parent voluntarily delivered the infant safely to either:

(i) The physical custody of an employee at a facility described in subsection (e) (c)(1)(A); or

(ii) a newborn safety device installed at a facility described in subsection (c)(1)(B); and

(B) the infant was no not more than 60 days old when delivered by the relinquishing parent to the physical custody of an employee at a facility described in subsection (e); and

(C) the infant was not abused or neglected by the relinquishing parent prior to such delivery and has not suffered great bodily harm as determined by a person licensed to practice medicine and surgery, advanced practice registered nurse or licensed physician assistant.

(2) The relinquishing parent's voluntary delivery of an infant in accordance with this section shall constitute the parent's implied consent to the adoption of such infant and a voluntary relinquishment of such parent's parental rights.

(continued)

(i) (1) In any termination of parental rights proceeding initiated after the relinquishment of an infant pursuant to this section, the state shall publish notice pursuant to chapter 60 of the Kansas Statutes Annotated, and amendments thereto, that an infant has been relinquished, including the sex of the infant and the date and location of such relinquishment. Within 30 days after publication of such notice, a non-relinquishing parent seeking to establish parental rights shall notify the court where the termination of parental rights proceeding is filed and state such parent's intentions regarding the infant. The court shall initiate proceedings to establish parentage if no person notifies the court within 30 days. *When such person is seeking to establish parental rights, the court shall require the person, at the person's expense, to submit to a genetic test to verify that the person is the biological parent of the child.* There shall be an examination of the putative father registry to determine whether attempts have previously been made to preserve parental rights to the infant. If such attempts have been made, the state shall make reasonable efforts to provide notice of the abandonment of the infant to such putative father.

(2) If a relinquishing parent of an infant relinquishes custody of the infant in accordance with this section, to preserve the parental rights of the non-relinquishing parent, the non-relinquishing parent shall take the steps necessary to establish parentage within 30 days after the published notice or specific notice provided in paragraph (1).

(3) If a non-relinquishing parent fails to take the steps necessary to establish parentage within the 30-day period specified in paragraph (2), the non-relinquishing parent may have all of such parent's rights terminated with respect to the child.

(4) If a non-relinquishing parent inquires at a facility described in subsection (e) (c)(1)(A) regarding an infant whose custody was relinquished pursuant to this section, such facility shall refer the non-relinquishing parent to the Kansas department for children and families and the court exercising jurisdiction over the child.

(j) Upon request, all medical records of the infant shall be made available to the Kansas department for children and families and given to the person awarded custody of such infant. The medical facility providing such records shall be immune from liability for such release of records release.

(k) *An employee of a facility described in subsection (c)(1)(A) shall ask the person surrendering an infant whether such infant or either biological parent is a member of or eligible for membership in a federally recognized Indian tribe and the identity of any such tribe or tribes. Any facility maintaining a newborn safety device shall provide the means for the person surrendering an infant to indicate whether such infant or either biological parent is a member of or eligible for membership in a federally recognized tribe or tribes. An employee of a facility taking custody of an infant pursuant to section (c)(1) shall provide to the secretary all information received pursuant to this subsection. The secretary shall provide such information to the court with jurisdiction over the infant.*

(l) (1) A facility described in subsection (c)(1)(A) that receives an infant surrendered under this section shall make available, if possible, information to the relinquishing parent, but such parent shall not be required to accept such information.

(2) Such information to be made available shall include:

(A) A notice stating that 60 days after the surrender of the infant to the facility, the secretary shall commence proceedings for termination of parental rights and placement of the infant for adoption;

(B) a list of providers that provide counseling services on grief, pregnancy and adoption or other placement or care regarding an infant;

(C) a copy of this statute, the rights of birth parents, a questionnaire that a birth parent may answer questions about the medical or background information of the child and any information required by subsection (k); and

(D) a brochure on postpartum health.

(3) The form and manner of the information under this subsection shall be prescribed by the secretary. The secretary shall maintain the questionnaire under paragraph (2)(C) on a public website.

(m) Except as otherwise provided by law, the following individuals shall not disclose any information concerning the relinquishment of the infant and individuals involved in the relinquishment:

(1) Persons licensed to practice medicine and surgery, advanced practice registered nurse or licensed physician assistant;

(2) employees of a facility described in subsection (c)(1)(A);

(3) operators of a newborn safety device; or

(4) persons employed or involved with any location where an infant may be surrendered under this section.

Sec. 10. K.S.A. 38-2202, 38-2203, 38-2226, 38-2258, 38-2261 and 38-2282 and K.S.A. 2022 Supp. 21-5605 are hereby repealed.

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

Doc. No. 051105

(Published in the Kansas Register May 4, 2023.)

House Bill No. 2059

AN ACT concerning alcoholic beverages and food establishments; exempting charitable raffle prizes of alcoholic liquor and cereal malt beverages from the Kansas liquor control act, the club and drinking establishment act and the Kansas cereal malt beverage act; relating to spirits, wine and beer distributors; regulating samples; relating to the special order shipping of wine; requiring monthly remittance of gallonage taxes; allowing businesses to sell cereal malt beverage by the drink on Sundays without requiring that 30% of the gross receipts of such businesses be derived from the sale of food; permitting food establishments to allow dogs in outside areas on the premises and food establishments that are microbreweries to allow dogs in outside and inside areas on the premises notwithstanding certain provisions of the Kansas food code; amending the common consumption area law to permit rather than require roads be blocked and allowing designation of such areas by signage; amending K.S.A. 41-104, 41-306, 41-306a, 41-307, 41-350 and 41-2659 and K.S.A. 2022 Supp. 41-2704 and repealing the existing sections.

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

New Section 1. (a) Notwithstanding any other provisions of state law, a food establishment, as defined in K.S.A. 65-656, and amendments thereto, that is a microbrewery as defined in K.S.A. 41-102, and amendments thereto, and is licensed as provided in K.S.A. 41-308b, and amendments thereto, may allow live dogs in outside and inside areas on the premises if the conditions specified in subsection (c) are met.

(b) Notwithstanding any other provisions of state law, a food establishment, as defined in K.S.A. 65-656, and amendments thereto, that is not a microbrewery as defined in K.S.A. 41-102, and amendments thereto, may allow live dogs in outside areas on the premises, if the conditions as specified in subsection (c) are met.

(c) The following conditions shall be met by a food establishment for dogs to be permitted on such food establishment's premises as permitted by subsections (a) and (b):

(1) The food establishment shall prepare a written plan describing the processes and procedures in place to prevent food contamination from dogs on the premises. The plan shall be posted next to the food establishment license inside the premises of the food establishment. The employees of the food establishment shall be trained on the plan, and the plan shall be made available to the Kansas department of agriculture upon request;

(2) dogs shall be under handler control. Dogs shall be well behaved and respond to their handler's command. Dogs belonging to food establishment owners, management or employees shall not be required to be leashed. Dogs belonging to guests of the food establishment shall be leashed at all times;

(3) with respect to a food establishment that is a microbrewery, as provided by subsection (a), dogs in indoor areas shall not be permitted in food or drink preparation areas, including, but not limited to, kitchens and behind bars;

(4) dogs shall not be permitted on dining surfaces, including tables, bars or counter tops;

(5) dogs shall not be fed or watered from any food establishment equipment, including, but not limited to, plates, bowls and utensils, except for single-service items that are disposed of immediately following such use;

(6) an area outside the food establishment shall be designated for dog urination and defecation;

(7) employees shall be required to wash their hands after contact of any kind with a dog prior to handling any food, drink, utensil or food or drink production, preparation or serving equipment or the preparation or use of surfaces that may come into contact with food or drink;

(8) guests shall be advised to wash their hands after any contact with a dog; and

(9) a process for immediately sanitizing equipment or surfaces used for the production, preparation, serving or consumption of food

or drink if a dog has contact with such equipment or surfaces shall be developed and followed by the food establishment. This process shall include instructions for disposing of contaminated food or drink.

Sec. 2. On and after July 1, 2023, K.S.A. 41-104 is hereby amended to read as follows: 41-104. (a) No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish or possess any alcoholic liquor for beverage purposes, except as specifically provided in this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto, except that nothing contained in this act ~~such acts~~ shall prevent:

(a)(1) The possession and transportation of alcoholic liquor for the personal use of the possessor, the possessor's family and guests except that the provisions of K.S.A. 41-407, and amendments thereto, shall be applicable to all persons;

(b)(2) the making of wine, cider or beer by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker, the maker's family, guests and judges at a contest or competition of such beverages, provided, the maker receives no compensation for producing such beverages or for allowing the consumption thereof;

(c)(3) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of the medical or dental profession;

(d)(4) any hospital or other institution caring for sick and diseased persons, from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or institution;

(e)(5) any drugstore employing a licensed pharmacist from possessing and using alcoholic liquor in the compounding of prescriptions of duly licensed physicians;

(f)(6) the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church;

(g)(7) the sale of wine to a consumer in this state by a person which holds a valid license authorizing the manufacture of wine in this or another state and the shipment of such wine directly to such consumer, subject to the following:

(A) The consumer must be at least 21 years of age;

(B) the consumer must purchase the wine while physically present on the premises of the wine manufacturer;

(C) the wine must be for the consumer's personal consumption and not for resale; and

(D) the consumer shall comply with the provisions of K.S.A. 41-407, and amendments thereto, by payment of all applicable taxes within such time after purchase of the wine as prescribed by rules and regulations adopted by the secretary;

(h)(8) the serving of complimentary alcoholic liquor or cereal malt beverages at fund raising activities of charitable organizations as defined by K.S.A. 17-1760, and amendments thereto, and as qualified pursuant to ~~26 U.S.C.A.~~ U.S.C. § 501(c) and by committees formed pursuant to K.S.A. 25-4142 et seq., and amendments thereto. The serving of such alcoholic liquor at such fund raising activities shall not constitute a sale pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto. Any such fund raising activity shall not be required to obtain a license or a temporary permit pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto; ~~or~~

(i)(9) the serving of complimentary alcoholic liquor or cereal malt beverage on the unlicensed premises of a business by the business owner or owner's agent at an event sponsored by a nonprofit organization promoting the arts and which has been approved by ordinance or resolution of the governing body of the city, county or township wherein the event will take place and whereby the director of the alcoholic beverage control has been notified thereof no less than 10 days in advance; ~~or~~

(10) *the provision of alcoholic liquor or cereal malt beverage as a prize for a charitable raffle conducted in accordance with K.S.A. 75-5171 et seq., and amendments thereto, except that no such prize shall be provided to any person under 21 years of age.*

(j)(b) For purposes of subsection (b) (a)(2), the term "guest" means a natural person who is known to the host and receives a personal invitation to an event conducted by the host. The term "guest" ~~shall~~ does not mean a natural person who receives an invitation to an event conducted by the host when such invitation has been made available to the general public.

Sec. 3. K.S.A. 41-306 is hereby amended to read as follows: 41-306. A spirits distributor's license, shall allow:

(a) The wholesale purchase, importation and storage of spirits, but all such spirits so purchased or imported which are manufactured in the United States shall be purchased from the primary American source of supply or from another licensed spirits distributor, except that a licensed spirits distributor may purchase confiscated spirits at a sheriff's sale.

(b) The sale of spirits to:

(1) Spirits distributors licensed in this state;

(2) retailers licensed in this state, except that such distributor shall sell a brand of spirits only to those retailers whose licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and

(3) such persons located outside such territory or outside this state as permitted by law.

(c) The purchase of spirits in barrels, casks or other bulk containers and the bottling thereof before resale, but all bottles or containers filled with such spirits shall be sealed, labeled and otherwise made to comply with all laws and rules and regulations governing the preparation and bottling of spirits by manufacturers and with all federal rules, regulations and laws.

(d) The storage and delivery to a retailer licensed under the Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt beverage to such retailer, in accordance with an agreement entered into with such other distributor and approved by the director.

(e) The storage and delivery to a public venue licensed under the club and drinking establishment act of alcoholic liquor purchased by the public venue licensee from a retailer authorized by law to sell such alcoholic liquor to such public venue licensee.

(f) The withdrawal of spirits from such licensee's inventory for use as samples in the course of the business of the distributor or at industry seminars. Samples may only be provided to persons licensed as a distributor or a retailer under the Kansas liquor control act, and such person's employees *or to persons licensed under the club and drinking establishment act and such persons' employees*. Samples may be served on the licensed premises of the licensee, or on the premises of a licensed retailer, ~~provided~~ *except that no sample shall be served on that portion of the premises of a licensed retailer that is open to the public and where sales of alcoholic liquor at retail are made. Only products that have not been purchased from the distributor licensee by the retailer or club and drinking establishment act licensee within the previous 12 months may be provided for sampling pursuant to this subsection.* No sample shall be provided to any minor. Nothing in this subsection shall be construed to permit the licensee to sell any alcoholic liquor for consumption on the premises. The withdrawal of spirits shall be subject to the tax imposed by K.S.A. 79-4101 et seq., and amendments thereto, based on the applicable current posted bottle or case price. For purposes of ~~providing samples pursuant to this subsection other than at industry seminars or to the licensee's employees, the term "sample" shall have the same meaning as that term is defined in K.S.A. 41-2601, and amendments thereto~~ *this subsection, "sample" means not more than three liters of distilled spirits.*

Sec. 4. K.S.A. 41-306a is hereby amended to read as follows: 41-306a. A wine distributor's license shall allow:

(a) The wholesale purchase, importation and storage of wine, but all wine so purchased or imported which is manufactured in the United States shall be purchased from the primary American source of supply or from another licensed wine distributor, except that a licensed wine distributor may purchase confiscated wine at a sheriff's sale.

(b) The sale of wine to:

(1) Wine distributors licensed in this state;

(2) retailers licensed in this state, except that such distributor shall sell a brand of wine only to those retailers whose licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and

(3) such persons located outside such territory or outside this state as permitted by law.

(c) The sale of wine, but only in barrels, casks and other bulk containers, to:

(continued)

(1) Licensed caterers; and
 (2) public venues, clubs and drinking establishments licensed in this state, except that such distributor shall sell a brand of wine only to such public venues, clubs and drinking establishments the licensed premises of which are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto.

(d) The purchase of wine in barrels, casks or other bulk containers and the bottling thereof before resale, but all bottles or containers filled with such wine shall be sealed, labeled and otherwise made to comply with all laws and rules and regulations governing the preparation and bottling of wine by manufacturers and with all federal rules, regulations and laws.

(e) The storage and delivery to a retailer licensed under the Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt beverage to such retailer, in accordance with an agreement entered into with such other distributor and approved by the director.

(f) The withdrawal of wine from such licensee's inventory for use as samples in the course of the business of the distributor or at industry seminars. Samples may only be provided to persons licensed as a distributor or a retailer under the Kansas liquor control act, and such person's employees, or to persons licensed under the club and drinking establishment act, and such person's employees. Samples may be served on the licensed premises of the licensee, or on the premises of a licensed retailer, provided no sample shall be served on that portion of the premises of a licensed retailer that is open to the public and where sales of alcoholic liquor at retail are made. *Only products that have not been purchased from the distributor licensee by the retailer or club and drinking establishment licensee within the previous 12 months may be provided for sampling pursuant to this subsection.* No sample shall be provided to any minor. Nothing in this subsection shall be construed to permit the licensee to sell any alcoholic liquor for consumption on the premises. The withdrawal of wine shall be subject to the tax imposed by K.S.A. 79-4101 et seq., and amendments thereto, based on the applicable current posted bottle or case price. For purposes of providing samples pursuant to this subsection other than at industry seminars or to the licensee's employees, the term of this subsection, "sample" shall have the same meaning as that term is defined in K.S.A. 41-2601, and amendments thereto means not more than three liters of any brand of wine.

(g) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 5. K.S.A. 41-307 is hereby amended to read as follows: 41-307. A beer distributor's license shall allow:

(a) The wholesale purchase, importation and storage of beer.
 (b) The sale of beer to:
 (1) Licensed caterers;
 (2) beer distributors licensed in this state;
 (3) retailers, public venues, clubs and drinking establishments, licensed in this state, except that such distributor shall sell a brand of beer only to those retailers, public venues, clubs and drinking establishments of which the licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto; and

(4) such persons located outside such territory or outside this state as permitted by law.

(c) The sale of cereal malt beverage to:
 (1) Beer distributors licensed in this state;
 (2) clubs and drinking establishments, licensed in this state, and retailers licensed under K.S.A. 41-2702, and amendments thereto, except that such distributor shall sell a brand of cereal malt beverage only to those such clubs, drinking establishments and retailers of which the licensed premises are located in the geographic territory within which such distributor is authorized to sell such brand, as designated in the notice or notices filed with the director pursuant to K.S.A. 41-410, and amendments thereto;

(3) retailers; and

(4) such persons located outside such territory or outside this state as permitted by law.

(d) The sale of beer containing not more than 6% alcohol by volume to cereal malt beverage retailers licensed pursuant to K.S.A. 41-2702, and amendments thereto.

(e) The purchase of cereal malt beverage in kegs or other bulk containers and the bottling or canning thereof in accordance with law.

(f) The storage and delivery to a retailer licensed under the Kansas liquor control act or a retailer licensed under K.S.A. 41-2702, and amendments thereto, on the distributor's licensed premises, of alcoholic liquor or cereal malt beverage of another licensed distributor authorized by law to sell such alcoholic liquor or cereal malt beverage to such retailer, in accordance with an agreement entered into with such other distributor and approved by the director.

(g) The storage and delivery, with proper invoicing in accordance with rules and regulations adopted by the secretary, on the premises of a public venue licensee, of beer sold to or available for purchase by the public venue during an event.

(h) The withdrawal of beer or cereal malt beverage from such licensee's inventory for use as samples in the course of the business of the distributor or at industry seminars. Samples may only be provided to persons licensed as a distributor or a retailer under the Kansas liquor control act, and such person's employees, or to persons licensed under the club and drinking establishment act, and such person's employees. Samples may be served on the licensed premises of the licensee, or on the premises of a licensed retailer, provided no sample shall be served on that portion of the premises of a licensed retailer that is open to the public and where sales of alcoholic liquor at retail are made. Samples may be served on the premises of a licensee holding a license issued under the club and drinking establishment act, provided no sample shall be served on that portion of the premises that is open to the public and where sales of alcoholic liquor are made. *Only products that have not been purchased from the distributor licensee by the retailer or club and drinking establishment act licensee within the previous 12 months may be provided for sampling pursuant to this subsection.* No sample shall be provided to any minor. Nothing in this subsection shall be construed to permit the licensee to sell any alcoholic liquor for consumption on the premises. The withdrawal of beer or cereal malt beverage shall be subject to the tax imposed by K.S.A. 79-4101 et seq., and amendments thereto, based on the applicable current posted bottle or case price. For purposes of providing samples pursuant to this subsection other than at industry seminars or to the licensee's employees, the term of this subsection, "sample" shall have the same meaning as that term is defined in K.S.A. 41-2601, and amendments thereto means not more than three gallons of any brand of beer or cereal malt beverage.

Sec. 6. On and after July 1, 2023, K.S.A. 41-350 is hereby amended to read as follows: 41-350. (a) For the purposes of this act, the term "winery" means any maker or producer of wine whether in this state or in any other state, who holds a valid federal basic wine manufacturing permit. The terms "director" and "secretary" have the meaning ascribed to these terms mean the same as defined in K.S.A. 41-102, and amendments thereto.

(b) Any winery may be authorized to make direct shipments of wine to consumers in this state upon obtaining a special order shipping license from the secretary pursuant to this act.

(1) A special order shipping license shall only be issued to a winery upon compliance with all applicable provisions of this act and the regulations promulgated pursuant to this act, and upon payment of a license fee in the amount of \$100. The license term for a special order shipping license shall commence on the date specified on the license and shall end two years after that date.

(2) A special order shipping license shall entitle the winery to ship wine upon order directly to consumers for personal or household use in this state. The purchaser shall pay the purchase price and all shipping costs directly to the permit holder. Enforcement taxes collected herein shall be paid solely on the purchase price and not on the shipping costs.

(c) No holder of a special order shipping license shall be permitted to ship in excess of 12 standard cases of wine of one brand or a combination of brands into this state to any one consumer or address per calendar year.

(d) (1) Before accepting an order from a consumer in this state, the holder of a special order shipping license shall require that the person placing the order to state affirmatively that he or she such person is 21 years of age or older and shall verify the age of such person placing the

order either by the physical examination of an approved government issued form of identification or by utilizing an internet based age and identification service approved by the director of alcoholic beverage control; or the director's designee.

(2) Every shipment of wine by the holder of a special order shipping license shall be clearly marked 'Alcoholic Beverages, Adult Signature Required' and the carrier delivering such shipment shall be responsible for obtaining the signature of an adult who is at least 21 years of age as a condition of delivery.

(e) A special order shipping license shall not authorize the shipment of any wine to any premises licensed to sell alcoholic beverages pursuant to this act or the club and drinking establishment act.

(f) The failure to comply strictly with the requirements of this act and rules and regulations promulgated pursuant to this act shall be grounds for the revocation of a special order shipping license or other disciplinary action by the director. After notice and an opportunity for hearing in accordance with the provisions of the Kansas administrative procedure act, the director may refuse to issue or renew or may revoke a shipping permit upon a finding that the permit holder has failed to comply with any provision of this section or K.S.A. 41-501 et seq., and amendments thereto, or any rules and regulations adopted pursuant to such statutes. Upon revocation of a special order shipping license for shipment of wine to a person not of legal age as required herein such winery shall not be issued any special order shipping license pursuant to this act for a period of one year from the date of revocation.

(g) The holder of a special order shipping license shall collect all gallonage taxes imposed by K.S.A. 41-501 et seq., and amendments thereto, shall on a ~~quarterly~~ *monthly* basis electronically remit such taxes in a manner prescribed by the secretary and shall accompany such remittance with any reports, documentation or other information as may be required by the secretary. In addition, an applicant for and a holder of a special order shipping license, as a condition of receiving and holding a valid license, shall:

(1) Collect and pay the applicable Kansas enforcement tax on each sale shipped to a consumer in Kansas imposed by K.S.A. 79-4101 et seq., and amendments thereto;

(2) accompany each remittance with such sales tax reports, documentation and other information as may be required by the director of taxation; and

(3) if the holder of the license is an out-of-state shipper, the licensee shall be deemed to have appointed the secretary of state as the resident agent and representative of the licensee to accept service of process from the secretary of revenue, the director and the courts of this state concerning enforcement of this section, K.S.A. 41-501 et seq., and amendments thereto, and any related laws and rules and regulations and to accept service of any notice or order provided for in the liquor control act.

(h) The secretary of revenue may adopt rules and regulations to implement, administer and enforce the provisions of this section.

(i) This section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 7. On and after July 1, 2023, K.S.A. 41-2659 is hereby amended to read as follows: 41-2659. (a) (1) A city or a county may establish one or more common consumption areas within the limits of the city or within the unincorporated portion of the county, as applicable, by ordinance or resolution, respectively, and authorize the possession and consumption of alcoholic liquor or cereal malt beverage within the common consumption area. The ordinance or resolution shall designate the boundaries of any common consumption area and prescribe the times during which alcoholic liquor or cereal malt beverage may be consumed therein. The ordinance or resolution ~~shall~~ *may* require that any public street or roadway that lies within a common consumption area ~~shall~~ be blocked from motorized traffic during the hours in which alcoholic liquor or cereal malt beverage is consumed.

(2) The city or county shall immediately notify the director of the division of alcoholic beverage control of the establishment of a common consumption area and submit a copy of the ordinance or resolution along with such notice.

(b) A common consumption area permit shall allow the consumption of alcoholic liquor or cereal malt beverage in any area designated by such permit. The director may issue common consumption area permits to the city or county or any one person who shall be a resident of Kansas or an organization that has its principal place of business in Kansas and that has been approved by the respective city or county, in accordance with rules and regulations adopted by the secretary of revenue.

(c) Applications for common consumption area permits shall be submitted to the director, subject to the following:

(1) A copy of any ordinance or resolution promulgated in accordance with subsection (a) shall accompany any application for a common consumption area permit.

(2) Each application shall be accompanied by a non-refundable permit fee of \$100. All permit fees collected by the director pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(3) A common consumption area permit shall be issued for a period of not to exceed one year. A common consumption area permit shall not be transferable or assignable.

(d) Any licensee immediately adjacent to, or located within a common consumption area may request that the licensee's licensed premises participate in the common consumption area for the duration of the common consumption area permit. Such a request shall be made upon forms prescribed by the director.

(e) (1) Any licensee who has requested and received permission to participate in the common consumption area may allow its legal patrons to remove alcoholic liquor or cereal malt beverage purchased from the licensee into the premises described by the common consumption area permit. All alcoholic liquor and cereal malt beverage removed from a licensed premises in such fashion shall be served in a container that displays the licensee's trade name or logo or other identifying mark that is unique to the licensee.

(2) In addition to their licensed premises, one or more licensees that have requested and received permission to participate in a common consumption area may offer for sale, sell and serve alcoholic liquor or cereal malt beverage for consumption from one non-contiguous service area within the common consumption area, as designated and approved by the common consumption area permit holder. The licensee shall prominently display a copy of its drinking establishment license and the approval of the common consumption area permit holder at its non-contiguous service area.

(f) (1) Each licensee within a common consumption area shall be liable for violations of all liquor laws governing the sale and consumption of alcoholic liquor or cereal malt beverage that occur on the licensee's premises.

(2) Each common consumption area permit holder shall be liable for violations that occur off the licensee's premises, but within the common consumption area identified in the permit. No permit holder shall permit any person to remove any open container of alcoholic liquor or cereal malt beverage from the boundaries of the common consumption area.

(g) (1) For the purposes of this section, "common consumption area" means a defined indoor or outdoor area not otherwise subject to a license issued pursuant to the Kansas liquor control act or the club and drinking establishment act where the possession and consumption of alcoholic liquor or cereal malt beverage is allowed pursuant to a common consumption area permit.

(2) The boundaries of any common consumption area must be clearly marked using a physical barrier or any apparent line of demarcation. *Every common consumption area shall have signs conspicuously posted identifying the boundaries of such area in a size and manner that provides notice to persons entering or leaving the area.*

(h) The secretary shall adopt rules and regulations to implement this section.

(i) This section shall be a part of and supplemental to the club and drinking establishment act.

Sec. 8. K.S.A. 2022 Supp. 41-2704 is hereby amended to read as follows: 41-2704. (a) In addition to and consistent with the requirements of the Kansas cereal malt beverage act, the board of county commissioners of any county or the governing body of any city may prescribe hours of closing, standards of conduct and rules and regulations concerning the moral, sanitary and health conditions of places licensed pursuant to this act and may establish zones within which no such place may be located.

(b) Within any city where the days of sale at retail of cereal malt beverage in the original package have not been expanded as provided by K.S.A. 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:

(continued)

(Published in the Kansas Register May 4, 2023.)

Senate Bill No. 17

AN ACT concerning housing; expanding the use of bond proceeds under the Kansas reinvestment housing incentive district act; transferability of income, privilege and premium tax credits issued under the Kansas housing investor tax credit act; amending K.S.A. 12-5241, 12-5242, 12-5243, 12-5244, 12-5247, 12-5249 and 12-5252 and K.S.A. 2022 Supp. 79-32,313 and repealing the existing sections.

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

New Section 1. (a) The governing body of any city that satisfies the definition of such term under K.S.A. 12-5242(a)(2), and amendments thereto, is hereby authorized to designate reinvestment housing incentive districts within such city subject to the limitations of this section. Such city shall be subject to the provisions of K.S.A. 12-5244 through 12-5252, and amendments thereto.

(b) (1) The governing body of a city establishing a reinvestment housing incentive district under this section shall not:

(A) Designate more than 100 units within such district as for-sale units in one year or more than 100 units within such district as for-rent units in one year; and

(B) designate more than 50 units within such district associated with a single project as for-sale units in one year or more than 50 units within such district associated with a single project as for-rent units in one year.

(2) Units designated as for-sale units may be redesignated as for-rent units by the governing body if such units have not been sold within six months after the certificate of occupancy is granted.

(3) The governing body may designate for-sale and for-rent units for succeeding years as part of a proposed multi-phased, multi-year development plan adopted pursuant to K.S.A. 12-5246, and amendments thereto.

(c) The average size of each residence constructed per project within a reinvestment housing incentive district established under this section shall not exceed 1,650 square feet. The square footage shall be calculated excluding any garage area or other exterior area, such as porches, patios or unattached storage buildings.

(d) The provisions of this section shall be a part of and supplemental to the Kansas reinvestment housing incentive district act.

Sec. 2. K.S.A. 12-5241 is hereby amended to read as follows: 12-5241. ~~This act~~ *The provisions of K.S.A. 12-5241 through 12-5256, and amendments thereto, and section 1, and amendments thereto, shall be known and may be cited as the Kansas rural reinvestment housing incentive district act.*

Sec. 3. K.S.A. 12-5242 is hereby amended to read as follows: 12-5242. Except as otherwise provided, as used in K.S.A. 12-5241 through 12-5251, and amendments thereto, and K.S.A. 12-5252 through 12-5258, and amendments thereto:

(a) "City" means the city of Topeka or any city incorporated in accordance with Kansas law:

(1) With a population of less than 60,000, as certified to the secretary of state by the director of the division of the budget on the previous July 1 in accordance with K.S.A. 11-201, and amendments thereto; ~~or~~

(2) *for the purposes of a project subject to section 1, and amendments thereto, with a population of 60,000 or more, as certified to the secretary of state by the director of the budget on the previous July 1 in accordance with K.S.A. 11-201, and amendments thereto, except the city of Topeka; or*

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

(b) "City housing authority" means any agency of a city created pursuant to the municipal housing law, K.S.A. 17-2337 et seq., and amendments thereto.

(c) "Corporation" means the Kansas housing resources corporation.

(d) "County" means any county organized in accordance with K.S.A. 18-101 et seq., and amendments thereto:

(1) With a population of less than ~~80,000~~ 85,000, as certified to the secretary of state by the director of the division of the budget on the previous July 1st in accordance with K.S.A. 11-201, and amendments thereto; or

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

(1) Between the hours of 12 midnight and 6 a.m.; or
(2) on Sunday, except in a place of business ~~which~~ *that* 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~~ *that* 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~~ *that* 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~~ *that* 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) Cereal 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. 9. K.S.A. 41-306, 41-306a and 41-307 and K.S.A. 2022 Supp. 41-2704 are hereby repealed.

Sec. 10. On and after July 1, 2023, K.S.A. 41-104, 41-350 and 41-2659 are hereby repealed.

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

Doc. No. 051106

(e) "Developer" means the person, firm or corporation responsible under an agreement with the governing body to develop housing or related public facilities in a district.

(f) "District" means a ~~rural~~ *reinvestment* housing incentive district established in accordance with this act.

(g) "Governing body" means the board of county commissioners of any county or the mayor and council, mayor and commissioners or board of commissioners, as the laws affecting the organization and status of cities affected may provide.

(h) "Housing development activities" means the construction or rehabilitation of infrastructure necessary to support construction of new residential dwellings and the actual construction of such residential dwellings, if such construction is conducted by a city housing authority.

(i) "Secretary" means the secretary of commerce of the state of Kansas.

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

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

(l) "Taxing subdivision" means the county, the city, the unified school district, and any other taxing subdivision levying real property taxes, the territory or jurisdiction of which includes any currently existing or subsequently created ~~rural~~ *reinvestment* housing incentive district.

Sec. 4. K.S.A. 12-5243 is hereby amended to read as follows: 12-5243. It is hereby declared to be the purpose of this act to encourage the development and renovation of housing in ~~the rural~~ cities and counties of Kansas by authorizing cities and counties to assist directly in the financing of public improvements that will support such housing in ~~rural~~ areas of Kansas ~~which~~ that experience a shortage of housing.

Sec. 5. K.S.A. 12-5244 is hereby amended to read as follows: 12-5244. (a) The governing body of any city or county is hereby authorized to designate ~~rural~~ *reinvestment* housing incentive districts within such city or county. Any city governing body may designate one or more such districts in such city, and any county governing body may designate one or more such districts in any part of the unincorporated territory of such county. Prior to making such a designation, the governing body shall conduct a housing needs analysis to determine what, if any, housing needs exist within its community. After conducting the analysis, the governing body shall adopt a resolution containing a legal description of the proposed district, a map depicting the existing parcels of real estate in the proposed district, and a statement of the following findings and determinations:

(1) There is a shortage of quality housing of various price ranges in the city or county despite the best efforts of public and private housing developers;

(2) the shortage of quality housing can be expected to persist and that additional financial incentives are necessary in order to encourage the private sector to construct or renovate housing in such city or county;

(3) the shortage of quality housing is a substantial deterrent to the future economic growth and development of such city or county; and

(4) the future economic well-being of the city or county depends on the governing body providing additional incentives for the construction or renovation of quality housing in such city or county.

(b) The resolution containing the findings contained in subsection (a) shall be published at least once in the official newspaper of the city or county.

(c) Upon publication of the resolution as provided in subsection (b), the governing body shall send a certified copy of the resolution to the secretary, requesting that the secretary review the resolution and advise the governing body whether the secretary agrees with the findings contained therein. If the secretary advises the governing body in writing that the secretary agrees with each of the findings of the governing body, the governing body may proceed to establish the district as set forth in this act. If the secretary fails to agree with the findings, the secretary shall advise the governing body in writing of the specific reasons therefor.

Sec. 6. K.S.A. 12-5247 is hereby amended to read as follows: 12-5247. (a) Any governing body ~~which~~ that has established a ~~rural~~ *reinvestment* housing incentive district as provided in this act may purchase or otherwise acquire real property; however, the property may not be

acquired through the exercise of the power of eminent domain. Relocation assistance payments shall be provided by the city or county in accordance with the provisions of K.S.A. 12-1777, and amendments thereto, to any tenants required to be relocated as a result of the acquisition of such property for any project in the district.

(b) Any property acquired by a city or county under this act may be sold or leased to any developer, in accordance with the ~~rural~~ *reinvestment* housing incentive plan and under such conditions as shall have been agreed to prior to the adoption of the plan. The city or county and the developer may agree to any additional terms and conditions, but if the developer requests to be released from any obligations agreed to and embodied in the plan, such release shall constitute a substantial change and subject to the requirements provided in ~~subsection (b)~~ of K.S.A. 12-5246(b), and amendments thereto.

Sec. 7. K.S.A. 12-5249 is hereby amended to read as follows: 12-5249. (a) Any city or county that has established a ~~rural~~ *reinvestment* housing incentive district may use the proceeds of special obligation bonds issued under K.S.A. 12-5248, and amendments thereto, or any uncommitted funds derived from those sources of revenue set forth in K.S.A. 12-5248(a)(1), and amendments thereto, to implement specific projects identified within the ~~rural~~ *reinvestment* housing incentive district plan including, without limitation:

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

(2) payment of relocation assistance;

(3) site preparation;

(4) sanitary and storm sewers and lift stations;

(5) drainage conduits, channels and levees;

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

(7) street lighting fixtures, connection and facilities;

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

(9) sidewalks;

(10) water mains and extensions; ~~and~~

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

(12) *renovation or construction of residential dwellings, multi-family units or buildings or other structures exclusively for residential use located on existing lots if:*

(A) *The infrastructure, including streets, sewer, water and utilities, has been in existence for at least 10 years; or*

(B) *the existing lot has been subject to any tax assessment levied pursuant to chapter 12, article 6a or chapter 19, article 27 of the Kansas Statutes Annotated, and amendments thereto, because such lot is located in an improvement district established pursuant to chapter 12, article 6a or chapter 19, article 27 of the Kansas Statutes Annotated, and amendments thereto.*

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

Sec. 8. K.S.A. 12-5252 is hereby amended to read as follows: 12-5252. (a) Any city that prior to July 1, 2013, is located, in whole or in part, within the boundaries of a county designated by the United States federal emergency management agency under major disaster declaration FEMA-1711-DR or FEMA-1699, as eligible to receive individual or public assistance from the United States federal government that desires to designate a ~~rural~~ *reinvestment* housing incentive district pursuant to this act or such county shall be exempt from the provisions of ~~subsection (e)~~ of K.S.A. 12-5244(c), and amendments thereto, and may adopt a plan for a designated ~~rural~~ *reinvestment* housing incentive district without the approval of the secretary and without conducting a public hearing on such proposed plan.

(continued)

(b) For any city in a county declared by the governor to be a state of disaster after January 1, 2008, or such county if the governor finds that such disaster resulted in the destruction of a significant amount of residential housing in such city or county the governor may designate such city or county to exercise the exemption authorized by subsection (a) for a period of five years from the date of the declaration of a state of disaster.

(c) Nothing in this section shall be construed so as to exempt a city or county from any other requirement set forth in this act, or to limit any of the rights, duties and privileges of a city or county under any other provisions of this act.

Sec. 9. K.S.A. 2022 Supp. 79-32,313 is hereby amended to read as follows: 79-32,313. (a) (1) For tax year 2022 and all tax years thereafter, a credit against the income tax liability imposed pursuant to the Kansas income tax act, the privilege tax liability imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or the premium tax liability imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, shall be allowed to:

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

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

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

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

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

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

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

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

(3) Tax credits may be issued to a qualified investor in the amount of a cash investment of up to the total amount that may be issued by the director under this subsection for the qualified housing project, or as provided in the agreement required by K.S.A. 2022 Supp. 79-32,312, and amendments thereto. Project builders or developers may apply to the director each year for tax credits for additional units or phases of a project. Qualified investors may be issued tax credits for cash investments in multiple qualified housing projects. Project builders or developers may apply and be approved for multiple qualified housing projects in the same tax year.

(4) The aggregate amount of tax credits that may be issued under this section shall not exceed \$13,000,000 each tax year, except that if the director issues an aggregate amount of tax credits in one tax year that is less than \$13,000,000, then the director may carry forward the difference and issue such amount of tax credits in the immediately succeeding tax year in addition to the statutory amount that may be issued under this section. Of the aggregate amount of tax credits issued in one tax year, the director shall allocate:

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

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

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

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

(d) Any qualified investor ~~without a current tax liability at the time of the investment in a qualified housing project that does not reasonably believe such investor will owe any such tax for the current taxable year and~~ who receives a tax credit pursuant to this section shall be deemed to acquire an interest in the nature of a transferable credit limited to the amount of the credit issued to the qualified investor by the director. ~~This interest~~ *All or a portion of such credit may be transferred by the qualified investor or any subsequent transferee to any person one or more persons whether or not such person transferee is then a qualified investor and be claimed by the transferee as a credit against the transferee's Kansas tax liability in the same manner as the transferor beginning in the year the credit is transferred. The credit may be carried forward as permitted by subsection (a). There shall be no limit on the number of times a credit or any portion thereof can be transferred.* No person shall be entitled to a refund for any interest on such tax credit that may be created under this section. ~~Only the full amount of the tax credit for any one qualified housing project investment may be transferred and may only be transferred one time:~~ A credit acquired by transfer shall be subject to the limitations prescribed in this section. *Any such transferee succeeds to all remaining rights and restrictions of the transferor with respect to the credit being transferred on the date of such transfer.* Documentation of any credit acquired by transfer shall be provided by the taxpayer claiming such credit in the manner required by the secretary of revenue. The qualified investor or subsequent transferee transferring such credit shall provide the director and the secretary of revenue with the name, address and taxpayer identification number of each person to whom tax credits have been transferred and such other information as may be required by the director or the secretary of revenue. *The provisions of this subsection shall apply to credits issued for tax year 2022 and all tax years thereafter.*

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

(f) For purposes of calculating any tax due under K.S.A. 40-253, and amendments thereto, the credit allowed by this section shall be treated as a tax paid under K.S.A. 40-252, and amendments thereto.

Sec. 10. K.S.A. 12-5241, 12-5242, 12-5243, 12-5244, 12-5247, 12-5249 and 12-5252 and K.S.A. 2022 Supp. 79-32,313 are hereby repealed.

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

Doc. No. 051107

(Published in the Kansas Register May 4, 2023.)

Senate Bill No. 123

AN ACT concerning postsecondary education; enacting the Kansas adult learner grant act; establishing a grant program for adult learners to pursue certain fields of study; providing for workforce retention income tax credits; creating the Kansas adult learner grant program fund; enacting the career technical education credential and transition incentive for employment success act; requiring school districts to pay for the cost of assessments for students to obtain an approved career technical education credential; relating to residency determination of certain students; deeming veterans and dependents or spouses of such veterans who were stationed in the state for at least 11 months as residents for purposes of tuition and fees; expanding the eligible fields of study under the Kansas promise scholarship act; establishing a maximum scholarship amount for certain private postsecondary educational institutions; amending K.S.A. 2022 Supp. 48-3601, 74-32,272, 74-32,273, 74-32,274 and 74-32,275 and repealing the existing sections.

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

New Section 1. (a) Sections 1 through 9, and amendments thereto, shall be known and may be cited as the Kansas adult learner grant act.

(b) As used in the Kansas adult learner grant act:

(1) "Adult learner grant eligible program" means any baccalaureate degree program offered by an eligible postsecondary educational institution that is identified as an "adult learner grant eligible program" by the state board of regents pursuant to section 2, and amendments

thereto, or designated as an “adult learner grant eligible program” by an eligible postsecondary educational institution pursuant to section 3, and amendments thereto.

- (2) “Eligible postsecondary educational institution” means:
- (A) A state educational institution under the control and supervision of the board of regents;
- (B) a municipal university;
- (C) any not-for-profit institution of postsecondary education with its main campus or principal place of operation in Kansas that offers an adult learner grant eligible program, is operated independently and not controlled or administered by any state agency or subdivision of the state, maintains open enrollment and is accredited by a nationally recognized accrediting agency for higher education in the United States; or
- (D) a not-for-profit independent institution of higher education which is accredited by an institutional accrediting agency recognized by the United States department of education, is operated independently and not controlled or administered by the state or any agency or subdivision thereof, maintains open enrollment, offers online education and offers exclusively competency-based education programs.

(3) “Part-time student” means a student who is enrolled for six credit hours or more in a semester, or the equivalent, and is not enrolled as a full-time student.

New Sec. 2. (a) There is hereby established the Kansas adult learner grant program. The state board of regents shall administer the program.

(b) On or before March 1, 2024, the state board of regents shall adopt rules and regulations to implement and administer the Kansas adult learner grant program. Such rules and regulations shall establish:

- (1) Grant application and renewal forms and deadlines;
- (2) appeal procedures for denial or revocation of a Kansas adult learner grant;
- (3) the terms, conditions and requirements for the Kansas adult learner grant consistent with the provisions of this act; and
- (4) procedures for requesting and approving medical, military and personal absences from an eligible postsecondary educational institution while a Kansas adult learner grant recipient is receiving such grant.

(c) The state board of regents shall:

(1) Identify the adult learner grant eligible programs offered by each eligible postsecondary educational institution that are:

- (A) In any of the following fields of study:
 - (i) Information technology and security;
 - (ii) healthcare and nursing;
 - (iii) science, engineering, aerospace and advanced manufacturing;
 - (iv) education, early childhood education and development;
 - (v) business, accounting and data analytics; or
- (B) designated by the eligible postsecondary educational institution pursuant to section 3, and amendments thereto;

(2) work with community partners, such as community foundations, school districts, postsecondary educational institutions, Kansas business and industry and Kansas economic development organizations to publicize Kansas adult learner grants, including, but not limited to, publicizing eligible postsecondary educational institutions, approved grant-eligible educational programs and application and renewal procedures and deadlines;

(3) disburse funds to each eligible postsecondary educational institution for the purpose of awarding Kansas adult learner grants;

(4) request information from eligible postsecondary educational institutions necessary for the administration of this act; and

(5) beginning January 1, 2025, annually evaluate the Kansas adult learner grant program and prepare and submit a report to the senate standing committee on education and committee on commerce and the house of representatives standing committee on education and committee on commerce, labor and economic development.

New Sec. 3. (a) Subject to subsection (b), an eligible postsecondary educational institution may designate one additional adult learner grant eligible program if the additional program is a baccalaureate degree program that corresponds to a high wage, high demand or critical need occupation.

(b) To designate an additional adult learner grant eligible program, such institution shall have and maintain an existing adult learner grant eligible program in any of the following fields of study:

- (1) Information technology and security;
- (2) healthcare and nursing;
- (3) science, engineering, aerospace and advanced manufacturing;
- (4) education and early childhood education and development; or

(5) business, accounting and data analytics.

(c) An eligible postsecondary educational institution that designates an additional adult learner grant eligible program pursuant to subsection (a) shall maintain the adult learner grant eligible program designation of such program for at least four consecutive years. After maintaining such program for at least four years, the institution may designate a new adult learner grant eligible program that corresponds to a high wage, high demand or critical need occupation to replace the existing designated adult learner grant eligible program. Any newly designated program shall be subject to the requirements of this section.

New Sec. 4. (a) Subject to appropriations, the amount of a Kansas adult learner grant for a student shall be \$3,000 per semester, except that such amount shall be prorated if the student is not enrolled full-time. The prorated amount shall be calculated on a sliding scale, in which full-time enrollment is 12 credit hours per semester and shall qualify for a 100% grant and 6 credit hours of enrollment per semester shall qualify for a 50% grant.

(b) Students receiving an adult learner grant are eligible to continue to receive such grant for up to 48 months after the date that the grant was first awarded or upon graduation from the program, whichever comes first.

(c) Except as otherwise provided in this subsection, Kansas adult learner grants shall only be awarded to an eligible student whose family household income equals \$100,000 or less for a family of two, \$150,000 or less for a family of three and, for household sizes above three, a household income that is equal to or less than the family of three amount plus \$4,800 for each additional family member.

(d) Moneys awarded as a grant under this act shall only be expended for tuition, required fees and the cost of books and required materials.

(e) For fiscal year 2024 and each fiscal year thereafter, the appropriation made for the Kansas adult learner grant program shall not exceed \$1,000,000 for each fiscal year.

New Sec. 5. (a) To be eligible for a Kansas adult learner grant, a student shall:

- (1) Be a Kansas resident;
- (2) be 25 years of age or older at the time the student’s first course that is funded by a grant begins;
- (3) complete the required grant application on such forms and in such manner as established by the state board of regents;
- (4) complete the free application for federal student aid for the academic year in which the student applies to receive a Kansas adult learner grant; and
- (5) enroll as a full-time student or part-time student at an eligible postsecondary educational institution in an adult learner grant eligible program.

(b) To continue to receive a Kansas adult learner grant, a student shall:

- (1) Maintain satisfactory academic progress, including a grade point average of 2.0 or higher, or the equivalent thereof, toward completion of the adult learner grant eligible program;
- (2) complete a grant renewal application on such forms and in such manner as established by the state board of regents; and
- (3) complete the free application for federal student aid for the academic year for which the student applies to renew the grant.

New Sec. 6. (a) As a condition to receiving a grant under this act, an eligible student shall enter into an agreement with the eligible postsecondary educational institution that awarded such grant. Such eligible postsecondary educational institution shall counsel each eligible student on the requirements and conditions of the agreement. Such agreement shall require any student who receives a grant award to:

- (1) Enroll as a full-time or part-time student at the eligible postsecondary educational institution that made the grant award and engage in and complete the adult learner grant eligible program;
- (2) within six months after graduation from the adult learner grant eligible program:

(A) Reside and commence work in the state of Kansas for at least two consecutive years following completion of such program. A scholarship recipient may use a W-2 wage and tax statement showing Kansas withholding or estimated income tax to the state of Kansas as proof of work in Kansas; or

(B) enroll as a full-time or part-time student in any public or private postsecondary educational institution with its primary location in Kansas and upon graduation or failure to re-enroll, reside in and com-

(continued)

mence work in Kansas for at least two consecutive years following the completion of such program;

(3) maintain records and make reports to the state board of regents on such forms and in such manner as required by the state board of regents to document the satisfaction of the requirements of this act; and

(4) upon failure to satisfy the requirements of an agreement entered into pursuant to this section, repay the amount of the grant award the student received under the program as provided in subsection (b) to the state board of regents.

(b) (1) Except as provided in subsection (c), if any student who receives a grant award fails to satisfy the requirements of the agreement entered into pursuant to this section, such student shall pay an amount equal to the total amount of money received by such student pursuant to such agreement plus accrued interest at a rate equivalent to the interest rate applicable to loans made under the federal PLUS program at the time such student's first course funded by a grant award began. Interest shall begin accruing on the date the student is determined to be out of compliance with the agreement. Monthly installment payments of such amounts may be made in accordance with rules and regulations of the state board of regents. Such installment payments shall begin six months after the date of the action or circumstances that cause such student to fail to satisfy the requirements of the agreement, as determined by the state board of regents upon the circumstances of each individual case. All moneys received pursuant to this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas adult learner grant program fund.

(2) The state board of regents shall be the sole entity responsible for collecting or recouping any grant moneys required to be repaid by a student who fails to satisfy the requirements of an agreement entered into pursuant to this section.

(3) The state board of regents is authorized to turn any repayment account arising under this act to a designated loan servicer or collection agency to collect on the state board's behalf. The state's involvement shall only be to receive payments from the loan servicer or collection agency at the interest rate prescribed under this subsection.

(4) Eligible postsecondary educational institutions and each state agency are authorized to provide academic, employment, residency and contact information regarding students who received a grant award to the state board of regents for the purposes of:

(A) Determining whether or not a student satisfied the requirements of this act and the agreement entered into pursuant to this section; and

(B) aiding in the collection or recoupment of any funds required to be repaid pursuant to this section.

(5) Eligible postsecondary educational institutions shall:

(A) Provide annually to the state board of regents the last known contact information of each student who received a grant award until the requirements of the program and the agreement are complete; and

(B) notify the state board of regents when a student who received a grant award completes the program of study for which the student received the grant or has exhausted the benefits available under this act.

(6) Eligible postsecondary educational institutions shall not be considered a contractor of the state nor shall such institutions be required to participate in tracking, collecting or recouping any moneys required to be repaid by a student who fails to satisfy the requirements of an agreement entered into pursuant to this section.

(c) Any requirement of an agreement entered into pursuant to this section may be postponed for good cause in accordance with rules and regulations of the state board of regents.

(d) A scholarship recipient satisfies the requirements of the adult learner grant program if such recipient:

(1) Completes the requirements of the agreement entered into pursuant to this section;

(2) commences service as a military servicemember after receiving a grant award;

(3) fails to satisfy the requirements after making the best possible effort to do so as determined by the state board of regents;

(4) is unable to obtain employment or continue in employment after making the best possible effort to do so; or

(5) is unable to satisfy the requirements due to disability or death of the grant recipient.

New Sec. 7. (a) Notwithstanding the grant limitation in section 4, and amendments thereto, an individual who has received a Kansas

adult learner grant shall qualify for a Kansas workforce retention incentive income tax credit against the individual's tax liability under the Kansas income tax act of \$1,500 if they demonstrate satisfactorily to the secretary of revenue that they:

(1) Successfully completed their adult learner grant eligible program with the awarding of their degree; and

(2) (A) Currently reside in Kansas, have resided in Kansas for at least two consecutive years following completion of their program and are currently employed in the state of Kansas; or

(B) have commenced service as a military servicemember.

(b) To claim the credit, the individual shall submit such information and documentation in the form and manner required by the secretary of revenue.

(c) The individual may claim the income tax credit not later than the 5th taxable year after the taxable year in which the individual successfully completed the adult learner grant eligible program with an award of their degree. Any amount of the credit that exceeds the individual's tax liability shall be carried forward once to the next succeeding taxable year as a credit against the individual's income tax liability for such year. Any amount of the credit remaining after being carried forward once shall be forfeited.

(d) On or before March 1, 2024, the secretary of revenue shall adopt rules and regulations to implement and administer the income tax credit established by this section. Such rules and regulations shall include criteria to determine whether an individual who has received a Kansas adult learner grant has fulfilled the requirements to qualify for a tax credit pursuant to this section.

New Sec. 8. There is hereby created in the state treasury the Kansas adult learner grant program fund, which shall be administered by the state board of regents. All expenditures from the Kansas adult learner grant program fund shall be for Kansas adult learner grants awarded pursuant to the Kansas adult learner grant program. All expenditures from the Kansas adult learner grant program fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive officer of the state board of regents or the designee of the executive officer. All moneys received by such board for the Kansas adult learner grant program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas adult learner grant program fund.

New Sec. 9. The provisions of sections 1 through 8, and amendments thereto, shall expire on July 1, 2028.

New Sec. 10. (a) This section shall be known and may be cited as the career technical education credential and transition incentive for employment success act.

(b) Each school district that offers career technical education for students enrolled in any of the grades nine through 12 shall, upon request by any such student, pay any fees charged for any assessment or other examination that is required for such student to obtain an approved industry-sought career technical education credential.

(c) (1) On or before July 1, 2023, and each July 1 thereafter, the state board of education and state board of regents shall jointly conduct a survey of school districts and colleges on which career technical education credentials each school district offers that satisfies the definition of "industry-sought credential" under subsection (d).

(2) On or before July 31, 2023, and each July 31 thereafter, the state board of education and state board of regents, after consultation with the secretary of labor, the secretary of commerce and representatives of industries that recognize career technical education credentials, shall jointly approve a list of industry-sought credentials.

(d) As used in this section:

(1) "College" means any community college, technical college or the Washburn institute of technology; and

(2) "industry-sought credential" means a career technical education credential that is:

(A) Repeatedly referenced in job postings; and

(B) frequently referred to by employers in communications with school districts as a career technical education credential that is in demand.

Sec. 11. K.S.A. 2022 Supp. 48-3601 is hereby amended to read as follows: 48-3601. (a) A current member of the armed forces of the United States or the member's spouse or dependent child who is enrolled

or has been accepted for admission at a postsecondary educational institution as a postsecondary student shall be deemed to be a resident of the state for the purpose of tuition and fees for attendance at such postsecondary educational institution.

(b) A person is entitled to pay tuition and fees at an institution of higher education at the rates provided for Kansas residents without regard to the length of time the person has resided in the state if the person:

(1) (A) Files a letter of intent to establish residence in the state with the postsecondary educational institution at which the person intends to register;

(B) lives in the state while attending the postsecondary educational institution; and

(C) is eligible for benefits under the federal post-9/11 veterans educational assistance act of 2008, 38 U.S.C. § 3301 et seq., or any other federal law authorizing educational benefits for veterans;

(2) (A) is a veteran;

(B) was ~~permanently~~ stationed in Kansas for at least 11 months during service in the armed forces or had established residency in Kansas prior to service in the armed forces; and

(C) lives in Kansas at the time of enrollment; or

(3) (A) is the spouse or dependent of a veteran who was ~~permanently~~ stationed in Kansas for at least 11 months during such veteran's service in the armed forces or had established residency in Kansas prior to service in the armed forces; and

(B) lives in Kansas at the time of enrollment.

(c) As used in this section:

(1) "Armed forces" means the army, navy, marine corps, air force, coast guard, Kansas army or air national guard or any branch of the military reserves of the United States;

(2) "postsecondary educational institution" means the same as provided in K.S.A. 74-3201b, and amendments thereto; and

(3) "school year 2015-2016" means July 1, 2015 through June 30, 2016; and

(4) "veteran" means a person who has been separated from the armed forces and was honorably discharged or received a general discharge under honorable conditions.

(d) ~~Any person enrolled in a postsecondary educational institution at any time during school year 2015-2016 who would have been entitled to tuition and fee rates for a Kansas resident pursuant to subsection (b) (2) or (3) had such subsection been in effect, but who paid more than such tuition and fee rates for school year 2015-2016 shall be entitled to reimbursement of the difference between any tuition and fee rates such person paid for school year 2015-2016 and the tuition and fee rate such person would have paid as a Kansas resident if such subsection had been in effect.~~

(e) This section shall be a part of and supplemental to chapter 48 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 12. K.S.A. 2022 Supp. 74-32,272 is hereby amended to read as follows: 74-32,272. (a) There is hereby established the Kansas promise scholarship program. The state board of regents shall implement and administer the program.

(b) On or before March 1, 2023, the state board of regents shall adopt rules and regulations to implement and administer the Kansas promise scholarship program. Such rules and regulations shall establish:

(1) A scholarship application process, including, but not limited to, accepting scholarship applications throughout the academic year and processing such applications in the order such applications were received;

(2) appeal procedures for denial or revocation of a Kansas promise scholarship;

(3) guidelines to ensure as much as is practicable that, if a student who received a Kansas promise scholarship graduates from a promise eligible program and subsequently enrolls in a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or municipal university, any courses taken by such student shall be transferred to the state educational institution or municipal university and qualify toward the student's baccalaureate degree;

(4) the terms, conditions and requirements that shall be incorporated into each Kansas promise scholarship agreement, which shall not be more stringent than the requirements for Kansas promise scholarship agreements provided in this act;

(5) procedures for requesting and approving medical, military and personal absences from an eligible postsecondary educational institution while receiving a Kansas promise scholarship;

(6) criteria for determining whether a student who received a Kansas promise scholarship fulfilled the residency, employment and repayment requirements included in a Kansas promise scholarship agreement as provided in K.S.A. 2022 Supp. 74-32,276, and amendments thereto;

(7) criteria for determining when a student who received a Kansas promise scholarship may be released from the requirements of a Kansas promise scholarship, if there are special circumstances that caused such student to be unable to complete such requirements; and

(8) that no eligible postsecondary educational institution may:

(A) Limit scholarship awards to certain promise eligible programs at such institution; or

(B) award less than the full Kansas promise scholarship amount for which a student qualifies as long as funds are available in the Kansas promise scholarship program fund.

(c) The state board of regents shall:

(1) Identify the promise eligible programs offered by each eligible postsecondary educational institution that are:

(A) Within a field of study designated by the eligible postsecondary educational institution pursuant to K.S.A. 2022 Supp. 74-32,273, and amendments thereto; and

(B) in any of the following fields of study:

(i) Information technology and security;

(ii) mental and physical healthcare;

(iii) advanced manufacturing and building trades; or

(iv) early childhood education and development, *elementary education and secondary education*;

(2) work with community partners, such as community foundations, school districts, postsecondary educational institutions, Kansas business and industry and Kansas economic development organizations to publicize Kansas promise scholarships, including, but not limited to, publicizing eligible postsecondary educational institutions, approved scholarship-eligible educational programs, application procedures and application deadlines;

(3) disburse funds to each eligible postsecondary educational institution for the purpose of awarding Kansas promise scholarships;

(4) request information from eligible postsecondary educational institutions and any state agency necessary for the administration of this act;

(5) accept electronic signatures as sufficient and valid on all forms and agreements required by the Kansas promise scholarship program and any rules and regulations adopted thereunder;

(6) enforce Kansas promise scholarship agreements;

(7) collect any moneys repaid by students pursuant to K.S.A. 2022 Supp. 74-32,276, and amendments thereto;

(8) determine whether students who received a Kansas promise scholarship fulfill the residency, employment and repayment requirements provided in K.S.A. 2022 Supp. 74-32,276, and amendments thereto; and

(9) ~~beginning in January 2022,~~ annually evaluate the Kansas promise scholarship program and prepare and submit a report to the senate standing committee on education and the house of representatives standing committee on education. Such report shall include, but not be limited to, the total program cost for each promise eligible program at each eligible postsecondary educational institution, the amount of scholarship moneys awarded that went to each promise eligible program, the number of credit hours paid for with scholarship moneys, the amount of scholarship moneys expected to be awarded to each institution for each semester, the number of scholarships awarded, the total amount of scholarship moneys awarded, the amount of scholarship moneys provided for tuition, fees, books and supplies, measures postsecondary educational institutions have taken in working with private business and industry in the state to determine appropriate fields of study and a review of the employment of scholarship recipients who have completed the Kansas promise scholarship program, including, but not limited to, employment fields and geographic location of such employment.

(d) (1) The state board of regents may designate an associate degree transfer program as an eligible program only if such program is included in:

(A) An established 2+2 agreement with a Kansas four-year postsecondary educational institution; or

(B) an articulation agreement with a Kansas four-year postsecondary educational institution and is part of an established degree pathway that allows a student to transfer at least 60 credit hours from the

(continued)

eligible postsecondary educational institution to a four-year postsecondary educational institution for the completion of an additional 60 credit hours toward a bachelor's degree.

(2) The provisions of this subsection shall be construed and applied retroactively to the enactment of the Kansas promise scholarship program on July 1, 2021.

(e) (1) The state board of regents may remove a promise eligible program from the list of approved promise eligible programs only in accordance with this subsection. If the state board of regents proposes to remove a promise eligible program from such list, the state board of regents shall notify all eligible postsecondary educational institutions of the proposal to remove such program by May 1 of the calendar year that precedes the calendar year in which such program would officially be removed from such list. Within 30 calendar days of receipt, each eligible postsecondary educational institution may appeal such proposed removal to the state board of regents. Following such appeal period, within 45 calendar days, the state board of regents shall consider any such appeal and issue a final decision upon whether the program shall be removed. If the state board of regents issues a final decision to remove such program, the program shall be removed from the list of approved promise eligible programs only after not less than 14 months have elapsed from the date that the state board of regents issued the final decision to remove such program.

(2) The provisions of this subsection shall apply to any program that has been approved by the state board of regents as a promise eligible program on or after July 1, 2021.

Sec. 13. K.S.A. 2022 Supp. 74-32,273 is hereby amended to read as follows: 74-32,273. (a) In addition to the fields of study provided in K.S.A. 2022 Supp. 74-32,272, and amendments thereto, an eligible postsecondary educational institution may designate an additional field of study for awarding a Kansas promise scholarship to meet local employment needs if:

(1) Promise eligible programs within such field of study are two-year associate degree programs or career and technical education certificates or stand-alone programs approved by the state board of regents that correspond to jobs that are high wage, high demand or critical need in the community;

(2) the institution already offers such field of study; and

(3) such field of study is one of the following:

(A) Agriculture;

(B) food and natural resources;

(C) education and training;

(D) law, public safety, corrections and security; or

(E) transportation, distribution and logistics.

(b) An eligible postsecondary educational institution that designates an additional promise eligible field of study pursuant to this section shall maintain the promise eligible field of study designation for at least three consecutive years. After maintaining such field of study for at least three years, the institution may designate a new promise eligible field of study that corresponds to a high wage, high demand or critical need occupation to replace the existing designated promise eligible field of study. Any newly designated field of study shall be subject to the requirements of this section.

(c) Programs designated by eligible institutions prior to the effective date of this act shall be maintained until all students currently enrolled in such programs have exhausted their promise scholarship eligibility.

Sec. 14. K.S.A. 2022 Supp. 74-32,274 is hereby amended to read as follows: 74-32,274. (a)-(t) Subject to appropriations, the amount of a Kansas promise scholarship for a student for each academic year shall be determined as follows:

(1) For a student enrolled in a promise eligible program offered by an eligible public postsecondary educational institution described in K.S.A. 2022 Supp. 74-32,271(b)(1)(A) or (B), and amendments thereto, the scholarship amount shall be the aggregate amount of tuition, required fees and the cost of books and required materials for the promise eligible program at the eligible postsecondary educational institution for the academic year in which the student is enrolled and receiving the scholarship minus the aggregate amount of all other aid awarded to such student for such academic year.

(2) ~~For a student is~~ enrolled in a promise eligible program offered by an eligible private postsecondary educational institution described in K.S.A. 2022 Supp. 74-32,271(b)(1)(C), and amendments thereto, the scholarship amount shall be the aggregate amount of tuition, ~~mandatory~~ required fees and the cost of books and materials for such program

~~shall be for the academic year in which the student is enrolled and receiving the scholarship minus the aggregate amount of all other aid awarded to such student for such academic year, except that a scholarship awarded pursuant to this paragraph shall not exceed the average cost of tuition, mandatory required fees and the cost of books and required materials for such promise eligible program when offered by an eligible public postsecondary educational institution described in K.S.A. 2022 Supp. 74-32,271(b)(1) (A) or (B), and amendments thereto.~~

(b) Kansas promise scholarships shall only be awarded to an eligible student whose family household income equals \$100,000 or less for a family of one or two, \$150,000 or less for a family of three and, for household sizes above three, a household income that is equal to or less than the family of three amount plus \$4,800 for each additional family member.

(c) (1) Kansas promise scholarship awards shall be used only to pay for up to a total of 68 promise scholarship funded credit hours or a total of \$20,000 in Kansas promise scholarship awards, whichever occurs first, over the lifetime of the student who received the Kansas promise scholarship award regardless of the eligible postsecondary educational institution such student attended.

(2) Kansas promise scholarship awards shall not be used to fund:

(A) Prerequisite classes required for a promise eligible program unless such classes are a designated course within the eligible program; or

(B) any remedial course, as defined in K.S.A. 76-7,151, and amendments thereto, unless such course is offered in a corequisite format.

(d) For each fiscal year, the appropriation made for the Kansas promise scholarship program shall not exceed \$10,000,000.

(e) The state board of regents shall disburse funds based on reimbursement requests from eligible postsecondary educational institutions. Reimbursement requests shall be based on the actual amount of Kansas promise scholarship amounts awarded by an eligible postsecondary educational institution for the appropriate academic period. Any eligible postsecondary educational institution seeking reimbursement shall submit a reimbursement request to the state board of regents on or before September 1, December 1, March 1 and June 1 of each year. The state board of regents shall disburse the appropriate amount of funds to eligible postsecondary educational institutions on September 15, December 15, March 15 and June 15 each year.

(f) As used in this section, "aid" includes any grant, scholarship or financial assistance awards that do not require repayment. "Aid" does not include any military financial educational benefits or any family postsecondary savings account or other qualified tuition program established pursuant to section 529 of the internal revenue code of 1986, as amended.

Sec. 15. K.S.A. 2022 Supp. 74-32,275 is hereby amended to read as follows: 74-32,275. (a) To be eligible for a Kansas promise scholarship, a student shall:

(1) Be a United States citizen;

(2) be a Kansas resident;

(3) (A) have graduated from an accredited Kansas public or private secondary school within the preceding 12 months;

(B) have completed the requirements for graduation at a non-accredited private secondary school as provided in K.S.A. 72-4345, and amendments thereto, within the preceding 12 months;

(C) attended an accredited Kansas public or private secondary school or non-accredited private school as provided in K.S.A. 72-4345, and amendments thereto, and obtained a high school equivalency certificate within the preceding 12 months;

(D) upon application for a scholarship, have been a resident of Kansas for three or more consecutive years as evidenced by the date of issuance on a Kansas-issued identification card or through Kansas voter registration records or Kansas income tax documentation;

(E) be a dependent child of a military servicemember permanently stationed in another state and who, within the preceding 12 months, graduated from any out-of-state secondary school or obtained a high school equivalency certificate; or

(F) have been in the custody of the secretary for children and families at any time such student was enrolled in and attending any of the grades nine through 12 and not eligible for assistance under the Kansas foster child educational assistance act, K.S.A. 75-53,111 et seq., and amendments thereto;

(4) complete the required scholarship application on such forms and in such manner as established by the state board of regents;

(5) enter into a Kansas promise scholarship agreement pursuant to K.S.A. 2022 Supp. 74-32,276, and amendments thereto;

(6) complete the free application for federal student aid for the academic year in which the student applies to receive a Kansas promise scholarship. Such submitted application shall be determined to be valid and free of error codes in order to calculate the amount of scholarship to be awarded; and

(7) enroll in an eligible postsecondary educational institution in a promise eligible program.

(b) (1) To continue to receive a Kansas promise scholarship, a student shall:

(A) Maintain satisfactory academic progress, *including a grade point average of 2.0 or higher, or the equivalent thereof*, in the courses of the promise eligible program for which the student received a Kansas promise scholarship; and

(B) satisfy the requirements of a Kansas promise scholarship agreement as provided in K.S.A. 2022 Supp. 74-32,276, and amendments thereto.

(2) Any student who entered into a Kansas promise scholarship agreement under the provisions of the Kansas promise scholarship act as such act existed at the time such agreement was entered into shall be entitled to continue to use such Kansas promise scholarship and receive scholarship renewals to fulfill the requirements of such student's Kansas promise scholarship agreement. No subsequent revision or amendment to the Kansas promise scholarship act, the rules and regulations adopted thereunder, the list of approved promise eligible programs or the appropriations made pursuant to such act shall have the effect of terminating a student's Kansas promise scholarship agreement solely due to such amendment or revision.

(c) Nothing in this act shall prohibit a student who received postsecondary course credit while enrolled in high school from qualifying for a Kansas promise scholarship.

New Sec. 16. The provisions of the Kansas promise scholarship act, K.S.A. 74-32,271 through 74-32,277, and amendments thereto, shall expire on July 1, 2028.

Sec. 17. K.S.A. 2022 Supp. 48-3601, 74-32,272, 74-32,273, 74-32,274 and 74-32,275 are hereby repealed.

Sec. 18. This act shall take effect and be in force from and after its publication in the Kansas register.

Doc. No. 051108

(Published in the Kansas Register May 4, 2023.)

Senate Bill No. 132

AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the buffalo soldier license plate.

WHEREAS, Buffalo soldiers were African American soldiers who mainly served on the western frontier following the American civil war; and

WHEREAS, In 1866, six all-black cavalry and infantry regiments were created after congress passed the army organization act; and

WHEREAS, The soldiers of the all-black 9th and 10th cavalry regiments were dubbed "buffalo soldiers" by the native Americans; and

WHEREAS, In 1867, the 10th cavalry was based in Fort Leavenworth, Kansas, and commanded by Colonel Benjamin Grierson; and

WHEREAS, About 20% of U.S. cavalry troops that participated in what is commonly known as the Indian wars were buffalo soldiers, who participated in at least 177 conflicts; and

WHEREAS, These same units were critical to the Spanish American war, conflicts in the Philippines, World War I and World War II; and

WHEREAS, Often facing blatant racism and enduring brutal weather conditions, buffalo soldiers earned a reputation for serving courageously; and

WHEREAS, In 1948, President Harry Truman issued executive order 9981 eliminating racial segregation in America's armed forces, resulting in the disbanding of all-black units during the 1950s; and

WHEREAS, The installation of the buffalo soldier monument at Fort Leavenworth was initiated by General Colin Powell, chairman of the joint chiefs of staff, who was the first African American to serve in that capacity and dedicated in 1992 to the memory of the 9th and 10th cavalry regiments of the U.S. army; and

WHEREAS, The buffalo soldier legacy continues to ensure that the rich heritage of African Americans and their profound effect on American society will not be lost; and

WHEREAS, There exists on Fort Leavenworth a museum called the frontier museum, currently a world-class museum, that tells the story of Fort Leavenworth from 1827 to 1917 and the history of the frontier army from 1804 when Lewis and Clark passed through; and

WHEREAS, There is an effort, supported by Fort Leavenworth leadership and the department of defense, to reimagine the frontier army museum and make it more accessible to the public; and

WHEREAS, A new frontier army museum is being planned outside the gates of Fort Leavenworth that will tell the story of the frontier and will include a focus on the buffalo soldiers; and

WHEREAS, A current museum is within close proximity to the future site of the frontier army museum, named the Richard Allen cultural center, housed in the former home of a buffalo soldier; and

WHEREAS, Part of the Richard Allen cultural center's mission is to tell the story of the buffalo soldier and more broadly the African American experience locally; and

WHEREAS, The Richard Allen cultural center stands in support of this new frontier army museum in expanding the channels to tell that story in the context of the military and will dedicate a portion of the funds generated from the issuance of this license plate to that new museum. The Richard Allen cultural center works with the charitable organization established by the 9th and 10th cavalry regiments to support other parts of its mission such as tutoring at risk children in the area; and

WHEREAS, This reimagined army museum will be built and run with private funds, with this being but one of those funding sources.

Now, therefore:

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

Section 1. (a) On and after January 1, 2024, any owner or lessee of one or more passenger vehicles or trucks registered for a gross weight of 20,000 pounds or less who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one buffalo soldier license plate for each such passenger vehicle or truck. Such license plate shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, and either the payment to the county treasurer of the logo use royalty payment or the presentation of the annual logo use authorization statement provided for in subsection (b).

(b) The Richard Allen cultural center & museum, inc. may authorize the use of the organization's logo to be affixed on license plates as provided by this section. Any motor vehicle owner or lessee may apply annually to the Richard Allen cultural center & museum, inc. for use of such logo. Such owner or lessee shall pay an amount of not less than \$25 nor more than \$100 to the Richard Allen cultural center & museum, inc. as a logo use royalty payment for each such license plate to be issued. The logo use royalty payment shall be paid to either:

(1) The Richard Allen cultural center & museum, inc., which shall issue to the motor vehicle owner or lessee, without further charge, a logo use authorization statement that shall be presented by the motor vehicle owner or lessee at the time of registration; or

(2) the county treasurer.

(c) Any applicant for a license plate authorized by this section may make application for such license plate not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for such license plate shall either provide the annual logo use authorization statement provided for in subsection (b) or pay to the county treasurer the logo use royalty payment. Application for registration of a passenger vehicle or truck and issuance of the license plate under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or license plate issued under this section shall be transferable to any other person.

(e) The director of vehicles may transfer a buffalo soldier license plate from a leased vehicle to a purchased vehicle.

(f) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in K.S.A. 8-143, and amendments thereto, and in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant provides to the county treasurer either the annual logo use authorization statement provided for in subsection (b) or the payment of the annual royalty payment. If such statement is not presented at the time of registration or sent by the Richard Allen cultural center & museum, inc., or the annual royalty payment is not

(continued)

made to the county treasurer, the applicant shall be required to comply with the provisions of K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(g) The Richard Allen cultural center & museum, inc. shall provide to all county treasurers an electronic mail address where applicants can contact the Richard Allen cultural center & museum, inc. for information concerning the application process or the status of such applicant's license plate application.

(h) The Richard Allen cultural center & museum, inc., with the approval of the director of vehicles, shall design a plate to be issued under the provisions of this section.

(i) As a condition of receiving the buffalo soldier license plate and any subsequent registration renewal of such license plate, the applicant shall consent to the division authorizing the division's release of motor vehicle record information, including the applicant's name, address, royalty payment amount, plate number and vehicle type to the Richard Allen cultural center & museum, inc. and the state treasurer.

(j) The collection and remittance of annual royalty payments by the county treasurer shall be subject to the provisions of K.S.A. 8-1,141(h), and amendments thereto, except that payments from the buffalo soldier royalty fund shall be made on a monthly basis to the Richard Allen cultural center & museum, inc. of which a portion of such funds shall be dedicated to the construction and maintenance of the reimaged frontier museum.

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

Doc. No. 051109

(Published in the Kansas Register May 4, 2023.)

Senate Bill No. 205

AN ACT concerning water; relating to water rights; authorizing certain water rights in a water bank to participate in multi-year flex accounts on a temporary basis; amending K.S.A. 2022 Supp. 82a-736 and repealing the existing section.

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

New Section 1. (a) Notwithstanding any prohibition or restriction on the establishment of multi-year flex accounts due to participation of a base water right in a water bank established pursuant to the Kansas water banking act, K.S.A. 82a-761 et seq., and amendments thereto, the chief engineer shall approve a complete application for the establishment of a multi-year flex account pursuant to K.S.A. 82a-736, and amendments thereto, that was submitted to the chief engineer on or before December 31, 2022, if such right otherwise meets the requirements of K.S.A. 82a-736, and amendments thereto, and could have been approved if not for the relevant base water right's participation in a water bank.

(b) This section shall expire on December 31, 2023.

New Sec. 2. (a) For purposes of K.S.A. 82a-736 and 82a-764, and amendments thereto, a water right or any portion of a water right that has been deposited, enrolled or placed in a safe deposit account associated with a water bank established pursuant to the Kansas water banking act, K.S.A. 82a-761 et seq., and amendments thereto, shall not be eligible to be enrolled in a multi-year flex account that begins during a calendar year in which water from such water right or portion of a water right was withdrawn from a safe deposit account. Water from a water right that has been deposited, enrolled or placed in a safe deposit account associated with a water bank established pursuant to the Kansas water banking act, K.S.A. 82a-761 et seq., and amendments thereto, shall not be withdrawn from a safe deposit account while such water right is enrolled in a multi-year flex account.

(b) A water right shall be considered enrolled in a multi-year flex account until the end of the calendar year in which the multi-year flex account permit expires, even if the allocation under the multi-year flex account is exhausted prior to the expiration of the multi-year flex account permit.

Sec. 3. K.S.A. 2022 Supp. 82a-736 is hereby amended to read as follows: 82a-736. (a) It is hereby recognized that an opportunity exists to improve water management by enabling multi-year flexibility in the use of water authorized to be diverted under a groundwater water right, provided that such flexibility neither impairs existing water rights, nor

increases the total amount of water diverted, so that such flexibility has no long-term negative effect on the source of supply. It is therefore declared necessary and advisable to permit the establishment of multi-year flex accounts for groundwater water rights, together with commensurate protections for existing water rights and their source of supply.

(b) As used in this section:

(1) "Alternative base average usage" means an allocation based on net irrigation requirements calculated pursuant to subsection (c)(1)(D) (ii) that may be used in place of the base average usage.

(2) "Base water right" means a water right under which an applicant applies to the chief engineer to establish a multi-year flex account and where all of the following conditions exist:

(A) The authorized source of supply is groundwater; and

(B) the water right is not currently the subject of a multi-year allocation due to a change approval that allows an expansion of the authorized place of use.

(3) "Multi-year flex account" means a term permit that suspends a base water right during its term, except when the term permit may be no longer exercised because of an order of the chief engineer, and is subject to the terms and conditions as provided in subsection (e).

(4) "Base average usage" means:

(A) The average amount of water actually diverted for the authorized beneficial use under the base water right during calendar years 2000 through 2009, excluding:

(i) Any amount diverted in any such year that exceeded the amount authorized by the base water right;

(ii) any amount applied to an unauthorized place of use; and

(iii) diversions in calendar years when water was diverted under a multi-year allocation with an expansion of the authorized place of use due to a change approval;

(B) if water use records are inadequate to accurately determine actual water use or upon demonstration of good cause by the applicant, the chief engineer may calculate the base average usage with less than all 10 calendar years during 2000 and 2009. In no case shall the base average usage be calculated with less than five calendar years during 2000 and 2009; or

(C) if the holder of the base water right shows to the satisfaction of the chief engineer that water conservation reduced water use under the base water right during calendar years 2000 through 2009, then the base average usage shall be calculated with the five calendar years immediately before the calendar year when water conservation began.

(5) "Chief engineer" means the chief engineer of the division of water resources of the department of agriculture.

(6) "Flex account acreage" means the maximum number of acres lawfully irrigated during a calendar year, except for any acres irrigated under a multi-year allocation that allowed for an expansion of the authorized place of use due to a change approval and any of the following conditions are met:

(A) The calendar year is 2000 through 2009;

(B) if water conservation reduced water use under the base water right during calendar years 2000 through 2009, the calendar year is a year within the five calendar years immediately prior to the calendar year when water conservation began; or

(C) if an application to appropriate water was approved after December 31, 2004, the calendar year is any during the perfection period.

(7) "Net irrigation requirement" means the net irrigation requirement for 50% chance rainfall of the county that corresponds with the location of the authorized place of use of the base water right as provided in K.A.R. 5-5-12, on the effective date of this act.

(c) (1) *Except as provided in sections 1 and 2, and amendments thereto*, any holder of a base water right that has not been deposited or placed in a safe deposit account in a chartered water bank may establish a multi-year flex account where the holder may deposit, in advance, the authorized quantity of water from such water right for any five consecutive calendar years, except when the chief engineer determines a shorter period is necessary for compliance with a local enhanced management area or an intensive groundwater use control area and the corrective controls in the area do not prohibit the use of multi-year flex accounts, and subject to all of the following:

(A) The water right must be vested or shall have been issued a certificate of appropriation;

(B) the withdrawal of water pursuant to the water right shall be properly and adequately metered;

(C) the water right is not deemed abandoned and is in compliance with the terms and conditions of its certificate of appropriation, all applicable provisions of law and orders of the chief engineer;

(D) the amount of water deposited in the multi-year flex account shall not exceed the greatest of the following:

- (i) 500% of the base average usage;
 - (ii) 500% of the product of the annual net irrigation requirement multiplied by the flex account acreage, multiplied by 110%, but not greater than five times the maximum annual quantity authorized by the base water right;
 - (iii) if the authorized place of use is located wholly within the boundaries of a groundwater management district, an amount that shall not increase the long-term average use of the groundwater right as specified by rule or regulation promulgated pursuant to K.S.A. 82a-1028(o), and amendments thereto; or
 - (iv) pursuant to subparagraph (F), the amount computed in (i), (ii) or (iii) plus any deposited water remaining in a multi-year flex account up to 100% of the base average usage or alternative base average usage;
- (E) if the multi-year flex account is approved for less than five calendar years, the amount of water deposited in the multi-year flex account shall be prorated based on the number of calendar years approved and otherwise calculated as required by subsection (c)(1)(D)(i), (ii) or (iii); and

(F) any deposited water remaining in a multi-year flex account up to 100% of the base average usage or alternative base average usage may be added to the deposit amount calculated in subparagraph (D) if the base water right is enrolled in another multi-year flex account during the calendar year in which the existing multi-year flex account expires. The total amount of water deposited in any multi-year flex account shall not exceed 500% of the authorized quantity of the base water right.

(2) The provisions of K.A.R. 5-5-11 are limited to changes in annual authorized quantity and shall not apply to this subsection.

(d) The chief engineer shall implement a program providing for the issuance of term permits to holders of groundwater water rights who have established flex accounts in accordance with this section. Such term permits shall authorize the use of water in a flex account at any time during the consecutive calendar years for which the application for the term permit authorizing a multi-year flex account is made, without annual limits on such use.

(e) Term permits provided for by this section shall be subject to the following:

(1) A separate term permit shall be required for each point of diversion authorized by the base water right.

(2) The quantity of water authorized for diversion shall be limited to the amount deposited pursuant to subsection (c)(1)(D).

(3) The rate of diversion for each point of diversion authorized under the term permit shall not exceed the rate of diversion for each point of diversion authorized under the base water right.

(4) The authorized place of use shall be the place of use or a subdivision of the place of use for the base water right. Any approval of an application to change the place of use of the base water right shall automatically result in a change to the place of use for the term permit.

(5) The point of diversion authorized by the term permit shall be specified by referencing one point of diversion authorized by the base water right at the time the multi-year flex account term permit application is filed with the chief engineer or at the time any approvals changing such referenced point of diversion of the base water right are approved during the multi-year flex account period. For a base water right with multiple points of diversion, each point of diversion authorized by a term permit shall receive a specific assignment of a maximum authorized quantity of water, assigned proportionately to the authorized annual quantities of the respective points of diversion under the base water right.

(6) The chief engineer may establish, by rules and regulations, criteria for such term permits.

(7) Except as explicitly provided for by this section, such term permits shall be subject to all provisions of the Kansas water appropriation act, and rules and regulations adopted under such act, and nothing in this section shall authorize impairment of any vested right or prior appropriation right by the exercise of such term permit.

(f) An application for a multi-year flex account shall be filed with the chief engineer on or before December 31 of the first year of the multi-year flex account term for which the application is being made.

(g) All costs of administration of this section shall be paid from fees for term permits provided for by this section. Any appropriation or transfer from any fund other than the water appropriation certification fund for the purpose of paying such costs shall be repaid to the fund from where such appropriation or transfer is made. At the time of repayment, the secretary of agriculture shall certify to the director of

accounts and reports the amount to be repaid and the fund to be repaid. Upon receipt of such certification, the director of accounts and reports shall promptly transfer the amount certified to the specified fund.

(h) The fee for a multi-year flex account term permit shall be the same as specified for other term permits in K.S.A. 82a-708c, and amendments thereto.

(i) The chief engineer shall have full authority pursuant to K.S.A. 82a-706c, and amendments thereto, to require any additional measuring devices and any additional reporting of water use for term permits issued pursuant to this section. Failure to comply with any measuring or reporting requirement may result in a penalty, up to and including the revocation of the term permit and the suspension of the base water right for the duration of the term permit period.

(j) The chief engineer shall submit a written report on the implementation of this section to the house standing committee on agriculture and natural resources and the senate standing committee on natural resources on or before February 1 of each year.

(k) This section shall be a part of and supplemental to the Kansas water appropriation act.

Sec. 4. K.S.A. 2022 Supp. 82a-736 is hereby repealed.

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

Doc. No. 051110

(Published in the Kansas Register May 4, 2023.)

House Substitute for Senate Bill No. 229

AN ACT concerning the compensation, salary and retirement benefits of certain state officials; creating the legislative compensation commission; prescribing powers and duties of the commission; authorizing the commission to set rates of compensation and salary for members of the legislature; establishing procedures for review and possible rejection of such rates of compensation and salary by the legislature; eliminating the previously established compensation commission; relating to the salaries of the governor, lieutenant governor, attorney general, secretary of state, state treasurer and commissioner of insurance; establishing the rate of pay for such state officials based on the annual rate of pay for members of congress, as adjusted by the provisions of this act; relating to the salaries of the justices of the supreme court, judges of the court of appeals, district court judges and district magistrate judges; establishing the rate of pay for such justices and judges based on the annual rate of pay for a district judge of the United States, as adjusted by the provisions of this act; amending K.S.A. 20-2616, 22a-105, 40-102, 75-3103 and 75-3120k and K.S.A. 2022 Supp. 20-318 and repealing the existing sections; also repealing K.S.A. 46-3101, 75-3101, 75-3104, 75-3108, 75-3110, 75-3111a, 75-3120f, 75-3120g, 75-3120h and 75-3120l.

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

New Section 1. (a) There is created the legislative compensation commission consisting of nine members as follows:

(1) One member appointed by the speaker of the house of representatives. Such member appointed by the speaker shall be a former member of the legislature;

(2) one member appointed by the president of the senate. Such member appointed by the president shall be a former member of the legislature;

(3) one member appointed by the speaker pro tempore of the house of representatives;

(4) one member appointed by the vice president of the senate;

(5) one member appointed by the majority leader of the house of representatives;

(6) one member appointed by the majority leader of the senate;

(7) one member appointed by the minority leader of the house of representatives;

(8) one member appointed by the minority leader of the senate; and

(9) one member appointed by the governor.

(b) The initial member appointed by the speaker shall be appointed prior to August 1, 2023. All other initial members shall be appointed prior to September 1, 2023.

(continued)

(c) No person shall be appointed to the commission who is a current member of the legislature, a current employee of the legislature or a registered lobbyist.

(d) The member appointed by the speaker shall serve as the first chairperson of the commission. The member appointed by the president shall serve as the first vice chairperson of the commission. Thereafter, the next chairperson to be appointed prior to August 1, 2026, shall be appointed by the president and the next vice chairperson to be appointed prior to September 1, 2026, shall be appointed by the speaker. The authority to appoint the chairperson and vice chairperson for future commissions shall alternate between the speaker and the president in similar manner as for the original appointments. Vacancies shall be filled in the same manner as for the original appointments.

(e) Any member of the commission shall be eligible for reappointment.

(f) The term of each appointment to the commission shall end upon the completion of the responsibilities of the commission pursuant to subsections (h) and (i).

(g) The commission shall meet upon call of the chairperson. A majority of the members of the commission shall constitute a quorum for the transaction of any business of the commission. Any action taken by the commission shall be by majority vote of the members present.

(h) The legislative compensation commission shall:

(1) Make a comprehensive study of the compensation, salary and retirement benefits of the members of the legislature;

(2) set the rates of compensation and salary for members of the legislature to be effective as provided in subsection (i); and

(3) make recommendations related to retirement benefits for members of the legislature.

(i) In 2023, the legislative compensation commission shall establish the rate of compensation and salary for services rendered by members of the legislature during the four-year period that commences on the first day of the term of office that commences on the first day of the legislative session in January of 2025. Such rate of compensation and salary established by the commission shall be submitted to the legislature on or before December 1, 2023. Such rate of compensation and salary established by the commission shall be the rate of compensation and salary for members of the legislature unless, prior to 30 days after the commencement of the legislative session next occurring after submission of such established rate of compensation and salary to the legislature, the legislature rejects such rate of compensation and salary by the adoption of a concurrent resolution. In the concurrent resolution that rejects such rate of compensation and salary, the legislature may include a requirement that the legislative compensation commission meet within 14 days after the adoption of the concurrent resolution by the legislature to set another rate of compensation and salary to be submitted to the legislature prior to 30 days after such adoption of the concurrent resolution. The legislature may reject such rate of compensation and salary by the adoption of a concurrent resolution prior to adjournment sine die of that legislative session. In the event of rejection by the legislature of the second rate of compensation and salary set by the commission, the rate of compensation and salary prevailing at the time of the previous session shall remain in effect.

(j) (1) New members of the commission shall be appointed in 2026 and every four years thereafter. The member designated as chairperson of the commission pursuant to subsection (d) shall be appointed prior to August 1 of such year. All other members of the commission shall be appointed prior to September 1 of such year.

(2) Commissions appointed in 2026 and thereafter may meet on call of the chairperson during the calendar year when appointed or the following calendar year. The commission shall set the rate of compensation and salary for members of the legislature to be effective during the four-year period that commences on the first day of the next commencing term of office of elected senators. The commission shall submit such rate of compensation and salary to the legislature on or before December 1 of the calendar year following the commission's appointment.

(3) The legislature may take such actions as provided in subsection (i) during the legislative session next occurring after the submission of such rate of compensation and salary as provided in paragraph (2).

(k) Members of the commission shall receive compensation, subsistence allowances, mileage and expenses as provided in K.S.A. 75-3223, and amendments thereto, when attending meetings of the commission.

New Sec. 2. (a) Subject to appropriations and except as provided further, on January 1, 2025, and each January 1 thereafter:

(1) The governor shall receive for services an annual salary equal

to the amount of annual rate of pay for a member of congress of the United States, not in a leadership role, on such date;

(2) the attorney general shall receive for services an annual salary equal to the amount of annual rate of pay for a member of congress of the United States, not in a leadership role, on such date, minus 2.5% of such congressional annual rate of pay; and

(3) the secretary of state, state treasurer and commissioner of insurance shall receive for services an annual salary equal to the amount of annual rate of pay for a member of congress of the United States, not in a leadership role, on such date, minus 7.5% of such congressional annual rate of pay.

(b) If, for any reason, such congressional salary is decreased, the salaries established in this section shall remain the same for the next ensuing fiscal year unless diminished by general law applicable to all salaried officers of the state.

New Sec. 3. (a) Subject to appropriations and except as provided further, on January 1, 2025, and each January 1 thereafter:

(1) A district judge who is not a chief judge of a judicial district shall receive for services an annual salary equal to 75% of the annual rate of pay for a district judge of the United States on such date;

(2) a district magistrate judge shall receive for services an annual salary equal to 55% of a district judge's salary as determined pursuant to subsection (a)(1);

(3) a chief judge of the district court shall receive for services an annual salary equal to 105% of a district judge's salary as determined pursuant to subsection (a)(1);

(4) a judge of the court of appeals who is not chief judge of the court of appeals shall receive for services an annual salary equal to 110% of a district judge's salary as determined pursuant to subsection (a)(1);

(5) the chief judge of the court of appeals shall receive for services an annual salary equal to 115% of a district judge's salary as determined pursuant to subsection (a)(1);

(6) a justice of the supreme court who is not chief justice of the supreme court shall receive for services an annual salary equal to 120% of a district judge's salary as determined pursuant to subsection (a)(1); and

(7) the chief justice of the supreme court shall receive for services an annual salary equal to 125% of a district judge's salary as determined pursuant to subsection (a)(1).

(b) If, for any reason, such district judge of the United States salary is decreased, the salaries established in this section shall remain the same for the next ensuing fiscal year unless diminished by general law applicable to all salaried officers of the state.

Sec. 4. On and after January 1, 2025, K.S.A. 2022 Supp. 20-318 is hereby amended to read as follows: 20-318. (a) There is hereby created within the state of Kansas; a judicial department for the supervision of all courts in the state of Kansas. The supreme court shall divide the state into separate sections, not to exceed six in number, to be known as judicial departments, each of which shall be assigned a designation to distinguish it from the other departments. A justice of the supreme court shall be assigned as departmental justice for each judicial department.

(b) There is created hereby the position of judicial administrator of the courts, who shall be appointed by the chief justice of the supreme court to serve at the will of the chief justice. The judicial administrator shall have a broad knowledge of judicial administration and substantial prior experience in an administrative capacity. No person appointed as judicial administrator shall engage in the practice of law while serving in such capacity. Compensation of the judicial administrator shall be determined by the justices, ~~but shall not exceed the salary authorized by law for the judge of the district court.~~ The judicial administrator shall be responsible to the chief justice of the supreme court of the state of Kansas; and shall implement the policies of the court with respect to the operation and administration of the courts, subject to the provisions of K.S.A. 2022 Supp. 20-384, and amendments thereto, under the supervision of the chief justice. The administrator shall perform such other duties as are provided by law or assigned by the supreme court or the chief justice.

(c) Expenditures from appropriations for district court operations to be paid by the state shall be made on vouchers approved by the judicial administrator. All claims for salaries, wages or other compensation for district court operations to be paid by the state shall be certified as provided in K.S.A. 75-3731, and amendments thereto, by the judicial administrator.

Sec. 5. On and after January 1, 2025, K.S.A. 20-2616 is hereby amended to read as follows: 20-2616. (a) Any retired justice of the su-

preme court, retired judge of the court of appeals, retired district judge or retired associate district judge may be designated and assigned to perform such judicial service and duties as such retired justice or judge is willing to undertake. Designation and assignment of a retired justice or judge in connection with any matter pending in the supreme court shall be made by the supreme court. Designation and assignment of a retired justice or judge in connection with any matter pending in any other court, including any court located within the judicial district in which the justice or judge resides, or to perform any other judicial service or duties shall be made by the chief justice of the supreme court. Any such judicial service or duties shall include necessary preparation and other out-of-court judicial service for hearings or for deciding matters or cases in conjunction with the judicial services and duties assigned under this section. Any designation and assignment may be revoked in the same manner and all such designations and assignments and revocations shall be filed of record in the office of the clerk of the court to which such assignment is made.

(b) A retired justice or judge so designated and assigned to perform judicial service or duties shall have the power and authority to hear and determine all matters covered by the assignment.

(c) Except as otherwise provided in this section, each retired justice or judge who performs judicial service or duties under this section shall receive: (1) Per diem compensation at the rate of per diem compensation in effect under K.S.A. 46-137a, and amendments thereto; (2) a per diem subsistence allowance at the per diem subsistence allowance rate in effect under K.S.A. 46-137a, and amendments thereto; (3) a mileage allowance at the rate fixed under K.S.A. 75-3203a, and amendments thereto; and (4) all actual and necessary expenses for other than subsistence or travel, including necessary stenographic assistance, as may be incurred in performing such service or duties.

(d) No retired justice or judge shall be entitled to receive per diem compensation under this section for any day in a fiscal year after the date that the total of (1) the amount of per diem compensation earned under this section during that fiscal year and (2) the amount of the retirement annuity payable to such retired justice or judge for that fiscal year under the retirement system for judges, becomes equal to or more than the amount of the current annual salary of a district judge paid by the state under K.S.A. 75-3120g section 3, and amendments thereto, but such retired justice or judge shall receive the subsistence allowance, mileage allowance and actual and necessary expenses as provided under this section after such date.

(e) As used in this section, a retired justice or judge shall not include those justices or judges who were not retained in office, were not reelected to office, have been impeached from office or removed by the supreme court from office.

Sec. 6. On and after January 1, 2025, K.S.A. 22a-105 is hereby amended to read as follows: 22a-105. Each of the district attorneys elected under this act shall receive an annual salary in the amount of no less than the salary provided for district judges in K.S.A. 75-3120g section 3, and amendments thereto. The salary of each district attorney shall be paid by the county comprising the judicial district in which the district attorney is elected in equal monthly installments and in the manner county officers and employees are paid. The district attorneys and their deputies and assistants shall be reimbursed for their actual travel and subsistence expenses incurred while in the performance of their official duties within or without the district.

Sec. 7. On and after January 1, 2025, K.S.A. 40-102 is hereby amended to read as follows: 40-102. There is hereby established a department to be known as the insurance department, ~~which and such department shall have a chief officer entitled the commissioner of insurance who shall receive, except as otherwise provided in K.S.A. 75-3111a, and amendments thereto, a salary at a biweekly pay rate of \$3,307.81, and such officer. The commissioner of insurance shall be charged with the administration of all laws relating to insurance, insurance companies and fraternal benefit societies doing business in this state; and all other duties which that are or may be imposed upon such officer by law.~~

Sec. 8. On and after January 1, 2025, K.S.A. 75-3103 is hereby amended to read as follows: 75-3103. (a) The lieutenant governor shall receive; as reimbursement for expenses the following: (1) Biweekly the sum of \$76.91, ~~except as otherwise provided in subsection (c), and (2) when attending the duties of office or attending any authorized meeting, in addition to other provisions of this section, travel expenses and subsistence expenses and allowances in amounts equal to those provided for by K.S.A. 75-3212, and amendments thereto.~~

(b) In addition to any other compensation provided by law ~~and except as otherwise provided in K.S.A. 75-3111a, and amendments thereto, the lieutenant governor shall also receive for services in the performance of duties imposed by law compensation at the biweekly pay rate of \$1,204.35 an annual salary equal to 25% of the amount of annual rate of pay for a member of congress of the United States, not in a leadership role, on such date.~~ While acting as governor, the lieutenant governor shall receive the same salary as the governor. The lieutenant governor may appoint an administrative assistant and other office ~~and stenographic~~ employees, all of whom shall be in the unclassified service of the Kansas civil service act. Such administrative assistant shall receive travel expenses and subsistence expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto, when traveling as authorized by the lieutenant governor.

(b)(c) If the lieutenant governor is appointed by the governor under the provision of K.S.A. 75-303, and amendments thereto, the lieutenant governor shall receive a salary ~~to be fixed by the governor pursuant to section 3, and amendments thereto, or a salary as provided for in subsection (a) of this section (b), whichever is greater.~~

(c) ~~Whenever the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for payroll periods chargeable to fiscal years commencing after June 30, 2009, the sum provided biweekly for reimbursement of expenses pursuant to subsection (a)(1) for the lieutenant governor shall be increased on the effective date of any such pay plan increase by an amount computed by multiplying the average of the percentage increases in all steps of such pay plan by the biweekly sum provided to the lieutenant governor for reimbursement of expenses as authorized by this section.~~

Sec. 9. On and after January 1, 2025, K.S.A. 75-3120k is hereby amended to read as follows: 75-3120k. (a) ~~The annual salary of district magistrate judges shall be paid in equal installments each payroll period in accordance with this section.~~

(b) ~~Subject to the provisions of subsection (c) and except as otherwise provided in K.S.A. 75-3120l, and amendments thereto, the annual salary of district magistrate judges shall be \$59,059.~~

(c) ~~Within the limits of the appropriations therefor, the county or counties comprising the judicial district may supplement the salary of, or pay any compensation to, any district magistrate judge. Any such supplemental salary or compensation shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the district magistrate judge supplemental compensation fund. Any associated employer contributions and payments with respect to such supplemental salary or compensation that are made payable under law shall be paid by the county or counties providing such supplemental salary or compensation, in addition to such supplemental salary or compensation, in the same manner and under the same conditions and requirements as compensation payable pursuant to subsection (b) section 3, and amendments thereto. All such associated employer contributions and payments shall be remitted for deposit in the state treasury and shall be credited to the district magistrate supplemental compensation fund at the same time and in the same manner as such supplemental salary or compensation. As used in this section, employer contributions shall include, and the county or counties shall be required to contribute, employer contributions required pursuant to K.S.A. 20-2605, and amendments thereto, for any district magistrate judge who is a member of the retirement system for judges.~~

(d) There is hereby established in the state treasury the district magistrate judge supplemental compensation fund.

(e)(c) All moneys credited to the district magistrate judge supplemental compensation fund shall be paid to, or on behalf of, the district magistrate judge or district magistrate judges for whom such moneys were remitted by the county or counties subject to the same conditions or restrictions imposed or prescribed by law, including any applicable withholding or other taxes, associated employer contributions and authorized payroll deductions.

(f)(d) All expenditures from the district magistrate judge supplemental compensation fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to payrolls approved by the chief justice of the Kansas supreme court or by a person or persons designated by the chief justice.

(g)(e) All salary or other compensation under this section shall be considered to be compensation provided by law for services as a district magistrate judge for all purposes under law.

(continued)

Sec. 10. K.S.A. 46-3101 is hereby repealed.

Sec. 11. On and after January 1, 2025, K.S.A. 20-2616, 22a-105, 40-102, 75-3101, 75-3103, 75-3104, 75-3108, 75-3110, 75-3111a, 75-3120f, 75-3120g, 75-3120h, 75-3120k and 75-3120l and K.S.A. 2022 Supp. 20-318 are hereby repealed.

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

Doc. No. 051111

State of Kansas

Kansas Lottery

Temporary Administrative Regulations

Article 4.—INSTANT GAMES AND DRAWINGS

111-4-3743. “Double Bonus Crossword” instant ticket lottery game number 307. (a) The Kansas lottery may conduct an instant winner lottery game entitled “Double Bonus Crossword.” The rules for this game are contained in K.A.R. 111-3-1 *et seq.* and 111-4-3743.

(b) The “play symbols” for the “YOUR LETTERS,” “BONUS LETTERS,” “BONUS WORD,” and the crossword puzzle grid in this game are as follows: A–B–C–D–E–F–G–H–I–J–K–L–M–N–O–P–Q–R–S–T–U–V–W–X–Y–Z. There are no “play symbol captions” for the play symbols listed hereinabove.

The “prize box symbols” and “prize box symbol captions” for this game are as follows:

| Prize Box Symbols | Captions |
|-------------------|----------|
| \$5 ⁰⁰ | FIVE\$ |
| 10 ⁰⁰ | TEN\$ |
| 25 ⁰⁰ | TWEN-FIV |
| 50 ⁰⁰ | FIFTY |

(c) For this game, a play symbol shall appear in each of 18 play spots within the “YOUR LETTERS” play area, in each of two play spots within the “BONUS LETTERS” play area, in each of the five play spots within the “BONUS WORD” play area, and a variable number of times within the crossword puzzle grid.

(d) The ticket numbers in each book of tickets in this game shall start with 000 and end with 149.

(e) The price of instant tickets sold by a retailer for this game shall be \$2.00 each.

(f) “Double Bonus Crossword” consists of four play areas. In the upper part of the ticket there is a crossword puzzle grid that contains 11 spaces by 11 spaces covered by transparent latex. In the “YOUR LETTERS” play area, located in the lower part of the ticket, there are 18 letters located under opaque latex. To the right of the “YOUR LETTERS” play area is the “BONUS LETTERS” play area in which there are two letters covered by opaque latex. Imaged around each of the 18 “YOUR LETTERS” and two “BONUS LETTERS” there will be a four-sided box composed of solid lines. In the “BONUS WORD” play area, located below the “YOUR LETTERS” play area, there is a “BONUS WORD” with a prize box. Imaged around each of the five letters in the “BONUS WORD” there will be a four-sided box composed of solid lines. A player will remove the latex from the “YOUR LETTERS”

and “BONUS LETTERS” play areas one letter at a time, and then for each matching letter in the crossword puzzle grid and the “BONUS WORD” play area scratch off the transparent latex. Each letter revealed in the “YOUR LETTERS” and “BONUS LETTERS” play areas may be used an unlimited number of times in the crossword puzzle grid. If a player reveals at least three complete words in the crossword puzzle grid, the player wins the corresponding prize in the prize legend. The prize legend on the front of the ticket indicates prizes won for number of words revealed. If a player reveals all letters in the “BONUS WORD,” the player wins the prize shown in the prize box.

The following prize legend will be displayed on the ticket:

| FIND | WIN |
|----------|-------------|
| 3 words | Free Ticket |
| 4 words | \$5 |
| 5 words | \$10 |
| 6 words | \$20 |
| 7 words | \$100 |
| 8 words | \$500 |
| 9 words | \$2,000 |
| 10 words | \$20,000 |

(g) To qualify as a complete word to win a prize in this game, the words revealed must meet the following requirements:

- (1) must contain at least three letters;
- (2) cannot be formed diagonally, run right to left or from bottom to top;
- (3) must appear in an unbroken horizontal or vertical string of letters in the “crossword” puzzle grid;
- (4) an unbroken string of letters cannot be interrupted by a black space and must contain every single letter square between two black spaces; and
- (5) every single letter in the unbroken string must be revealed in the “YOUR LETTERS” or “BONUS LETTERS” play areas and be included to form a word.

(h) Each ticket in this game may win up to two times.

(i) Approximately 7,680,000 tickets shall be ordered initially for this instant game. Additional ticket orders shall have the same prize structure, the same number of prizes per prize pool of 240,000 tickets, and the same odds as were contained in the initial ticket order.

(j) The expected number and value of instant prizes in this game shall be as follows:

| | Bonus Word | Prize | Winners Per 7,680,000 | Prize Cost |
|-------|------------|-------|-----------------------|-------------|
| FREE | | FREE | 1,280,000 | \$0 |
| \$5 | | \$5 | 332,800 | \$1,664,000 |
| | \$5 | \$5 | 15,360 | \$76,800 |
| \$10 | | \$10 | 176,640 | \$1,766,400 |
| | \$10 | \$10 | 8,704 | \$87,040 |
| \$10 | | \$15 | 6,144 | \$92,160 |
| \$20 | | \$20 | 58,880 | \$1,177,600 |
| \$10 | | \$10 | 5,120 | \$102,400 |
| | \$25 | \$25 | 2,560 | \$64,000 |
| | \$50 | \$50 | 1,376 | \$68,800 |
| \$100 | | \$100 | 7,680 | \$768,000 |
| \$500 | | \$500 | 1,056 | \$528,000 |

| | | | |
|-------------------------|--------------|-----------|-------------|
| \$2,000 | \$2,000 | 224 | \$448,000 |
| \$20,000 | \$20,000 | 32 | \$640,000 |
| Players Loyalty Program | \$75,000 | | \$75,000 |
| | TOTAL | 1,896,576 | \$7,558,200 |

(k) The odds of winning a prize in this game are approximately one in 4.05. (Authorized by K.S.A. 2022 Supp. 74-8710; implementing K.S.A. 2022 Supp. 74-8710 and K.S.A. 74-8720; effective, T-111-4-20-23, April 12, 2023.)

Article 5.—MULTI-STATE ONLINE GAMES AND DRAWINGS

111-5-230. Game description; retail sale of tickets.

(a) “Lotto America” is a five out of 52 plus one out of 10 numbers lottery game drawn as part of the Lotto America draw event, which pays the grand prize, at the election of the player made in accordance with these rules or by a default election made in accordance with these rules, either on an annuitized pari-mutuel basis or as a single lump sum payment of the total funding held in the grand prize pool for the winning draw on a pari-mutuel basis. Except as provided in these rules, all other prizes are paid on a single payment basis.

(b) Lotto America winning numbers applicable to determine Lotto America prizes will be determined in the Lotto America draw event. During the draw event, five numbers shall be drawn from the first set of 52 numbers, and one number shall be drawn from the second set of 10 numbers, which shall constitute the winning numbers. Effective for draw events on and after April 17, 2023, the drawing shall be conducted on a digital draw system.

(c) To play Lotto America, a player shall select five different numbers, from one through 52 and one additional number from one through 10. The additional number may be the same as one of the first five numbers selected by the player.

(d) Plays can be purchased for one dollar (\$1.00).

(e) Plays may be purchased from a terminal operated by a Kansas lottery retailer. The player may select a set of five numbers and one additional number by:

- (1) communicating the six numbers to the retailer;
- (2) marking six numbered circles in any one game board on a play slip and submitting the play slip to the retailer; or
- (3) requesting a “computer pick” or “quick pick” from the retailer.

A player may choose the All Star Bonus multiplier option by marking the appropriate box on the play slip or by communicating to the retailer the desire to play the All Star Bonus multiplier option. If the All Star Bonus multiplier option is chosen, it shall apply to all boards played on that play slip. For each board upon which the All Star Bonus multiplier option is chosen, the player shall pay one additional dollar.

The retailer shall then issue a ticket from the terminal containing the selected set or sets of numbers, each of which constitutes a game play, and if applicable, whether or not the All Star Bonus multiplier option has been chosen for all plays on that play slip.

Plays may only be entered manually using the lottery terminal keypad or touch screen or by means of a play

slip as approved by the Kansas lottery. Retailers shall not permit the use of play slips that are not approved by the Kansas lottery. Retailers shall not permit any device to be physically or wirelessly connected to a lottery terminal to enter plays, except as approved by the Kansas lottery.

(f) The maximum number of consecutive drawings on a single play purchase is 15.

(g) A validated ticket shall be the only proof of a game play or plays. The only method of claiming a prize or prizes shall be the submission of the winning ticket to and receipt of the ticket by the lottery or its authorized agent. A play slip shall have no pecuniary or prize value and shall not be used as evidence of a play purchase or of numbers selected.

(h) A play may not be voided or cancelled by returning the ticket to the selling retailer, including tickets that are printed in error. No play that is eligible for a prize can be returned to the Kansas lottery for credit. Plays accepted by retailers as returned plays and that cannot be re-sold shall be deemed owned by the bearer thereof unless the ticket has been signed.

(i) Ticket sales will end at approximately 8:59 p.m. central time (CT) on days on which drawings are conducted and will resume at approximately 9:04 p.m. central time (CT).

(j) Draws will be conducted by MUSL after the game is closed at approximately 8:59 p.m. central time (CT) and the draw official has verified that the game is closed, under conditions and procedures promulgated by MUSL and the Kansas lottery.

(k) Each player shall be responsible for verifying the accuracy of the game play or plays and other data printed on the ticket. The placing of plays is done at the player’s own risk through the online retailer who is deemed to be acting on behalf of the player in entering the play or plays. (Authorized by and implementing K.S.A. 2022 Supp. 74-8710; effective, T-111-12-5-17, Oct. 11, 2017; amended, T-111-12-13-21, Dec. 8, 2021; amended, T-111-4-20-23, April 12, 2023.)

Article 19.—SPECIFIC PLAYER LOYALTY CLUB RULES

111-19-149. Mid-Summer Cash Explosion Drawing.

(a) The Kansas lottery may conduct a drawing entitled “Mid-Summer Cash Explosion” awarding 12 winners a cash prize of \$500 each. Entries into the drawing will be accepted beginning at 12:01 a.m. on July 3, 2023, and ending at 11:59 p.m. on August 27, 2023. The drawing will be conducted sometime after entry into the drawing has closed but before noon on August 31, 2023, at which time the winners will be announced.

(b) Only registered Kansas lottery PlayOn (“PlayOn”) members may enter the drawing. PlayOn members must enter themselves into the drawing according to the terms and conditions of PlayOn. Entries shall not be accepted that are submitted by any method other than through PlayOn.

(c) A total of 150 player loyalty club points are required for a PlayOn member to enter once. A player may enter the drawing as many times as his or her points allow, but may win only one cash prize.

(continued)

(d) The procedures set forth in K.A.R. 111-18-5 for selecting winners and alternate winners shall be followed.

(e) The procedures set forth in K.A.R. 111-18-5 for contacting winners and the claiming of prizes shall be followed, except as follows: in this promotion the 10-day deadline for the winners to return their claim forms shall be 10 business days and commence with the date of the announcement of the winners. The Kansas lottery is not responsible for electronic malfunction or player error.

(f) By entering the drawing, entrant agrees to PlayOn terms and conditions.

(g) Winners are responsible for state and federal income taxes.

(h) Rules applicable to this online event drawing are contained in K.A.R. 111-19-149 and K.A.R. 111-18-1 *et seq.* (Authorized by K.S.A. 2022 Supp. 74-8710; implementing K.S.A. 2022 Supp. 74-8710 and K.S.A. 74-8720; effective, T-111-4-20-23, April 12, 2023.)

111-19-150. Sporting KC Experience drawing.

(a) The Kansas lottery may conduct a drawing entitled "Sporting KC Experience" in which 15 Kansas lottery players will win tickets for the Sporting KC soccer game at Children's Mercy Park in Kansas City on September 2, 2023. The Kansas lottery will accept entries into the drawing beginning at 12:01 a.m. on June 12, 2023, and ending at 11:59 p.m. on July 16, 2023. The drawing will be conducted sometime after entry into the drawing has closed but before noon on July 20, 2023, at which time the winners will be announced.

(b) Only registered PlayOn members may enter the drawing. PlayOn members must enter themselves into the drawing according to the terms and conditions of PlayOn. Entries shall not be accepted that are submitted by any method other than through PlayOn.

(c) A total of 330 player loyalty club points are required for a PlayOn member to enter once in the drawing. A player may enter the drawing as many times as his or her points allow, but may win only one prize package.

(d) The procedures set forth in K.A.R. 111-18-5 for selecting the winners and alternate winners shall be followed.

(e) The prize packages shall consist of the following:

(1) The Kansas lottery shall award the first three winners drawn a suite package consisting of four suite tickets, a VIP parking pass and \$400 cash. Each prize package is valued at approximately \$2,302; and

(2) The next 12 winners drawn will receive a general admission package consisting of four general admission game tickets and \$300 cash. Each prize package is valued at approximately \$512.

(f) The procedures set forth in K.A.R. 111-18-5 for contacting winners and the claiming of prizes shall be followed, except as follows: in this promotion the 10-day deadline for the winner to return their claim form shall be 10 business days and commence with the date of the announcement of the winner. The Kansas lottery is not responsible for electronic malfunction or player error.

(g) All winners and guests shall release the Kansas lottery from any liability for injuries sustained while redeeming any portion of the prize. Winners shall comply with the terms and conditions associated with each portion of any prize, including all venue policies, and shall follow the directions of lottery staff and event security.

(h) In the event any prize awarded for this drawing is postponed, changed, or canceled in whole or in part, no cash prize substitutions shall be provided.

(i) The Kansas lottery retains the right to substitute an alternate prize of approximate equal value.

(j) By entering the drawing, entrant agrees to PlayOn terms and conditions.

(k) State and federal withholding taxes will be paid by the Kansas lottery when applicable.

(l) A player must have a smart phone to accept Sporting KC tickets.

(m) Rules applicable to this online event drawing are contained in K.A.R. 111-19-150 and K.A.R. 111-18-1 *et seq.* (Authorized by K.S.A. 2022 Supp. 74-8710; implementing K.S.A. 2022 Supp. 74-8710 and K.S.A. 74-8720; effective, T-111-4-20-23, April 12, 2023.)

111-19-151. K-State Football Gameday Experience drawing.

(a) The Kansas lottery may conduct a drawing entitled "K-State Football Gameday Experience" in which 33 Kansas lottery players will win tickets to a 2023 Kansas State University football game at Bill Snyder Family Stadium in Manhattan, Kansas. The Kansas lottery will accept entries into the drawing beginning at 12:01 a.m. on June 5, 2023, and ending at 11:59 p.m. on August 6, 2023. The drawing will be conducted sometime after entry into the drawing has closed but before noon on August 10, 2023, at which time the winners will be announced.

(b) Only registered Kansas lottery PlayOn ("PlayOn") members may enter the drawing. PlayOn members must enter themselves into the drawing according to the terms and conditions of PlayOn. Entries shall not be accepted that are submitted by any method other than through PlayOn.

(c) A total of 356 player loyalty club points are required for a PlayOn member to enter once in the drawing. A player may enter the drawing as many times as his or her points allow, but may win only one prize package.

(d) The procedures set forth in K.A.R. 111-18-5 for selecting winners and alternate winners shall be followed, except in this promotion 10 alternates will be drawn.

(e) The prize packages shall consist of the following:

(1) The Kansas lottery shall award the first three winners drawn season tickets for four people and a parking pass for the 2023 Kansas State University Football season, with each prize package valued at approximately \$2,556.34; and

(2) The next 30 winners drawn will receive 2023 Kansas State University Football game suite level tickets for two people at a regular season home game with a date to be determined by the Kansas lottery. All 30 winners shall also receive a parking pass for that game, two game programs and food and non-alcoholic beverages in the suite. Each prize package is valued at approximately \$2,500.00.

(f) The procedures set forth in K.A.R. 111-18-5 for contacting winners and the claiming of prizes shall be followed, except in this promotion the 10-day deadline for the winners to return their claim forms shall commence with the date of the announcement of the winners. The Kansas lottery is not responsible for electronic malfunction or player error.

(g) All winners and guests shall release the Kansas lottery from any liability for injuries sustained while redeeming any portion of the prize. Winners shall comply with the terms and conditions associated with each portion of any prize, including all venue policies, and shall follow the directions of lottery staff and event security.

(h) In the event any prize awarded for this drawing is postponed, changed, or canceled in whole or in part, no cash prize substitutions shall be provided.

(i) The Kansas lottery retains the right to substitute an alternate prize of approximate equal value.

(j) By entering the drawings, entrant agrees to PlayOn terms and conditions.

(k) State and federal withholding taxes will be paid by the Kansas lottery when applicable.

(l) Winners must provide an address suitable for shipping as needed for prize delivery.

(m) Rules applicable to this online event drawing are contained in K.A.R. 111-19-151 and K.A.R. 111-18-1 *et seq.* (Authorized by K.S.A. 2022 Supp. 74-8710; implementing K.S.A. 2022 Supp. 74-8710 and K.S.A. 74-8720; effective, T-111-4-20-23, April 12, 2023.)

111-19-152. Jayhawk Football Gameday Experience drawing. (a) The Kansas lottery may conduct a drawing entitled “Jayhawk Football Gameday Experience” in which 32 Kansas lottery players will win tickets to a 2023 KU Football game at David Booth Kansas Memorial Stadium in Lawrence, Kansas. The Kansas lottery will accept entries into the drawing beginning at 12:01 a.m. on June 5, 2023, and ending at 11:59 p.m. on July 23, 2023. The drawing will be conducted sometime after entry into the drawing has closed but before noon on July 27, 2023, at which time the winners will be announced.

(b) Only registered Kansas lottery PlayOn (“PlayOn”) members may enter the drawing. PlayOn members must enter themselves into the drawing according to the terms and conditions of PlayOn. Entries shall not be accepted which are submitted by any method other than through PlayOn.

(c) A total of 273 player loyalty club points are required for a PlayOn member to enter once in the drawing. A player may enter the drawing as many times as his or her points allow, but may win only one prize package.

(d) The procedures set forth in K.A.R. 111-18-5 for selecting winners and alternate winners shall be followed, except in this promotion 10 alternates will be drawn.

(e) The prize packages shall consist of the following:

(1) The Kansas lottery shall award the first three winners drawn season tickets for two people and a parking pass for the 2023 Kansas University Football season. Each prize package is valued at approximately \$1,730.99;

(2) The next 21 winners drawn will receive 2023 Kansas University Football game suite level tickets for two people as follows:

(A) The first three winners will receive tickets to the first regular season home game;

(B) The next three winners will receive tickets to the second regular season home game;

(C) The next three winners will receive tickets to the third regular season home game;

(D) The next three winners will receive tickets to the fourth regular season home game;

(E) The next three winners will receive tickets to the fifth regular season home game;

(F) The next three winners will receive tickets to the sixth regular season home game;

(G) The next three winners will receive tickets to the seventh regular season home game;

(H) All 21 winners shall also receive a parking pass for that game and food and non-alcoholic beverages in the suite. Each prize package is valued at approximately \$450.00;

(3) The last eight winners drawn will receive general admission tickets for four people for the Kansas University Football home opener game on August 31, 2023; entry into a hospitality tent prior to kickoff; and food and non-alcoholic beverages in the hospitality tent. Each prize package is valued at approximately \$500.00.

(f) The procedures set forth in K.A.R. 111-18-5 for contacting the winner and the claiming of prizes shall be followed, except in this promotion the 10-day deadline for the winner to return their claim form shall commence with the date of the announcement of the winner. The Kansas lottery is not responsible for electronic malfunction or player error.

(g) All winners and guests shall release the Kansas lottery from any liability for injuries sustained while redeeming any portion of the prize. Winners shall comply with the terms and conditions associated with each portion of any prize, including all venue policies, and shall follow the directions of lottery staff and event security.

(h) In the event any prize awarded for this drawing is postponed, changed, or canceled in whole or in part, no cash prize substitutions shall be provided.

(i) The Kansas lottery retains the right to substitute an alternate prize of approximate equal value.

(j) By entering the drawings, entrant agrees to PlayOn terms and conditions.

(k) State and federal withholding taxes will be paid by the Kansas lottery when applicable.

(l) A player must have a smart phone to accept general admission tickets.

(m) Winners of season tickets and suite tickets must provide an address suitable for shipping as needed for prize delivery.

(n) Rules applicable to this online event drawing are contained in K.A.R. 111-19-152 and K.A.R. 111-18-1 *et seq.* (Authorized by K.S.A. 2022 Supp. 74-8710; implementing K.S.A. 2022 Supp. 74-8710 and K.S.A. 74-8720; effective, T-111-4-20-23, April 12, 2023.)

Article 302. — SPECIFIC LOTTERY FACILITY GAMES AT LOTTERY GAMING FACILITIES; CRAPS

111-302-4. Characteristics of the game. (a) Craps is played on one or both halves of a large rectangular shaped table or at a small table designed for a single dealer.

(b) A cloth covering the table has areas for all possible bets that can be made.

(c) Two dice as described in K.A.R. 111-302-2 are required to play the game.

(d) The large table layout is divided in half and both halves are imprinted the same.

(continued)

(e) For each large table with both halves open for play there is a dealer located on each half of the table, a box person that sits between the two dealers and stickperson that is positioned at the center of the opposite side of the table.

(f) If only half of a large table is open for play, only one dealer and a stickperson are required.

(g) At a large table with both halves open for play, the players are able to play on either half of the table along the far side away from the stickperson and the dealers. If only half of the large table is open for play, the players are able to play on only the open half of the table along the far side away from the stickperson and the dealer.

(h) A small table layout approximates half a large table

layout but shall have a maximum of eight player positions. Players may play at any open player position at a small table. On a small table only one dealer is required and no stickperson or box person is required. (Authorized by K.S.A. 2022 Supp. 74-8710 and K.S.A. 74-8748; implementing K.S.A. 2022 Supp. 74-8710; effective, T-111-12-24-09, Dec. 3, 2009; amended, T-111-12-7-10, Oct. 6, 2010; amended, T-111-2-27-18, Dec. 6, 2017; amended, T-111-12-20-19, Nov. 13, 2019; amended, T-111-4-20-23, April 12, 2023.)

Stephen W. Durrell
Executive Director
Kansas Lottery

Doc. No. 051104

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended, and revoked administrative regulations with a future effective date and the *Kansas Register* issue in which the regulation can be found. A complete listing and the complete text of all currently effective regulations required to be published in the *Kansas Administrative Regulations* can be found at https://www.sos.ks.gov/pubs/pubs_kar.aspx.

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| 92-27-1 | Revoked | V. 42, Issue 16 |
| 92-27-2 | Revoked | V. 42, Issue 16 |
| 92-27-3 | Revoked | V. 42, Issue 16 |
| 92-27-4 | Revoked | V. 42, Issue 16 |
| 92-27-5 | Revoked | V. 42, Issue 16 |

AGENCY 100: BOARD OF HEALING ARTS

| Reg. No. | Action | Register |
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| 100-15-1 | Amended | V. 42, Issue 17 |
| 100-54-13 | New | V. 42, Issue 16 |

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*.

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| 111-2-329 | New | V. 41, Issue 40 |
| 111-4-3547 | Amended | V. 41, Issue 33 |
| 111-4-3681 | Amended | V. 41, Issue 6 |
| 111-4-3695 | New | V. 41, Issue 6 |
| 111-4-3696 | New | V. 41, Issue 6 |
| 111-4-3697 | New | V. 41, Issue 6 |
| 111-4-3698 | New | V. 41, Issue 6 |

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| 111-4-3700 | New | V. 41, Issue 6 |
| 111-4-3701 | New | V. 41, Issue 6 |
| 111-4-3702 | New | V. 41, Issue 6 |
| 111-4-3703 | New | V. 41, Issue 9 |
| 111-4-3704 | New | V. 41, Issue 9 |
| 111-4-3705 | New | V. 41, Issue 9 |
| 111-4-3706 | New | V. 41, Issue 9 |
| 111-4-3707 | New | V. 41, Issue 9 |
| 111-4-3708 | Amended | V. 41, Issue 19 |
| 111-4-3709 | Amended | V. 41, Issue 19 |
| 111-4-3710 | New | V. 41, Issue 19 |
| 111-4-3711 | New | V. 41, Issue 19 |
| 111-4-3712 | New | V. 41, Issue 19 |
| 111-4-3713 | Amended | V. 41, Issue 29 |
| 111-4-3714 | New | V. 41, Issue 19 |
| 111-4-3715 | New | V. 41, Issue 24 |
| 111-4-3716 | New | V. 41, Issue 24 |
| 111-4-3717 | New | V. 41, Issue 24 |
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| 111-4-3741 | New | V. 42, Issue 15 |
| 111-4-3742 | New | V. 42, Issue 15 |
| 111-5-248 | New | V. 41, Issue 12 |
| 111-5-249 | New | V. 42, Issue 15 |
| 111-9-229 | New | V. 41, Issue 12 |
| 111-9-230 | New | V. 41, Issue 12 |
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| 111-18-8 | New | V. 41, Issue 29 |
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| 111-19-121 | New | V. 41, Issue 9 |

AGENCY 92: DEPARTMENT OF REVENUE

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| 92-26-6 | Revoked | V. 42, Issue 16 |
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| 111-19-122 | New | V. 41, Issue 9 | 111-19-141 | New | V. 41, Issue 51 | 111-601-51 | New | V. 42, Issue 11 |
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| 111-19-124 | New | V. 41, Issue 24 | 111-19-143 | New | V. 42, Issue 11 | 111-601-53 | New | V. 42, Issue 11 |
| 111-19-125 | New | V. 41, Issue 24 | 111-19-144 | New | V. 42, Issue 11 | 111-601-54 | New | V. 42, Issue 11 |
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| 111-19-128 | New | V. 41, Issue 29 | 111-19-147 | New | V. 42, Issue 15 | 111-701-20 | New | V. 41, Issue 35 |
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