

STATE OF KANSAS

2024 SESSION LAWS OF KANSAS VOL. 2

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SESSION OF THE LEGISLATURE OF
THE STATE OF KANSAS

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AUTHENTICATION

STATE OF KANSAS OFFICE OF SECRETARY OF STATE

I, Scott Schwab, Secretary of State of the state of Kansas, do hereby certify that the printed acts contained in this volume are true and correct copies of enrolled laws or resolutions which were passed during the 2024 regular session of the Legislature of the State of Kansas, begun on the 8th day of January, AD 2024, and concluded on the 30th day of April, AD 2024; and I further certify that all laws contained in this volume which took effect and went into force on and after publication in the *Kansas Register* were so published (on the date thereto annexed) as provided by law; and I further certify that all laws contained in this volume will take effect and be in force on and after the 1st day of July, AD 2024, except when otherwise provided.

Given under my hand and seal this 1st day of July, AD 2024.

(SEAL)

SCOTT SCHWAB
Secretary of State

EXPLANATORY NOTES

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

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

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

Approval and publication dates are included.

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 The bill index, subject index, and list of statutes repealed or amended will assist you in locating bills of interest.

NOTICE

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CHAPTER 67

HOUSE BILL No. 2547

AN ACT concerning health and healthcare; relating to the regulation of certain drugs; authorizing a school to maintain a stock supply of emergency medication kits for certain life-threatening conditions; requiring a prescription for distribution of emergency medication to schools; providing requirements for the administration of emergency medication by school personnel, training; exempting certain persons from the practice of healing arts and civil liability if acting in good faith; adding and removing certain substances in schedules I, II, IV and V of the uniform controlled substances act; making conforming changes to the criminal code definition of fentanyl-related controlled substances; amending K.S.A. 21-5701, 65-1680, 65-2872b and 72-6283 and K.S.A. 2023 Supp. 65-4105, 65-4107, 65-4111 and 65-4113 and repealing the existing sections.

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

Section 1. K.S.A. 21-5701 is hereby amended to read as follows: 21-5701. As used in K.S.A. 21-5701 through 21-5717, and amendments thereto:

(a) “Controlled substance” means any drug, substance or immediate precursor included in any of the schedules designated in K.S.A. 65-4105, 65-4107, 65-4109, 65-4111 and 65-4113, and amendments thereto.

(b) (1) “Controlled substance analog” means a substance that is intended for human consumption, and at least one of the following:

(A) The chemical structure of the substance is substantially similar to the chemical structure of a controlled substance listed in or added to the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto;

(B) the substance has a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto; or

(C) with respect to a particular individual, such individual represents or intends the substance to have a stimulant, depressant or hallucinogenic effect on the central nervous system substantially similar to the stimulant, depressant or hallucinogenic effect on the central nervous system of a controlled substance included in the schedules designated in K.S.A. 65-4105 or 65-4107, and amendments thereto.

(2) “Controlled substance analog” does not include:

(A) A controlled substance;

(B) a substance for which there is an approved new drug application; or

(C) a substance with respect to which an exemption is in effect for investigational use by a particular person under section 505 of the federal food, drug, and cosmetic act, 21 U.S.C. § 355, to the extent conduct with respect to the substance is permitted by the exemption.

(c) “Cultivate” means the planting or promotion of growth of five or more plants that contain or can produce controlled substances.

(d) “Distribute” means the actual, constructive or attempted transfer from one person to another of some item whether or not there is an agency relationship. “Distribute” includes, but is not limited to, sale, offer for sale or any act that causes some item to be transferred from one person to another. “Distribute” does not include acts of administering, dispensing or prescribing a controlled substance as authorized by the pharmacy act of the state of Kansas, the uniform controlled substances act or otherwise authorized by law.

(e) (1) “Drug” means:

(A) Substances recognized as drugs in the official United States pharmacopeia, official homeopathic pharmacopoeia of the United States or official national formulary or any supplement to any of them;

(B) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in humans or animals;

(C) substances, other than food, intended to affect the structure or any function of the body of humans or animals; and

(D) substances intended for use as a component of any article specified in subparagraph (A), (B) or (C).

(2) “Drug” does not include devices or their components, parts or accessories.

(f) (1) “Drug paraphernalia” means all equipment and materials of any kind that are used, or primarily intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance and in violation of this act.

(2) “Drug paraphernalia” includes, but is not limited to:

(A) Kits used or intended for use in planting, propagating, cultivating, growing or harvesting any species of plant that is a controlled substance or from which a controlled substance can be derived;

(B) kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;

(C) isomerization devices used or intended for use in increasing the potency of any species of plant that is a controlled substance;

(D) testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances;

(E) scales and balances used or intended for use in weighing or measuring controlled substances;

(F) diluents and adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose and lactose that are used or intended for use in cutting controlled substances;

(G) separation gins and sifters used or intended for use in removing twigs and seeds from or otherwise cleaning or refining marijuana;

(H) blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances;

(I) capsules, balloons, envelopes, bags and other containers used or intended for use in packaging small quantities of controlled substances;

(J) containers and other objects used or intended for use in storing or concealing controlled substances;

(K) hypodermic syringes, needles and other objects used or intended for use in parenterally injecting controlled substances into the human body;

(L) objects used or primarily intended or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish, hashish oil, phencyclidine (PCP), methamphetamine or amphetamine into the human body, such as:

(i) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;

(ii) water pipes, bongs or smoking pipes designed to draw smoke through water or another cooling device;

(iii) carburetion pipes, glass or other heat-resistant tubes or any other device used, intended to be used or designed to be used to cause vaporization of a controlled substance for inhalation;

(iv) smoking and carburetion masks;

(v) roach clips, objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;

(vi) miniature cocaine spoons and cocaine vials;

(vii) chamber smoking pipes;

(viii) carburetor smoking pipes;

(ix) electric smoking pipes;

(x) air-driven smoking pipes;

(xi) chillums;

(xii) bongs;

(xiii) ice pipes or chillers;

(xiv) any smoking pipe manufactured to disguise its intended purpose;

(xv) wired cigarette papers; or

(xvi) cocaine freebase kits.

(3) “Drug paraphernalia” does not include:

(A) Any products, chemicals or materials described in K.S.A. 21-5709(a), and amendments thereto; or

(B) any materials used or intended for use to test a substance for the presence of fentanyl, a fentanyl analog, ketamine or gamma hydroxybutyric acid.

(g) “Fentanyl-related controlled substance” means any substance designated in K.S.A. 65-4105(b)(1), (b)(2), (b)(4), (b)(10), (b)(11), ~~(b)(12), (b)(14), (b)(15), (b)(16), (b)(17), (b)(20), (b)(21), (b)(22), (b)(23), (b)(24), (b)(26), (b)(27), (b)(28), (b)(35), (b)(37), (b)(41), (b)(42), (b)(43), (b)(44), (b)(45), (b)(46), (b)(47), (b)(49)~~ (b)(48), (b)(50), (b)(54), (b)(55), (b)(56), (b)(57), (b)(58), (b)(59), ~~(b)(60), (b)(61), (b)(62)~~ (b)(68), (b)(70), (b)(71), (b)(72), (b)(73), (b)(74), (b)(75), (b)(76), (b)(77), (b)(78), (b)(79), (b)(80), (b)(81), (b)(82), (b)(83), (b)(84), (b)(85), (b)(91), (b)(97), (b)(98), (b)(99), (b)(103), (b)(104), (g)(1) or (g)(2) or 65-4107(c)(1), (c)(6), (c)(9), (c)(26), (c)(28), (c)(30), (f)(3)(A) or (f)(3)(B), and amendments thereto, or any analog thereof.

(h) “Immediate precursor” means a substance that the state board of pharmacy has found to be and by rules and regulations designates as being the principal compound commonly used or produced primarily for use and that is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail or limit manufacture.

(i) “Isomer” means all enantiomers and diastereomers.

(j) “Manufacture” means the production, preparation, propagation, compounding, conversion or processing of or placing into pill or capsule form a controlled substance either directly or indirectly or by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis. “Manufacture” does not include:

(1) The preparation or compounding of a controlled substance by an individual for the individual’s own lawful use or the preparation, compounding, packaging or labeling of a controlled substance:

(A) By a practitioner or the practitioner’s agent pursuant to a lawful order of a practitioner as an incident to the practitioner’s administering or dispensing of a controlled substance in the course of the practitioner’s professional practice; or

(B) by a practitioner or by the practitioner’s authorized agent under such practitioner’s supervision for the purpose of or as an incident to research, teaching or chemical analysis or by a pharmacist or medical care facility as an incident to dispensing of a controlled substance; or

(2) the addition of diluents or adulterants, including, but not limited to, quinine hydrochloride, mannitol, mannite, dextrose or lactose that are intended for use in cutting a controlled substance.

(k) “Marijuana” means all parts of all varieties of the plant Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. “Marijuana” does not include:

(1) The mature stalks of the plant, fiber produced from the stalks, oil

or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake or the sterilized seed of the plant that is incapable of germination;

(2) any substance listed in schedules II through V of the uniform controlled substances act;

(3) drug products approved by the United States food and drug administration as of the effective date of this act;

(4) cannabidiol (other trade name: 2-[(3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol); or

(5) industrial hemp as defined in K.S.A. 2-3901, and amendments thereto, when cultivated, produced, possessed or used for activities authorized by the commercial industrial hemp act.

(l) “Minor” means a person under 18 years of age.

(m) “Narcotic drug” means any of the following whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation thereof that is chemically equivalent or identical with any of the substances referred to in paragraph (1) but not including the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw;

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves and any salt, compound, isomer, derivative or preparation thereof that is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves that do not contain cocaine or ecgonine.

(n) “Opiate” means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. “Opiate” does not include, unless specifically designated as controlled under K.S.A. 65-4102, and amendments thereto, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). “Opiate” does include its racemic and levorotatory forms.

(o) “Opium poppy” means the plant of the species *Papaver somniferum* L. except its seeds.

(p) “Person” means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, association or any other legal entity.

(q) “Poppy straw” means all parts, except the seeds, of the opium poppy, after mowing.

(r) “School property” means property upon which is located a structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12. This definition shall not be construed as requiring that school be in session or that classes are actually being held at the time of the offense or that children must be present within the structure or on the property during the time of any alleged criminal act. If the structure or property meets the above definition, the actual use of that structure or property at the time alleged shall not be a defense to the crime charged or the sentence imposed.

(s) “Simulated controlled substance” means any product that identifies itself by a common name or slang term associated with a controlled substance and that indicates on its label or accompanying promotional material that the product simulates the effect of a controlled substance.

Sec. 2. K.S.A. 65-1680 is hereby amended to read as follows: 65-1680. ~~The state board of pharmacy may adopt any rules and regulations which the board deems necessary in relation to the maintenance of epinephrine kits under K.S.A. 72-6283, and amendments thereto.~~ (a) *A pharmacist may distribute a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors to a school pursuant to a prescription made pursuant to K.S.A. 72-6283, and amendments thereto, from a physician or mid-level practitioner in the name of the school. A pharmacist who distributes a stock supply of standard-dose or pediatric-dose epinephrine auto-injectors to a school shall not be liable for civil damages resulting from the administration of such medication pursuant to this section, K.S.A. 65-2872b or 72-6283, and amendments thereto.*

(b) *A pharmacist may distribute a stock supply of albuterol metered-dose inhalers, albuterol solution and spacers to a school pursuant to a prescription made pursuant to K.S.A. 72-6283, and amendments thereto, from a physician or mid-level practitioner in the name of the school. A pharmacist who distributes a stock supply of albuterol metered-dose inhalers, albuterol solution or spacers to a school shall not be liable for civil damages resulting from the administration of such medication pursuant to this section, K.S.A. 65-2872b or 72-6283, and amendments thereto.*

(c) *The terms used in this section mean the same as defined in K.S.A. 72-6283, and amendments thereto.*

Sec. 3. K.S.A. 65-2872b is hereby amended to read as follows: 65-2872b. (a) The practice of the healing arts shall not be construed to include any person administering epinephrine *or albuterol* in emergency situations ~~to a student or a member of a school staff~~ *an individual* if:

(1) (A) The person administering the epinephrine reasonably believes that ~~the student or staff member~~ *individual* is exhibiting the signs and symptoms of an anaphylactic reaction; or

(B) *the person administering the albuterol reasonably believes that the individual is exhibiting the signs and symptoms of respiratory distress;*

(2) *a physician or mid-level practitioner, after reviewing the school's policies and procedures, has authorized, in writing, the school to maintain a stock supply of epinephrine emergency medication; and*

(3) *the epinephrine emergency medication is administered at school, on school property or at a school-sponsored event.*

(b) *Any person who gratuitously and in good faith renders emergency care or treatment, without compensation, through the administration of epinephrine to a student or a member of a school staff emergency medication to an individual at school, on school property or at a school-sponsored event, and any school that employs or contracts such person shall not be held liable for any civil damages as a result of such care or administration or as a result of any act or failure to act in providing or arranging further medical treatment where when the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.*

(c) *A physician or mid-level practitioner who writes a prescription for emergency medication or provides training to school personnel on the administration of emergency medication shall not be liable for civil damages resulting from the administration of emergency medication pursuant to this section, K.S.A. 65-1680 or 72-6283, and amendments thereto.*

(d) *The terms used in this section mean the same as defined in K.S.A. 72-6283, and amendments thereto.*

Sec. 4. K.S.A. 2023 Supp. 65-4105 is hereby amended to read as follows: 65-4105. (a) The controlled substances listed in this section are included in schedule I and the number set forth opposite each drug or substance is the DEA controlled substances code that has been assigned to it.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

- (1) Acetyl fentanyl
(N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)9821
- (2) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)4-piperidinyl]-N-phenylacetamide).....9815
- (3) Acetylmethadol9601
- (4) Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide; acryloylfentanyl).....9811
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- (7) Alphacetylmethadol9603

	(except levo-alpha-acetylmethadol also known as levo-alpha-acetylmethadol, levomethadyl acetate or LAAM)	
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(59) (78)	Para-fluorobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide)	9823
(60) (79)	Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide)	9812
(61) (80)	Para-fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide, 4-fluoroisobutyryl fentanyl)	9824
(81)	<i>Para-fluoro furanyl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide)</i>	9854
(62) (82)	Para-methoxybutyryl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide).....	9837
(83)	<i>Para -Methoxyfuranyl fentanyl (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide</i>	9859
(84)	<i>para -Methylcyclopropyl fentanyl (N-(4-methylphenyl)- N-(1-phenethylpiperidin-4-yl) cyclopropanecarboxamide)</i>	9865
(85)	<i>Para-methylfentanyl (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propionamide; also known as 4-methylfentanyl)</i>	9817
(63) (86)	PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine).....	9663
(64) (87)	Phenadoxone	9637
(65) (88)	Phenampromide.....	9638
(66) (89)	Phenomorphane.....	9647
(67) (90)	Phenoperidine	9641
(91)	<i>Phenyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide; also known as benzoyl fentanyl)</i>	9841
(68) (92)	Piritramide.....	9642
(69) (93)	Proheptazine	9643
(70) (94)	Propoperidine.....	9644
(71) (95)	Propiram.....	9649
(72) (96)	Racemoramide	9645
(73) (97)	Tetrahydrofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide)	9843
(74) (98)	Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide)	9835
(99)	<i>Thiofuranyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide; also known as</i>	

	<i>2-thiofuranyl fentanyl; thiophene fentanyl)</i>	9839
(75) (100)	Tilidine.....	9750
(76) (101)	Trimeperidine.....	9646
(77) (102)	U-47700 (3,4-dichloro-N-[2-(dimethylamino)- cyclohexyl]-N-methylbenzamide).....	9547
(78) (103)	Valeryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N- phenylpentanamide)	9840
(104)	<i>Zipeprol (1-methoxy-3-[4-(2-methoxy-2-phenylethyl)- piperazin-1-yl]-1-phenylpropan-2-ol)</i>	9873

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1)	Acetorphine.....	9319
(2)	Acetyldihydrocodeine	9051
(3)	Benzylmorphine.....	9052
(4)	Brorphine	9098
(5)	Codeine methylbromide	9070
(6) (5)	Codeine-N-Oxide.....	9053
(7) (6)	Cyprenorphine	9054
(8) (7)	Desomorphine.....	9055
(9) (8)	Dihydromorphine	9145
(10) (9)	Drotebanol	9335
(11) (10)	Etorphine (except hydrochloride salt)	9056
(12) (11)	Heroin	9200
(13) (12)	Hydromorphenol	9301
(14) (13)	Methyldesorphine	9302
(15) (14)	Methyldihydromorphine.....	9304
(16) (15)	Morphine methylbromide	9305
(17) (16)	Morphine methylsulfonate	9306
(18) (17)	Morphine-N-Oxide	9307
(19) (18)	Myrophine	9308
(20) (19)	Nicocodeine	9309
(21) (20)	Nicomorphine	9312
(22) (21)	Normorphine.....	9313
(23) (22)	Pholcodine.....	9314
(24) (23)	Thebacon	9315

(d) Any material, compound, mixture or preparation that contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1)	Alpha-ethyltryptamine	7249
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- Some trade or other names: etryptamine; Monase;
 α -ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
indole; α -ET; and AET.
- (2) 4-bromo-2,5-dimethoxy-amphetamine7391
Some trade or other names: 4-bromo-2,5-dimethoxy-
alpha-methylphenethylamine; 4-bromo-2,5-DMA.
- (3) 2,5-dimethoxyamphetamine7396
Some trade or other names: 2,5-dimethoxy-alpha-
methyl-phenethylamine; 2,5-DMA.
- (4) 4-methoxyamphetamine7411
Some trade or other names: 4-methoxy-alpha-
methylphene-thylamine; paramethoxyamphetamine;
PMA.
- (5) 5-methoxy-3,4-methylenedioxy-amphetamine7401
- (6) 4-methyl-2,5-dimethoxy-amphetamine.....7395
Some trade or other names: 4-methyl-2,5-dimethoxy-
alpha-methylphenethylamine; “DOM”; and “STP”.
- (7) 3,4-methylenedioxy amphetamine7400
- (8) 3,4-methylenedioxymethamphetamine (MDMA).....7405
- (9) 3,4-methylenedioxy-N-ethylamphetamine
(also known as N-ethyl-alpha-methyl-3,4
(methylenedioxy) phenethylamine, N-ethyl MDA,
MDE, and MDEA).....7404
- (10) N-hydroxy-3,4-methylenedioxyamphetamine
(also known as N-hydroxy-alpha-methyl-3,4-
(methylenedioxy) phenethylamine, and N-hydroxy
MDA).....7402
- (11) 3,4,5-trimethoxy amphetamine.....7390
- (12) Bufotenine.....7433
Some trade or other names: 3-(Beta-
Dimethylaminoethyl)-5-hydroxyindole; 3-
(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin;
5-hydroxy-N,N-dimethyltryptamine; mappine.
- (13) Diethyltryptamine.....7434
Some trade or other names: N,N-Diethyltryptamine;
DET.
- (14) Dimethyltryptamine.....7435
Some trade or other names: DMT.
- (15) Ibogaine.....7260
Some trade or other names: 7-Ethyl-6,6
Beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-
methano-5H-pyrido[1',2':1,2]azepino[5,4-b]indole;
Tabernanthe iboga

(16)	Lysergic acid diethylamide	7315
(17)	Marijuana	7360
(18)	Mescaline.....	7381
(19)	Parahexyl	7374
	Some trade or other names: 3-Hexyl-1-hydroxy- 7,8,9,10-tetrahydro-6,6,9-trimethyl-6H- dibenzo[b,d]pyran; Synhexyl.	
(20)	Peyote	7415
	Meaning all parts of the plant presently classified botanically as <i>Lophophora williamsii</i> Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.	
(21)	N-ethyl-3-piperidyl benzilate	7482
(22)	N-methyl-3-piperidyl benzilate	7484
(23)	Psilocybin.....	7437
(24)	Psilocyn.....	7438
	Some trade or other names: Psilocin.	
(25)	Ethylamine analog of phencyclidine	7455
	Some trade or other names: N-ethyl-1-phenyl- cyclo-hexylamine; (1-phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE.	
(26)	Pyrrolidine analog of phencyclidine	7458
	Some trade or other names: 1-(1-phenylcyclohexyl)- pyrrolidine; PCPy; PHP.	
(27)	Thiophene analog of phencyclidine	7470
	Some trade or other names: 1-[1-(2-thienyl)- cyclohexyl]-piperidine; 2-thienyl analog of phencyclidine; TPCP; TCP.	
(28)	1-[1-(2-thienyl)-cyclohexyl] pyrrolidine	7473
	Some other names: TCPy.	
(29)	2,5-dimethoxy-4-ethylamphetamine	7399
	Some trade or other names: DOET.	
(30)	Salvia divinorum or salvinorum A; all parts of the plant presently classified botanically as <i>salvia divinorum</i> , whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.	
(31)	Datura stramonium, commonly known as gypsum	

weed or jimson weed; all parts of the plant presently classified botanically as datura stramonium, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture or preparation of such plant, its seeds or extracts.

(32)	N-benzylpiperazine	7493
	Some trade or other names: BZP.	
(33)	1-(3-[trifluoromethylphenyl])piperazine	
	Some trade or other names: TFMPP.	
(34)(33)	4-Bromo-2,5-dimethoxyphenethylamine	7392
(35)(34)	2,5-dimethoxy-4-(n)-propylthiophenethylamine	
	(2C-T-7), its optical isomers, salts and salts of	
	optical isomers.....	7348
(36)(35)	Alpha-methyltryptamine (other name: AMT)	7432
(37)(36)	5-methoxy-N,N-diisopropyltryptamine	
	(5-MeO-DIPT), its isomers, salts and salts of	
	isomers.....	7439
(38)(37)	2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine	
	(2C-E).....	7509
(39)(38)	2-(2,5-Dimethoxy-4-methylphenyl)ethanamine	
	(2C-D)	7508
(40)(39)	2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine	
	(2C-C).....	7519
(41)(40)	2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine	
	(2C-I)	7518
(42)(41)	2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine	
	(2C-T-2)	7385
(43)(42)	2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]	
	ethanamine (2C-T-4).....	7532
(44)(43)	2-(2,5-Dimethoxyphenyl)ethanamine (2C-H)	7517
(45)(44)	2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine	
	(2C-N)	7521
(46)(45)	2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine	
	(2C-P)	7524
(47)(46)	5-methoxy-N,N-dimethyltryptamine	
	(5-MeO-DMT).....	7431
	Some trade or other names: 5-methoxy-3-	
	[2-(dimethylamino) ethyl]indole.	
(48)(47)	2-(4-iodo-2,5-dimethoxyphenyl)-N-	
	(2-methoxybenzyl)ethanamine.....	7538
	Some trade or other names: 25I-NBOMe;	

	2C-I-NBOMe; 25I; Cimbi-5.	
(49)(48)	2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.....	7537
	Some trade or other names: 25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82.	
(50)(49)	2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine.....	7536
	Some trade or other names: 25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36.	
(51)(50)	2-(2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)-ethanamine	
	Some trade or other names: 25H-NBOMe.	
(52)(51)	2-(2,5-dimethoxy-4-methylphenyl)-N-(2-methoxybenzyl)ethanamine	
	Some trade or other names: 25D-NBOMe; 2C-D-NBOMe.	
(53)(52)	2-(2,5-dimethoxy-4-nitrophenyl)-N-(2-methoxybenzyl)ethanamine	
	Some trade or other names: 25N-NBOMe, 2C-N-NBOMe.	
(54)(53)	1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1-H-pyrrolo[2,3-b]pyridine-3-carboxamide (5F-CUMYL-P7AICA)	7085
(54)	2-(ethylamino)-2-(3-methoxyphenyl)cyclohexan-1-one (other names: methoxetamine, MXE)	7286
(55)	1-(4-methoxyphenyl)-N-methylpropan-2-amine (other names: para-methoxymethamphetamine, PMMA)	1245
(e)	Any material, compound, mixture or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:	
(1)	Etizolam	2780
	Some trade or other names: (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-thieno[3,2-f][1,2,4]-triazolo[4,3-a][1,4]diazepine)	
(2)	Mecloqualone	2572
(3)	Methaqualone	2565
(4)	Gamma hydroxybutyric acid.....	2010
(5)	8-chloro-6-(2-fluorophenyl)-1-methyl-4H-benzo[f]-[1,2,4]triazolo[4,3-a][1,4]diazepine, its salts, isomers, and salts of isomers	

- (6) (other name: flualprazolam)2785
 6-(2-chlorophenyl)-1-methyl-8-nitro-4H-
 benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine,
 its salts, isomers, and salts of isomers
 (other name: clonazolam).....2786
- (7) 8-bromo-6-(2-fluorophenyl)-1-methyl-4H-
 benzo[f][1,2,4]triazolo[4,3-a][1,4]diazepine,
 its salts, isomers, and salts of isomers
 (other name: flubromazolam)2788
- (8) 7-chloro-5-(2-chlorophenyl)-1-methyl-1,3-
 dihydro-2H-benzo[e][1,4]diazepin-2-one,
 its salts, isomers, and salts of isomers
 (other name: diclazepam).....2789
- (f) Unless specifically excepted or unless listed in another schedule,
 any material, compound, mixture or preparation that contains any quan-
 tity of the following substances having a stimulant effect on the central
 nervous system, including its salts, isomers and salts of isomers:
- (1) Aminorex1585
 Some other names: Aminoxaphen 2-amino-
 5-phenyl-2-oxazoline or 4,5-dihydro-5-phenyl-
 2-oxazolamine
- (2) Fenethylline1503
- (3) N-ethylamphetamine1475
- (4) (+)cis-4-methylaminorex ((+)cis-4,5-dihydro-
 4-methyl-5-phenyl-2-oxazolamine)1590
- (5) N,N-dimethylamphetamine (also known as N,N-
 alpha-trimethyl-benzeneethanamine;
 N,N-alpha-trimethylphenethylamine)1480
- (6) Cathinone (some other names: 2-amino-1-phenol-
 1-propanone, alpha-amino propiophenone,
 2-amino propiophenone and norphedrone).....1235
- (7) Substituted cathinones
 Any compound, except bupropion or compounds
 listed under a different schedule, structurally
 derived from 2-aminopropan-1-one by substitution
 at the 1-position with either phenyl, naphthyl, or
 thiophene ring systems, whether or not the
 compound is further modified in any of the
 following ways:
 (A) By substitution in the ring system to any extent
 with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl,
 or halide substituents, whether or not further
 substituted in the ring system by one or more other

isomers Delta 6 cis or trans tetrahydrocannabinol, and their optical isomers Delta 3,4 cis or trans tetrahydrocannabinol, and its optical isomers (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.), except tetrahydrocannabinols in any of the following:

(A) Industrial hemp, as defined in K.S.A. 2-3901, and amendments thereto;

(B) solid waste, as defined in K.S.A. 65-3402, and amendments thereto, and hazardous waste, as defined in K.S.A. 65-3430, and amendments thereto, if such waste is the result of the cultivation, production or processing of industrial hemp, as defined in K.S.A. 2-3901, and amendments thereto, and such waste contains a delta-9 tetrahydrocannabinol concentration of not more than 0.3%; or

(C) hemp products, as defined in K.S.A. 2-3901, and amendments thereto, unless otherwise deemed unlawful pursuant to K.S.A. 2-3908, and amendments thereto.

(2) Naphthylmethylinroles

Any compound containing a 1H-indol-3-yl-(1-naphthyl)methane structure with substitution at the nitrogen atom of the indole group by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)-methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted on the indole group to any extent and whether or not substituted on the benzyl or naphthyl ring to any extent.

(3) Naphthoylpyrroles

Any compound containing a 3-(1-naphthoyl)pyrrole structure with substitution at the nitrogen atom of the pyrrole group by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted on the pyrrole group to any extent, whether or not substituted on the benzyl or naphthyl ring to any extent.

- (4) Naphthylmethylindenes
Any compound containing a naphthylmethylindene structure with substitution at the 3-position of the indene group by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group whether or not further substituted on the indene group to any extent, whether or not substituted on the benzyl or naphthyl ring to any extent.
- (5) Cyclohexylphenols
Any compound containing a 2-(3-hydroxycyclohexyl)-phenol structure with substitution at the 5-position of the phenolic ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)-ethyl group whether or not substituted on the cyclohexyl ring to any extent.
- (6) 2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)-pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone.
Some trade or other names: WIN 55,212-2.
- (7) 9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol
Some trade or other names: HU-210, HU-211.
- (8) Indole-3-carboxylate esters
Any compound containing a 1H-indole-3-carboxylate ester structure with the ester oxygen bearing a naphthyl, quinolinyl, isoquinolinyl or adamantyl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)-ethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl or benzyl groups to any extent.
- (9) Indazole-3-carboxamides
Any compound containing a 1H-indazole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-

- 2-yl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.
- (10) Indole-3-carboxamides
Any compound containing a 1H-indole-3-carboxamide structure with substitution at the nitrogen of the carboxamide by a naphthyl, quinolinyl, isoquinolinyl, adamantyl, benzyl, 1-amino-1-oxoalkan-2-yl or 1-alkoxy-1-oxoalkan-2-yl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indole ring to any extent and whether or not further substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, 1-amino-1-oxoalkan-2-yl, 1-alkoxy-1-oxoalkan-2-yl or benzyl groups to any extent.
- (11) (1H-indazol-3-yl)methanones
Any compound containing a (1H-indazol-3-yl)-methanone structure with the carbonyl carbon bearing a naphthyl group and substitution at the 1 position of the indazole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or not further substituted on the indazole ring to any extent and whether or not substituted on the naphthyl or benzyl groups to any extent.
- (12) (1H-indol-3-yl)methanones
Any compound containing a (1H-indol-3-yl)-methanone structure with the carbonyl carbon bearing a naphthyl, quinolinyl, isoquinolinyl, adamantyl, phenyl, benzyl or tetramethylcyclopropyl group and substitution at the 1 position of the indole ring by an alkyl, haloalkyl, cyanoalkyl,

alkenyl, cycloalkylmethyl, cycloalkylethyl, benzyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)-methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted on the indole ring to any extent and whether or not substituted on the naphthyl, quinolinyl, isoquinolinyl, adamantyl, phenyl, benzyl or tetramethylcyclopropyl groups to any extent.

Sec. 5. K.S.A. 2023 Supp. 65-4107 is hereby amended to read as follows: 65-4107. (a) The controlled substances listed in this section are included in schedule II and the number set forth opposite each drug or substance is the DEA controlled substances code which has been assigned to it.

(b) Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by combination of extraction and chemical synthesis:

(1) Opium and opiate and any salt, compound, derivative or preparation of opium or opiate, excluding apomorphine, *thebaine-derived butorphanol*, dextrorphan, nalbuphine, *naldemedine*, nalmefene, *naloxegol*, naloxone, 6β-naltrexol ~~and~~, naltrexone *and samidorphen* and their respective salts, but including the following:

(A)	Raw opium	9600
(B)	Opium extracts	9610
(C)	Opium fluid	9620
(D)	Powdered opium	9639
(E)	Granulated opium	9640
(F)	Tincture of opium	9630
(G)	Codeine	9050
(H)	Ethylmorphine	9190
(I)	Etorphine hydrochloride	9059
(J)	Hydrocodone.....	9193
(K)	Hydromorphone.....	9150
(L)	Metopon	9260
(M)	Morphine.....	9300
(N)	Noroxymorphone	9668
(O)	Oxycodone	9143
(P)	Oxymorphone.....	9652
(Q)	Thebaine.....	9333
(R)	Dihydroetorphine	9334
(S)	Oripavine	9330

(2) Any salt, compound, isomer, derivative or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves (9040) and any salt, compound, derivative or preparation of coca leaves, but not including decocainized coca leaves or extractions which do not contain cocaine (9041) or ecgonine (9180).

(5) Cocaine, its salts, isomers and salts of isomers (9041).

(6) Ecgonine, its salts, isomers and salts of isomers (9180).

(7) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy) (9670).

(c) Any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and ethers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation dextropropoxyphene and levopropoxyphene excepted:

(1)	Alfentanil	9737
(2)	Alphaprodine.....	9010
(3)	Anileridine.....	9020
(4)	Bezitramide	9800
(5)	Bulk dextropropoxyphene (nondosage forms)	9273
(6)	Carfentanil.....	9743
(7)	Dihydrocodeine.....	9120
(8)	Diphenoxylate	9170
(9)	Fentanyl.....	9801
(10)	Isomethadone.....	9226
(11)	Levomethorphan.....	9210
(12)	Levorphanol	9220
(13)	Metazocine	9240
(14)	Methadone	9250
(15)	Methadone-intermediate, 4-cyano-2-dimethyl amino-4,4-diphenyl butane.....	9254
(16)	Moramide-intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid.....	9802
(17)	Oliceridine (N-[(3-methoxythiophen-2-yl)methyl] ({2-[(9 R)-9-(pyridin-2-yl)-6-oxaspiro [4.5]decan- 9-yl]ethyl})amine fumarate).....	9245
(18)	Pethidine (meperidine).....	9230
(19)	Pethidine-intermediate-A, 4-cyano-1-methyl-4- phenylpiperidine	9232
(20)	Pethidine-intermediate-B, ethyl-4-phenyl- piperidine-4-carboxylate	9233

(21)	Pethidine-intermediate-C, 1-methyl-4-phenyl-piperidine-4-carboxylic acid	9234
(22)	Phenazocine	9715
(23)	Piminodine	9730
(24)	Racemethorphan	9732
(25)	Racemorphan	9733
(26)	Sufentanil	9740
(27)	Levo-alphaacetyl methadol.....	9648
	Some other names: levo-alpha-acetyl methadol, levomethadyl acetate or LAAM.	
(28)	Remifentanil.....	9739
(29)	Tapentadol.....	9780
(30)	Thiafentanil	9729
(d)	Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:	
(1)	Amphetamine, its salts, optical isomers and salts of its optical isomers.....	1100
(2)	Phenmetrazine and its salts	1631
(3)	Methamphetamine, including its salts, isomers and salts of isomers	1105
(4)	Methylphenidate	1724
(5)	Lisdexamfetamine, its salts, isomers, and salts of its isomers.....	1205
(e)	Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:	
(1)	Amobarbital.....	2125
(2)	Glutethimide	2550
(3)	Secobarbital.....	2315
(4)	Pentobarbital.....	2270
(5)	Phencyclidine	7471
(f)	Any material, compound, mixture, or preparation which contains any quantity of the following substances:	
(1)	Immediate precursor to amphetamine and methamphetamine:	
	(A) Phenylacetone.....	8501
	Some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone.	
(2)	Immediate precursors to phencyclidine (PCP):	

- (A) 1-phenylcyclohexylamine.....7460
- (B) 1-piperidinocyclohexanecarbonitrile (PCC)8603
- (3) Immediate precursor to fentanyl:
- (A) 4-anilino-N-phenethylpiperidine (ANPP)8333
- (B) N-phenyl-N-(piperidin-4-yl)propionamide
(norfentanyl).....8366
- (g) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substance, its salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:
- (1) Dronabinol [(-)-delta-9-trans tetrahydrocannabinol]
in an oral solution in a drug product approved for
marketing by the United States food and drug
administration7365
- (2) Nabilone7379
[Another name for nabilone: (±)-trans-3-(1,1-
dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-
hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one]
- (h) Any material, compound, mixture or preparation containing any of the following narcotic drugs or any salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:
- (1) Not more than 300 milligrams of dihydrocodeinone
(hydrocodone) or any of its salts per 100 milliliters
or not more than 15 milligrams per dosage unit
with a fourfold or greater quantity of an isoquinoline
alkaloid of opium.....9805
- (2) Not more than 300 milligrams of dihydrocodeinone
(hydrocodone) or any of its salts per 100 milliliters
or not more than 15 milligrams per dosage unit with
one or more active, nonnarcotic ingredients in
recognized therapeutic amounts9806

Sec. 6. K.S.A. 2023 Supp. 65-4111 is hereby amended to read as follows: 65-4111. (a) The controlled substances listed in this section are included in schedule IV and the number set forth opposite each drug or substance is the DEA controlled substances code that has been assigned to it.

(b) Any material, compound, mixture or preparation that contains any quantity of the following substances including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation and having a potential for abuse associated with a depressant effect on the central nervous system:

(1)	Alprazolam.....	2882
(2)	Barbital	2145
(3)	Brexanolone.....	2400
(4)	Bromazepam	2748
(5)	Camazepam	2749
(6)	Carisoprodol.....	8192
(7)	Chloral betaine.....	2460
(8)	Chloral hydrate.....	2465
(9)	Chlordiazepoxide	2744
(10)	Clobazam.....	2751
(11)	Clonazepam.....	2737
(12)	Clorazepate	2768
(13)	Clotiazepam.....	2752
(14)	Cloxazolam	2753
(15)	<i>Dauidorexant</i>	2410
(16)	Delorazepam	2754
(16) (17)	Diazepam	2765
(17) (18)	Dichloralphenazone	2467
(18) (19)	Estazolam	2756
(19) (20)	Ethchlorvynol.....	2540
(20) (21)	Ethinamate	2545
(21) (22)	Ethyl loflazepate.....	2758
(22) (23)	Fludiazepam.....	2759
(23) (24)	Flunitrazepam	2763
(24) (25)	Flurazepam	2767
(25) (26)	Fospropofol	2138
(26) (27)	Halazepam.....	2762
(27) (28)	Haloxazolam	2771
(28) (29)	Ketazolam.....	2772
(29) (30)	Lemborexant	2245
(30) (31)	Loprazolam.....	2773
(31) (32)	Lorazepam.....	2885
(32) (33)	Lormetazepam	2774
(33) (34)	Mebutamate	2800
(34) (35)	Medazepam.....	2836
(35) (36)	Meprobamate	2820
(36) (37)	Methohexital	2264
(37) (38)	Methylphenobarbital (mephobarbital).....	2250
(38) (39)	Midazolam	2884
(39) (40)	Nimetazepam	2837
(40) (41)	Nitrazepam.....	2834
(41) (42)	Nordiazepam.....	2838
(42) (43)	Oxazepam	2835

(43)(44)	Oxazolam	2839
(44)(45)	Paraldehyde.....	2585
(45)(46)	Petrichloral.....	2591
(46)(47)	Phenobarbital	2285
(47)(48)	Pinazepam	2883
(48)(49)	Prazepam.....	2764
(49)(50)	Quazepam.....	2881
(50)(51)	Remimazolam.....	2846
(51)(52)	Temazepam	2925
(52)(53)	Tetrazepam.....	2886
(53)(54)	Triazolam.....	2887
(54)(55)	Zolpidem	2783
(55)(56)	Zaleplon.....	2781
(56)(57)	Zopiclone.....	2784
(57)	2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)- cyclohexanol, its salts, optical and geometric isomers and salts of these isomers (including tramadol).....	9752
(58)	Alfaxalone.....	2731
(59)	Suvorexant.....	2223

(c) ~~Any material, compound, mixture, or preparation that contains any quantity of fenfluramine (1670), including its salts, isomers (whether optical, position or geometric) and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible. The provisions of this subsection (c) shall expire on the date fenfluramine and its salts and isomers are removed from schedule IV of the federal controlled substances act (21 U.S.C. § 812; 21 code of federal regulations 1308.14).~~

(d) Any material, compound, mixture or preparation that contains any quantity of lorcaserin (1625), including its salts, isomers and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible (21 U.S.C. § 812; 21 code of federal regulations C.F.R. § 1308.14).

(e)(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1)	Cathine ((+)-norpseudoephedrine).....	1230
(2)	Diethylpropion.....	1610
(3)	Fencamfamin	1760
(4)	Fenproporex.....	1575
(5)	Mazindol.....	1605

(6)	Mefenorex	1580
(7)	Pemoline (including organometallic complexes and chelates thereof)	1530
(8)	Phentermine.....	1640

The provisions of ~~this subsection (e)(8)~~ (d)(8) shall expire on the date phentermine and its salts and isomers are removed from schedule IV of the federal controlled substances act (21 U.S.C. § 812; 21 ~~code of federal regulations~~ *C.F.R.* § 1308.14).

(9)	Pipradrol.....	1750
(10)	<i>Serdexmethylphenidate</i>	1729
(11)	SPA((-)-1-dimethylamino-1, 2-diphenylethane)	1635
(11) (12)	Sibutramine.....	1675
(12) (13)	Solriamfetol (2-amino-3-phenylpropyl carbamate; benzenepropanol, beta-amino-, carbamate (ester))	1650
(13) (14)	Mondafinil.....	1680

~~(f)~~(e) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation that contains any quantity of the following, including salts thereof:

(1)	Pentazocine	9709
(2)	Butorphanol (including its optical isomers)	9720
(3)	Eluxadoline (5-[[[(2S)-2-amino-3- [4-aminocarbonyl]-2,6-dimethylphenyl]-1- oxopropyl]](1S)-1-(4-phenyl-1H-imidazol-2-yl)- ethyl]amino]methyl]-2-methoxybenzoic acid) (including its optical isomers) and its salts, isomers, and salts of isomers	9725

~~(g)~~(f) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1)	Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.....	9167
(2)	Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propion-oxybutane)	9278
(3)	2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)- cyclohexanol, its salts, optical and geometric isomers and salts of these isomers (including tramadol).....	9752

~~(h)~~(g) Butyl nitrite and its salts, isomers, esters, ethers or their salts.

~~(i)~~(h) The board may except by rule and regulation any compound, mixture or preparation containing any depressant substance listed in subsection (b) from the application of all or any part of this act if the compound, mixture or preparation contains one or more active medicinal

ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion or concentration that vitiate the potential for abuse of the substances that have a depressant effect on the central nervous system.

Sec. 7. K.S.A. 2023 Supp. 65-4113 is hereby amended to read as follows: 65-4113. (a) The controlled substances or drugs, by whatever official name, common or usual name, chemical name or brand name designated, listed in this section are included in schedule V.

(b) Any compound, mixture or preparation containing limited quantities of any of the following narcotic drugs which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture or preparation valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine or any of its salts per 100 milliliters or per 100 grams.

(2) Not more than 100 milligrams of dihydrocodeine or any of its salts per 100 milliliters or per 100 grams.

(3) Not more than 100 milligrams of ethylmorphine or any of its salts per 100 milliliters or per 100 grams.

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

(6) Not more than .5 milligram of difenoxin (9168) and not less than 25 micrograms of atropine sulfate per dosage unit.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position or geometric) and salts of such isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Propylhexedrine (except when part of a compound used for nasal decongestion which is authorized to be sold lawfully over the counter without a prescription under the federal food, drug and cosmetic act, so long as it is used only for such purpose)8161

(2) Pyrovalerone.....1485

(d) Any compound, mixture or preparation containing any detectable quantity of ephedrine, its salts or optical isomers, or salts of optical isomers.

(e) Any compound, mixture or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers.

(f) Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

(1)	Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide) (some trade or other names BRV; UCB-34714; Briviact)	2710
(2)	Cenobamate [(1R)-1-(2-chlorophenyl)-2-(tetrazol-2-yl)ethyl] carbamate	2720
(3)	Ezogabine N-[2-amino-4(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester.....	2779
(4)	<i>Ganaxolone</i>	2401
(5)	Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide]	2746
(5)(6)	Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl)-benzamide	2790
(6)(7)	<i>Pregabalin</i> [(S)-3-(aminomethyl)-5-methylhexanoic acid]	2782

Sec. 8. K.S.A. 72-6283 is hereby amended to read as follows: 72-6283. ~~Any accredited school may maintain an epinephrine kit. An epinephrine kit may consist of one or more doses of epinephrine. Epinephrine from an epinephrine kit shall be used only in emergency situations when the person administering the epinephrine reasonably believes that the signs and symptoms of an anaphylactic reaction are occurring and if administered at school, on school property or at a school-sponsored event. A school may not maintain an epinephrine kit unless the school has consulted with a pharmacist licensed by the state board of pharmacy. The consultant pharmacist shall have supervisory responsibility for maintaining the epinephrine kit. The consultant pharmacist shall be responsible for developing procedures, proper control and accountability for the epinephrine kit. Periodic physical inventory of the epinephrine kit shall be required. An epinephrine kit shall be maintained under the control of the consultant pharmacist.~~ (a) As used in this section, K.S.A. 65-1680 and 65-2872b, and amendments thereto:

- (1) “Albuterol” means a short-acting beta-2 agonist-inhaled medication, otherwise known as a bronchodilator, that is prescribed by a physician or mid-level practitioner for the treatment of respiratory distress.
- (2) “Albuterol metered-dose inhaler” means a portable drug delivery system containing a canister of multiple premeasured doses of albuterol in a device actuator.
- (3) “Albuterol solution” means a liquid form of albuterol for use with a nebulizer.

(4) “Anaphylaxis” or “anaphylactic reaction” means a sudden, severe and potentially life-threatening multi-system allergic reaction.

(5) “Designated school personnel” means an employee, officer, agent or volunteer of a school who has completed training, documented by the school nurse, a physician or a mid-level practitioner, to administer emergency medication on a voluntary basis outside of the scope of employment.

(6) “Emergency medication” means epinephrine or albuterol.

(7) “Epinephrine” means a medication prescribed by a physician or mid-level practitioner for the emergency treatment of anaphylaxis prior to the arrival of emergency medical system responders.

(8) “Epinephrine auto-injector” means a device that automatically injects a premeasured dose of epinephrine.

(9) “Mid-level practitioner” means the same as such term is defined in K.S.A. 65-1626, and amendments thereto.

(10) “Nebulizer” means a device that is used to change a liquid medication to a fine spray of liquid or mist for the administration of the medication through inhalation.

(11) “Pharmacist” means the same as such term is defined in K.S.A. 65-1626, and amendments thereto.

(12) “Physician” means any person licensed by the state board of healing arts to practice medicine and surgery.

(13) “Respiratory distress” means impaired ventilation of the respiratory system or impaired oxygenation of the blood.

(14) “School” means any school operated by a school district organized under the laws of this state or any accredited nonpublic school that provides education to elementary or secondary students.

(15) “School nurse” means a registered nurse licensed by the board of nursing to practice nursing in Kansas or a licensed practical nurse working under a registered nurse who is employed by a school to perform nursing services in a school setting.

(16) “Spacer” means a holding chamber that is used to optimize the delivery of aerolized albuterol from an albuterol metered-dose inhaler.

(17) “Stock supply” means an appropriate quantity of emergency medication as recommended by a physician or mid-level practitioner.

(b)(1) A school may maintain a stock supply of emergency medication upon obtaining a prescription from a physician or mid-level practitioner in the name of the school. A physician or mid-level practitioner shall review the school’s policies and procedures established pursuant to subsection (c) prior to prescribing such emergency medication.

(2) A stock supply of epinephrine may consist of one or more standard-dose or pediatric-dose epinephrine auto-injectors. A school nurse or designated school personnel may administer such epinephrine

in an emergency situation to any individual who displays the signs and symptoms of anaphylaxis at school, on school property or at a school-sponsored event if such school nurse or designated school personnel reasonably believes that an individual is exhibiting the signs and symptoms of an anaphylactic reaction.

(3) A stock supply of albuterol may consist of one or more albuterol metered-dose inhalers, one or more doses of albuterol solution and one or more spacers or nebulizers. A school nurse or designated school personnel may administer such albuterol in an emergency situation to any individual who displays the signs and symptoms of respiratory distress at school, on school property or at a school-sponsored event if such school nurse or designated school personnel reasonably believes that an individual is exhibiting the signs and symptoms of respiratory distress.

(c) A school that maintains a stock supply of emergency medication shall establish school policies and procedures relating to:

(1) Storage of the emergency medication, which shall require that the emergency medication is stored:

(A) In a safe location that is readily accessible to the school nurse or designated school personnel; and

(B) in accordance with manufacturer temperature recommendations;

(2) periodic monitoring of the inventory and expiration dates of emergency medication;

(3) administration of emergency medication by designated school personnel; and

(4) training requirements for designated school personnel, which shall be conducted by a school nurse, physician or mid-level practitioner on not less than on an annual basis for such designated school personnel. Such training shall include, but not be limited to, the following:

(A) Recognition of the symptoms of anaphylaxis and respiratory distress;

(B) administration of emergency medication;

(C) calling for emergency medical system responders;

(D) monitoring the condition of an individual after emergency medication has been administered;

(E) notification of the parent, guardian or next of kin; and

(F) safe disposal and sanitation of used equipment.

(d) A school shall publish information related to the school's emergency medication policies and procedures and shall maintain records of the training provided to designated school personnel.

(e) A school may accept monetary gifts, grants and donations to carry out the provisions of this section or may accept epinephrine auto-injectors, albuterol metered-dose inhalers, albuterol solution, spacers or nebulizers from a manufacturer or wholesaler.

Sec. 9. K.S.A. 21-5701, 65-1680, 65-2872b and 72-6283 and K.S.A. 2023 Supp. 65-4105, 65-4107, 65-4111 and 65-4113 are hereby repealed.

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

Approved April 19, 2024.

CHAPTER 68

SENATE BILL No. 359

AN ACT concerning motor vehicles; relating to distinctive license plates; providing for the Kansas City Chiefs license plate, the sporting Kansas City license plate, the Sedgwick county zoo license plate, the Kansas City royals license plate, the Kansas City current license plate, the Topeka zoo license plate, the support the troops license plate and the first city of Kansas license plate; requiring certain license plates to have the county of registration for the motor vehicle identified on the license plate; amending K.S.A. 2023 Supp. 8-1,141 and repealing the existing section.

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

New Section 1. (a) On and after January 1, 2025, 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 Kansas City Chiefs 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 the payment to the county treasurer of the logo use royalty payment.

(b) The Kansas City Chiefs football club, 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 shall pay an amount of not less than \$25 nor more than \$100, as determined by the Kansas City Chiefs football club, inc., as a logo use royalty payment for each such license plate to be issued. The logo use royalty payment shall be paid to 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 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 Kansas City Chiefs 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, and amendments

thereto. No renewal of registration shall be made to any applicant until such applicant provides to the county treasurer the annual royalty payment. If such annual royalty payment is not made to the county treasurer, the applicant shall be required to comply with the provisions of K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(g) The Kansas City Chiefs football club, inc., with the approval of the director of vehicles, shall design a plate to be issued under the provisions of this section.

(h) As a condition of receiving the Kansas City Chiefs 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 Kansas City Chiefs football club, inc., and the state treasurer.

(i) Annual Kansas City Chiefs license plate fee payments collected by county treasurers under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas City Chiefs license plate fund, which is hereby created in the state treasury and shall be administered by the state treasurer. All expenditures from the Kansas City Chiefs license plate fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or the state treasurer's designee. Payments from the Kansas City Chiefs license plate fund shall be made on a monthly basis to the Hunt family foundation.

New Sec. 2. (a) On and after January 1, 2025, 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 sporting Kansas City 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 the payment to the county treasurer of the logo use royalty payment.

(b) OnGoal, LLC, 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 shall pay an amount of not less than \$25 nor more than \$100, as determined by OnGoal, LLC, as a logo use royalty payment for each such license plate to be issued. The logo use royalty payment shall be paid to 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 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 sporting Kansas City 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, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant provides to the county treasurer the annual royalty payment. If such annual royalty payment is not made to the county treasurer, the applicant shall be required to comply with the provisions of K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(g) OnGoal, LLC, with the approval of the director of vehicles, shall design a plate to be issued under the provisions of this section.

(h) As a condition of receiving the sporting Kansas City 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 OnGoal, LLC, and the state treasurer.

(i) Annual sporting Kansas City license plate fee payments collected by county treasurers under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the sporting Kansas City license plate fund, which is hereby created in the state treasury and shall be administered by the state treasurer. All expenditures from the sporting Kansas City license plate fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or the state treasurer's designee. Payments from the sporting Kansas City license plate fund shall be made on a monthly basis to the Kansas City soccer foundation in support of the victory project.

New Sec. 3. (a) On and after January 1, 2025, 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 Sedgwick county zoo 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 Sedgwick county zoological society 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 Sedgwick county zoological society for use of such logo. Such owner or lessee shall pay an amount of not less than \$25 nor more than \$100 to the Sedgwick county zoological society 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 Sedgwick county zoological society, 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 Sedgwick county zoo 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, 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 Sedgwick county zoological society, or the annual royalty payment is not made to the county treasurer, the applicant shall be required to comply with the provisions of K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(g) The Sedgwick county zoological society shall provide to all county treasurers an electronic mail address where applicants can contact the Sedgwick county zoological society for information concerning the application process or the status of such applicant's license plate application.

(h) The Sedgwick county zoological society, 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 Sedgwick county zoo 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 Sedgwick county zoological society 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.

New Sec. 4. (a) On and after January 1, 2025, 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 Kansas City royals 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 the payment to the county treasurer of the logo use royalty payment.

(b) The Kansas City royals 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 shall pay an amount of not less than \$25 but not more than \$100, as determined by the Kansas City royals as a logo use royalty payment for each such license plate to be issued. The logo use royalty payment shall be paid to 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 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 Kansas City royals 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, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant provides to the county treasurer the annual royalty payment. If such annual royalty payment is not made to the county treasurer, the applicant shall be required to comply with the provisions of K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(g) The Kansas City royals with the approval of the director of vehicles, shall design a plate to be issued under the provisions of this section.

(h) As a condition of receiving the Kansas City royals 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 Kansas City royals and the state treasurer.

(i) Annual Kansas City royals license plate fee payments collected by county treasurers under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas City royals license plate fund, which is hereby created in the state treasury and shall be administered by the state treasurer. All expenditures from the Kansas City royals license plate fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or the state treasurer's designee. Payments from the Kansas City royals license plate fund shall be made on a monthly basis to the Kansas City royals foundation.

New Sec. 5. (a) On and after January 1, 2025, 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 Kansas City current 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 regis-

tration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, and the payment to the county treasurer of the logo use royalty payment.

(b) The Kansas City current 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 shall pay an amount of not less than \$25 but not more than \$100, as determined by the Kansas City current as a logo use royalty payment for each such license plate to be issued. The logo use royalty payment shall be paid to 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 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 Kansas City current 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, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant provides to the county treasurer the annual royalty payment. If such annual royalty payment is not made to the county treasurer, the applicant shall be required to comply with the provisions of K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(g) The Kansas City current with the approval of the director of vehicles, shall design a plate to be issued under the provisions of this section.

(h) As a condition of receiving the Kansas City current 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 Kansas City current and the state treasurer.

(i) Annual Kansas City current license plate fee payments collected by county treasurers under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer

shall deposit the entire amount in the state treasury to the credit of the Kansas City current license plate fund, which is hereby created in the state treasury and shall be administered by the state treasurer. All expenditures from the Kansas City current license plate fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or the state treasurer's designee. Payments from the Kansas City current license plate fund shall be made on a monthly basis to the united way of greater Kansas City.

New Sec. 6. (a) On and after January 1, 2025, 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 Topeka zoo 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 friends of the Topeka zoo, 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 friends of the Topeka zoo, 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 friends of the Topeka zoo, 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 friends of the Topeka zoo, 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 Topeka zoo 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, 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 friends of the Topeka zoo, inc., or the annual royalty payment is not made to the county treasurer, the applicant shall be required to comply with the provisions of K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

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

(h) The friends of the Topeka zoo, 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 Topeka zoo 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 friends of the Topeka zoo, 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.

New Sec. 7. (a) On and after January 1, 2025, 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 support the troops license plate for each such passenger vehicle or truck. Such license plate shall be issued for the same time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any applicant or renewal of registration for a support the troops license plate authorized by this section shall make payment of an annual support the troops fee to the county treasurer of \$25 for each license plate to be issued. Any support the troops fee payment received pursuant to this section shall be used to support the purposes of the Kansas

department of the American Legion and the Kansas department of veterans of foreign wars.

(c) Any applicant for a license plate authorized by this section may make application for such license plate not less than 60 days prior to such person's renewal of registration date, on a form prescribed and furnished by the director of vehicles. Application for registration of a passenger vehicle or truck and issuance of the license plate under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

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

(e) The director of vehicles may transfer a support the troops 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, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed a form with the director as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(g) The support the troops license plate shall have a background design, an emblem or colors that designate the license plate as a support the troops license plate.

(h) As a condition of receiving the support the troops license plate and any subsequent registration renewal of such license plate, the applicant shall provide consent to the division authorizing the division's release of motor vehicle record information, including the applicant's name, address, support the troops fee payment amount, plate number and vehicle type to the Kansas department of the American Legion and the Kansas department of veterans of foreign wars.

(i) The collection and remittance of annual support the troops fee 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 support the troops license plate royalty fund shall be disbursed on a monthly basis with 50% of the moneys disbursed to the Kansas department of the American Legion and 50% of the moneys disbursed to the Kansas department of veterans of foreign wars.

New Sec. 8. (a) On and after January 1, 2025, 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 first city of Kansas 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 Leavenworth county historical society 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 Leavenworth county historical society for use of such logo. Such owner or lessee shall pay an amount of not less than \$25 nor more than \$100 to the Leavenworth county historical society 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 Leavenworth county historical society, 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 first city of Kansas 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, 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 Leavenworth county historical society, or the annual royalty payment is not made to the county treasurer, the applicant shall be required to comply with the provisions of K.S.A. 8-143, and amendments thereto, and return the license plate to the county treasurer of such person's residence.

(g) The Leavenworth county historical society shall provide to all county treasurers an electronic mail address where applicants can contact the Leavenworth county historical society for information concerning the application process or the status of such applicant's license plate application.

(h) The Leavenworth county historical society, 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 first city of Kansas 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 Leavenworth county historical society 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.

New Sec. 9. (a) Any license plate design that has not been approved for production and issuance by the division of vehicles by July 1, 2024, shall designate the county of registration for the motor vehicle that will bear such license plate. The director of vehicles may either print the horizontal abbreviation of the county of registration directly on the license plate or affix to the license plate by a decal the abbreviation of the county of registration. Except as otherwise provided in subsection (b), the provisions of this section shall apply to:

(1) Any passenger vehicle or truck as defined in K.S.A. 8-126, and amendments thereto, that is subject to taxation pursuant to K.S.A. 79-5101 et seq., and amendments thereto; or

(2) any vehicle that displays a distinctive or personalized license plate.

(b) The provisions of this section shall not apply to distinctive license plates designating a person as a recipient of the congressional medal of honor issued pursuant to K.S.A. 8-1,145, and amendments thereto.

Sec. 10. K.S.A. 2023 Supp. 8-1,141 is hereby amended to read as follows: 8-1,141. (a) (1) Except as provided in paragraph (2), any new distinctive license plate authorized for issuance on and after July 1, 1994, shall be subject to the personalized license plate fee prescribed by K.S.A. 8-132(d), and amendments thereto. This section shall not apply to any distinctive license plate authorized prior to July 1, 1994.

(2) On and after January 1, 2025, any distinctive license plate may be a personalized license plate subject to the provisions of K.S.A. 8-132, and amendments thereto. Any personalized distinctive license plate shall be subject to a fee that is double the amount prescribed by K.S.A. 8-132(d), and amendments thereto.

(b) The director of vehicles shall not issue any new distinctive license plate unless there is a guarantee of an initial issuance of at least 250 license plates.

(c) The provisions of this section shall not apply to distinctive license plates issued under the provisions of K.S.A. 8-177d, 8-1,145, 8-1,163, 8-1,166, 8-1,185, 8-1,186, 8-1,187, 8-1,188, 8-1,194, 8-1,195, 8-1,196, 8-1,197, 8-1,198, 8-1,199, 8-1,204 or 8-1,205, and amendments thereto, except that such distinctive license plates may be personalized license plates pursuant to subsection (a)(2) if an applicant pays the personalized license plate fee prescribed by K.S.A. 8-132(d), and amendments thereto.

(d) The provisions of subsection (a) shall not apply to distinctive license plates issued under the provisions of K.S.A. 8-1,146, 8-1,148, 8-1,153, 8-1,158 or 8-1,161, and amendments thereto, except that such distinctive license plates may be personalized license plates pursuant to subsection (a)(2) if an applicant pays the personalized license plate fee prescribed by K.S.A. 8-132(d), and amendments thereto.

(e) The provisions of subsection (f) shall not apply to distinctive license plates issued under the provisions of K.S.A. 8-1,160, 8-1,183 and K.S.A. 2023 Supp. 8-1,211 *and section 7*, and amendments thereto, except that the division shall delay the manufacturing and issuance of such distinctive license plate until the division has received not fewer than 100 orders for such plate, including payment of the personalized license plate fee required under subsection (a). Upon certification by the director of vehicles to the director of accounts and reports that not less than 100 paid orders for such plate have been received, the director of accounts and reports shall transfer \$4,000 from the state highway fund to the distinctive license plate fund.

(f) (1) Any person or organization sponsoring any distinctive license plate authorized by the legislature shall submit to the division of vehicles a nonrefundable amount not to exceed \$5,000, to defray the division's cost for developing such distinctive license plate.

(2) All moneys received under this subsection shall be remitted by the secretary of revenue 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 distinctive license plate fund which is hereby created in the state treasury. All moneys credited to the distinctive license plate fund shall be used by the department of revenue only for the purpose associated with the development of distinctive license plates. All expenditures from the distinctive license plate application fee fund shall be made in accordance with appropriation acts, upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the department of revenue.

(g) The director of vehicles shall discontinue the issuance of any distinctive license plate if:

(1) Fewer than 250 plates, including annual renewals, are issued for that distinctive license plate by the end of the second year of sales; and

(2) fewer than 125 license plates, including annual renewals, are issued for that distinctive license plate during any subsequent two-year period.

(h) An application for any distinctive license plate issued and the corresponding royalty fee may be collected either by the county treasurer or the entity benefiting from the issuance of the distinctive license plate. Annual royalty payments collected by the county treasurers 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 a segregated royalty fund which shall be administered by the state treasurer. All expenditures from the royalty fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or the state treasurer's designee. Payments from the royalty fund shall be made to the entity benefiting from the issuance of the distinctive license plate on a monthly basis.

(i) Notwithstanding any other provision of law, for any distinctive license plate, the division shall produce such distinctive license plate for a motorcycle upon request to the division by the organization sponsoring the distinctive license plate.

(j) In addition to any residency requirements for all distinctive license plates, any person not a resident of Kansas, serving as a member of the armed forces stationed in this state shall be eligible to apply for any distinctive license plate as if the individual was a resident of this state. Such person shall be eligible to renew the distinctive license plate registration as long as the person is still stationed in this state at the time the registration is renewed.

Sec. 11. K.S.A. 2023 Supp. 8-1,141 is hereby repealed.

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

Approved April 22, 2024.

CHAPTER 69

SENATE BILL No. 455

AN ACT concerning electric public utilities; relating to eminent domain; prohibiting public utilities from exercising eminent domain for the siting or placement of solar powered generation facilities; amending K.S.A. 2023 Supp. 66-104 and repealing the existing section.

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

Section 1. K.S.A. 2023 Supp. 66-104 is hereby amended to read as follows: 66-104. (a) ~~The term “public utility,”~~ As used in this act, ~~shall be construed to mean~~ “public utility” means every corporation, company, individual, association of persons, their trustees, lessees or receivers, that now or hereafter may own, control, operate or manage, except for private use, any equipment, plant or generating machinery, or any part thereof, for the transmission of telephone messages or for the transmission of telegraph messages in or through any part of the state, or the conveyance of oil and gas through pipelines in or through any part of the state, except pipelines less than 15 miles in length and not operated in connection with or for the general commercial supply of gas or oil, and all companies for the production, transmission, delivery or furnishing of heat, light, water or power. No cooperative, cooperative society, nonprofit or mutual corporation or association that is engaged solely in furnishing telephone service to subscribers from one telephone line without owning or operating its own separate central office facilities, shall be subject to the jurisdiction and control of the commission as provided in this section, except that it shall not construct or extend its facilities across or beyond the territorial boundaries of any telephone company or cooperative without first obtaining approval of the commission. ~~The term “Transmission of telephone messages” shall include~~ includes the transmission by wire or other means of any voice, data, signals or facsimile communications, including all such communications now in existence or as may be developed in the future.

(b) ~~The term “Public utility” shall also include~~ includes that portion of every municipally owned or operated electric or gas utility located in an area outside of and more than three miles from the corporate limits of such municipality, but regulation of the rates, charges and terms and conditions of service of such utility within such area shall be subject to commission regulation only as provided in K.S.A. 66-104f, and amendments thereto. Nothing in this act shall apply to a municipally owned or operated utility, or portion thereof, located within the corporate limits of such municipality or located outside of such corporate limits but within three miles thereof.

(c) Except as provided in this section, the power and authority to control and regulate all public utilities and common carriers situated and op-

erated wholly or principally within any city or principally operated for the benefit of such city or its people, shall be vested exclusively in such city, subject only to the right to apply for relief to the corporation commission as provided in K.S.A. 66-133, and amendments thereto, and to the provisions of K.S.A. 66-104e, and amendments thereto. A transit system principally engaged in rendering local transportation service in and between contiguous cities in this and another state by means of street railway, trolley bus and motor bus lines, or any combination thereof, shall be deemed to be a public utility as that term is used in this act and shall be subject to the jurisdiction of the commission.

(d) ~~The term “Public utility” shall~~ *does* not include any activity of an otherwise jurisdictional corporation, company, individual, association of persons, their trustees, lessees or receivers as to the marketing or sale of:

- (1) Compressed natural gas for end use as motor vehicle fuel; or
- (2) electricity that is purchased through a retail electric supplier in the certified territory of such retail electric supplier, as such terms are defined in K.S.A. 66-1,170, and amendments thereto, for the sole purpose of the provision of electric vehicle charging service to end users.

(e) (1) Except as provided in paragraph (2), at the option of an otherwise jurisdictional entity, ~~the term “public utility” shall~~ *does* not include any activity or facility of such entity as to the generation, marketing and sale of electricity generated by an electric generation facility or addition to an electric generation facility that:

(A) Is newly constructed and placed in service on or after January 1, 2001; and

(B) is not in the rate base of:

(i) An electric public utility that is subject to rate regulation by the state corporation commission;

(ii) any cooperative, as defined by K.S.A. 17-4603, and amendments thereto, or any nonstock member-owned cooperative corporation incorporated in this state; or

(iii) a municipally owned or operated electric utility.

(2) The provisions of this subsection shall not be construed to affect the authority of the state corporation commission to regulate any activity or facility of an otherwise jurisdictional entity with regard to wire stringing pursuant to K.S.A. 66-183 et seq., and amendments thereto.

(f) Additional generating capacity achieved through efficiency gains by refurbishing or replacing existing equipment at generating facilities placed in service before January 1, 2001, shall not qualify under subsection (e).

(g) For purposes of the authority to appropriate property through eminent domain, ~~the term “public utility” shall~~ *does* not include any activity for the siting or placement of:

(1) Wind powered electrical generators or turbines, including the towers; *or*

(2) *solar powered electric generation equipment, including panels.*

Sec. 2. K.S.A. 2023 Supp. 66-104 is hereby repealed.

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

Approved April 22, 2024.

CHAPTER 70

SENATE BILL No. 356

AN ACT concerning insurance; updating certain terms, definitions and conditions relating to the requirements of certain insurance reports, examinations and transactions; requiring that insurance examiner per diem amounts and expenses, outside consulting and data processing fees and pro rata funding for examination equipment and software be reasonable; establishing a tiered fee structure for examinations of insurance companies and societies based on gross premiums; increasing the deadline for submission of audited financial statements of certain group-funded insurance pools from 150 to 180 days after the end of the fiscal year; updating the version of risk-based capital instructions in effect; requiring certain utilization review entities to implement a prior authorization application programming interface; permitting a plan sponsor to authorize electronic delivery of plan documents and identification cards for certain insured individuals covered by a health benefit plan; allowing title insurance agents to submit escrow, settlement and closing funds through certain real-time or instant payment systems; amending K.S.A. 12-2620, 40-223, 40-1137, 40-5801, 40-5803, 40-5804, 44-584 and 44-590 and K.S.A. 2023 Supp. 40-2c01 and repealing the existing sections; also repealing K.S.A. 40-5802.

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

New Section 1. (a) Each utilization review entity, certified pursuant to K.S.A. 40-22a04, and amendments thereto, shall implement and maintain a prior authorization application programming interface, pursuant to 45 C.F.R. 156.223 (b), as in effect on January 1, 2028.

(b) Nothing in this section shall be construed to apply to a prior authorization request for coverage of drugs.

(c) As used in this section, “drug” means the same as defined in 45 C.F.R. 156.221 (b)(1)(v), as in effect on January 1, 2028.

(d) This section shall be a part of and supplemental to the utilization review organization act.

(e) This section shall be effective on January 1, 2028.

New Sec. 2. (a) The plan sponsor of a health benefit plan may, on behalf of health benefit plan covered persons, provide the consent to the delivery of all communications related to the plan by electronic means, otherwise required by K.S.A. 40-5804, and amendments thereto, and to the electronic delivery of any health insurance identification cards.

(b) Before providing consent on behalf of a health benefit plan covered person, pursuant to subsection (a), a plan sponsor shall confirm that such health benefit plan covered person routinely, at least once every 24 hours during the work week, uses electronic communications during the normal course of employment of such health benefit plan covered person.

(c) Before utilizing electronic means to deliver any plan communications or health insurance identification cards, the health benefit plan shall:

(1) Provide the health benefit plan covered person with an opportunity to opt out of electronic delivery and select United States mail as

the preferred method of delivery for such health benefit plan covered person; and

(2) document that all applicable requirements under K.S.A. 40-5804, and amendments thereto, have been satisfied.

Sec. 3. K.S.A. 12-2620 is hereby amended to read as follows: 12-2620.

(a) All certificates granted hereunder shall be perpetual unless sooner suspended or revoked by the commissioner or the attorney general.

(b) Whenever the commissioner shall deem it necessary the commissioner may make, or direct to be made, an examination of the affairs and the financial condition of any pool. Each pool shall submit a certified independent audited financial statement ~~no~~ not later than ~~150~~ 180 days after the end of the fiscal year. The financial statement shall include outstanding reserves for claims and for claims incurred but not reported. Each pool shall file reports as to income, expenses and loss data at such times and in such manner as the commissioner shall require. Any pool ~~which~~ that does not use rates developed by an approved rating organization shall file with the commissioner an actuarial certification that such rates are actuarially sound. Whenever it appears to the commissioner from such examination or other satisfactory evidence that the ability to pay current and future claims of any such pool is impaired, or that it is doing business in violation of any of the laws of this state, or that its affairs are in an unsound condition so as to endanger its ability to pay or cause to be paid claims in the amount, manner and time due, the commissioner shall, before filing such report or making the same public, grant such pool upon reasonable notice a hearing, and, if on such hearing the report be confirmed, the commissioner may require any of the actions allowed under K.S.A. 40-222b, and amendments thereto, or suspend the certificate of authority for such pool until its ability to pay current and future claims shall have been fully restored and the laws of the state fully complied with. The commissioner may, if there is an unreasonable delay in restoring the ability to pay claims of such pool and in complying with the law or if rehabilitation or corrective action taken under K.S.A. 40-222b, and amendments thereto, is unsuccessful, revoke the certificate of authority of such pool to do business in this state. Upon revoking any such certificate the commissioner shall communicate the fact to the attorney general, whose duty it shall be to commence and prosecute an action in the proper court to dissolve such pool or to enjoin the same from doing or transacting business in this state. The commissioner of insurance may call a hearing under K.S.A. 40-222b, and amendments thereto, and the provisions thereof shall apply to group-funded pools.

(c) On an annual basis, or within 30 days of any change thereto, each pool shall supply to the commissioner the name and qualifications of the designated administrator of the pools and the terms of the specific and aggregate excess insurance contracts of the pool.

Sec. 4. K.S.A. 40-223 is hereby amended to read as follows: 40-223. (a) (1) Except as provided in K.S.A. 40-110 and 40-253, and amendments thereto, any person who makes any examination under the provisions of this act may receive, as full compensation for such person's services, on a per diem basis ~~an~~, *an average and reasonable* amount fixed by the commissioner, ~~which~~ *that* shall not exceed the amount recommended by the national association of insurance commissioners, for such time necessarily and actually occupied in going to and returning from the place of such examination and for such time the examiner is necessarily and actually engaged in making such examination including any day within the regular workweek when the examiner would have been so engaged had the company or society been open for business, together with such *reasonably* necessary and actual expenses for traveling and subsistence as the examiner shall incur because of the performance of such services.

(2) For the purposes of this act, "necessary and actual expenses" shall be limited, whether for travel within the state or travel outside the state, to those limitations expressed in K.S.A. 75-3207, and amendments thereto, ~~which~~ *that* pertain to official travel outside the state. The daily charge shall be calculated by dividing the amount the examiner is authorized by the commissioner of insurance to charge per week by the number of days in the regular workweek of the company or society being examined.

(b) (1) All of such compensation, expenses, the employer's share of the federal insurance contributions act taxes, the employer's contribution to the Kansas public employees retirement system as provided in K.S.A. 74-4920, and amendments thereto, the self-insurance assessment for the workers compensation act as provided in K.S.A. 44-576, and amendments thereto, the employer's cost of the state health care benefits program under K.S.A. 75-6507, and amendments thereto, a pro rata amount determined by the commissioner to provide vacation and sick leave for the examiner ~~not to exceed the number of days allowed state officers and employees in the classified service pursuant to regulations promulgated in accordance with the Kansas civil service act~~, all *average and reasonable* outside consulting and data processing fees necessary to perform any examination, and ~~a~~ *an average and reasonable* pro rata amount determined by the commissioner ~~not to exceed an annual aggregate of \$18,000~~ to fund the purchase, maintenance and enhancement of examination equipment and computer software shall be paid to the commissioner of insurance by the insurance company or society so examined, on demand of the commissioner.

(2) The amount paid for all *costs pursuant to paragraph (1)*, outside consulting and data processing fees necessary to perform any financial examination at any one company or society, including examination of such company's or society's subsidiaries or any combination thereof, and

the pro rata amount to fund the purchase of examination equipment and computer software shall not collectively total more than:

(A) \$50,000 for any insurance company or society ~~which~~ *that* has less than ~~\$200,000,000~~ \$5,000,000 in gross premiums, both direct and assumed, in the preceding calendar year; or

(B) ~~\$500,000 for any insurance company or society which has \$200,000,000 or more in gross premiums, both direct and assumed, in the preceding calendar year~~ \$75,000 for any insurance company or society *that has at least \$5,000,000 but less than \$25,000,000 in gross premiums, both direct and assumed, in the preceding calendar year;*

(C) \$100,000 for any insurance company or society *that has at least \$25,000,000 but less than \$50,000,000 in gross premiums, both direct and assumed, in the preceding calendar year;*

(D) \$125,000 for any insurance company or society *that has at least \$50,000,000 but less than \$100,000,000 in gross premiums, both direct and assumed, in the preceding calendar year;*

(E) \$175,000 for any insurance company or society *that has at least \$100,000,000 but less than \$250,000,000 in gross premiums, both direct and assumed, in the preceding calendar year;*

(F) \$250,000 for any insurance company or society *that has at least \$250,000,000 but less than \$500,000,000 in gross premiums, both direct and assumed, in the preceding calendar year; or*

(G) *the actual total costs paid in connection with the examination for any insurance company or society that has at least \$500,000,000 in gross premiums, both direct and assumed, in the preceding calendar year.*

(3) ~~The amount paid for all outside consulting and data processing fees necessary~~ to perform any market regulation examination at any one company or society, including examination of such company's or society's subsidiaries, or any combination thereof, and the pro rata amount to fund the purchase of examination equipment and computer software shall *be reasonable and* not collectively total more than \$25,000.

(c) Such demand shall be accompanied by the sworn statement of the person making such examination, setting forth in separate items the number of days necessarily and actually occupied in going to and returning from the place of such examination, the number of days the examiners were necessarily and actually engaged in making such examination including those days within the regular workweek while the examination was in progress and the company or society had closed for business, and the necessary and actual expenses for traveling and subsistence, incurred in and on account of such services.

(d) A duplicate of every such sworn statement shall be kept on file in the office of the commissioner of insurance. All moneys so paid to the commissioner of insurance shall be remitted to the state treasurer in ac-

cordance 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 insurance company examination fund. The state treasurer shall issue duplicate receipts ~~therefor~~, one to be delivered to the commissioner of insurance and the other to be filed with the director of accounts and reports.

(e) *As used in this section, “average and reasonable” relates to the amounts or fees that are comparable to fees assessed by other persons who have rendered similar services in the area where the examination occurred.*

Sec. 5. K.S.A. 2023 Supp. 40-2c01 is hereby amended to read as follows: 40-2c01. As used in this act:

(a) “Adjusted RBC report” means an RBC report that has been adjusted by the commissioner in accordance with K.S.A. 40-2c04, and amendments thereto.

(b) “Corrective order” means an order issued by the commissioner specifying corrective actions that the commissioner has determined are required to address an RBC level event.

(c) “Domestic insurer” means any insurance company or risk retention group that is licensed and organized in this state.

(d) “Foreign insurer” means any insurance company or risk retention group not domiciled in this state that is licensed or registered to do business in this state pursuant to article 41 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 40-209, and amendments thereto.

(e) “NAIC” means the national association of insurance commissioners.

(f) “Life and health insurer” means any insurance company licensed under article 4 or 5 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, or a licensed property and casualty insurer writing only accident and health insurance.

(g) “Property and casualty insurer” means any insurance company licensed under articles 9, 10, 11, 12, 12a, 15 or 16 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, but does not include monoline mortgage guaranty insurers, financial guaranty insurers and title insurers.

(h) “Negative trend” means, with respect to a life and health insurer, a negative trend over a period of time, as determined in accordance with the “trend test calculation” included in the RBC instructions defined in subsection (j).

(i) “RBC” means risk-based capital.

(j) “RBC instructions” means the risk-based capital instructions promulgated by the NAIC that are in effect on December 31, ~~2022~~ 2023, or any later version promulgated by the NAIC as may be adopted by the commissioner under K.S.A. 40-2c29, and amendments thereto.

(k) “RBC level” means an insurer’s company action level RBC, regulatory action level RBC, authorized control level RBC or mandatory control level RBC where:

(1) “Company action level RBC” means, with respect to any insurer, the product of 2.0 and its authorized control level RBC;

(2) “regulatory action level RBC” means the product of 1.5 and its authorized control level RBC;

(3) “authorized control level RBC” means the number determined under the risk-based capital formula in accordance with the RBC instructions; and

(4) “mandatory control level RBC” means the product of 0.70 and the authorized control level RBC.

(l) “RBC plan” means a comprehensive financial plan containing the elements specified in K.S.A. 40-2c06, and amendments thereto. If the commissioner rejects the RBC plan, and it is revised by the insurer, with or without the commissioner’s recommendation, the plan shall be called the “revised RBC plan.”

(m) “RBC report” means the report required by K.S.A. 40-2c02, and amendments thereto.

(n) “Total adjusted capital” means the sum of:

(1) An insurer’s capital and surplus or surplus only if a mutual insurer; and

(2) such other items, if any, as the RBC instructions may provide.

(o) “Commissioner” means the commissioner of insurance.

Sec. 6. K.S.A. 40-1137 is hereby amended to read as follows: 40-1137. A title insurance agent may operate as an escrow, settlement or closing agent, provided that:

(a) All funds deposited with the title insurance agent in connection with an escrow, settlement or closing shall be submitted for collection to, invested in or deposited in a separate fiduciary trust account or accounts in a qualified financial institution no later than the close of the next business day, in accordance with the following requirements:

(1) The funds shall be the property of the person or persons entitled to them under the provisions of the escrow, settlement or closing agreement and shall be segregated for each depository by escrow, settlement or closing in the records of the title insurance agent in a manner that permits the funds to be identified on an individual basis;

(2) the funds shall be applied only in accordance with the terms of the individual instructions or agreements under which the funds were accepted; and

(3) an agent shall not retain any interest on any money held in an interest-bearing account without the written consent of all parties to the transaction.

(b) Funds held in an escrow account shall be disbursed only:

- (1) Pursuant to written authorization of buyer and seller;
- (2) pursuant to a court order; or
- (3) when a transaction is closed according to the agreement of the parties.

(c) A title insurance agent shall not commingle the agent's personal funds or other moneys with escrow funds. In addition, the agent shall not use escrow funds to pay or to indemnify against the debts of the agent or of any other party. The escrow funds shall be used only to fulfill the terms of the individual escrow and none of the funds shall be utilized until the necessary conditions of the escrow have been met. All funds deposited for real estate closings, including closings involving refinances of existing mortgage loans, which exceed \$2,500 shall be in one of the following forms:

- (1) Lawful money of the United States;
- (2) wire transfers such that the funds are unconditionally received by the title insurance agent or the agent's depository;
- (3) cashier's checks, certified checks, teller's checks or bank money orders issued by a federally insured financial institution and unconditionally held by the title insurance agent;

- (4) funds received from governmental entities, federally chartered instrumentalities of the United States or drawn on an escrow account of a real estate broker licensed in the state or drawn on an escrow account of a title insurer or title insurance agent licensed to do business in the state; ~~or~~

- (5) other negotiable instruments ~~which~~ *that* have been on deposit in the escrow account at least 10 days; *or*

- (6) *a real-time or instant payment through the FedNow service operated by the federal reserve banks or the clearing house payment company's real-time payments (RTP) system.*

(d) Each title insurance agent shall have an annual audit made of its escrow, settlement and closing deposit accounts, conducted by a certified public accountant or by a title insurer for which the title insurance agent has a licensing agreement. The title insurance agent shall provide a copy of the audit report to the commissioner within 30 days after the close of the calendar year for which an audit is required. Title insurance agents who are attorneys and who issue title insurance policies as part of their legal representation of clients are exempt from the requirements of this subsection. However, the title insurer, at its expense, may conduct or cause to be conducted an annual audit of the escrow, settlement and closing accounts of the attorney. Attorneys who are exclusively in the business of title insurance are not exempt from the requirements of this subsection.

(e) The commissioner may promulgate rules and regulations setting forth the standards of the audit and the form of audit report required.

(f) If the title insurance agent is appointed by two or more title insurers and maintains fiduciary trust accounts in connection with providing escrow and closing settlement services, the title insurance agent shall allow each title insurer reasonable access to the accounts and any or all of the supporting account information in order to ascertain the safety and security of the funds held by the title insurance agent.

(g) Nothing in this section is intended to amend, alter or supersede other laws of this state or the United States, regarding an escrow holder's duties and obligations.

Sec. 7. K.S.A. 40-5801 is hereby amended to read as follows: 40-5801. The provisions of K.S.A. 40-5801 through 40-5804, *and amendments thereto, and section 2*, and amendments thereto, shall be known and may be cited as the electronic notice and document act.

Sec. 8. K.S.A. 40-5803 is hereby amended to read as follows: 40-5803. For the purposes of this act:

(a) "Delivered by electronic means" includes:

(1) Delivery to an electronic mail address at which a party has consented to receive notices or documents; or

(2) posting on an electronic network or site accessible via the internet, mobile application, computer, mobile device, tablet or any other electronic device, together with separate notice of the posting, which shall be provided by electronic mail to the address at which the party has consented to receive notice or by any other delivery method that has been consented to by the party.

(b) "Party" means any recipient of any notice or document required as part of an insurance transaction, including, but not limited to, an applicant, an insured, a policyholder or an annuity contract holder. "*Party*" does not include a "*health benefit plan covered person*."

(c) "Health benefit plan" means the same as in K.S.A. 40-4602, and amendments thereto. "Health benefit plan" shall also include any:

(1) Individual health insurance policy;

(2) individual or group dental insurance policy; or

(3) nonprofit dental services corporation.

(d) "*Health benefit plan covered person*" means a policyholder, subscriber, enrollee or other individual participating in a health benefit plan.

(e) "*Insured*" means an individual who is covered by an insurance policy, including a health benefit plan.

(f) "Nonprofit dental services corporation" means a nonprofit corporation organized pursuant to the nonprofit dental service corporation act, K.S.A. 40-19a01 et seq., and amendments thereto.

(g) "Plan sponsor" means the:

(1) Employer in the case of an employee benefit plan established or maintained by a single employer;

(2) *employee organization in the case of a plan established or maintained by an employee organization; or*

(3) *association, committee, joint board of trustees or similar group of representatives of the parties who establish or maintain the plan in the case of a plan established or maintained by two or more employers or jointly by one or more employers and one or more employee organizations.*

Sec. 9. K.S.A. 40-5804 is hereby amended to read as follows: 40-5804. (a) Subject to subsection (c) *or section 2, and amendments thereto*, any notice to a party or any other document required under applicable law in an insurance transaction or that is to serve as evidence of insurance coverage may be delivered, stored and presented by electronic means so long as it meets the requirements of this act.

(b) Delivery of a notice or document in accordance with this section shall be considered equivalent to any delivery method required under applicable law, including delivery by first class mail; first class mail, postage prepaid; certified mail; certificate of mail; or certificate of mailing.

(c) A notice or document may be delivered by electronic means by an insurer to a party under this section if:

(1) The party has affirmatively consented to that method of delivery and has not withdrawn the consent;

(2) the party, before giving consent, is provided with a clear and conspicuous statement informing the party of:

(A) Any right or option of the party to have the notice or document provided or made available in paper or another non-electronic form;

(B) the right of the party to withdraw consent to have a notice or document delivered by electronic means and any fees, conditions or consequences imposed in the event consent is withdrawn;

(C) whether the party's consent applies: (i) Only to the particular transaction as to which the notice or document must be given; or (ii) to identified categories of notices or documents that may be delivered by electronic means during the course of the parties' relationship;

(D) (i) the means, after consent is given, by which a party may obtain a paper copy of a notice or document delivered by electronic means; and (ii) the fee, if any, for the paper copy; and

(E) the procedure a party must follow to withdraw consent to have a notice or document delivered by electronic means and to update information needed to contact the party electronically;

(3) the party, before giving consent, is provided with a statement of the hardware and software requirements for access to and retention of a notice or document delivered by electronic means; and consents electronically, or confirms consent electronically, in a manner that reasonably demonstrates that the party can access information in the electronic form

that will be used for notices or documents delivered by electronic means as to which the party has given consent; and

(4) after consent of the party is given, the insurer, in the event a change in the hardware or software requirements needed to access or retain a notice or document delivered by electronic means creates a material risk that the party will not be able to access or retain a subsequent notice or document to which the consent applies, provides the party with a statement of: (A) The revised hardware and software requirements for access to and retention of a notice or document delivered by electronic means; and (B) the right of the party to withdraw consent without the imposition of any fee, condition, or consequence that was not disclosed under subsection (c)(2).

(d) This act does not affect requirements related to content or timing of any notice or document required under applicable law.

(e) If a provision of this act or applicable law requiring a notice or document to be provided to a party *or health benefit plan covered person* expressly requires verification or acknowledgment of receipt of the notice or document, the notice or document may be delivered by electronic means only if the method used provides for verification or acknowledgment of receipt.

(f) The legal effectiveness, validity, or enforceability of any contract or policy of insurance executed by a party *or health benefit plan covered person* may not be denied solely because of the failure to obtain electronic consent or confirmation of consent of the party in accordance with subsection (c)(3) *or section 2, and amendments thereto*.

(g) A withdrawal of consent by a party ~~does~~ *or health benefit plan covered person shall* not affect the legal effectiveness, validity, or enforceability of a notice or document delivered by electronic means to the party *or health benefit plan covered person* before the withdrawal of consent is effective. A withdrawal of consent by a party *or health benefit plan covered person* is effective within a reasonable period of time after receipt of the withdrawal by the insurer. Failure by an insurer to comply with subsection (c)(4) may be treated, at the election of the party *or health benefit plan covered person*, as a withdrawal of consent for purposes of this section.

(h) This section does not apply to a notice or document delivered by an insurer in an electronic form before the effective date of this act to a party *or health benefit plan covered person* who, before that date, has consented to receive a notice or document in an electronic form otherwise allowed by law.

(i) If the consent of a party to receive certain notices or documents in an electronic form is on file with an insurer before the effective date of this act, and pursuant to this section, an insurer intends to deliver additional notices or documents to such party in an electronic form, then

prior to delivering such additional notices or documents electronically, the insurer shall notify the party of the notices or documents that may be delivered by electronic means under this section that were not previously delivered electronically and the party's right to withdraw consent to have notices or documents delivered by electronic means.

(j) Notwithstanding any other provisions of this section, insurance policies and endorsements that do not contain personally identifiable information may be mailed, delivered or posted on the insurer's website. If the insurer elects to post insurance policies and endorsements on its website in lieu of mailing or delivering such policies and endorsements to the insured, such insurer shall comply with all of the following conditions:

(1) The policy and endorsements shall be easily accessible and remain that way for as long as the policy is in force;

(2) after the expiration of the policy, the insurer shall archive its expired policies and endorsements for five years and make them available upon request;

(3) the policies and endorsements shall be posted in a manner that enables the insured to print and save the policy and endorsements using programs or applications that are widely available on the internet and free to use;

(4) the insurer shall provide notice, at the time of issuance of the initial policy forms and any renewal forms, of a method by which insureds may obtain, upon request and without charge, a paper or electronic copy of their policy or endorsements;

(5) on each declarations page issued to an insured, the insurer shall clearly identify the exact policy and endorsement forms purchased by the insured; and

(6) the insurer shall provide notice of any changes to the forms or endorsements, and of the insured's right to obtain, upon request and without charge, a paper or electronic copy of such forms or endorsements.

(k) Except as otherwise provided by law, if an oral communication or a recording of an oral communication from a party can be reliably stored and reproduced by an insurer, the oral communication or recording may qualify as a notice or document delivered by electronic means for purposes of this section. If a provision of this title or applicable law requires a signature or notice or document to be notarized, acknowledged, verified or made under oath, the requirement is satisfied if the electronic signature of the person authorized to perform those acts, together with all other information required to be included by the provision, is attached to or logically associated with the signature, notice or document.

(l) This section shall not affect any obligation of the insurer to provide notice to any person other than the insured of any notice provided to the insured.

(m) This section shall not be construed to modify, limit or supersede the provisions of the federal electronic signatures in global and national commerce act, public law 106-229, or the provisions of the uniform electronic transactions act, K.S.A. 16-1601 et seq., and amendments thereto.

(n) The provisions of the electronic notice and document act shall not apply to any mutual insurance company organized pursuant to article 12a of chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

(o) The provisions of this section shall not apply to the electronic delivery of explanation of benefits and policies, including federally required summary of benefit and coverage documents, to a party by a health benefit plan.

Sec. 10. K.S.A. 44-584 is hereby amended to read as follows: 44-584.

(a) The application for a new certificate shall be signed by the trustees of the trust fund created by the pool. Any application for a renewal of an existing certificate shall meet at least the standards established in K.S.A. 44-582(a)(6) through (a)(14), and amendments thereto. After evaluating the application the commissioner shall notify the applicant that the plan submitted is approved or conversely, if the plan submitted is inadequate, the commissioner shall then fully explain to the applicant what additional requirements must be met. If the application is denied, the applicant shall have 15 days to make an application for hearing by the commissioner after service of the denial notice. The hearing shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(b) An approved certificate of authority shall remain in full force and effect until such certificate is suspended or revoked by the commissioner. An existing pool operating under an approved certificate of authority must file with the commissioner, within 120 days following the close of the pool's fiscal year, a current financial statement on a form approved by the commissioner showing the financial ability of the pool to meet its obligations under the worker compensation act and confirmation of specific and aggregate excess insurance as required by law for the pool. If an existing pool's certificate of authority is suspended or revoked, such pool shall have the same rights to a hearing by the commissioner as for applicants for new certificates of authority as set forth in subsection (a).

(c) Whenever the commissioner shall deem it necessary the commissioner may make, or direct to be made, an examination of the affairs and financial condition of any pool. Each pool shall submit a certified independent audited financial statement ~~no~~ not later than ~~150~~ 180 days after the end of the pool's fiscal year. The financial statement shall include outstanding reserves for claims and for claims incurred but not reported. Each pool shall file payroll records, accident experience and compensation reports and such other reports and statements at such times and in such manner as the commissioner shall require. Whenever it appears to the commissioner from such examination or other satisfactory evidence that the solvency of

any such pool is impaired, or that it is doing business in violation of any of the laws of this state, or that its affairs are in an unsound condition so as to endanger its ability to pay or cause to be paid the compensation in the amount, manner and time due as provided for in the Kansas workers compensation act, the commissioner shall, before filing such report or making the same public, grant such pool upon reasonable notice a hearing in accordance with the provisions of the Kansas administrative procedure act, and, if on such hearing the report be confirmed, the commissioner shall suspend the certificate of authority for such pool until its solvency shall have been fully restored and the laws of the state fully complied with. The commissioner may, if there is an unreasonable delay in restoring the solvency of such pool and in complying with the law, revoke the certificate of authority of such pool to do business in this state. Upon revoking any such certificate the commissioner shall communicate the fact to the attorney general, whose duty it shall be to commence and prosecute an action in the proper court to dissolve such pool or to enjoin the same from doing or transacting business in this state. The commissioner of insurance may call a hearing under K.S.A. 40-222b, and amendments thereto, and the provisions shall apply to group workers compensation pools.

Sec. 11. K.S.A. 44-590 is hereby amended to read as follows: 44-590. (a) After the inception date of the group-funded workers' compensation pool, prospective new members of the pool shall submit an application for membership to the board of trustees or its administrator. The trustees may approve the application for membership pursuant to the bylaws of the pool. The application for membership and approval shall then be filed with the commissioner. Membership takes effect after approval.

(b) Individual members may elect to terminate their participation in a pool or be subject to cancellation by the pool pursuant to the bylaws of the pool. On termination or cancellation of a member, the pool shall ~~notify the commissioner within 10 days and shall~~ maintain coverage of each cancelled or terminating member for 30 days ~~after notice to the commissioner or until the commissioner~~ *such cancelled or terminating member gives* notice that the cancelled or terminating member has procured workers' compensation and employer's liability insurance, whichever occurs first.

Sec. 12. K.S.A. 12-2620, 40-223, 40-1137, 40-5801, 40-5802, 40-5803, 40-5804, 44-584 and 44-590 and K.S.A. 2023 Supp. 40-2c01 are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 22, 2024.

CHAPTER 71

SENATE BILL No. 18

AN ACT concerning the state board of regents; enacting the Kansas campus restoration act; relating to deferred maintenance and demolition of facilities at postsecondary educational institutions; authorizing the board to adopt rules and regulations; establishing the Kansas campus restoration fund in the state treasury; authorizing certain transfers from the state general fund to the Kansas campus restoration fund; requiring annual reports be submitted to certain committees of the legislature; amending K.S.A. 74-3201b and repealing the existing section.

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

New Section 1. (a) The provisions of sections 1 through 8, and amendments thereto, shall be known and may be cited as the Kansas campus restoration act.

(b) The purpose of the Kansas campus restoration act is to reduce deferred maintenance of educational mission-critical facilities at postsecondary educational institutions, to bring such facilities to a state of good repair and to provide for the demolition or razing of facilities at state educational institutions that are no longer mission-critical.

(c) As used in the Kansas campus restoration act:

(1) “Board of regents” means the same as defined in K.S.A. 76-711, and amendments thereto.

(2) “Fund” means the Kansas campus restoration fund established in section 2, and amendments thereto.

(3) “Postsecondary educational institution” means the same as defined in K.S.A. 74-3201b, and amendments thereto.

(4) “State educational institution” means the same as defined in K.S.A. 76-711, and amendments thereto.

New Sec. 2. (a) There is hereby established in the state treasury the Kansas campus restoration fund. The Kansas campus restoration fund shall be administered by the board of regents. All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the board of regents or by a person or persons designated by the board of regents.

(b) A deferred maintenance account of the fund shall be established for each postsecondary educational institution for the purpose of making capital improvement expenditures from the fund.

(c) (1) Except as provided in paragraphs (2) and (3), all expenditures from the fund shall require a match of nonstate moneys on a \$1-for-\$1 basis from either the postsecondary educational institution or private moneys.

(2) Expenditures from the fund for a community college, technical

college, institute of technology or municipal university shall not require a match.

(3) Expenditures from the fund from a state educational institution's deferred maintenance account for demolition or razing of buildings or facilities on the campus of such state educational institution shall not require a match.

(d) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas campus restoration fund interest earnings based on:

(1) The average daily balance of moneys in the Kansas campus restoration fund for the preceding month; and

(2) the net earnings rate for the pooled money investment portfolio for the preceding month.

New Sec. 3. On July 1, 2025, July 1, 2026, July 1, 2027, July 1, 2028, July 1, 2029, and July 1, 2030, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer \$32,700,000 from the state general fund to the Kansas campus restoration fund.

New Sec. 4. (a) Each state educational institution shall develop and submit to the board of regents a plan for the purpose of rehabilitating, remodeling or renovating existing facilities or building new facilities that are mission-critical of such state educational institution and to bring such facilities to a state of good repair. Such plan shall also include a list of facilities for demolition or razing. Each state educational institution's plan shall be subject to approval by the board of regents.

(b) The board of regents shall develop a comprehensive Kansas campus restoration plan that includes facilities from each state educational institution's plan as approved by the board of regents.

(c) The board of regents shall ensure that facilities located on the Kansas state university Salina campus and the university of Kansas Edwards campus in Overland Park, Kansas, are not excluded from direct participation in the Kansas campus restoration plan.

(d) The Kansas campus restoration plan shall encourage, and the board of regents may require, a reduction of total campus square footage in a project associated with such plan.

New Sec. 5. (a) Commencing in fiscal year 2026 through fiscal year 2031, the board of regents shall distribute in each fiscal year an aggregate amount of \$30,000,000 from the Kansas campus restoration fund to each state educational institution's deferred maintenance account established pursuant to section 2, and amendments thereto, in accordance with the Kansas campus restoration plan developed and approved pursuant to section 4, and amendments thereto.

(b) Commencing in fiscal year 2026 through fiscal year 2031, the board of regents shall credit \$100,000 in each fiscal year from the Kansas campus restoration fund to each community college, technical college, institute of technology and municipal university account established pursuant to section 2, and amendments thereto.

New Sec. 6. The board of regents is hereby authorized to adopt rules and regulations necessary to implement and administer the provisions of the Kansas campus restoration act and shall adopt rules and regulations to define:

(a) “Educational mission-critical facilities.” Such definition may include, but not be limited to, any facility of a research or economic generation capacity that the board of regents deems essential. Such definition shall not include auxiliary or athletic-funded facilities; and

(b) “state of good repair.” Such definition shall be of an industry standard and shall be presented to the joint committee on state building construction for review and comment.

New Sec. 7. Annually on or before the first day of the regular session of the legislature:

(a) The board of regents shall submit a report on the progress of the Kansas campus restoration plan to the senate committee on ways and means, the house of representatives committee on appropriations, the house of representatives higher education budget committee and the joint committee on state building construction; and

(b) each community college, technical college, institute of technology and municipal university shall submit a report on each institution’s expenditures of moneys received pursuant to section 5(b), and amendments thereto, to the board of regents, the senate committee on ways and means, the house of representatives committee on appropriations and the house of representatives higher education budget committee.

New Sec. 8. The provisions of sections 1 through 8, and amendments thereto, shall expire on July 1, 2031.

Sec. 9. K.S.A. 74-3201b is hereby amended to read as follows: 74-3201b. As used in the Kansas higher education coordination act:

(a) “Adult basic education program” and “adult supplementary education program” ~~have the meanings respectively ascribed thereto~~ *mean the same as defined in K.S.A. 74-32,253, and amendments thereto.*

(b) “Community college” means any community college established under the laws of this state.

(c) “Institute of technology” or “Washburn institute of technology” means the institute of technology at Washburn university.

(d) “Municipal university” means Washburn university of Topeka or any other municipal university established under the laws of this state.

(e) “Postsecondary educational institution” means any public university, municipal university, community college ~~and~~, technical college, and *institute of technology*. “*Postsecondary educational institution*” includes any entity resulting from the consolidation or affiliation of any two or more of such postsecondary educational institutions.

(f) “Private postsecondary educational institution” and “out-of-state postsecondary educational institution” ~~have the meanings ascribed thereto mean the same as defined in K.S.A. 74-32,163, and amendments thereto.~~

(g) “Public university” means any state educational institution.

(h) “Representative of a postsecondary educational institution” means any person who is the holder of an associate degree, a bachelor’s degree, or a certificate of completion awarded by a postsecondary educational institution.

(i) “State board of regents” or “state board” means the state board of regents provided for in the constitution of this state and established by K.S.A. 74-3202a, and amendments thereto, except as otherwise specifically provided in this act.

(j) “State educational institution” means any state educational institution, as defined in K.S.A. 76-711, and amendments thereto.

(k) “Technical college” means any technical college established under the laws of this state.

Sec. 10. K.S.A. 74-3201b is hereby repealed.

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

Approved April 22, 2024.

CHAPTER 72

SENATE BILL No. 384

AN ACT concerning counties; creating the Riley county unincorporated area nuisance abatement act and the Crawford county unincorporated area nuisance abatement act; establishing procedures for the removal and abatement of nuisances; providing for the assessment of costs of such abatement; relating to emergency medical services; staffing of ambulances; authorizing the emergency medical services board to grant certain permanent variances from rules and regulations; permitting ambulances to operate with one certified emergency medical services provider in rural counties; amending K.S.A. 2023 Supp. 65-6111 and 65-6135 and repealing the existing sections.

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

New Section 1. (a) The provisions of sections 1 through 6, and amendments thereto, shall be known and may be cited as the Riley county unincorporated area nuisance abatement act.

(b) Before any nuisance abatement process shall be commenced under the Riley county unincorporated area nuisance abatement act, Riley county first shall have obtained a conviction for a county code violation resulting from such nuisance within the 12-month period prior to the issuance of any order as provided in section 2, and amendments thereto.

(c) (1) The board of county commissioners may order the removal or abatement of any nuisance from any lot or parcel of ground within the unincorporated area of the county. The board may order the repair or demolition of any structure or the removal or abatement of any other type of nuisance.

(2) The order shall provide that all costs associated with the abatement shall be paid by the owner of the property on which the nuisance is located.

New Sec. 2. (a) Whenever the board of county commissioners or other agency designated by the board files with the Riley county clerk a statement in writing describing a nuisance and declaring that such nuisance is a menace and dangerous to the health of the inhabitants of the county, the board of county commissioners, by resolution, may make such determination and issue an order requiring the nuisance be removed or abated.

(b) Except as provided by subsection (c), the board of county commissioners shall order the owner of the property to remove and abate the nuisance within not less than 10 days, to be specified in the order. The board or its designated representative may grant extensions of the time period indicated in the order. The order shall state that, before the expiration of the waiting period or any extension, the recipient may request a hearing before the board or its designated representative. The order shall be served on the owner by personal service in accordance with K.S.A. 60-303, and amendments thereto.

(c) If the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice sent pursuant to this section during the preceding 24-month period, the board of county commissioners may provide notice of the issuance of any further orders to abate or remove a nuisance from the property in the manner provided by subsection (d) or as provided in this subsection. The board may provide notice of the order by such methods including, but not limited to, door hangers conspicuously posting notice of the order on the property, personal notification, telephone communication or first-class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first-class mail.

(d) If the owner of the property fails to comply with the order for a period longer than that named in the order or any extensions of such time period, the board of county commissioners may proceed to order the repair or demolition of any structure and have the items described in the order removed and abated from the lot or parcel of ground. If the county abates or removes the nuisance, the county shall give notice to the owner by certified mail, return receipt requested, of the total cost of the abatement or removal incurred by the county. The notice also shall state that payment of the cost is due and payable within 60 days following the mailing of the notice.

(e) If the cost of the removal or abatement is not paid within the 60-day period, the cost shall be assessed and charged against the lot or parcel of land on which the nuisance was located. If the cost is to be assessed, the county clerk, at the time of certifying other county taxes, shall certify the costs, and the county clerk shall extend the cost on the tax roll of the county against the lot or parcel of land. Such cost shall be collected by the county treasurer.

(f) In assessing the cost of removal and abatement of a nuisance, the county shall subtract from the total cost of the abatement or removal incurred by the county the value of the property removed or abated. If the value of the property removed or abated is greater than the cost of the removal or abatement incurred by the county, the county shall pay the owner the difference. If the value of the property is contested, the property owner may request a hearing before the board or its designated representative prior to the 60 days following receipt of notice of costs due and payable under subsection (d).

(g) All orders and notices shall be served on the owner of record or, if there is more than one owner of record, then on at least one such owner.

(h) Any decision of the board of county commissioners or its designated representative is subject to review in accordance with the Kansas judicial review act.

New Sec. 3. Riley county may remove and abate from property, other than public property or property open to use by the public, a motor vehicle determined to be a nuisance. Disposition of such vehicles shall be in compliance with the procedures for impoundment, notice and public auction provided by K.S.A. 8-1102(a)(2), and amendments thereto. Following any sale by public auction of a vehicle determined to be a nuisance, the purchaser may file proof with the division of vehicles, and the division shall issue a certificate of title to the purchaser of the motor vehicle. If a public auction is conducted but no responsible bid is received, the county may file proof with the division of vehicles, and the division shall issue a certificate of title of the motor vehicle to the county. Any person whose motor vehicle has been disposed of pursuant to this section shall be eligible for a refund of the tax imposed pursuant to K.S.A. 79-5101 et seq., and amendments thereto. The amount of the refund shall be determined in the manner provided by K.S.A. 79-5107, and amendments thereto.

New Sec. 4. The board of county commissioners may adopt a resolution to establish any policies, procedures, designated body or other related matters for hearings that property owners or their agents may request pursuant to the Riley county unincorporated area nuisance abatement act.

New Sec. 5. (a) The legislature declares it is the policy of this state to protect and encourage the production and processing of food and other agricultural products. As nonagricultural uses of property continue to move into agricultural and agribusiness areas, normal agricultural and agribusiness activities can find themselves subjected to public and private claims of nuisance. Therefore, it is the legislative intent of this act to protect agricultural and agribusiness activities from nuisance actions. As such, nothing in the Riley county unincorporated area nuisance abatement act shall apply to land, structures, machinery and equipment or motor vehicles used for an agricultural activity or oil and gas exploration and development activity.

(b) For purposes of this section, the term “agricultural activity” means the same as defined in K.S.A. 2-3203, and amendments thereto, except such term shall also include real and personal property, machinery, equipment, stored grain and agricultural input products owned or maintained by commercial grain elevators and agribusiness facilities.

New Sec. 6. The Riley county unincorporated area nuisance abatement act, sections 1 through 6, and amendments thereto, shall expire on July 1, 2027.

New Sec. 7. (a) The provisions of sections 7 through 12, and amendments thereto, shall be known and may be cited as the Crawford county unincorporated area nuisance abatement act.

(b) Before any nuisance abatement process shall be commenced under the Crawford county unincorporated area nuisance abatement act, Crawford county first shall have obtained a conviction for a county code violation resulting from such nuisance within the 12-month period prior to the issuance of any order as provided in section 8, and amendments thereto.

(c) (1) The board of county commissioners may order the removal or abatement of any nuisance from any lot or parcel of ground within the unincorporated area of the county. The board may also order the repair or demolition of any structure or the removal or abatement of any other type of nuisance.

(2) The order shall provide that all costs associated with the abatement shall be paid by the owner of the property on which the nuisance is located.

New Sec. 8. (a) Whenever the board of county commissioners or other agency designated by the board files with the Crawford county clerk a statement, in writing, describing a nuisance and declaring that such nuisance is a menace and dangerous to the health of the inhabitants of the county, the board of county commissioners, by resolution, may make such determination and issue an order requiring the nuisance be removed or abated.

(b) Except as provided by subsection (c), the board of county commissioners shall order the owner of the property to remove and abate the nuisance within not less than 10 days, to be specified in the order. The board or its designated representative may grant extensions of the time period indicated in the order. The order shall state that, before the expiration of the waiting period or any extension, the recipient may request a hearing before the board or its designated representative. The order shall be served on the owner by personal service in accordance with K.S.A. 60-303, and amendments thereto.

(c) If the owner of the property has failed to accept delivery or otherwise failed to effectuate receipt of a notice sent pursuant to this section during the preceding 24-month period, the board of county commissioners may provide notice of the issuance of any further orders to abate or remove a nuisance from the property in the manner provided by subsection (d) or as provided in this subsection. The board may provide notice of the order by such methods, including, but not limited to, door hangers conspicuously posting notice of the order on the property, personal notification, telephone communication or first-class mail. If the property is unoccupied and the owner is a nonresident, notice provided by this section shall be given by telephone communication or first-class mail.

(d) If the owner of the property fails to comply with the order for a period longer than that named in the order or any extensions of such time period, the board of county commissioners may proceed to order the re-

pair or demolition of any structure and have the items described in the order removed and abated from the lot or parcel of ground. If the county abates or removes the nuisance, the county shall give notice to the owner, by certified mail, with return receipt requested, of the total cost of the abatement or removal incurred by the county. The notice also shall state that payment of the cost is due and payable within 60 days following the mailing of the notice.

(e) If the cost of the removal or abatement is not paid within the 60-day period, the cost shall be assessed and charged against the lot or parcel of land on which the nuisance was located. If the cost is to be assessed, the county clerk, at the time of certifying other county taxes, shall certify the costs, and the county clerk shall extend the cost on the tax roll of the county against the lot or parcel of land. Such cost shall be collected by the county treasurer.

(f) In assessing the cost of removal and abatement of a nuisance, the county shall subtract from the total cost of the abatement or removal incurred by the county the value of the property removed or abated. If the value of the property removed or abated is greater than the cost of the removal or abatement incurred by the county, the county shall pay the owner the difference. If the value of the property is contested, the property owner may request a hearing before the board or its designated representative prior to the 60 days following receipt of notice of costs due and payable under subsection (d).

(g) All orders and notices shall be served on the owner of record or, if there is more than one owner of record, then on at least one such owner.

(h) Any decision of the board of county commissioners or its designated representative is subject to review in accordance with the Kansas judicial review act.

New Sec. 9. Crawford county may remove and abate from property, other than public property or property open to use by the public, a motor vehicle determined to be a nuisance. Disposition of such vehicles shall be in compliance with the procedures for impoundment, notice and public auction provided by K.S.A. 8-1102(a)(2), and amendments thereto. Following any sale by public auction of a vehicle determined to be a nuisance, the purchaser may file proof with the division of vehicles, and the division shall issue a certificate of title to the purchaser of the motor vehicle. If a public auction is conducted but no responsible bid is received, the county may file proof with the division of vehicles, and the division shall issue a certificate of title of the motor vehicle to the county. Any person whose motor vehicle has been disposed of pursuant to this section shall be eligible for a refund of the tax imposed pursuant to K.S.A. 79-5101 et seq., and amendments thereto. The amount of the refund shall be determined in the manner provided by K.S.A. 79-5107, and amendments thereto.

New Sec. 10. The board of county commissioners may adopt a resolution to establish any policies, procedures, designated body or other related matters for hearings that property owners or their agents may request pursuant to the Crawford county unincorporated area nuisance abatement act.

New Sec. 11. (a) The legislature declares it is the policy of this state to protect and encourage the production and processing of food and other agricultural products. As nonagricultural uses of property continue to move into agricultural and agribusiness areas, normal agricultural and agribusiness activities can find themselves subjected to public and private claims of nuisance. Therefore, it is the legislative intent of this act to protect agricultural and agribusiness activities from nuisance actions. As such, nothing in the Crawford county unincorporated area nuisance abatement act shall apply to land, structures, machinery and equipment or motor vehicles used for an agricultural activity or oil and gas exploration and development activity.

(b) For purposes of this section, the term “agricultural activity” means the same as defined in K.S.A. 2-3203, and amendments thereto, except such term shall also include real and personal property, machinery, equipment, stored grain and agricultural input products owned or maintained by commercial grain elevators and agribusiness facilities.

New Sec. 12. The Crawford county unincorporated area nuisance abatement act, sections 7 through 12, and amendments thereto, shall expire on July 1, 2027.

Sec. 13. K.S.A. 2023 Supp. 65-6111 is hereby amended to read as follows: 65-6111. (a) The emergency medical services board shall:

(1) Adopt any rules and regulations necessary to carry out the provisions of this act;

(2) review and approve the allocation and expenditure of moneys appropriated for emergency medical services;

(3) conduct hearings for all regulatory matters concerning ambulance services, emergency medical service providers, instructor-coordinators, training officers and sponsoring organizations;

(4) submit a budget to the legislature for the operation of the board;

(5) develop a state plan for the delivery of emergency medical services;

(6) enter into contracts as may be necessary to carry out the duties and functions of the board under this act;

(7) review and approve all requests for state and federal funding involving emergency medical services projects in the state or delegate such duties to the executive director;

(8) approve all training programs for emergency medical service providers and instructor-coordinators and prescribe certification application fees by rules and regulations;

(9) approve methods of examination for certification of emergency medical service providers and instructor-coordinators and prescribe examination fees by rules and regulations;

(10) appoint a medical advisory council of not less than six members, including one board member who shall be a physician and not less than five other physicians who are active and knowledgeable in the field of emergency medical services who are not members of the board to advise and assist the board in medical standards and practices as determined by the board. The medical advisory council shall elect a chairperson from among its membership and shall meet upon the call of the chairperson; and

(11) approve sponsoring organizations by prescribing standards and requirements by rules and regulations and withdraw or modify such approval in accordance with the Kansas administrative procedure act and the rules and regulations of the board.

(b) (1) *Except as otherwise provided*, the emergency medical services board may grant a temporary variance from an identified rule or regulation when a literal application or enforcement of the rule or regulation would result in serious hardship and the relief granted would not result in any unreasonable risk to the public interest, safety or welfare.

(2) *Any variance granted pursuant to paragraph (1) may be granted as a permanent variance if the variance is from an identified rule or regulation adopted to implement, enforce or otherwise regulate the provisions of K.S.A. 65-6135, and amendments thereto.*

(c) (1) In addition to or in lieu of any other administrative, civil or criminal remedy provided by law, the board, in accordance with the Kansas administrative procedure act, upon the finding of a violation of a provision of this act or the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, or rules and regulations adopted pursuant to such provisions may impose a fine on:

(A) Any person granted a certificate by the board in an amount not to exceed \$500 for each violation; or

(B) an ambulance service that holds a permit to operate in this state or on a sponsoring organization in an amount not to exceed \$2,500 for each violation.

(2) All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(d) (1) In connection with any investigation by the board, the board or its duly authorized agents or employees shall at all reasonable times have access to, for the purpose of examination and the right to copy any document, report, record or other physical evidence of any person being inves-

tigated, or any document, report, record or other evidence maintained by and in possession of any clinic, laboratory, pharmacy, medical care facility or other public or private agency, if such document, report, record or evidence relates to professional competence, unprofessional conduct or the mental or physical ability of the person to perform activities the person is authorized to perform.

(2) For the purpose of all investigations and proceedings conducted by the board:

(A) The board may issue subpoenas compelling the attendance and testimony of witnesses or the production for examination or copying of documents or any other physical evidence if such evidence relates to professional competence, unprofessional conduct or the mental or physical ability of a person being investigated to perform activities the person is authorized to perform. Within five days after the service of the subpoena on any person requiring the production of any evidence in the person's possession or under the person's control, such person may petition the board to revoke, limit or modify the subpoena. The board shall revoke, limit or modify such subpoena if in its opinion the evidence required does not relate to practices that may be grounds for disciplinary action, is not relevant to the charge that is the subject matter of the proceeding or investigation or does not describe with sufficient particularity the physical evidence that is required to be produced. Any member of the board, or any agent designated by the board, may administer oaths or affirmations, examine witnesses and receive such evidence.

(B) Any person appearing before the board shall have the right to be represented by counsel.

(C) The district court, upon application by the board or by the person subpoenaed, shall have jurisdiction to issue an order:

(i) Requiring such person to appear before the board or the board's duly authorized agent to produce evidence relating to the matter under investigation; or

(ii) revoking, limiting or modifying the subpoena if in the court's opinion the evidence demanded does not relate to practices that may be grounds for disciplinary action, is not relevant to the charge that is the subject matter of the hearing or investigation or does not describe with sufficient particularity the evidence that is required to be produced.

(3) Disclosure or use of any such information received by the board or of any record containing such information, for any purpose other than that provided by this subsection is a class A misdemeanor and shall constitute grounds for removal from office, termination of employment or denial, revocation or suspension of any certificate or permit issued under article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto. Nothing in this subsection shall be construed to make un-

lawful the disclosure of any such information by the board in a hearing held pursuant to this act.

(4) Patient records, including clinical records, medical reports, laboratory statements and reports, files, films, other reports or oral statements relating to diagnostic findings or treatment of patients, information from which a patient or a patient's family might be identified, peer review or risk management records or information received and records kept by the board as a result of the investigation procedure outlined in this subsection shall be confidential and shall not be disclosed.

(5) Nothing in this subsection or any other provision of law making communications between a physician and the physician's patient a privileged communication shall apply to investigations or proceedings conducted pursuant to this subsection. The board and its employees, agents and representatives shall keep in confidence the names of any patients whose records are reviewed during the course of investigations and proceedings pursuant to this subsection.

(e) The emergency medical services board shall prepare an annual report on or before January 15 of each year on the number, amount and reasons for the fines imposed by the board and the number of and reasons for subpoenas issued by the board during the previous calendar year. The report shall be provided to the senate committee on federal and state affairs and the house committee on federal and state affairs.

Sec. 14. K.S.A. 2023 Supp. 65-6135 is hereby amended to read as follows: 65-6135. (a) All ambulance services providing emergency care as defined by the rules and regulations adopted by the board shall offer service 24 hours per day every day of the year.

(b) Whenever an operator is required to have a permit, at least one person on each vehicle providing emergency medical service shall be an emergency medical service provider certified pursuant to K.S.A. 65-6119, 65-6120 or 65-6121, and amendments thereto, ~~a physician~~ *an individual licensed by the state board of healing arts to practice medicine and surgery*, a physician assistant, an advanced practice registered nurse or a professional nurse.

(c) *The board shall not require any ground vehicle providing interfacility transfers from any county with a population of 30,000 or less to operate with more than one person who satisfies the requirements of subsection (b) if the driver of such vehicle is certified in cardiopulmonary resuscitation.*

Sec. 15. K.S.A. 2023 Supp. 65-6111 and 65-6135 are hereby repealed.

Sec. 16. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 22, 2024.

CHAPTER 73

SENATE BILL No. 115
(Amended by Chapter 100)

AN ACT concerning children and minors; establishing the office of the child advocate as an independent state agency and prescribing certain powers, duties and functions thereof; authorizing access to certain records related to children and minors by the office of the child advocate; amending K.S.A. 38-2213, 38-2309 and 38-2310 and K.S.A. 2023 Supp. 38-2211 and 38-2212 and repealing the existing sections.

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

New Section 1. (a) Sections 1 through 6, and amendments thereto, shall be known and may be cited as the child advocate act.

(b) As used in the child advocate act:

(1) “Child” means any individual under 18 years of age who:

(A) Is in the custody of the secretary for children and families;

(B) may be alleged to be a child in need of care as provided in K.S.A. 38-2201 et seq., and amendments thereto;

(C) is alleged to be a child in need of care as provided in K.S.A. 38-2201 et seq.; or

(D) is currently or was receiving services or treatment from the department of corrections within the previous five years; and

(2) “office” means the office of the child advocate and includes the child advocate and staff.

New Sec. 2. (a) There is hereby established the office of the child advocate, the head of which shall be the child advocate. In the performance of the powers, duties and functions prescribed by law, the office shall be an independent state agency. The child advocate shall be appointed by the governor and subject to confirmation by the senate as provided by K.S.A. 75-4315b, and amendments thereto.

(b) (1) Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed to the position of the child advocate shall exercise any power, duty or function of the child advocate until confirmed by the senate. The child advocate shall be selected without regard to political affiliation and on the basis of integrity and capacity for effectively carrying out the duties of the office. The child advocate shall be an individual with extensive experience in the practice of case management, clinical services or legal services to children and families involved in the child welfare system.

(2) No former or current executive or manager of any program or agency or contracting entity subject to oversight by the office may be appointed to the position of the child advocate within 12 months of the end of that individual's period of service with such program or agency.

(3) A person appointed to the position of the child advocate shall

serve for a term of five years or until a successor has been appointed and confirmed.

(4) The child advocate shall be in the unclassified service and shall receive an annual salary in an amount equal to the annual salary paid by the state to a district court judge.

(5) The child advocate shall exercise independent judgment in carrying out the duties of the office.

(c) (1) Subject to this subsection, the child advocate shall have general managerial control over the office of the child advocate and shall establish the organizational structure of the office as the child advocate deems appropriate to carry out the responsibilities and functions of the office.

(2) All budgeting, purchasing, personnel and related administrative functions of the office shall be administered under the direction and supervision of the child advocate.

(3) Within the limits of appropriations therefor, the child advocate may hire such employees in the unclassified service as are necessary to administer the office. Such employees shall serve at the pleasure of the child advocate. Subject to appropriations and this subsection, the child advocate may obtain the services of other professionals necessary to independently perform the functions of the office, including obtaining legal services as provided by K.S.A. 75-769, and amendments thereto.

(4) The child advocate may enter into agreements with the secretary of administration for the provision of personnel, facility management and information technology services.

New Sec. 3. (a) The purpose of the office of the child advocate is to ensure that children and families receive adequate coordination of child welfare services for child protection and care through services offered by the Kansas department for children and families or the department's contracting entities, the department for aging and disability services, the department of corrections, the department of health and environment and juvenile courts.

(b) The office shall receive and resolve complaints that allege the Kansas department for children and families or an entity contracting with the department, by act or omission, has provided inadequate protection or care of children, failed to protect the physical or mental health, safety or welfare of any child or failed to follow established laws, rules and regulations or written policies. The child advocate shall:

(1) Establish and implement procedures for receiving, processing, responding to and resolving complaints made by or on behalf of children that relate to state agencies, service providers, including contractors and subcontractors, and any juvenile court that adversely affect or may adversely affect the health, safety and welfare of such children;

(2) provide the Kansas department for children and families with a notice of availability that describes the office and procedures for contacting the office. The department shall ensure such notice is prominently posted in department offices and facilities receiving public moneys for the care and placement of children;

(3) maintain a publicly available website;

(4) publicize and notify individuals of the office's services, purpose and contact information;

(5) compile, collect and preserve a record of complaints received and processed that may reveal concerning patterns to be addressed; and

(6) make recommendations for changes to policies, procedures or adopted or proposed rules and regulations of any state or local agency that adversely affect or may adversely affect the health, safety and welfare of any child.

(c) The office shall independently investigate complaints received pursuant to subsection (b) if the office reasonably believes the complaint's allegations may be independently verified through an investigation. To investigate, the office shall:

(1) Establish and implement procedures for investigating complaints;

(2) have access to the following information related to complaints received:

(A) The names and physical location of all children in protective services, treatment or other programs under the jurisdiction of the Kansas department for children and families or the department of corrections;

(B) all written reports of child abuse and neglect;

(C) all records as provided in K.S.A. 38-2201 et seq. and 38-2301 et seq., and amendments thereto; and

(D) all current records required to be maintained pursuant to articles 22 and 23 of chapter 38 of the Kansas Statutes Annotated, and amendments thereto;

(3) communicate privately with the following persons or entities, after consultation with treatment professionals and service providers:

(A) Any child or child's siblings; and

(B) anyone working with the child, including the family, relatives, employees of the Kansas department for children and families or the department of corrections and other persons or entities providing treatment and services;

(4) have access to, including the right to inspect and copy, relevant child records as identified for disclosure in K.S.A. 38-2201 et seq. and 38-2301 et seq., and amendments thereto;

(5) work in conjunction with juvenile intake and assessment workers, juvenile community corrections officers, guardians ad litem and court-appointed special advocates;

(6) take statements under oath and obtain judicial enforcement of compulsory processes; and

(7) subpoena materials and witnesses using the following procedures:

(A) When the office reasonably believes that materials or witnesses sought will assist in the investigation, the child advocate may issue a subpoena directing documents, reports or information to be delivered to the office at a specific time, date and place or directing a person to appear as a witness at a specific time, date and place. Such time and date shall not be sooner than seven days after the service of the subpoena, excluding Saturdays, Sundays, legal holidays and days on which the office of the clerk of the court is not accessible. The child advocate shall keep a copy of the subpoena in a special file maintained for that purpose;

(B) upon receiving service of a subpoena pursuant to this paragraph, the person or agency served shall give written notice of service to any person known to have a right to assert a privilege or assert a right of confidentiality in regard to the documents, reports or information sought at least five days before the date of delivery or appearance;

(C) any parent, child, guardian ad litem, person or entity subpoenaed or person or entity who claims a privilege or right of confidentiality may request in writing that the child advocate quash a subpoena issued pursuant to this paragraph. The request to quash the subpoena shall be filed with the office at least 24 hours prior to the specified time and date of delivery or appearance, excluding Saturdays, Sundays, legal holidays and days on which the office of the clerk of the court is not accessible, and a copy of the written request shall be given to the person subpoenaed at least 24 hours prior to the specified time and date of delivery or appearance; and

(D) if the child advocate does not quash the subpoena, the written request shall automatically stay the operation of the subpoena until the child advocate obtains a court order for the subpoena to be honored, and the documents, reports or information requested shall not be delivered and the witness shall not appear. An appropriate district court may issue an order for the subpoena to be honored after the court has held a hearing to determine if the documents, reports or information are subject to the claimed privilege or right of confidentiality, and whether it is in the best interests of the child for the subpoena to be honored.

(d) To resolve complaints received pursuant to subsection (b), the office shall:

(1) Establish and implement procedures to resolve the complaints;

(2) independently review the subject of the complaint and after the initial review of the complaint and any accompanying material, the child advocate may recommend that a department or contracting entity:

(A) Consider the matter further;

- (B) modify or cancel the department or contracting entity's actions;
- (C) alter a rule, order or internal policy;
- (D) explain the action further; or
- (E) within a reasonable time after receiving a recommendation, provide the office information concerning the department or contracting entity action to implement or not implement recommendations made by the office pursuant to this paragraph;

(3) submit any findings or recommendations pursuant to paragraph (2) to the secretary for children and families or the secretary of corrections as appropriate;

(4) upon reason to believe a criminal investigation is warranted, make a referral of child abuse or neglect to an appropriate law enforcement agency with jurisdiction over the matter and notify the abuse, neglect and exploitation unit of the office of the attorney general; and

(5) produce reports of findings of fact or conclusions of law regarding any complaint, and, if appropriate, the attorney general may file such reports in any pending child in need of care case on behalf of the office.

(e) To assist the legislature in oversight of the child welfare system, the office may:

(1) Meet and discuss any matter in the scope of the child advocate act with the joint committee on child welfare system oversight in regular or executive session under the same duties of confidentiality provided for the child advocate;

(2) review relevant statutes, rules and regulations, policies and procedures for the health, safety and welfare of children;

(3) evaluate the effectiveness of and recommend changes to procedures for reports of child abuse and neglect for child protective services, including, but not limited to, the involvement of the Kansas department for children and families, service providers, guardians ad litem, court appointed special advocates and law enforcement agencies; and

(4) review and recommend changes to law enforcement investigative procedures for and emergency responses to reports of abuse and neglect.

(f) (1) On or before the beginning of each regular session of the legislature, the office shall prepare and submit a report to the governor, the chief justice of the supreme court and the office of judicial administration, the secretary for children and families, the president of the senate, the speaker of the house of representatives, the joint committee on child welfare oversight, the house of representatives standing committee on child welfare and foster care, the senate standing committee on judiciary, or their successor committees, and any other relevant legislative committee.

(2) Such report shall include:

(A) The number of complaints received by the office;

(B) the disposition of such complaints;

- (C) the number of children involved in such complaints;
- (D) the outcome of such complaints;
- (E) any recommendations for changes in statute, policies, procedures or rules and regulations;
- (F) the office's proposed annual budget; and
- (G) any other topics that the office deems appropriate to properly perform the powers, duties and functions provided by the child advocate act.

(g) The annual budget request of the office shall be prepared by the child advocate. The child advocate shall submit an annual budget request to the division of budget. Such budget request shall be prepared and submitted in the manner provided by K.S.A. 75-3716 and 75-3717, and amendments thereto.

(h) To assist the office in the office's duties under the child advocate act, employees of the Kansas department for children and families, the department's contracting agencies, the department of corrections, juvenile intake and assessment workers, juvenile community corrections officers, guardians ad litem and court appointed special advocates shall:

(1) Work diligently, promptly and in good faith to assist the office in performing the office's powers, duties and functions provided by the child advocate act;

(2) provide full access to and production of records and information requested by the office in the office's duties provided by the act. Such access shall not be a violation of confidentiality of such records if provided and produced in good faith for the purposes of the act;

(3) require employees and contractors of such department or agency to comply with requests from the office in such office's duties provided by the act;

(4) allow employees of such department or agency to file a complaint with or provide records or information to the office without supervisory approval;

(5) not willfully interfere with or obstruct any of the office's duties provided by the act; and

(6) promptly meet and consult with the office upon request of the office.

New Sec. 4. (a) For any information obtained from a state agency or other entity under the child advocate act, the office shall be subject to the same state and federal statutory disclosure restrictions and confidentiality requirements that are applicable to the state agency or other entity providing such information to the office.

(b) Any files maintained by the office shall be confidential and disclosed only at the discretion of the child advocate, except that the identity of any complainant or child shall not be disclosed by the office unless:

(1) The complainant or child, respectively, or the complainant's or child's legal representative, consents in writing to such disclosure; or

(2) such disclosure is required by court order.

(c) (1) Any person who, without malice, participates in any complaint or information made or provided in good faith to the office shall have immunity from any civil liability that might otherwise be incurred or imposed. This paragraph shall not be construed to protect from suit or liability when caused by the intentional or willful or wanton misconduct of a person.

(2) The child advocate, the office and any employee of the office shall be immune from civil liability, either personally or in their official capacity, including, but not limited to, claims of damage to or loss of property or personal injury that are caused by or arising out of the performance of duties of the office. This paragraph shall not be construed to protect from suit or liability when caused by the intentional or willful or wanton misconduct of a person.

(3) Any statement or communication made by the child advocate, the office or any employee of the office relevant to a complaint being investigated by the office, whether oral or written, shall be privileged and shall not be disclosed to any person or entity, be admissible in any civil action, administrative proceeding or disciplinary board of this state, be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity or be admissible in evidence in any judicial or administrative proceeding, unless the child advocate is already a party to such proceedings.

(d) A representative of the office conducting or participating in any investigation of a complaint shall not knowingly disclose to any person other than the office, or a person authorized by the office, the name of any witness examined or any information obtained or given during such investigation. Violation of this subsection is a class A nonperson misdemeanor.

(e) When the office is conducting or has conducted an investigation of a complaint, the office shall disclose the final result of the investigation with the consent of the child or child's legal representative.

(f) The office shall not be required to testify in any court with respect to matters held to be confidential in this section, except as the court may deem necessary to enforce the provisions of the child advocate act or when otherwise required by court order.

(g) The provisions of this section providing for confidentiality of records shall expire on July 1, 2029, unless the legislature acts to continue such provisions. The legislature shall review this section pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2029.

New Sec. 5. (a) (1) Except as provided by paragraph (2), no retaliatory action shall knowingly be taken against any child or employee of

the Kansas department for children and families, an employee of the department's contracting agencies or the department of corrections for any communication made or information given to the office. Violation of this paragraph is a class A nonperson misdemeanor.

(2) Paragraph (1) shall not apply to an employee who discloses:

(A) Information that such employee knows to be false or information without regard for the truth or falsity of the information; or

(B) without lawful authority, information that is confidential as provided by any other provision of law.

(b) An employee of the office of the child advocate shall not knowingly disclose false information or disclose confidential information without lawful authority.

(c) As used in this section, "retaliatory action" includes, but is not limited to:

- (1) Letters of reprimand or unsatisfactory performance evaluations;
- (2) transfer;
- (3) demotion;
- (4) reduction in pay;
- (5) denial of promotion;
- (6) suspension;
- (7) dismissal; and
- (8) denial of employment.

New Sec. 6. Nothing in this act shall be construed to permit any governmental agency to exercise control or supervision over the child advocate or the office of the child advocate.

Sec. 7. K.S.A. 2023 Supp. 38-2211 is hereby amended to read as follows: 38-2211. (a) *Access to the official file*. The following persons or entities shall have access to the official file of a child in need of care proceeding pursuant to this code:

(1) The court having jurisdiction over the proceedings, including the presiding judge and any court personnel designated by the judge.

(2) The parties to the proceedings and their attorneys.

(3) The guardian ad litem for a child who is the subject of the proceeding.

(4) A court appointed special advocate for a child who is the subject of the proceeding or a paid staff member of a court appointed special advocate program.

(5) Any individual, or any public or private agency or institution, having custody of the child under court order or providing educational, medical or mental health services to the child or any placement provider or potential placement provider as determined by the secretary or court services officer.

(6) A citizen review board.

(7) The secretary of corrections or any agents designated by the secretary of corrections.

(8) Any county or district attorney from another jurisdiction with a pending child in need of care matter regarding any of the same parties.

(9) *The office of the child advocate pursuant to the child advocate act.*

(10) Any other person when authorized by a court order, subject to any conditions imposed by the order.

~~(10) The commission on judicial performance in the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.~~

(11) An investigating law enforcement agency.

(b) *Access to the social file.* The following persons or entities shall have access to the social file of a child in need of care proceeding pursuant to this code:

(1) The court having jurisdiction over the proceeding, including the presiding judge and any court personnel designated by the judge.

(2) The attorney for a party to the proceeding or the person or persons designated by an Indian tribe that is a party.

(3) The guardian ad litem for a child who is the subject of the proceeding.

(4) A court appointed special advocate for a child who is the subject of the proceeding or a paid staff member of a court appointed special advocate program.

(5) A citizen review board.

(6) The secretary.

(7) The secretary of corrections or any agents designated by the secretary of corrections.

(8) Any county or district attorney from another jurisdiction with a pending child in need of care matter regarding any of the same parties or interested parties.

(9) *The office of the child advocate pursuant to the child advocate act.*

(10) Any other person when authorized by a court order, subject to any conditions imposed by the order.

~~(10)~~(11) An investigating law enforcement agency.

(c) *Preservation of records.* The Kansas state historical society shall be allowed to take possession for preservation in the state archives of any court records related to proceedings under the Kansas code for care of children whenever such records otherwise would be destroyed. No such records in the custody of the Kansas state historical society shall be disclosed directly or indirectly to anyone for 70 years after creation of the records, except as provided in subsections (a) and (b). Pursuant to subsections ~~(a)(9) and (b)(9)~~ *(a)(10) and (b)(10)*, a judge of the district court may allow inspection for research purposes of any court records in the

custody of the Kansas state historical society related to proceedings under the Kansas code for care of children.

Sec. 8. K.S.A. 2023 Supp. 38-2212 is hereby amended to read as follows: 38-2212. (a) *Principle of appropriate access.* Information contained in confidential agency records concerning a child alleged or adjudicated to be in need of care may be disclosed as provided in this section and shall be disclosed as provided in subsection (e). Disclosure shall in all cases be guided by the principle of providing access only to persons or entities with a need for information that is directly related to achieving the purposes of this code.

(b) *Free exchange of information.* Pursuant to K.S.A. 38-2210, and amendments thereto, the secretary and juvenile intake and assessment agencies shall participate in the free exchange of information concerning a child who is alleged or adjudicated to be in need of care.

(c) *Necessary access.* The following persons or entities shall have access to information from agency records. Access shall be limited to information reasonably necessary to carry out their lawful responsibilities, to maintain their personal safety and the personal safety of individuals in their care, or to educate, diagnose, treat, care for or protect a child alleged to be in need of care. Information authorized to be disclosed pursuant to this subsection shall not contain information that identifies a reporter of a child who is alleged or adjudicated to be a child in need of care.

(1) A child named in the report or records, a guardian ad litem appointed for the child and the child's attorney.

(2) A parent or other person responsible for the welfare of a child, or such person's legal representative.

(3) A court-appointed special advocate for a child, a citizen review board or other advocate that reports to the court.

(4) A person licensed to practice the healing arts or mental health profession in order to diagnose, care for, treat or supervise:

(A) A child whom such service provider reasonably suspects may be in need of care;

(B) a member of the child's family; or

(C) a person who allegedly abused or neglected the child.

(5) A person or entity licensed or registered by the secretary of health and environment or approved by the secretary for children and families to care for, treat or supervise a child in need of care.

(6) A coroner or medical examiner when such person is determining the cause of death of a child.

(7) The state child death review board established under K.S.A. 22a-243, and amendments thereto.

(8) An attorney for a private party who files a petition pursuant to K.S.A. 38-2233(b), and amendments thereto.

(9) A foster parent, prospective foster parent, permanent custodian, prospective permanent custodian, adoptive parent or prospective adoptive parent. In order to assist such persons in making an informed decision regarding acceptance of a particular child, to help the family anticipate problems that may occur during the child's placement, and to help the family meet the needs of the child in a constructive manner, the secretary shall seek and shall provide the following information to such persons as the information becomes available to the secretary:

- (A) Strengths, needs and general behavior of the child;
- (B) circumstances that necessitated placement;
- (C) information about the child's family and the child's relationship to the family that may affect the placement;
- (D) important life experiences and relationships that may affect the child's feelings, behavior, attitudes or adjustment;
- (E) medical history of the child, including third-party coverage that may be available to the child; and
- (F) education history, to include present grade placement, special strengths and weaknesses.

(10) The state protection and advocacy agency as provided by K.S.A. 65-5603(a)(10) or ~~K.S.A. 74-5515(a)(2)(A)~~ and (B), and amendments thereto.

(11) Any educational institution to the extent necessary to enable the educational institution to provide the safest possible environment for its pupils and employees.

(12) Any educator to the extent necessary to enable the educator to protect the personal safety of the educator and the educator's pupils.

(13) *The office of the child advocate pursuant to the child advocate act.*

(14) Any other federal, state or local government executive branch entity or any agent of such entity, having a need for such information in order to carry out such entity's responsibilities under the law to protect children from abuse and neglect.

(d) *Specified access.* The following persons or entities shall have access to information contained in agency records as specified. Information authorized to be disclosed pursuant to this subsection shall not contain information that identifies a reporter of a child who is alleged or adjudicated to be a child in need of care.

(1) Information from confidential agency records of the Kansas department for children and families, a law enforcement agency or any juvenile intake and assessment worker of a child alleged or adjudicated to be in need of care shall be available to members of the standing house or senate committee on judiciary, house committee on corrections and juvenile justice, *house committee on child welfare and foster care*, house

committee on appropriations, senate committee on ways and means, legislative post audit committee and any joint committee with authority to consider children's and families' issues, when carrying out such member's or committee's official functions in accordance with K.S.A. 75-4319, and amendments thereto, in a closed or executive meeting. Except in limited conditions established by $\frac{2}{3}$ of the members of such committee, records and reports received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate. The secretary for children and families shall not summarize the outcome of department actions regarding a child alleged to be a child in need of care in information available to members of such committees.

(2) The secretary for children and families may summarize the outcome of department actions regarding a child alleged to be a child in need of care to a person having made such report.

(3) Information from confidential reports or records of a child alleged or adjudicated to be a child in need of care may be disclosed to the public when:

(A) The individuals involved or their representatives have given express written consent; or

(B) the investigation of the abuse or neglect of the child or the filing of a petition alleging a child to be in need of care has become public knowledge, provided, however, that the agency shall limit disclosure to confirmation of procedural details relating to the handling of the case by professionals.

(e) *Law enforcement access.* The secretary shall disclose confidential agency records of a child alleged or adjudicated to be a child in need of care, as described in K.S.A. 38-2209, and amendments thereto, to the law enforcement agency investigating the alleged or substantiated report or investigation of abuse or neglect, regardless of the disposition of such report or investigation. Such records shall include, but not be limited to, any information regarding such report or investigation, records of past reports or investigations concerning such child and such child's siblings and the perpetrator or alleged perpetrator and the name and contact information of the reporter or persons alleging abuse or neglect and case managers, investigators or contracting agency entity employees assigned to or investigating such report. Such records shall only be used for the purposes of investigating the alleged or substantiated report or investigation of abuse or neglect.

(f) *Court order.* Notwithstanding the provisions of this section, a court of competent jurisdiction, after in camera inspection, may order disclosure of confidential agency records pursuant to a determination that the disclosure is in the best interests of the child who is the subject of the

reports or that the records are necessary for the proceedings of the court. The court shall specify the terms of disclosure and impose appropriate limitations.

(g) (1) Notwithstanding any other provision of law to the contrary, except as provided in paragraph (6), in the event that child abuse or neglect results in a child fatality or near fatality, reports or records of a child alleged or adjudicated to be in need of care received by the secretary, a law enforcement agency or any juvenile intake and assessment worker shall become a public record and subject to disclosure pursuant to K.S.A. 45-215, and amendments thereto.

(2) Within seven days of receipt of a request in accordance with the procedures adopted under K.S.A. 45-220, and amendments thereto, the secretary shall notify any affected individual that an open records request has been made concerning such records. The secretary or any affected individual may file a motion requesting the court to prevent disclosure of such record or report, or any select portion thereof. Notice of the filing of such motion shall be provided to all parties requesting the records or reports, and such party or parties shall have a right to hearing, upon request, prior to the entry of any order on such motion. If the affected individual does not file such motion within seven days of notification, and the secretary has not filed a motion, the secretary shall release the reports or records. If such motion is filed, the court shall consider the effect such disclosure may have upon an ongoing criminal investigation, a pending prosecution, or the privacy of the child, if living, or the child's siblings, parents or guardians, and the public's interest in the disclosure of such records or reports. The court shall make written findings on the record justifying the closing of the records and shall provide a copy of the journal entry to the affected parties and the individual requesting disclosure pursuant to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.

(3) Notwithstanding the provisions of paragraph (2), in the event that child abuse or neglect results in a child fatality, the secretary shall release the following information in response to an open records request made pursuant to the Kansas open records act, within seven business days of receipt of such request, as allowed by applicable law:

- (A) Age and sex of the child;
 - (B) date of the fatality;
 - (C) a summary of any previous reports of abuse or neglect received by the secretary involving the child, along with the findings of such reports; and
 - (D) any department recommended services provided to the child.
- (4) Notwithstanding the provisions of paragraph (2), in the event that a child fatality occurs while such child was in the custody of the secretary for children and families, the secretary shall release the following

information in response to an open records request made pursuant to the Kansas open records act, within seven business days of receipt of such request, as allowed by applicable law:

- (A) Age and sex of the child;
- (B) date of the fatality; and
- (C) a summary of the facts surrounding the death of the child.

(5) For reports or records requested pursuant to this subsection, the time limitations specified in this subsection shall control to the extent of any inconsistency between this subsection and K.S.A. 45-218, and amendments thereto. As used in this section, “near fatality” means an act that, as certified by a person licensed to practice medicine and surgery, places the child in serious or critical condition.

(6) Nothing in this subsection shall allow the disclosure of reports, records or documents concerning the child and such child’s biological parents that were created prior to such child’s adoption. Nothing herein is intended to require that an otherwise privileged communication lose its privileged character.

Sec. 9. K.S.A. 38-2213 is hereby amended to read as follows: 38-2213. (a) *Principle of limited disclosure.* Information contained in confidential law enforcement records concerning a child alleged or adjudicated to be in need of care may be disclosed as provided in this section. Disclosure shall in all cases be guided by the principle of providing access only to persons or entities with a need for information that is directly related to achieving the purposes of this code.

(b) *Free exchange of information.* Pursuant to K.S.A. 38-2210, and amendments thereto, a law enforcement agency shall participate in the free exchange of information concerning a child who is alleged or adjudicated to be in need of care.

(c) *Access to information in law enforcement records.* In order to discharge their official duties, the following persons or entities shall have access to confidential law enforcement records concerning a child alleged or adjudicated to be in need of care.

(1) The court having jurisdiction over the proceedings, including the presiding judge and any court personnel designated by the judge.

(2) The secretary.

(3) ~~The commissioner of juvenile justice~~ *secretary of corrections.*

(4) Law enforcement officers or county or district attorneys or their staff.

(5) Any juvenile intake and assessment worker.

(6) Members of a court-appointed multidisciplinary team.

(7) *The office of the child advocate pursuant to the child advocate act.*

(8) Any other federal, state or local government executive branch entity, or any agent of such entity, having a need for such information in or-

der to carry out such entity's responsibilities under law to protect children from abuse and neglect.

~~(8)~~(9) Persons or entities allowed access pursuant to ~~subsection (f) of~~ K.S.A. 38-2212(f), and amendments thereto.

(d) *Necessary access.* The following persons or entities shall have access to information from law enforcement records when reasonably necessary to carry out their lawful responsibilities, to maintain their personal safety and the personal safety of individuals in their care, or to educate, diagnose, treat, care for or protect a child alleged or adjudicated to be in need of care. Information authorized to be disclosed in this subsection shall not contain information ~~which~~ *that* identifies a reporter of a child alleged or adjudicated to be a child in need of care.

(1) Any individual, or public or private agency authorized by a properly constituted authority to diagnose, care for, treat or supervise a child who is the subject of a report or record of child abuse or neglect, including physicians, psychiatrists, nurses, nurse practitioners, psychologists, licensed social workers, child development specialists, physician assistants, community mental health workers, alcohol and drug abuse counselors, and licensed or registered child care providers.

(2) School administrators shall have access to but shall not copy law enforcement records and may disclose information to teachers, paraprofessionals and other school personnel as necessary to meet the educational needs of the child or to protect the safety of students and school employees.

(3) The department of health and environment or persons authorized by the department of health and environment pursuant to K.S.A. 65-512, and amendments thereto, for the purposes of carrying out responsibilities relating to licensure or registration of child care providers as required by article 5 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(e) *Legislative access.* Information from law enforcement records of a child alleged or adjudicated to be in need of care shall be available to members of the standing house or senate committee on judiciary, house committee on corrections and juvenile justice, house committee on appropriations, senate committee on ways and means, legislative post audit committee and any joint committee with authority to consider children's and families' issues, when carrying out such member's or committee's official functions in accordance with K.S.A. 75-4319, and amendments thereto, in a closed or executive meeting. Except in limited conditions established by $\frac{2}{3}$ of the members of such committee, records and reports received by the committee shall not be further disclosed. Unauthorized disclosure may subject such member to discipline or censure from the house of representatives or senate.

(f) *Court order.* Notwithstanding the provisions of this section, a court of competent jurisdiction, after in camera inspection, may order disclosure of confidential law enforcement records pursuant to a determination that the disclosure is in the best interests of the child who is the subject of the reports or that the records are necessary for the proceedings of the court and otherwise admissible as evidence. The court shall specify the terms of disclosure and impose appropriate limitations.

Sec. 10. K.S.A. 38-2309 is hereby amended to read as follows: 38-2309. (a) *Official file.* The official file of proceedings pursuant to this code shall consist of the complaint, process, service of process, orders, writs and journal entries reflecting hearings held, judgments and decrees entered by the court. The official file shall be kept separate from other records of the court.

(b) The official file shall be open for public inspection, unless the judge determines that opening the official file for public inspection is not in the best interests of a juvenile who is less than 14 years of age. Information identifying victims and alleged victims of sex offenses, as defined in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. ~~2022 Supp.~~ 21-6419 through 21-6422, and amendments thereto, or human trafficking or aggravated human trafficking, as defined in K.S.A. 21-3446 or 21-3447, prior to their repeal, or K.S.A. ~~2022 Supp.~~ 21-5426, and amendments thereto, shall not be disclosed or open to public inspection under any circumstances. Nothing in this section shall prohibit the victim or alleged victim of any sex offense from voluntarily disclosing such victim's identity. An official file closed pursuant to this section and information identifying the victim or alleged victim of any sex offense shall be disclosed only to the following:

(1) A judge of the district court and members of the staff of the court designated by the judge;

(2) parties to the proceedings and their attorneys;

(3) any individual or any public or private agency or institution: (A) Having custody of the juvenile under court order; or (B) providing educational, medical or mental health services to the juvenile;

(4) the juvenile's court appointed special advocate;

(5) any placement provider or potential placement provider as determined by the commissioner or court services officer;

(6) law enforcement officers or county or district attorneys, or their staff, when necessary for the discharge of their official duties;

(7) the Kansas racing *and gaming* commission, upon written request of the commission chairperson, for the purpose provided by K.S.A. 74-8804, and amendments thereto, except that information identifying the victim or alleged victim of any sex offense shall not be disclosed pursuant to this subsection;

(8) juvenile intake and assessment workers;
(9) ~~the commissioner~~ *secretary of corrections*;
(10) *the office of the child advocate pursuant to the child advocate act*; and

(11) any other person when authorized by a court order, subject to any conditions imposed by the order; ~~and~~

~~(11) the commission on judicial performance in the discharge of the commission's duties pursuant to article 32 of chapter 20 of the Kansas Statutes Annotated, and amendments thereto.~~

(c) *Social file.* (1) Reports and information received by the court, other than the official file, shall be privileged and open to inspection only by *the following*:

(A) Attorneys for the parties;;
(B) juvenile intake and assessment workers;;
(C) ~~court appointed~~ *court-appointed* special advocates;;
(D) juvenile community corrections officers;;
(E) the juvenile's guardian ad litem, if any;;
(F) *the office of the child advocate pursuant to the child advocate act*; ~~or upon~~

(G) *any other person when authorized by the order of a judge of the district court or appellate court.*

(2) The reports shall not be further disclosed without approval of the court or by being presented as admissible evidence.

(d) *Preservation of records.* The Kansas state historical society shall be allowed to take possession for preservation in the state archives of any court records related to proceedings under the Kansas juvenile justice code or the revised Kansas juvenile justice code whenever such records otherwise would be destroyed. The Kansas state historical society shall make available for public inspection any unexpunged docket entry or official file in its custody concerning any juvenile 14 or more years of age at the time an offense is alleged to have been committed by the juvenile. No other such records in the custody of the Kansas state historical society shall be disclosed directly or indirectly to anyone for 70 years after creation of the records, except as provided in subsections (b) and (c). A judge of the district court may allow inspection for research purposes of any court records in the custody of the Kansas state historical society related to proceedings under the Kansas juvenile justice code or the revised Kansas juvenile justice code.

(e) Relevant information, reports and records, shall be made available to the department of corrections upon request, and a showing that the former juvenile has been convicted of a crime and placed in the custody of the secretary of corrections.

Sec. 11. K.S.A. 38-2310 is hereby amended to read as follows: 38-2310. (a) All records of law enforcement officers and agencies and mu-

municipal courts concerning an offense committed or alleged to have been committed by a juvenile under 14 years of age shall be kept readily distinguishable from criminal and other records and shall not be disclosed to anyone except:

(1) The judge of the district court and members of the staff of the court designated by the judge;

(2) parties to the proceedings and their attorneys;

(3) the Kansas department for children and families;

(4) the juvenile's court appointed special advocate, any officer of a public or private agency or institution or any individual having custody of a juvenile under court order or providing educational, medical or mental health services to a juvenile;

(5) any educational institution, to the extent necessary to enable the educational institution to provide the safest possible environment for its pupils and employees;

(6) any educator, to the extent necessary to enable the educator to protect the personal safety of the educator and the educator's pupils;

(7) law enforcement officers or county or district attorneys, or their staff, when necessary for the discharge of their official duties;

(8) the central repository, as defined by K.S.A. 22-4701, and amendments thereto, for use only as a part of the juvenile offender information system established under K.S.A. 38-2326, and amendments thereto;

(9) juvenile intake and assessment workers;

(10) the department of corrections;

(11) juvenile community corrections officers;

(12) the interstate compact for juveniles compact administrator for the purpose of carrying out the responsibilities related to the interstate compact for juveniles;

(13) *the office of the child advocate pursuant to the child advocate act;*

(14) any other person when authorized by a court order, subject to any conditions imposed by the order; and

~~(14)~~(15) as provided in subsection (c).

(b) The provisions of this section shall not apply to records concerning:

(1) A violation, by a person 14 or more years of age, of any provision of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, or of any city ordinance or county resolution which relates to the regulation of traffic on the roads, highways or streets or the operation of self-propelled or nonself-propelled vehicles of any kind;

(2) a violation, by a person 16 or more years of age, of any provision of chapter 32 of the Kansas Statutes Annotated, and amendments thereto; or

(3) an offense for which the juvenile is prosecuted as an adult.

(c) All records of law enforcement officers and agencies and municipal courts concerning an offense committed or alleged to have been com-

mitted by a juvenile 14 or more years of age shall be subject to the same disclosure restrictions as the records of adults. Information identifying victims and alleged victims of sex offenses, as defined in article 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or article 55 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, K.S.A. ~~2022 Supp.~~ 21-6419 through 21-6422, and amendments thereto, or human trafficking or aggravated human trafficking, as defined in K.S.A. 21-3446 or 21-3447, prior to their repeal, or K.S.A. ~~2022 Supp.~~ 21-5426, and amendments thereto, shall not be disclosed or open to public inspection under any circumstances. Nothing in this section shall prohibit the victim or any alleged victim of any sex offense from voluntarily disclosing such victim's identity.

(d) Relevant information, reports and records, shall be made available to the department of corrections upon request and a showing that the former juvenile has been convicted of a crime and placed in the custody of the secretary of corrections.

(e) All records, reports and information obtained as a part of the juvenile intake and assessment process for juveniles shall be confidential, and shall not be disclosed except as provided by statutory law and rules and regulations promulgated by the secretary.

(1) Any court of record may order the disclosure of such records, reports and other information to any person or entity.

(2) The head of any juvenile intake and assessment program, certified by the secretary, may authorize disclosure of such records, reports and other information to:

(A) A person licensed to practice the healing arts who has before that person a juvenile whom the person reasonably suspects may be abused or neglected;

(B) a court-appointed special advocate for a juvenile or an agency having the legal responsibility or authorization to care for, treat or supervise a juvenile;

(C) a parent or other person responsible for the welfare of a juvenile, or such person's legal representative, with protection for the identity of persons reporting and other appropriate persons;

(D) the juvenile, the attorney and a guardian ad litem, if any, for such juvenile;

(E) the police or other law enforcement agency;

(F) an agency charged with the responsibility of preventing or treating physical, mental or emotional abuse or neglect or sexual abuse of children, if the agency requesting the information has standards of confidentiality as strict or stricter than the requirements of the Kansas code for care of children or the revised Kansas juvenile justice code, whichever is applicable;

- (G) members of a multidisciplinary team under this code;
- (H) an agency authorized by a properly constituted authority to diagnose, care for, treat or supervise a child who is the subject of a report or record of child abuse or neglect;
- (I) any individual, or public or private agency authorized by a properly constituted authority to diagnose, care for, treat or supervise a juvenile who is the subject of a report or record of child abuse or neglect, specifically including the following: Physicians, psychiatrists, nurses, nurse practitioners, psychologists, licensed social workers, child development specialists, physician assistants, community mental health workers, addiction counselors and licensed or registered child care providers;
- (J) a citizen review board pursuant to K.S.A. 38-2207, and amendments thereto;
- (K) an educational institution to the extent necessary to enable such institution to provide the safest possible environment for pupils and employees of the institution;
- (L) any educator to the extent necessary for the protection of the educator and pupils;
- (M) any juvenile intake and assessment worker of another certified juvenile intake and assessment program; ~~and~~
- (N) the interstate compact for juveniles compact administrator for the purpose of carrying out the responsibilities related to the interstate compact for juveniles; *and*
- (O) *the office of the child advocate pursuant to the child advocate act.*

Sec. 12. K.S.A. 38-2213, 38-2309 and 38-2310 and K.S.A. 2023 Supp. 38-2211 and 38-2212 are hereby repealed.

Sec. 13. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 22, 2024.

CHAPTER 74

HOUSE BILL No. 2787

AN ACT concerning insurance; relating to the Kansas insurance guaranty association act and the Kansas life and health insurance guaranty association act; updating certain definitions, terms and conditions thereto; establishing continuity of guaranty fund coverage when a policy is transferred from one insurer to another and of guaranty fund coverage related to cybersecurity insurance; including health maintenance organizations as member insurers; broadening the assessment base for long-term care insolvencies; authorizing the commissioner of insurance to reduce the number of members of the association's board of directors; amending K.S.A. 40-2903, 40-2905, 40-2906, 40-2910, 40-3002, 40-3003, 40-3005, 40-3006, 40-3007, 40-3008, 40-3009, 40-3010, 40-3011, 40-3012, 40-3013, 40-3013a, 40-3016 and 40-3018 and repealing the existing sections; also repealing K.S.A. 40-3004.

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

New Section 1. (a) All matters relating to the insolvency or impairment of any member insurer placed under an order of liquidation by a court of competent jurisdiction with a finding of insolvency before the effective date, or for which the association otherwise exercises its powers and duties under K.S.A. 40-3008, and amendments thereto, before July 1, 2024, including past, present and future assessments and credits, shall be governed by the provisions of this act that were in effect before July 1, 2024.

(b) All matters relating to the insolvency or impairment of any member insurer placed under an order of liquidation by a court of competent jurisdiction with a finding of insolvency on or after the effective date of this section, or for which the association otherwise exercises its powers and duties under K.S.A. 40-3008, and amendments thereto, on or after July 1, 2024, shall be governed by the provisions of the act in effect on the date such actions are officially taken.

Sec. 2. K.S.A. 40-2903 is hereby amended to read as follows: 40-2903. As used in this act: (a) "Association" means the Kansas insurance guaranty association created by this act.

(b) "Commissioner" means the commissioner of insurance of ~~this state~~ *Kansas*.

(c) "Covered claim" ~~means~~ *includes the following:*

(1) An unpaid claim, including one for unearned premiums, ~~which~~ *that* arises out of and is within the coverage and not in excess of the applicable limits of an insurance policy to which this act applies issued by an insurer, if such insurer becomes an insolvent insurer after the effective date of this act and:

~~(1)(A)~~ (A) The claimant or insured is a resident of this state at the time of the insured event. For entities other than an individual, the residence of a claimant, insured or policyholder is the state in which the principal place

of business of such claimant, insured or policyholder is located at the time of the insured events; or

~~(2)(B)~~ the claim is a first party claim for damage to property that is permanently located in this state.

(2) *“Covered claim” includes claim obligations that arose through the issuance of an insurance policy by a member insurer, which are later allocated, transferred, merged into, novated, assumed by or otherwise made the sole responsibility of a member or nonmember insurer if:*

(A) *The original member insurer has no remaining obligation on the policy after the transfer;*

(B) *a final order of liquidation with a finding of insolvency has been entered against the insurer that assumed the member’s coverage obligations by a court of competent jurisdiction in the insurer’s state of domicile;*

(C) *the claim would have been a covered claim, as defined in subsection (c)(l), if the claim had remained the responsibility of the original member insurer and the order of liquidation had been entered against the original member insurer with the same claim submission date and liquidation date; and*

(D) *in cases where the member’s coverage obligations were assumed by a nonmember insurer, the transaction received prior regulatory or judicial approval.*

(3) *“Covered claim” shall does not include:*

~~(1)(A)~~ Any amount due any reinsurer, insurer, insurance pool or underwriting association; as subrogation recoveries or otherwise;

~~(2)(B)~~ any amount awarded as punitive or exemplary damages unless such damages were covered under the policy of the insolvent insurer; or

~~(3)(C)~~ any claim by an affiliate of the insolvent insurer.

(d) *“Domiciliary state” means:*

(1) The state in which an insurer is incorporated or organized; or

(2) in the case of an alien insurer, the state of entry of such insurer.

(e) *“Insolvent insurer” means:*

(1) An insurer licensed by the commissioner to transact insurance in this state either at the time the policy was issued or when the insured event occurred; and

(2) determined to be insolvent by a court of competent jurisdiction and against whom a final order of liquidation has been entered by a court of competent jurisdiction in the insurer’s domiciliary state.

(f) *“Member insurer” means any person who ~~(1)~~ is:*

(1) Authorized to write any kind of insurance to which this act applies under K.S.A. 40-2902, and amendments thereto, including the exchange of reciprocal or inter-insurance contracts; and

(2) ~~is~~ licensed by the commissioner to transact insurance in this state. This act shall not apply to those persons transacting business pursuant to the provisions of K.S.A. 40-202, and amendments thereto.

(g) “Net direct written premiums” means first gross premiums written in this state on insurance policies to which this act applies, less return premiums thereon and dividends paid or credited to policyholders on such direct business. “Net direct written premiums” does not include premiums on contracts between insurers or reinsurers.

(h) “Person” means any individual, corporation, partnership, association or voluntary organization.

(i) ~~The provisions of this section, as amended on July 1, 2006, shall apply to all claims which have not been paid prior to April 14, 2005~~ “Cybersecurity insurance,” for purposes of this act, includes first and third-party coverage, in a policy or endorsement, written on a direct, admitted basis for losses and loss mitigation arising out of or relating to data privacy breaches, unauthorized information network security intrusions, computer viruses, ransomware, cyber extortion, identity theft and similar exposures.

Sec. 3. K.S.A. 40-2905 is hereby amended to read as follows: 40-2905. (a) (1) The board of directors of the association shall consist of nine ~~(9)~~ persons, of which three ~~(3)~~ members shall serve terms of one ~~(1)~~ year; (2) three ~~(3)~~ members shall serve terms of two ~~(2)~~ years; and, (3) three ~~(3)~~ members shall serve terms of three ~~(3)~~ years. The members of the board shall be selected by member insurers subject to the approval of the commissioner. ~~The successor of each member serving on the board on July 1, 1976, shall be selected to serve for a term of three (3) years. Vacancies on the board shall be filled for the remaining period of the term in the same manner as the initial appointments. If no members are selected within sixty (60) days after the effective date of this act, the commissioner may appoint the initial members of the board of directors~~ The members of the board of directors serving as of July 1, 2024, shall continue their terms until the expiration of such members’ current terms. Upon expiration of each member’s term, the commissioner shall decide whether to continue such member’s position on the board or reduce the number of members of the board of directors in accordance with paragraph (d).

(b) In approving or continuing selections to the board, the commissioner shall consider among other ~~things~~ criteria, whether all member insurers are fairly represented.

(c) Members of the board may be reimbursed from the assets of the association for expenses incurred ~~by them~~ thereby as members of the board of directors.

(d) On and after January 1, 2025, the board of directors shall consist of not fewer than seven members but not more than nine members appointed in accordance with this paragraph. Members of the board shall be selected by member insurers, subject to the approval of the commissioner. Each member of the board of directors shall serve a term of

three years but shall be removable by the commissioner for inefficiency, neglect of duty or malfeasance.

Sec. 4. K.S.A. 40-2906 is hereby amended to read as follows: 40-2906. (a) In the event of the determination of insolvency and order of liquidation of a licensed insurer after the effective date of this act, the association shall:

(1) Be obligated to the extent of the covered claims existing prior to the determination of insolvency and arising within 30 days after the determination of insolvency, ~~or~~ before the policy expiration date if less than 30 days after the determination, or before the insured replaces the policy or causes ~~its~~ *such policy's* cancellation, if such insured does so within 30 days of the determination, ~~but except that~~ *such obligation shall include only that amount of each covered claim which that* does not exceed the first \$300,000 of any claim, except that the association shall pay the full amount of any covered claim arising out of a workmen's compensation policy. In no event shall the association be obligated to the policyholder or claimant in an amount in excess of the face amount of the policy from which the claim arises. *Additionally, in no event shall the association be obligated to pay an amount in excess of \$300,000 for all first and third-party claims under a policy or endorsement providing, or that is found to provide, cybersecurity insurance coverage and arising out of, or related to, a single insured event, regardless of the number of claims made or the number of claimants;*

(2) be deemed the insurer to the extent of its obligation on the covered claims and to such extent shall have all rights, duties and obligations of the insolvent insurer as if the insurer had not become insolvent;

(3) assess insurers amounts necessary to pay the obligations of the association under subsection (1) subsequent to an insolvency, the expenses of handling covered claims subsequent to an insolvency, ~~and~~ the cost of examinations under K.S.A. 40-2911, and amendments thereto, and other expenses authorized by this act. The assessments of each member insurer shall be in the proportion that the net direct written premiums of the member insurer for the preceding calendar year bears to the net direct written premiums of all member insurers for the preceding calendar year. Each member insurer shall be notified of the assessment not later than 30 days before it is due. No member insurer may be assessed in any year an amount greater than 2% of that member insurer's net direct written premiums for the preceding calendar year. If the maximum assessment, together with the other assets of the association, does not provide in any one year an amount sufficient to make all necessary payments, the funds available shall be prorated, and the unpaid portion shall be paid as soon thereafter as funds become available. The association may exempt or defer, in whole or in part, the assessment of any member insurer, if the assessment would cause the member insurer's financial statement to reflect

amounts of capital or surplus less than the minimum amounts required for a certificate of authority by any jurisdiction in which the member insurer is authorized to transact insurance, or ~~if~~ the commissioner advises the association that such assessment would in such commissioner's opinion, be detrimental to the solvency of a member insurer. Each member insurer may set off against any assessment, authorized payments made on covered claims and expenses incurred in the payment of such claims by the member insurer;

(4) investigate claims brought against the association and adjust, compromise, settle and pay covered claims to the extent of the association's obligation and deny all other claims and may review settlements, releases and judgments to which the insolvent insurer or its insureds were parties to determine the extent to which such settlements, releases and judgments may be properly contested;

(5) notify such persons as the commissioner directs under K.S.A. 40-2908 (b)(1), and amendments thereto;

(6) handle claims through its employees or through one or more insurers or other persons designated as servicing facilities. Designation of a servicing facility is subject to the approval of the commissioner, ~~but~~ *except that* such designation may be declined by a member insurer; *and*

(7) reimburse each servicing facility for obligations of the association paid by the facility and for expenses incurred by the facility while handling claims on behalf of the association and ~~shall~~ pay the other expenses of the association authorized by this act.

(b) The association may:

(1) Employ or retain such persons as are necessary to handle claims, *provide covered policy benefits and service* and perform other duties of the association;

(2) borrow funds necessary to effect the purposes of this act in accordance with the plan of operation;

(3) sue or be sued;

(4) negotiate and become a party to such contracts as are necessary to carry out the purposes of this act;

(5) perform such other acts as are necessary or proper to effectuate the purposes of this act; *or*

(6) refund to the member insurers, in proportion to the contribution of each member insurer to the association, that amount by which the assets of the association exceed the liabilities, if, at the end of any calendar year, the board of directors finds that the assets of the association exceed the liabilities of the association as estimated by the board of directors for the coming year.

(c) The association shall issue to each insurer paying an assessment under this act a certificate of contribution, in a form prescribed by the

commissioner, for the amount so paid. All outstanding certificates shall be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the insurer in its financial statement as an asset in such form and for such amount, if any, and period of time as the commissioner may approve.

(d) Notwithstanding any other provisions of this act:

(1) A covered claim shall not include a claim filed with the association after the earlier of:

(A) ~~Eighteen~~ 18 months after the date of the order of liquidation; or

(B) the final date set by the court for the filing of claims against the liquidator or receiver of an insolvent insurer.

(2) A covered claim shall not include any claim filed with the association or a liquidator for protection afforded under the insured's policy for incurred-but-not-reported losses.

(3) Any obligation of the association to defend an insured on a covered claim shall cease upon the association's:

(A) Payment, by settlement or on a judgment, of an amount equal to the lesser of the association's covered claim obligation limit or the applicable policy limit; or

(B) tender of such amount.

Sec. 5. K.S.A. 40-2910 is hereby amended to read as follows: 40-2910.

(a) Any person having a claim against an insurer under any provision in an insurance policy other than a policy of an insolvent insurer ~~which that~~ is also a covered claim shall be required to exhaust first ~~his~~ *such person's* right under such policy. A claim under an insurance policy shall include a claim under any kind of insurance, whether such claim is a first party or third party claim, and shall include, without limitation, accident and health insurance, workers' compensation, Blue Cross and Blue Shield and all other coverages except for policies of an insolvent insurer *or any right under a life insurance policy*. Any amount payable on a covered claim under this act shall be reduced by the *full applicable limits stated in the other insurance policy or by the* amount of any recovery under such other insurance policy. *The credit shall be reduced by the lesser of the:*

(1) *Association's covered claim limit;*

(2) *amount of the judgment on the settlement of the claim; or*

(3) *policy limits of the insolvent insurer's policy.*

(b) Any person having a claim ~~which that~~ may be recovered under more than one insurance guaranty association or its equivalent shall seek recovery first from the association of the place of residence of the insured ~~except that~~ if it is a first party claim for damage to property with a permanent location; from the association of the location of the property; and if it is a workmen's compensation claim; from the association of the residence of the claimant. Any recovery under this act shall be reduced by

the amount of the recovery from any other insurance guaranty association or its equivalent.

(c) The provisions of this section, ~~as amended~~, shall apply to all claims ~~which~~ *that* have not been paid prior to the effective date of this act.

Sec. 6. K.S.A. 40-3002 is hereby amended to read as follows: 40-3002.

(a) The purpose of this act is to protect, subject to certain limitations, the persons specified in ~~subsection (a) of K.S.A. 40-3003~~, and amendments thereto, against failure in the performance of contractual obligations, under life and health insurance policies and annuity *policies, plans and contracts* specified in ~~subsection (b) of K.S.A. 40-3003~~, and amendments thereto, because of the impairment or insolvency of the member insurer that issued the policies or contracts.

(b) To provide this protection, an association of *member* insurers is created to pay benefits and to continue coverages as limited herein, and members of the association are subject to assessment to provide funds to carry out the purpose of this act.

Sec. 7. K.S.A. 40-3003 is hereby amended to read as follows: 40-3003.

(a) This act shall provide coverage, for the policies, *plans* and contracts specified in subsection (b), for:

(1) Persons who, regardless of where they reside, except for nonresident certificate holders under group policies or contracts, are the beneficiaries, assignees, payees or providers of the persons covered under paragraph (2); and

(2) persons who ~~are owners~~ *policyholders or contract holders* of or certificate holders *or enrollees* under such policies or contracts other than structured settlement annuities, and who *are*:

(A) ~~Are~~ Residents;

(B) ~~are~~ not residents, but only with respect to an annuity contract awarded pursuant to K.S.A. 60-3407 or 60-3409, and amendments thereto, an annuity contract for future economic loss procured pursuant to a settlement agreement in a medical malpractice liability action, as defined by K.S.A. 60-3401, and amendments thereto, or fixed-return accounts of the Kansas public employees deferred compensation plan under K.S.A. 74-49b08 through 74-49b14, and amendments thereto; or

(C) ~~are~~ not residents, but only under all of the following conditions:

(i) The *member* insurers ~~which~~ *that* issued such policies or contracts are domiciled in this state;

(ii) the states in which such persons reside have one or more associations similar to the association created by this act; *and*

(iii) the persons are not eligible for coverage by an association in any other state due to the fact that the insurer *or health maintenance organization* was not licensed in the state at the time specified in the state's guaranty association law.

(3) (A) Paragraphs (1) and (2) ~~of this subsection~~ shall not apply to structured settlement annuities.

(B) Except as provided in paragraphs (4) and (5) ~~of this subsection~~, this act shall provide coverage to a person who is a payee under a structured settlement annuity, or beneficiary of a payee if the payee is deceased, if the payee:

- (i) (a) Is a resident, regardless of where the contract holder resides; or
- (b) is not a resident, but only under both of the following conditions:

(1) The contract holder of the structured settlement annuity is a resident; or

(2) the contract holder of the structured settlement annuity is not a resident; but:

(A) The insurer that issued the structured settlement annuity is domiciled in this state; and

(B) the state in which the contract holder resides has an association similar to the association created by this act; and

(ii) neither the payee or beneficiary nor the contract holder is eligible for coverage by the association of the state in which the payee or contract holder resides.

(4) This act shall not provide coverage to a person who:

(A) Is a payee or beneficiary of a contract holder resident of this state, if the payee or beneficiary is afforded any coverage by the association of another state; or

(B) *acquires rights to receive payments through a structured settlement factoring transaction as defined in 26 U.S.C. 5891(c)(3)(A), regardless of whether the transaction occurred before or after such section became effective.*

(5) This act is intended to provide coverage to a person who is a resident of this state and, in special circumstances, to a nonresident. In order to avoid duplicate coverage, if a person who would otherwise receive coverage under this act is provided coverage under the laws of any other state, the person shall not be provided coverage under this act. In determining the application of the provisions of this paragraph in situations where a person could be covered by the association of more than one state, whether as a *policyholder*, contract holder, payee, *enrollee*, beneficiary or assignee, this act shall be construed in conjunction with other state laws to result in coverage by only one association.

(b) (1) This act shall provide coverage to the persons specified in subsection (a) for *policies or contracts of direct, nongroup life insurance, health, insurance or annuity policies or contracts, annuities and supplemental contracts or unallocated annuity contracts covering individuals participating in a governmental deferred compensation plan established under section 457 of the U.S. internal revenue code pursuant to K.S.A.*

74-49b08 through 74-49b14, and amendments thereto, whether or not a resident, or the beneficiaries of each such individual if deceased, and for certificates under direct group policies and contracts issued by member insurers, except as limited by this act.

(2) *As used in this act, health insurer includes health maintenance organization subscriber contracts and certificates.*

Sec. 8. K.S.A. 40-3005 is hereby amended to read as follows: 40-3005. As used in this act:

(a) “Account” means ~~either~~ *any* of the three accounts created under K.S.A. 40-3006, and amendments thereto;

(b) “association” means the Kansas life and health insurance guaranty association created under K.S.A. 40-3006, and amendments thereto;

(c) “commissioner” means the commissioner of insurance of this state;

(d) “contractual obligation” means any obligation of a policy or contract or certificate under a group policy or contract, or portion thereof, for which coverage is provided under K.S.A. 40-3003, and amendments thereto;

(e) “covered contract” or “covered policy” means any policy or contract ~~within the scope of this act~~ *for which coverage is provided* under K.S.A. 40-3003, and amendments thereto;

(f) “extra-contractual claims” *shall include, for example, claims relating to bad faith in the payment of claims, punitive or exemplary damages or attorney fees and costs;*

(g) “health benefit plan” means *any hospital or medical expense policy or certificate, or health maintenance organization subscriber contract or any other similar health contract. “Health benefit plan” does not include:*

(1) *Accident only insurance;*

(2) *credit insurance;*

(3) *dental only insurance;*

(4) *vision only insurance;*

(5) *medicare supplement insurance;*

(6) *benefits for long-term care, home healthcare, community-based care or any combination thereof;*

(7) *disability income insurance;*

(8) *coverage for on-site medical clinics; and*

(9) *specified disease, hospital confinement indemnity or limited benefit health insurance if the types of coverage do not provide coordination of benefits and are provided under separate policies or certificates;*

(h) “impaired insurer” means a member insurer ~~which, that,~~ after the effective date of this act, is not an insolvent insurer, and is placed under an order of rehabilitation or conservation by a court of competent jurisdiction;

~~(g)(i)~~ (i) “insolvent insurer” means a member insurer ~~which, that,~~ after the effective date of this act, is placed under an order of liquidation by a court of competent jurisdiction with a finding of insolvency;

~~(h)~~(j) “member insurer” means any insurer *or health maintenance organization* licensed or holding a certificate of authority to transact in this state any kind of insurance *or health maintenance organization business* for which coverage is provided under K.S.A. 40-3003, and amendments thereto, and includes any insurer *or health maintenance organization* whose license or certificate of authority in this state may have been suspended, revoked, nonrenewed or voluntarily withdrawn, but does not include:

(1) A hospital or medical service organization regardless of whether such hospital or medical service organization is organized for profit or not-for-profit;

~~(2) a health maintenance organization;~~

~~(3)—~~a fraternal benefit society;

~~(4)~~(3) a mandatory state pooling plan;

~~(5)~~(4) a mutual assessment company or any entity that operates on an assessment basis;

~~(6)~~(5) an insurance exchange, except a reciprocal or interinsurance exchange governed by the provisions of article 16 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto; ~~or~~

(6) *an organization that has a certificate or license limited to the issuance of charitable gift annuities; or*

(7) any entity similar to any of the organizations listed in paragraphs (1) through (6) ~~inclusive~~;

~~(i)~~(k) “Moody’s corporate bond yield average” means the monthly average corporates as published by Moody’s investors service, inc., or any successor thereto;

~~(j)~~(l) “person” means any individual, corporation, partnership, association, voluntary organization or provider;

~~(k)~~(m) “policyholder” and “contract holder” means the person who is identified as the legal owner under the terms of the policy or contract or who is otherwise vested with legal title to the policy or contract through a valid assignment completed in accordance with the terms of the policy or contract and properly recorded as the owner on the books of the *member insurer*. The terms “policyholder” and “contract holder” do not include persons with a mere beneficial interest in a policy or contract;

~~(l)~~(n) “provider” means a person who is entitled to receive compensation for providing medical services to an insured *or enrollee* covered under any health insurance *or health maintenance organization* contract, *certificate* or policy issued by a member insurer, regardless of whether the provider is obligated by statute or by agreement with the member insurer to hold any insured *or enrollee* covered by any health insurance *or health maintenance organization* contract, *certificate* or policy harmless from liability for services;

~~(m)~~(o) “premiums” means amounts received on covered policies or contracts less premiums, considerations and deposits returned thereon, and less dividends and experience credits thereon. Premiums does not include any amounts received for any policies or contracts or for the portions of any policies or contracts for which coverage is not provided under ~~subsection (b) of K.S.A. 40-3003~~, and amendments thereto, except that assessable premiums shall not be reduced on accounts for ~~subsection (n)(3) of K.S.A. 40-3008~~, and amendments thereto, relating to interest limitations and ~~subsection (o)(2) of K.S.A. 40-3008~~, and amendments thereto, relating to limitations with respect to any one life and any one *policyholder or contract holder*. Premiums shall not include:

(1) Any premiums on any unallocated annuity contract; or

(2) any premiums in excess of \$5,000,000 with respect to multiple nongroup policies of life insurance owned by one *policyholder or contract holder*, regardless of the number of policies or contracts held by the *policyholder or contract holder* and regardless of whether:

(A) The *policyholder* is an individual, firm, corporation or other person; and

(B) the persons insured are officers, managers, employees or other persons;

~~(n)~~(p) “resident” means any person who resides in this state at the time a member insurer is determined by court order to be an impaired or insolvent insurer and to whom a contractual obligation is owed. A person may be a resident of only one state, which, in the case of a person other than a natural person, shall be its principal place of business. Citizens of the United States that are either residents of foreign countries or residents of United States possessions, territories or protectorates that do not have an association similar to the association created by this act, shall be deemed residents of the state of domicile of the *member* insurer that issued the policies or contracts;

~~(o)~~(q) “structured settlement annuity” means an annuity purchased in order to fund periodic payments for a plaintiff or other claimant in payment for or with respect to personal injury suffered by the plaintiff or other claimant, but excludes an annuity policy or contract awarded pursuant to K.S.A. 60-3407 or 60-3409, and amendments thereto;

~~(p)~~(r) “supplemental contract” means any written agreement entered into for the distribution of proceeds under a life, health or annuity policy or contract; and

~~(q)~~(s) “unallocated annuity contract” means any annuity contract or group annuity certificate ~~which~~ *that* is not issued to and owned by an individual, except to the extent of any annuity benefits guaranteed to an individual by an insurer under such contract or certificate.

Sec. 9. K.S.A. 40-3006 is hereby amended to read as follows: 40-3006. (a) There is hereby created a nonprofit legal entity to be known as the Kansas life and health insurance guaranty association. All member insurers shall be and remain members of the association as a condition of their *license or authority to transact insurance or health maintenance organization business* in this state. The association shall perform its functions under the plan of operation established and approved under K.S.A. 40-3010, and amendments thereto, and shall exercise its powers through a board of directors established under K.S.A. 40-3007, and amendments thereto. For purposes of administration and assessment, the association shall maintain three accounts:

- (1) ~~The Health insurance~~ account;
- (2) ~~the life insurance~~ account; and
- (3) ~~the annuity~~ account, excluding unallocated annuities.

(b) The association shall come under the immediate supervision of the commissioner and shall be subject to the applicable provisions of the insurance laws of this state. Meetings or records of the association may be opened upon majority vote of the board of directors of the association.

Sec. 10. K.S.A. 40-3007 is hereby amended to read as follows: 40-3007. (a) The board of directors of the association shall consist of not ~~less~~ *fewer* than five nor more than nine member insurers serving terms as established in the plan of operation. The members of the board shall be selected by member insurers subject to the approval of the commissioner. Vacancies on the board shall be filled for the remaining periods of the terms by a majority vote of the remaining board members, subject to the approval of the commissioner. ~~To select the initial board of directors, and initially organize the association, the commissioner shall give notice to all member insurers of the time and place of the organizational meeting. In determining voting rights at the organizational meeting each member insurer shall be entitled to one vote in person or by proxy. If the board of directors is not selected within 60 days after notice of the organizational meeting, the commissioner may appoint the initial members.~~

(b) In approving selections or in appointing members to the board, the commissioner shall consider, among other things, whether all member insurers are fairly represented.

(c) Members of the board may be reimbursed from the assets of the association for expenses incurred by them as members of the board of directors but members of the board shall not otherwise be compensated by the association for their services.

(d) *The terms of each member appointed and serving on the board of directors as of July 1, 2024, shall continue until the expiration of each member's current term. Upon expiration of each member's term, the commissioner shall decide whether to continue each member's position on the*

board or reduce the number of members of the board of directors in accordance with paragraph (e).

(e) On and after January 1, 2025, the board of directors shall consist of not fewer than five but not more than nine members appointed in accordance with this paragraph. Members of the board of directors shall be selected by member insurers subject to the approval of the commissioner. Each member of the board of directors shall be appointed for a term of three years, except that members shall be removable by the commissioner for inefficiency, neglect of duty or malfeasance.

Sec. 11. K.S.A. 40-3008 is hereby amended to read as follows: 40-3008. (a) If a member insurer is an impaired insurer, the association may, in its discretion and subject to any conditions imposed by the association that do not impair the contractual obligations of the impaired insurer and that are approved by the commissioner that:

(1) Guarantee, assume, *reissue* or reinsure, or cause to be guaranteed, assumed, *reissued* or reinsured, any or all of the policies or contracts of the impaired insurer; and

(2) provide such moneys, pledges, loans, notes, guarantees or other means as are proper to effectuate the provisions of paragraph (1) and assure payment of the contractual obligations of the impaired insurer pending action under paragraph (1).

(b) If a member insurer is an insolvent insurer, the association shall, in its discretion, either:

(1) (A) (i) Guarantee, assume, *reissue* or reinsure, or cause to be guaranteed, assumed or reinsured, the policies or contracts of the insolvent insurer; or

(ii) assure payment of the contractual obligations of the insolvent insurer; and

(B) provide such moneys, pledges, loans, notes, guarantees or other means as are reasonably necessary to discharge such duties; or

(2) ~~with respect to life and health insurance policies and annuities policies and contracts,~~ provide benefits and coverages in accordance with subsection (c).

(c) ~~When proceeding under paragraph (2) of subsection (b)(2),~~ the association shall:

(1) Assure payment of benefits for premiums identical to the premiums and benefits, ~~except for terms of conversion and renewability,~~ that would have been payable under the policies or contracts of the insolvent insurer, for claims incurred:

(A) With respect to group policies and contracts, not later than the earlier of the next renewal date under such policies or contracts or 45 days, but in no event less than 30 days, after the date on which the association becomes obligated with respect to such policies and contracts;

(B) with respect to nongroup policies, contracts and annuities not later than the earlier of the next renewal date, if any, under such policies or contracts or one year, but in no event less than 30 days, from the date on which the association becomes obligated with respect to such policies or contracts;

(2) make diligent efforts to provide all known insureds, *enrollees*, annuitants or group policyholders *or contract holders* with respect to group policies and contracts, 30 days' notice of the termination of the benefits provided; and

(3) with respect to nongroup ~~life and health insurance policies and annuities~~ *policies and contracts covered by the association*, make available to each known insured, *enrollee* or annuitant, or owner if other than the insured or annuitant, and with respect to an individual formerly an insured, *enrollee*, or an annuitant under a group policy *or contract* who is not eligible for replacement group coverage, make available substitute coverage on an individual basis in accordance with the provisions of paragraph (4), if the insureds, *enrollees* or annuitants had a right under law or the terminated policy, *contract* or annuity to convert coverage to individual coverage or to continue an individual policy, *contract* or annuity in force until a specified age or for a specified time, during which the insurer *or health maintenance organization* had no right unilaterally to make changes in any provision of the policy, *contract* or annuity or had a right only to make changes in premium by class;

(4) (A) in providing the substitute coverage required under paragraph (3), the association may offer either to reissue the terminated coverage or to issue an alternative policy *or contract at actuarially justified rates*;

(B) alternative or reissued policies *or contracts* shall be offered without requiring evidence of insurability, and shall not provide for any waiting period or exclusion that would not have applied under the terminated policy *or contract*; and

(C) the association may reinsure any alternative or reissued policy *or contract*;

(5) (A) alternative policies *or contracts* adopted by the association shall be subject to the approval of the commissioner. The association may adopt alternative policies *or contracts* of various types for future issuance without regard to any particular impairment or insolvency;

(B) alternative policies *or contracts* shall contain at least the minimum statutory provisions required in this state and provide benefits that shall not be unreasonable in relation to the premiums charged. The association shall set the premiums in accordance with a table of rates ~~which~~ *that it shall adopt*. The premiums shall reflect the amount of insurance *or coverage* to be provided and the age and class of risk of each insured; *or enrollee* but shall not reflect any changes in the health of the insured *or enrollee* after the original policy *or contract* was last underwritten;

(C) any alternative policy or contract issued by the association shall provide coverage of a type similar to that of the policy or contract issued by the impaired or insolvent insurer, as determined by the association;

(6) if the association elects to reissue the insured's terminated coverage at a premium rate different from that charged under the terminated policy or contract, the premium shall be *actuarially justified and* set by the association in accordance with the amount of insurance or coverage provided and the age and class of risk, subject to *prior* approval of the domiciliary insurance commissioner and the receivership court.

(d) The association's obligations with respect to coverage under any policy or contract of the impaired or insolvent insurer or under any reissued or alternative policy or contract shall cease on the date such coverage or policy or contract is replaced by another similar policy or contract by the policyholder or contract holder, the insured, the enrollee or the association.

(e) When proceeding under ~~paragraph (2) of~~ subsection (b)(2) with respect to any policy or contract carrying guaranteed minimum interest rates, the association shall assure the payment or crediting of a rate of interest consistent with subsection ~~(n)(3)~~ (o)(3).

(f) Nonpayment of premiums within 31 days after the date required under the terms of any guaranteed, assumed, alternative or reissued policy or contract or substitute coverage shall terminate the association's obligations under such policy, contract or coverage under this act with respect to such policy, contract or coverage, except with respect to any claims incurred or any net cash surrender value ~~which~~ that may be due in accordance with the provisions of this act.

(g) Premiums due after entry of an order of liquidation of an insolvent insurer shall belong to and be payable at the direction of the association, and the association shall be liable for unearned premiums due to ~~policy or contract owners~~ policyholders or contract holders arising after the entry of such order.

(h) The protection provided by this act shall not apply where any guaranty protection is provided to residents of this state by the laws of the domiciliary state or jurisdiction of the impaired or insolvent insurer other than this state.

(i) In carrying out its duties under subsection (b), the association may, subject to approval by a court in this state:

(1) Impose permanent policy or contract liens in connection with any guarantee, assumption or reinsurance agreement, if the association finds that the amounts ~~which~~ that can be assessed under this act are less than the amounts needed to assure full and prompt performance of the association's duties under this act, or that the economic or financial conditions as they affect member insurers are sufficiently adverse to render

the imposition of such permanent policy or contract liens to be in the public interest; and

(2) impose temporary moratoriums or liens on payments of cash values and policy loans, or any other right to withdraw funds held in conjunction with policies or contracts, in addition to any contractual provisions for deferral of cash or policy loan value. *In addition, in the event of a temporary moratorium or moratorium charge imposed by the receivership court on payment of cash values or policy loans or on any other right to withdraw funds held in conjunction with policies or contracts, out of the assets of the impaired or insolvent insurer, the association may defer the payment of cash values, policy loans or other rights by the association for the period of the moratorium or moratorium charge imposed by the receivership court, except for claims covered by the association to be paid in accordance with a hardship procedure established by the liquidator or rehabilitator and approved by the receivership court.*

(j) *A deposit in this state, held pursuant to law or required by the commissioner for the benefit of creditors, including policyholders or contract holders, not turned over to the domiciliary liquidator upon the entry of a final order of liquidation or order approving a rehabilitation plan of a member insurer domiciled in this state or in a reciprocal state, pursuant to K.S.A. 40-222b, and amendments thereto, shall be promptly paid to the association. The association shall be entitled to retain a portion of any amount so paid equal to the percentage determined by dividing the aggregate amount of policyholders' or contract holders' claims related to that insolvency for which the association has provided statutory benefits by the aggregate amount of all policyholders' or contract holders' claims in this state related to that insolvency and shall remit to the domiciliary receiver the amount so paid to the association less the amount retained pursuant to this subsection. Any amount so paid to the association and retained by such association shall be treated as a distribution of estate assets pursuant to applicable state receivership law dealing with early access disbursements.*

(k) If the association fails to act within a reasonable period of time as provided in subsections (b) and (c), the commissioner shall have the powers and duties of the association under this act with respect to impaired or insolvent insurers.

~~(k)(l)~~ The association may render assistance and advice to the commissioner, upon request, concerning rehabilitation, payment of claims, continuance of coverage or the performance of other contractual obligations of any impaired or insolvent insurer.

~~(l)(m)~~ (1) The association shall have standing to appear or intervene before any court in this state with jurisdiction over:

(A) An impaired or insolvent insurer concerning *that* which the association is or may become obligated under this act; or

(B) any person or property against which the association may have rights through subrogation or otherwise.

(2) Such standing shall extend to all matters germane to the powers and duties of the association, including, but not limited to, proposals for reinsuring, *reissuing* or guaranteeing the covered policies of the impaired or insolvent insurer and the determination of the covered policies or contracts and contractual obligations.

(3) The association shall also have the right to appear or intervene before a court in another state with jurisdiction over an impaired or insolvent insurer for which the association is or may become obligated or with jurisdiction over ~~a third party~~ *any person or property* against whom the association may have rights through subrogation ~~of the insurer's policyholders or otherwise~~.

~~(m)~~(n) (1) Any person receiving benefits under this act shall be deemed to have assigned the rights under, *and* any cause of action relating to, the covered policy or contract to the association to the extent of the benefits received because of this act, whether the benefits are payments of or on account of contractual obligations, continuation of coverage or provision of substitute or alternative *policies, contracts or coverages*. The association may require an assignment to it of such rights and cause of action by any *enrollee*, payee, ~~policy or contract owner~~ *policyholder, contract holder*, beneficiary, insured or annuitant as a condition precedent to the receipt of any right or benefits conferred by this act upon such person.

(2) The subrogation rights of the association under this subsection shall have the same priority against the assets of the impaired or insolvent insurer as that possessed by the person entitled to receive benefits under this act.

(3) In addition to paragraphs (1) and (2), the association shall have all common-law rights of subrogation and any other equitable or legal remedy ~~which that~~ *that* would have been available to the impaired or insolvent insurer or ~~holder of a policy~~ *policyholder* or *contract holder, beneficiary, enrollee or payee of a policy or contract* with respect to such policy or contracts, *including, without limitation, in the case of a structured settlement annuity, any rights of the owner, beneficiary or payee of the annuity, to the extent of benefits received pursuant to this act, against a person originally or by succession responsible for the losses arising from the personal injury relating to the annuity or payment therefor, excepting any such person responsible solely by reason of serving as an assignee regarding a qualified assignment pursuant to 26 U.S.C. § 130.*

(4) *If the preceding provisions of this subsection are invalid or ineffective with respect to any person or claim for any reason, the amount payable by the association with respect to the related covered obligations shall be reduced by the amount realized by any other person with respect*

to the person or claim that is attributable to the policies or contracts, or portion thereof, covered by the association.

(5) *If the association has provided benefits with respect to a covered obligation and a person recovers amounts as to which the association has rights as described in the preceding paragraphs of this subsection, then the person shall pay to the association the portion of the recovery attributable to the policies or contracts, or portion thereof, covered by the association.*

~~(n)(o) The contractual obligations of the impaired or insolvent insurer for which the association becomes, or may become, liable shall be as great as but no greater than the contractual obligations of the impaired or insolvent insurer would have been in the absence of an impairment or insolvency unless such obligations are reduced as permitted by this act but Except for subsection (p), the association shall not provide coverage for:~~

(1) Any portion of a policy or contract not guaranteed by the *member* insurer, or under which the risk is borne by the ~~policy~~ *policyholder* or contract holder;

(2) any policy or contract of reinsurance, unless assumption certificates have been issued;

(3) any portion of a policy or contract to the extent that the rate of interest on which it is based, or the interest rate, crediting rate or similar factor determined by use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value:

(A) Averaged over the period of four years prior to the date on which the association becomes obligated with respect to such policy or contract, exceeds a rate of interest determined by subtracting two percentage points from Moody's corporate bond yield average averaged for that same four-year period or for such lesser period if the policy or contract was issued less than four years before the association became obligated; and

(B) on and after the date on which the association becomes obligated with respect to such policy or contract, exceeds the rate of interest determined by subtracting three percentage points from Moody's corporate bond yield average as most recently available;

(4) any plan or program of an employer, association or similar entity to provide life, health or annuity benefits to its employees or members to the extent that such plan or program is self-funded or uninsured, including, but not limited to, benefits payable by an employer, association or similar entity under:

(A) A multiple employer welfare arrangement as defined in ~~section 3 (40) of the employee retirement income security act of 1974 (, 29 U.S.C. § 1002(40))~~ 29 U.S.C. § 1144;

(B) a minimum premium group insurance plan;

(C) a stop-loss group insurance plan; or

- (D) an administrative services only contract;
- (5) any portion of a policy or contract to the extent that it provides dividends or experience rating credits, *voting rights* or provides that any fees or allowances be paid to any person, including the ~~policy~~ *policyholder* or contract holder, in connection with the service to or administration of such policy or contract;
- (6) any policy or contract issued in this state by a member insurer at a time when it was not licensed or did not have a certificate of authority to issue such policy or contract in this state;
- (7) any unallocated annuity contract, except as provided in ~~subsection (b) of K.S.A. 40-3003~~, and amendments thereto;
- (8) *a portion of a policy or contract to the extent that the assessments required by K.S.A. 40-3009, and amendments thereto, with respect to the policy or contract are preempted by federal or state law;*
- (9) *an obligation that does not arise under the express written terms of the policy or contract issued by the member insurer to the enrollee, certificate holder, contract holder or policyholder, including, without limitation:*
 - (A) *Claims based on marketing materials;*
 - (B) *claims based on side letters, riders or other documents that were issued by the member insurer without meeting applicable policy or contract form filling or approval requirements;*
 - (C) *misrepresentations of or regarding policy or contract benefits;*
 - (D) *extra contractual claims; or*
 - (E) *a claim for penalties or consequential or incidental damages;*
- (10) *a contractual agreement that establishes the member insurer's obligations to provide a book value accounting guaranty for defined contribution benefit plan participants by reference to a portfolio of assets that is owned by the benefit plan or its trustee, and, in each case, is not an affiliate of the member insurer;*
- (11) a policy or contract providing any hospital, medical, prescription drug or other ~~health-care~~ *healthcare* benefits pursuant to part C or part D of subchapter XVIII, chapter 7 of title 42 of the United States code ~~(, commonly known as medicare part C- & and D), or subchapter xix, chapter 7 of title 42 of the United States code, commonly known as medicaid,~~ or any regulations issued pursuant thereto; ~~or~~
- ~~(9)~~ (12) (A) any portion of a policy or contract:
 - (i) To the extent it provides for interest or other changes in value to be determined by the use of an index or other external reference stated in the policy or contract, but which have not been credited to the policy or contract; or
 - (ii) as to which the ~~policy~~ *policyholder* or contract ~~owner's~~ *holder's* rights are subject to forfeiture, as of the date the member insurer becomes an impaired or insolvent insurer under this act, whichever is earlier.

(B) If a policy's or contract's interest or changes in value are credited less frequently than annually, then for purposes of determining the values that have been credited and ~~which~~ are not subject to forfeiture under this paragraph, the interest or change in value determined by using the procedures defined in the policy or contract shall be credited as if the contractual date of crediting interest or changing values was the date of impairment or insolvency, whichever is earlier, and shall not be subject to forfeiture; or

(13) *structured settlement annuity benefits to which a payee or beneficiary has transferred such payee's or beneficiary's rights in a structured settlement factoring transaction, as defined in 26 U.S.C. § 5891(c)(3)(A), regardless of whether the transaction occurred before or after such section became effective.*

(p) *The exclusion from coverage reference in subsection (o)(3) shall not apply to any portion of a policy or contract, including a rider, that provides long-term care or any other health insurance benefits.*

~~(q)~~ The benefits for which the association may become liable shall in no event exceed the lesser of:

(1) The contractual obligations for which the *member* insurer is liable or would have been liable if it were not an impaired or insolvent insurer; or

(2) with respect to any one life, regardless of the number of policies or contracts: (A) \$300,000 in life insurance death benefits, but not more than \$100,000 in net cash surrender and net cash withdrawal values for life insurance;

(B) ~~in~~ for health insurance benefits:

(i) \$100,000 for coverages not defined as disability *income* insurance or ~~basic hospital, medical and surgical insurance or major medical insurance~~ *health benefit plans* or long-term care insurance including any net cash surrender and net cash withdrawal values;

(ii) \$300,000 for disability *income* insurance and \$300,000 for long-term care insurance;

(iii) \$500,000 for ~~basic hospital, medical and surgical insurance or major medical insurance~~ *health benefit plans*;

(C) \$250,000 in the present value of annuity benefits, including net cash surrender and net cash withdrawal values;

(D) with respect to each payee of a structured settlement annuity (or beneficiary or beneficiaries of the payee if deceased), \$250,000 in present value annuity benefits, in the aggregate, including net cash surrender and net cash withdrawal values;

(E) however, in no event shall the association be obligated to cover more than:

~~(1)~~(i) An aggregate of \$300,000 in benefits with respect to any one life as provided in ~~paragraphs subparagraphs~~ (A), (B), (C) and (D) ~~of this~~

subsection except with respect to benefits for ~~basic hospital, medical and surgical insurance and major medical insurance~~ *health benefit plans* under ~~(e) subsection (q)(2)(B)(iii) of this subsection~~, in which case the aggregate liability of the association shall not exceed \$500,000 with respect to any one individual; or

~~(2)(ii)~~ with respect to one ~~owner~~ *holder* of multiple nongroup policies or contracts of life insurance, whether the ~~policy owner~~ *policyholder or contract holder* is an individual, firm, corporation or other person; and whether the persons insured are officers, managers, employees or other persons, more than \$5,000,000 in benefits, regardless of the number of policies and contracts held by the ~~owner~~ *policyholder or contract holder*;

(F) the limitations set forth in this paragraph are limitations on the benefits for which the association is obligated before taking into account either its subrogation and assignment rights or the extent to which those benefits could be provided out of the assets of the impaired or insolvent insurer attributable to covered policies. The costs of the association's obligations under this act may be met by the use of assets attributable to covered policies or reimbursed to the association pursuant to its subrogation and assignment rights;

(G) the guaranty association's limits of liability with respect to the obligations of any impaired or insolvent insurer shall be the limits of liability in effect under this act on the date the guaranty association became liable for that impaired or insolvent insurer;

(H) *for purposes of this act, benefits provided by a long-term care rider to a life insurance policy or annuity contract shall be considered the same type of benefits as the base life insurance policy or annuity contract to which it relates;*

(I) in performing its obligations to provide coverage under this section, the association shall not be required to guarantee, assume, reinsure, *reissue* or perform, or cause to be guaranteed, assumed, reinsured, *reissued* or performed, the contractual obligations of the insolvent or impaired insurer under a covered policy or contract that do not materially affect the economic values or economic benefits of the covered policy or contract.

The provisions of subsection ~~(e)~~(q) shall not apply to annuity contracts for future economic loss procured pursuant to a judgment or settlement agreement in a medical malpractice liability action.

~~(p)~~(r) The association may:

(1) Enter into such contracts as are necessary or proper to carry out the provisions and purposes of this act;

(2) sue or be sued, including taking any legal actions necessary or proper to recover any unpaid assessments under K.S.A. 40-3009, and amendments thereto, and to settle claims or potential claims against it;

(3) borrow money to effect the purposes of this act. Any notes or other evidence of indebtedness of the association not in default shall be legal investments for domestic insurers and may be carried as admitted assets;

(4) employ or retain such persons as are necessary to handle the financial transactions of the association, and to perform such other functions as become necessary or proper under this act;

(5) take such legal action as may be necessary to avoid *or recover* payment of improper claims; or

(6) exercise, for the purposes of this act and to the extent approved by the commissioner, the powers of a domestic life ~~or insurer~~, health insurer *or health maintenance organization*, but in no case may the association issue ~~insurance~~ policies or ~~annuity~~ contracts other than those issued to perform its obligations under this act;

(7) *organize itself as a corporation or in other legal form permitted by the laws of the state;*

(8) *request information from a person seeking coverage from the association in order to aid the association in determining its obligations under this act with respect to the person, and such person shall promptly comply with the request;*

(9) *in accordance with the terms and conditions of the policy or contract, file for actuarially justified rate or premium increases for any policy or contract for which it provides coverage under this act; and*

(10) *take other necessary or appropriate action to discharge its duties and obligations under this act or to exercise its powers under this act.*

~~(q)(s)~~ The association may join an organization of one or more other state associations of similar purposes to further the purposes and administer the powers and duties of the association.

~~(r) The association shall pay any and all persons who, as a provider, may have claims as a result of a member insurer being found insolvent between March 1, 1999 and June 1, 1999.~~

(t) (1) (A) *At any time within 180 days of the date of the order of liquidation, the association may elect to succeed to the rights and obligations of the ceding member insurer that relate to policies, contracts or annuities covered, in whole or in part, by the association, in each case under any one or more reinsurance contracts entered into by the insolvent insurer and its reinsurers and selected by the association. Any such assumption shall be effective as of the date of the order of liquidation. The election shall be effected by the association or the national organization of life and health insurance guaranty associations (NOLHGA), on its behalf, sending written notice with return receipt requested to the affected reinsurers.*

(B) *To facilitate the earliest practicable decision about whether to assume any of the contracts of reinsurance, and in order to protect the financial position of the estate, the receiver and each reinsurer of the ceding*

member insurer shall make available upon request to the association or to NOLHGA on its behalf as soon as possible after commencement of formal delinquency proceedings:

(i) Copies of in-force contracts of reinsurance and all related files and records relevant to the determination of whether such contracts should be assumed; and

(ii) notices of any defaults under the reinsurance contracts or any known event or condition that with the passage of time could become a default under the reinsurance contracts.

(C) The following subparagraphs shall apply to reinsurance contracts so assumed by the association:

(i) The association shall be responsible for all unpaid premiums due under the reinsurance contracts for periods both before and after the date of the order of liquidation and shall be responsible for the performance of all other obligations to be performed after the date of the order of liquidation, in each case relating to policies, contracts or annuities covered, in whole or in part, by the association. The association may charge policies, contracts or annuities covered in part by the association, through reasonable allocation methods, the costs for reinsurance in excess of the obligations of the association and shall provide notice and an accounting of these charges to the liquidator;

(ii) the association shall be entitled to any amounts payable by the reinsurer under the reinsurance contracts with respect to losses or events that occur in periods after the date of the order of liquidation and that relate to policies, contracts or annuities covered, in whole or in part, by the association, provided that, upon receipt of any such amounts, the association shall be obliged to pay to the beneficiary under the policy, contract or annuity on account of which the amounts were paid a portion of the amount equal to the lesser of:

(a) The amount received by the association; and

(b) the excess of the amount received by the association over the amount equal to the benefits paid by the association on account of the policy, contract or annuity less the retention of the insurer applicable to the loss or event.

(iii) Within 30 days following the association's election, the "election date," the association and each reinsurer under contracts assumed by the association shall calculate the net balance due to or from the association under each reinsurance contract as of the election date with respect to policies, contracts or annuities covered, in whole or in part, by the association. Such calculation shall give full credit to all items paid by either the member insurer or its receiver or the reinsurer prior to the election date. The reinsurer shall pay the receiver any amounts due for losses or events prior to the date of the order of liquidation, subject to any set-off

for premiums unpaid for periods prior to the date, and the association or reinsurer shall pay any remaining balance due the other, in each case within five days of the completion of the aforementioned calculation. Any disputes over the amounts due to either the association or the reinsurer shall be resolved by arbitration pursuant to the terms of the affected reinsurance contracts or, if the contract contains no arbitration clause, as otherwise provided by law. If the receiver has received any amounts due the association pursuant to subparagraph (C)(ii), the receiver shall remit such amounts to the association as promptly as practicable.

(iv) If the association or receiver, on the association's behalf, within 60 days of the election date, pays the unpaid premiums due for periods both before and after the election date that relate to policies, contracts or annuities covered, in whole or in part, by the association, the reinsurer shall not be entitled to terminate the reinsurance contracts for failure to pay premiums insofar as the reinsurance contracts relate to policies, contracts or annuities covered, in whole or in part, by the association, and shall not be entitled to set off any unpaid amounts due under other contracts or unpaid amounts due from parties other than the association against amounts due the association.

(2) During the period from the date of the order of liquidation until the election date, or, if the election date does not occur, until 180 days after the date of the order of liquidation:

(A) (i) Neither the association nor the reinsurer shall have any rights or obligations under reinsurance contracts that the association has the right to assume under paragraph (1), whether for periods prior to or after the date of the order of liquidation; and

(ii) the reinsurer, the receiver and the association shall, to the extent practicable, provide each other data and records reasonably requested;

(B) provided that once the association has elected to assume a reinsurance contract, the parties' rights and obligations shall be governed by paragraph (1).

(3) If the association does not elect to assume a reinsurance contract by the election date pursuant to paragraph (1), the association shall have no rights or obligations, in each case for periods both before and after the date of the order of liquidation, with respect to the reinsurance contract.

(4) When policies, contracts or annuities, or covered obligations with respect thereto are transferred to an assuming insurer, reinsurance on the policies, contracts or annuities may also be transferred by the association, in the case of contracts assumed under subsection (t)(1), subject to the following:

(A) Unless the reinsurer and the assuming insurer agree otherwise, the reinsurance contract transferred shall not cover any new policies of insurance, contracts or annuities in addition to those transferred;

(B) *the obligations described in subsection (t)(1) shall no longer apply with respect to matters arising after the effective date of the transfer; and*

(C) *notice shall be given in writing, with return receipt requested, by the transferring party to the affected reinsurer not less than 30 days prior to the effective date of the transfer.*

(5) *The provisions of this subsection shall supersede the provisions of any state law or any affected reinsurance contract that provides for or requires any payment of reinsurance proceeds, on account of losses or events that occur in periods after the date of the order of liquidation, to the receiver of the insolvent insurer or any other person. The receiver shall remain entitled to any amounts payable by the reinsurer under the reinsurance contracts with respect to losses or events that occur in periods prior to the date of the order of liquidation, subject to applicable setoff provisions.*

(6) *Except as otherwise provided in this subsection, nothing in this subsection shall alter or modify the terms and conditions of any reinsurance contract. Nothing in this section shall abrogate or limit any rights of any reinsurer to claim that such reinsurer is entitled to rescind a reinsurance contract. Nothing in this section shall give a policyholder, contract owner, enrollee, certificate holder or beneficiary an independent cause of action against a reinsurer that is not otherwise set forth in the reinsurance contract. Nothing in this section shall limit or affect the association's rights as a creditor of the estate against the assets of the estate. Nothing in this section shall apply to reinsurance agreements covering property or casualty risks.*

(u) *The board of directors of the association shall have discretion and may exercise reasonable business judgment to determine the means by which the association is to provide the benefits of this act in an economical and efficient manner.*

(v) *Where the association has arranged or offered to provide the benefits of this act to a covered person under a plan or arrangement that fulfills the association's obligations under this act, the person shall not be entitled to benefits from the association in addition to or other than those provided under the plan or arrangement.*

(w) *Venue in a suit against the association arising under this act shall be in Shawnee County. The association shall not be required to give an appeal bond in an appeal that relates to a cause of action arising under this act.*

~~(s) Regarding covered policies for which the association becomes obligated after an entry of an order of liquidation, to the extent such contract provides coverage for losses occurring after the date of the order of liquidation, the association may elect to succeed to the rights of the insolvent insurer arising after the order of liquidation under any contract of reinsur-~~

ancee to which the insolvent insurer was a party. As a condition to making such election, the association must pay all unpaid premiums due under the contract for coverage relating to periods before and after the date on which the order of liquidation was entered.

~~(t)~~(x) In carrying out its duties in connection with guaranteeing, assuming, *reissuing* or reinsuring policies or contracts under subsections (a) or (b), ~~subject to approval of the receivership court,~~ the association may issue substitute coverage for a policy or contract that provides an interest rate, crediting rate or similar factor determined by use of an index or other external reference stated in the policy or contract employed in calculating returns or changes in value by issuing an alternative policy or contract in accordance with the following provisions:

(1) In lieu of the index or other external reference provided for in the original policy or contract, the alternative policy or contract provides for:

- ~~(i)~~(A) A fixed interest rate;
- ~~(ii)~~(B) payment of dividends with minimum guarantees; or
- ~~(iii)~~(C) a different method for calculating interest or changes in value.

(2) There is no requirement for evidence of insurability, waiting period or other exclusion that would not have applied under the replaced policy or contract; and

(3) the alternative policy or contract is substantially similar to the replaced policy or contract in all other material terms.

Sec. 12. K.S.A. 40-3009 is hereby amended to read as follows: 40-3009. (a) For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board of directors shall assess the member insurers, separately for each account, at such time and for such amounts as the board finds necessary. Assessments shall be due not less than 30 days after prior written notice to the member insurers and shall accrue interest at 15% per annum on and after the due date.

(b) There shall be two classes of assessments, as follows: (1) Class A assessments shall be made for the purpose of meeting administrative and legal costs and other expenses and examinations conducted under the authority of subsection (e) of K.S.A. 40-3012, and amendments thereto. Class A assessments may be made whether or not related to a particular impaired or insolvent insurer.

(2) Class B assessments shall be made to the extent necessary to carry out the powers and duties of the association under K.S.A. 40-3008, and amendments thereto, with regard to an impaired or an insolvent insurer.

(c) (1) The amount of any class A assessment shall be determined by the board and may be made on a pro rata or non-pro rata basis. If pro rata, the board may provide that it be credited against future class B assessments. ~~A non-pro rata assessment shall not exceed \$300 per member insurer in any one calendar year.~~ The amount of any class B assessment,

except for assessments related to long-term care insurance, shall be allocated for assessment purposes among the accounts pursuant to an allocation formula ~~which~~ *that* may be based on the premiums or reserves of the impaired or insolvent insurer or any other standard deemed by the board in its sole discretion as being fair and reasonable under the circumstances.

(2) *The amount of the class B assessment for long-term care insurance written by the impaired or insolvent insurer shall be allocated according to a methodology included in the plan of operation and approved by the commissioner. The methodology shall provide for 50% of the assessment to be allocated to accident and health member insurers and 50% to be allocated to life and annuity member insurers.*

(3) Class B assessments against member insurers for each account shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies or contracts covered by each account for the three most recent calendar years for which information is available preceding the year in which the *member* insurer became impaired or insolvent, as the case may be, bears to such premiums received on business in this state for such calendar years by all assessed member insurers.

~~(3)~~(4) Assessments for funds to meet the requirements of the association with respect to an impaired or insolvent insurer shall not be made until necessary to implement the purposes of this act. Classification of assessments under subsection (b) and computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determinations may not always be possible.

(d) The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is abated, or deferred in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section. *Once the conditions that caused a deferral have been removed or rectified, the member insurer shall pay all assessments that were deferred pursuant to a repayment plan approved by the association.*

(e) (1) The total of all assessments upon a member insurer for each account shall not in any one calendar year exceed 2% of such *member* insurer's average premiums received in this state on the policies and contracts covered by the account during the three calendar years preceding the years in which the *member* insurer became an impaired or insolvent insurer.

(2) If two or more assessments are authorized in one calendar year with respect to *member* insurers that become impaired or insolvent in

different calendar years, the average annual premiums for purposes of the aggregate assessment percentage limitation referenced in this subsection shall be equal and limited to the higher of the three-year average annual premiums for the applicable account as calculated pursuant to this section.

(3) If the maximum assessment, together with the other assets of the association in any account does not provide in any one year in either account an amount sufficient to carry out the responsibilities of the association, the necessary additional funds shall be assessed as soon thereafter as permitted by this act.

(4) The board may provide in the plan of operation a method of allocating funds among claims, whether relating to one or more impaired or insolvent insurers, when the maximum assessment will be insufficient to cover anticipated claims.

(f) The board, by an equitable method as established in the plan of operation, may refund to member insurers, in proportion to the contribution of each insurer to that account, the amount by which the assets of the account exceed the amount the board finds is necessary to carry out during the coming year the obligations of the association with regard to that account, including assets accruing from assignment, subrogation, net realized gains and income from investments. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the association and for future losses.

(g) It shall be proper for any member insurer, in determining its premium rates and ~~policyowner~~ *policyholder or contract holder* dividends as to any kind of insurance *or health maintenance organization business* within the scope of this act, to consider the amount reasonably necessary to meet its assessment obligations under this act.

(h) The association shall issue to each *member* insurer paying an assessment under this act, other than a class A assessment, a certificate of contribution, in a form prescribed by the commissioner, for the amount of the assessment paid. All outstanding certificates shall be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the *member* insurer in its financial statement as an asset in such form and for such amount, if any, and period of time as the commissioner may approve.

(i) (1) *A member insurer that wishes to protest all or part of an assessment shall pay, when due, the full amount of the assessment as set forth in the notice provided by the association. The payment shall be available to meet association obligations during the pendency of the protest or any subsequent appeal. Payment shall be accompanied by a written statement that the payment is made under protest and shall set forth a brief statement of the grounds for the protest.*

(2) *Within 60 days following the payment of an assessment under protest by a member insurer, the association shall notify the member insurer, in writing, of its determination with respect to the protest unless the association notifies the member insurer that additional time is required to resolve the issues raised by the protest.*

(3) *Within 30 days after a final decision has been made, the association shall notify the protesting member insurer in writing of that final decision. Within 60 days of receipt of notice of the final decision, the protesting member insurer may appeal that final action to the commissioner.*

(4) *As an alternative to rendering a final decision with respect to a protest based on a question regarding the assessment base, the association may refer protests to the commissioner for a final decision, with or without a recommendation from the association.*

(5) *If the protest or appeal on the assessment is upheld, the amount paid in error or excess shall be returned to the member insurer. Interest on a refund due a protesting member insurer shall be paid at the rate actually earned by the association.*

(j) *The association may request information of member insurers in order to aid in the exercise of its power under this section, and member insurers shall promptly comply with a request.*

Sec. 13. K.S.A. 40-3010 is hereby amended to read as follows: 40-3010. (a) (1) The association shall submit to the commissioner a plan of operation and any amendments thereto necessary or suitable to assure the fair, reasonable and equitable administration of the association. The plan of operation and any amendments thereto shall become effective upon the commissioner's written approval or unless the commissioner has not disapproved it within 30 days.

(2) If the association fails to submit a suitable plan of operation within 120 days following the effective date of this act, or, if at any time thereafter the association fails to submit suitable amendments to the plan, the commissioner, after notice and hearing, shall adopt and promulgate such reasonable rules and regulations as are necessary or advisable to effectuate the provisions of this act. Such rules and regulations shall continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.

(b) All member insurers shall comply with the plan of operation.

(c) The plan of operation shall, in addition to requirements enumerated elsewhere in this act:

(1) Establish procedures for handling the assets of the association;

(2) establish the amount and method of reimbursing members of the board of directors under K.S.A. 40-3007, and amendments thereto;

(3) establish regular places and times for meetings, including telephone conference calls, of the board of directors;

(4) establish procedures for records to be kept of all financial transactions of the association, its agents and the board of directors;

(5) establish the procedures whereby selections for the board of directors will be made and submitted to the commissioner;

(6) establish any additional procedures for assessments under K.S.A. 40-3009, and amendments thereto; ~~and~~

(7) contain additional provisions necessary or proper for the execution of the powers and duties of the association;

(8) *establish procedures whereby a director may be removed for cause, including in the case where a member insurer director becomes an impaired or insolvent insurer; and*

(9) *require the board of directors to establish a policy and procedures for addressing conflicts of interests.*

(d) The plan of operation may provide that any or all powers and duties of the association, except those under ~~subsection (p)(3)~~ of K.S.A. 40-3008 and 40-3009, and amendments thereto, are delegated to a corporation, association or other organization ~~which~~ *that* performs or will perform functions similar to those of this association, or its equivalent, in two or more states. Such a corporation, association or organization shall be reimbursed for any payments made on behalf of the association and shall be paid for its performance of any function of the association. A delegation under this subsection shall take effect only with the approval of both the board of directors and the commissioner, and may be made only to a corporation, association or organization ~~which~~ *that* extends protection not substantially less favorable and effective than that provided by this act.

Sec. 14. K.S.A. 40-3011 is hereby amended to read as follows: 40-3011. In addition to the duties and powers enumerated in this act:

(a) The commissioner shall:

(1) Upon request of the board of directors, provide the association with a statement of the premiums in this and any other appropriate state for each member insurer;

(2) when an impairment is declared and the amount of the impairment is determined, serve a demand upon the impaired insurer to make good the impairment within a reasonable time; notice to the impaired insurer shall constitute notice to its shareholders, if any; the failure of the *impaired* insurer to promptly comply with such demand shall not excuse the association from the performance of its powers and duties under this act;

(3) in any liquidation or rehabilitation proceeding involving a domestic insurer, be appointed as the liquidator or rehabilitator.

(b) The commissioner may suspend or revoke, after notice and hearing in accordance with the provisions of the Kansas administrative procedure act, the certificate of authority to transact insurance *business* in this

state of any member insurer ~~which~~ *that* fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative the commissioner may levy a forfeiture on any member insurer ~~which~~ *that* fails to pay an assessment when due. Such forfeiture shall not exceed 5% of the unpaid assessment per month, but ~~no~~ *a* forfeiture shall be *not* less than \$100 per month.

(c) Any *final* action of the board of directors or the association may be appealed to the commissioner by any member insurer if such appeal is taken within 60 days of the final action being appealed. ~~If a member company is appealing an assessment, the amount assessed shall be paid to the association and available to meet association obligations during the pendency of an appeal. If the appeal on the assessment is upheld, the amount paid in error shall be returned to the member insurer.~~ A final action or order of the commissioner shall be subject to judicial review in a court of competent jurisdiction in accordance with the laws of this state that apply to the actions or orders of the commissioner.

(d) The liquidator, rehabilitator or conservator of any impaired insurer may notify all interested persons of the effect of this act.

Sec. 15. K.S.A. 40-3012 is hereby amended to read as follows: 40-3012. To aid in the detection and prevention of *member* insurer impairments or *insolvencies*:

(a) It shall be the duty of the commissioner to:

(1) Notify the commissioners of all other states, territories of the United States and the District of Columbia when the commissioner takes any of the following actions against a member insurer:

(A) Revocation of license or *certificate of authority*;

(B) suspension of license or *certificate of authority*; or

(C) makes any formal order that such ~~company~~ *member insurer* restricts its premium writing, obtain additional contributions to surplus, withdraw from the state, reinsure all or any part of its business, or increase capital, surplus or any other account for the security of policyholders, *contract holders, certificate holders* or creditors.

Such notice shall be mailed to all commissioners within 30 days following the action taken or the date on which such action occurs;

(2) report to the board of directors when the commissioner has taken any of the actions set forth in paragraph (1) ~~of this subsection~~ or has received a report from any other commissioner indicating that any such action has been taken in another state. Such report to the board of directors shall contain all significant details of the action taken or the report received from another commissioner;

(3) report to the board of directors when the commissioner has reasonable cause to believe from any examination, whether completed or in process, of any member company that such ~~company~~ *member insurer* may

be an impaired or insolvent insurer. Such report and information shall be kept confidential by the board of directors until such time as made public by the commissioner or other lawful authority;

(4) furnish to the board of directors the national association of insurance commissioners' insurance regulatory information system ratios and listings of companies not included in the ratios developed by the national association of insurance commissioners, and the board may use the information contained therein in carrying out its duties and responsibilities under this section. Such report and the information contained therein shall be kept confidential by the board of directors until such time as made public by the commissioner or other lawful authority.

(b) The commissioner may seek the advice and recommendations of the board of directors concerning any matter affecting the commissioner's duties and responsibilities regarding the financial condition of member insurers and ~~companies~~ *health maintenance organization* seeking admission to transact ~~insurance~~ business in this state.

(c) The board of directors, upon majority vote, may make reports and recommendations to the commissioner upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member insurer or germane to the solvency of any ~~company~~ *insurer or health maintenance organization* seeking to do ~~any insurance~~ business in this state. Such reports and recommendations shall not be considered public documents.

(d) It shall be the duty of the board of directors, upon majority vote, to notify the commissioner of any information indicating any member insurer may be an impaired or insolvent insurer.

~~(e) The board of directors, upon majority vote, may request that the commissioner order an examination of any member insurer which the board in good faith believes may be an impaired or insolvent insurer. The examination may be conducted as a national association of insurance commissioners' examination or may be conducted by such persons as the commissioner designates. The cost of such examination shall be paid by the association and the examination report shall be treated as are other examination reports. In no event shall such examination report be released to the board of directors prior to its release to the public, but this shall not preclude the commissioner from complying with subsection (a).~~

The commissioner shall notify the board of directors when the examination is completed. The request for an examination shall be kept on file by the commissioner but it shall not be open to public inspection prior to the release of the examination report to the public.

~~(f)~~ The board of directors, upon majority vote, may make recommendations to the commissioner for the detection and prevention of *member* insurer insolvencies.

~~(g) The board of directors, at the conclusion of any insurer insolvency~~

in which the association was obligated to pay covered claims, shall prepare a report to the commissioner containing such information as it may have in its possession bearing on the history and causes of such insolvency. The board shall cooperate with the board of directors of guaranty associations in other states in preparing a report on the history and causes of insolvency of a particular insurer and may adopt, by reference, any report prepared by such other associations.

Sec. 16. K.S.A. 40-3013 is hereby amended to read as follows: 40-3013. (a) Nothing in this act shall be construed to reduce the liability for unpaid assessments of the insureds *or enrollees* of an impaired or insolvent insurer operating under a plan with assessment liability.

(b) Records shall be kept of all negotiations and meetings in which the association or its representatives are involved to discuss the activities of the association in carrying out its powers and duties under K.S.A. 40-3008, and amendments thereto. Records of such negotiations or meetings shall be made public only upon the termination of a liquidation, rehabilitation or conservation proceeding involving the impaired or insolvent insurer, upon the termination of the impairment or insolvency of the *member* insurer, or upon the order of a court of competent jurisdiction. Nothing in this subsection shall limit the duty of the association to render a report of its activities under K.S.A. 40-3014, and amendments thereto.

(c) For the purpose of carrying out its obligations under this act, the association shall be deemed to be a creditor of the impaired or insolvent insurer to the extent of assets attributable to covered policies reduced by any amounts to which the association is entitled as subrogee pursuant to ~~subsection (1) of~~ K.S.A. 40-3008, and amendments thereto. Assets of the impaired or insolvent insurer attributable to covered policies shall be used to continue all covered policies and pay all contractual obligations of the impaired or insolvent insurer as required by this act. Assets attributable to covered policies *or contracts*, as used in this subsection, are that proportion of the assets ~~which~~ *that* the reserves that should have been established for such policies *or contracts* bear to the reserve that should have been established for all policies *or contracts* of insurance *or health benefit plans* written by the impaired or insolvent insurer.

(d) *As a creditor of the impaired or insolvent insurer, as established in subsection (c) and consistent with K.S.A. 40-3635, and amendments thereto, the association and other similar associations shall be entitled to receive a disbursement of assets out of the marshaled assets, from time to time as the assets become available to reimburse it, as a credit against contractual obligations under this act. If the liquidator has not, within 120 days of a final determination of insolvency of a member insurer by the receivership court, made an application to the court for the approval of a proposal to disburse assets out of marshaled assets to guaranty asso-*

ciations having obligations because of the insolvency, then the association shall be entitled to make application to the receivership court for approval of its own proposal to disburse these assets.

(e) (1) Prior to the termination of any liquidation, rehabilitation, or conservation proceeding, the court may take into consideration the contributions of the respective parties, including the association, the shareholders and policyowners, policyholders, contract holders, certificate holders and enrollees of the insolvent insurer, and any other party with a bona fide interest, in making an equitable distribution of the ownership rights of such insolvent insurer. In such a determination, consideration shall be given to the welfare of the policyholders, contract holders, certificate holders and enrollees of the continuing or successor member insurer.

(2) No distribution to stockholders, if any, of an impaired or insolvent insurer shall be made until and unless the total amount of valid claims of the association with interest thereon for funds expended in carrying out its powers and duties under K.S.A. 40-3008, and amendments thereto, with respect to such member insurer have been fully recovered by the association.

(e)(f) (1) If an order for liquidation or rehabilitation of ~~an~~ a member insurer domiciled in this state has been entered, the receiver appointed under such order shall have a right to recover on behalf of the member insurer, from any affiliate that controlled it, the amount of distributions, other than stock dividends paid by the member insurer on its capital stock, made at any time during the five years preceding the petition for liquidation or rehabilitation subject to the limitations of ~~subsections~~ paragraphs (2) ~~to through~~ (4), inclusive.

(2) No such distribution shall be recoverable if the member insurer shows that when paid the distribution was lawful and reasonable, and that the member insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the member insurer to fulfill its contractual obligations.

(3) Any person who was an affiliate that controlled the member insurer at the time the distributions were paid shall be liable up to the amount of distributions such person received. Any person who was an affiliate that controlled the member insurer at the time the distributions were declared, shall be liable up to the amount of distributions such person would have received if such person had been paid immediately. If two or more persons are liable with respect to the same distributions, such person shall be jointly and severally liable.

(4) The maximum amount recoverable under this subsection shall be the amount needed in excess of all other available assets of the insolvent insurer to pay the contractual obligations of the insolvent insurer.

(5) If any person liable under ~~subsection~~ paragraph (3) is insolvent, all its affiliates that controlled it at the time the distribution was paid, shall

be jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

Sec. 17. K.S.A. 40-3013a is hereby amended to read as follows: 40-3013a. (a) No person, including ~~an~~ *a member* insurer, agent or affiliate of ~~an~~ *a member* insurer shall make, publish, disseminate, circulate or place before the public, or cause directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in any newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio station or television station, or in any other way, any advertisement, announcement or statement, written or oral, which uses the existence of the insurance guaranty association of this state for the purpose of sales, solicitation or inducement to purchase any form of insurance or *other coverage* covered by the Kansas life and health insurance guaranty association act. This section shall not apply to the Kansas life and health insurance guaranty association or any other entity ~~which~~ *that* does not sell or solicit insurance or *coverage by a health maintenance organization*.

(b) Within 180 days of the effective date of this act, the association shall prepare a summary document describing the general purposes and current limitations of this act in complying with subsection (c). This *summary* document ~~should~~ *shall* be submitted to the commissioner for approval. Sixty days after receiving such approval, no *member* insurer may deliver a policy or contract ~~described in subsection (b) of K.S.A. 40-3003, and amendments thereto, to a policy or policyholder, contract holder, certificate holder or enrollee unless the summary document is delivered to the policy or policyholder, contract holder prior to or, certificate holder or enrollee at the time of delivery of the policy or contract except if subsection (d) applies.~~ The *summary* document ~~should~~ *shall* also be available upon request by a policyholder, *contract holder, certificate holder or enrollee*. The distribution, delivery or contents or interpretation of this *summary* document shall not mean that either the policy or the contract or the *policyholder, contract holder, certificate holder or enrollee* thereof would be covered in the event of the impairment or insolvency of a member insurer. The ~~description~~ *summary* document shall be revised by the association as amendments to this act may require. Failure to receive this document does not give the policyholder, contract holder, certificate holder, *enrollee* or insured any greater rights than those stated in this act.

(c) The *summary* document prepared under subsection (b) shall contain a clear and conspicuous disclaimer on its face. The commissioner shall promulgate a rule establishing the form and content of the disclaimer. The disclaimer shall:

(1) State the name and address of the life and health insurance guaranty association and insurance department;

(2) prominently warn the ~~policy or~~ *policyholder*, contract holder, *certificate holder or enrollee* that the life and health insurance guaranty association may not cover the *policy or contract* or, if coverage is available, it will be subject to substantial limitations, exclusions and conditioned on continued residence in the state;

(3) *state the types of policies or contracts for which guaranty funds will provide coverage;*

(4) state that the *member insurer* and its agents are prohibited by law from using the existence of the life and health insurance guaranty association for the purpose of sales, solicitation or inducement to purchase any form of insurance *or health maintenance organization coverage;*

~~(4)(5)~~ *emphasize* ~~state that the policy or~~ *policyholder*, contract holder, *certificate holder or enrollee* should not rely on coverage under the life and health insurance guaranty association when selecting an insurer; ~~and~~ *or health maintenance organization;*

(6) *explain rights available and procedures for filing a complaint to allege a violation of any provisions of this act; and*

~~(5)(7)~~ provide other information as directed by the commissioner, including, but not limited to, sources for information about the financial condition of insurers, provided that the information is not proprietary and is subject to disclosure under that state's public records law.

(d) ~~No insurer or agent may deliver a policy or contract described in subsection (b) of K.S.A. 40-3003, and amendments thereto, and excluded under subsection (n)(1) of K.S.A. 40-3008, and amendments thereto, from coverage under this act unless the insurer or agent, prior to or at the time of delivery, gives the policy or contract holder a separate written notice which clearly and conspicuously discloses that the policy or contract is not covered by the life and health insurance guaranty association. The commissioner, by rule, shall specify the form and content of the notice. A member insurer shall retain evidence of compliance with subsection (b) for so long as the policy or contract for which the notice is given remains in effect.~~

Sec. 18. K.S.A. 40-3016 is hereby amended to read as follows: 40-3016. (a) Unless a longer period has been allowed by the commissioner, a member insurer shall at its option have the right to show a certificate of contribution as an asset in the form approved by the commissioner pursuant to ~~subsection (h) of K.S.A. 40-3009, and amendments thereto,~~ at percentages of the original face amount approved by the commissioner, for calendar years as follows:

- (1) ~~One hundred percent~~ 100% for the calendar year of issuance;
- (2) ~~eighty percent~~ 80% for the first calendar year after the year of issuance;
- (3) ~~sixty percent~~ 60% for the second calendar year after the year of issuance;

- (4) ~~forty percent~~40% for the third calendar year after the year of issuance;
- (5) ~~twenty percent~~20% for the fourth calendar year after the year of issuance.

(b) The *member* insurer may offset the amount written off by it in a calendar year under subsection (a) ~~above~~, against its premium tax liability to this state accrued with respect to business transacted in such year.

(c) *A member insurer that is exempt from taxes referenced in subsection (a) may recoup its assessments by a surcharge on its premiums in a sum reasonably calculated to recoup the assessments over a reasonable period of time, as approved by the commissioner. Amounts recouped shall not be considered premiums for any other purpose, including the computation of gross premium tax, the medical loss ratio, or agent commission. If a member insurer collects excess surcharges, the member insurer shall remit the excess amount to the association, and the excess amount shall be applied to reduce future assessments in the appropriate account.*

(d) Any sums acquired by refund, pursuant to ~~subsection (f) of K.S.A. 40-3009~~, and amendments thereto, from the association ~~which that~~ have theretofore been written off by contributing *member* insurers and offset against premium taxes as provided in subsection (b) ~~above~~, and ~~is~~ *are* not then needed for purposes of this act, shall be paid by the association to the commissioner and the commissioner shall remit such moneys 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.

Sec. 19. K.S.A. 40-3018 is hereby amended to read as follows: 40-3018. All proceedings in which the impaired or insolvent insurer is a party in any court in this state shall be stayed ~~60~~ 180 days from the date an order of liquidation, rehabilitation or conservation is final to permit proper legal action by the association on any matters germane to its powers or duties. As to a judgment under any decision, order, verdict or finding based on default the association may apply to have such judgment set aside by the same court that made such judgment and shall be permitted to defend against such suit on the merits.

Sec. 20. K.S.A. 40-2903, 40-2905, 40-2906, 40-2910, 40-3002, 40-3003, 40-3004, 40-3005, 40-3006, 40-3007, 40-3008, 40-3009, 40-3010, 40-3011, 40-3012, 40-3013, 40-3013a, 40-3016 and 40-3018 are hereby repealed.

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

Approved April 22, 2024.

CHAPTER 75

House Substitute for SENATE BILL No. 349

AN ACT concerning the open records act; relating to public records; continuing certain exceptions to the disclosure thereof; amending K.S.A. 41-511 and K.S.A. 2023 Supp. 45-229, 50-6,109a and 74-50,227 and repealing the existing sections.

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

Section 1. K.S.A. 41-511 is hereby amended to read as follows: 41-511. (a) Every express company or other common carrier that delivers any alcoholic liquors from outside the state for delivery in the state to consumers shall prepare and file monthly with the director of alcoholic beverage control a report of known alcoholic liquors shipped by such carrier. The report shall contain: (1) The name of the express company or other common carrier that delivers the alcoholic liquors; (2) the period of time covered by the report; (3) the name and business address of the consignor of such alcoholic liquors; (4) the weight of the package delivered to each consignee; (5) a unique tracking number; and (6) the date of delivery. Except as provided for in subsection (d), all reports submitted pursuant to this subsection shall be open records available for public inspection in accordance with the open records act.

(b) Upon request by the director, any additional records supporting the report shall be made available to the director by any express company or other common carrier. Any records containing information relating to such reports shall be kept and preserved for a period of two years unless the destruction of such records is authorized in writing by the director.

(c) Any express company or other common carrier that willfully fails, neglects or refuses to file any report pursuant to subsection (a) shall be subject to a civil penalty of not more than \$500.

(d) If any of the reports required by subsection (a) include any information relating to the name or address of a consignee of any alcoholic liquors, such information shall be redacted from the reports that are made available for public inspection. ~~The provisions of this subsection providing for the confidentiality of certain public records shall expire on July 1, 2024, unless the legislature reviews and reenacts such provisions in accordance with K.S.A. 45-229, and amendments thereto, prior to July 1, 2024.~~

(e) The provisions of this section shall be a part of and supplemental to the Kansas liquor control act.

Sec. 2. K.S.A. 2023 Supp. 45-229 is hereby amended to read as follows: 45-229. (a) It is the intent of the legislature that exceptions to disclosure under the open records act shall be created or maintained only if:

(1) The public record is of a sensitive or personal nature concerning individuals;

(2) the public record is necessary for the effective and efficient administration of a governmental program; or

(3) the public record affects confidential information.

The maintenance or creation of an exception to disclosure must be compelled as measured by these criteria. Further, the legislature finds that the public has a right to have access to public records unless the criteria in this section for restricting such access to a public record are met and the criteria are considered during legislative review in connection with the particular exception to disclosure to be significant enough to override the strong public policy of open government. To strengthen the policy of open government, the legislature shall consider the criteria in this section before enacting an exception to disclosure.

(b) Subject to the provisions of subsections (g) and (h), any new exception to disclosure or substantial amendment of an existing exception shall expire on July 1 of the fifth year after enactment of the new exception or substantial amendment, unless the legislature acts to continue the exception. A law that enacts a new exception or substantially amends an existing exception shall state that the exception expires at the end of five years and that the exception shall be reviewed by the legislature before the scheduled date.

(c) For purposes of this section, an exception is substantially amended if the amendment expands the scope of the exception to include more records or information. An exception is not substantially amended if the amendment narrows the scope of the exception.

(d) This section is not intended to repeal an exception that has been amended following legislative review before the scheduled repeal of the exception if the exception is not substantially amended as a result of the review.

(e) In the year before the expiration of an exception, the revisor of statutes shall certify to the president of the senate and the speaker of the house of representatives, by July 15, the language and statutory citation of each exception that will expire in the following year that meets the criteria of an exception as defined in this section. Any exception that is not identified and certified to the president of the senate and the speaker of the house of representatives is not subject to legislative review and shall not expire. If the revisor of statutes fails to certify an exception that the revisor subsequently determines should have been certified, the revisor shall include the exception in the following year's certification after that determination.

(f) "Exception" means any provision of law that creates an exception to disclosure or limits disclosure under the open records act pursuant to K.S.A. 45-221, and amendments thereto, or pursuant to any other provision of law.

(g) A provision of law that creates or amends an exception to disclosure under the open records law shall not be subject to review and expiration under this act if such provision:

- (1) Is required by federal law;
- (2) applies solely to the legislature or to the state court system;
- (3) has been reviewed and continued in existence twice by the legislature; or
- (4) has been reviewed and continued in existence by the legislature during the 2013 legislative session and thereafter.

(h) (1) The legislature shall review the exception before its scheduled expiration and consider as part of the review process the following:

- (A) What specific records are affected by the exception;
- (B) whom does the exception uniquely affect, as opposed to the general public;
- (C) what is the identifiable public purpose or goal of the exception;
- (D) whether the information contained in the records may be obtained readily by alternative means and how it may be obtained;

(2) an exception may be created or maintained only if it serves an identifiable public purpose and may be no broader than is necessary to meet the public purpose it serves. An identifiable public purpose is served if the legislature finds that the purpose is sufficiently compelling to override the strong public policy of open government and cannot be accomplished without the exception and if the exception:

- (A) Allows the effective and efficient administration of a governmental program that would be significantly impaired without the exception;
- (B) protects information of a sensitive personal nature concerning individuals, the release of such information would be defamatory to such individuals or cause unwarranted damage to the good name or reputation of such individuals or would jeopardize the safety of such individuals. Only information that would identify the individuals may be excepted under this paragraph; or
- (C) protects information of a confidential nature concerning entities, including, but not limited to, a formula, pattern, device, combination of devices, or compilation of information that is used to protect or further a business advantage over those who do not know or use it, if the disclosure of such information would injure the affected entity in the marketplace.

(3) Records made before the date of the expiration of an exception shall be subject to disclosure as otherwise provided by law. In deciding whether the records shall be made public, the legislature shall consider whether the damage or loss to persons or entities uniquely affected by the exception of the type specified in paragraph (2)(B) or (2)(C) would occur if the records were made public.

(i) (1) Exceptions contained in the following statutes as continued in existence in section 2 of chapter 126 of the 2005 Session Laws of Kansas and that have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-401, 2-1202, 5-512, 9-1137, 9-1712, 9-2217, 10-630, 12-189, 12-1,108, 12-1694, 12-1698, 12-2819, 12-4516, 16-715, 16a-2-304, 17-1312e, 17-2227, 17-5832, 17-7511, 17-76,139, 19-4321, 21-2511, 22-3711, 22-4707, 22-4909, 22a-243, 22a-244, 23-605, 23-9,312, 25-4161, 25-4165, 31-405, 34-251, 38-2212, 39-709b, 39-719e, 39-934, 39-1434, 39-1704, 40-222, 40-2,156, 40-2c20, 40-2c21, 40-2d20, 40-2d21, 40-409, 40-956, 40-1128, 40-2807, 40-3012, 40-3304, 40-3308, 40-3403b, 40-3421, 40-3613, 40-3805, 40-4205, 44-510j, 44-550b, 44-594, 44-635, 44-714, 44-817, 44-1005, 44-1019, 45-221(a)(1) through (43), 46-256, 46-259, 46-2201, 47-839, 47-844, 47-849, 47-1709, 48-1614, 49-406, 49-427, 55-1,102, 58-4114, 59-2135, 59-2802, 59-2979, 59-29b79, 60-3333, 60-3336, 65-102b, 65-118, 65-119, 65-153f, 65-170g, 65-177, 65-1,106, 65-1,113, 65-1,116, 65-1,157a, 65-1,163, 65-1,165, 65-1,168, 65-1,169, 65-1,171, 65-1,172, 65-436, 65-445, 65-507, 65-525, 65-531, 65-657, 65-1135, 65-1467, 65-1627, 65-1831, 65-2422d, 65-2438, 65-2836, 65-2839a, 65-2898a, 65-3015, 65-3447, 65-34,108, 65-34,126, 65-4019, 65-4922, 65-4925, 65-5602, 65-5603, 65-6002, 65-6003, 65-6004, 65-6010, 65-67a05, 65-6803, 65-6804, 66-101c, 66-117, 66-151, 66-1,190, 66-1,203, 66-1220a, 66-2010, 72-2232, 72-3438, 72-6116, 72-6267, 72-9934, 73-1228, 74-2424, 74-2433f, 74-32,419, 74-4905, 74-4909, 74-50,131, 74-5515, 74-7308, 74-7338, 74-8104, 74-8307, 74-8705, 74-8804, 74-9805, 75-104, 75-712, 75-7b15, 75-1267, 75-2943, 75-4332, 75-4362, 75-5133, 75-5266, 75-5665, 75-5666, 75-7310, 76-355, 76-359, 76-493, 76-12b11, 76-12c03, 76-3305, 79-1119, 79-1437f, 79-3234, 79-3395, 79-3420, 79-3499, 79-34,113, 79-3614, 79-3657, 79-4301 and 79-5206.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been reviewed during the 2015 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 17-2036, 40-5301, 45-221(a)(45), (46) and (49), 48-16a10, 58-4616, 60-3351, 72-3415, 74-50,217 and 75-53,105.

(j) (1) Exceptions contained in the following statutes as continued in existence in section 1 of chapter 87 of the 2006 Session Laws of Kansas and that have been reviewed and continued in existence twice by the legislature as provided in subsection (g) are hereby continued in existence: 1-501, 9-1303, 12-4516a, 39-970, 65-525, 65-5117, 65-6016, 65-6017 and 74-7508.

(2) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the

house of representatives pursuant to subsection (e) during 2015 and that have been reviewed during the 2016 legislative session are hereby continued in existence: 12-5611, 22-4906, 22-4909, 38-2310, 38-2311, 38-2326, 40-955, 44-1132, 45-221(a)(10)(F) and (a)(50), 60-3333, 65-4a05, 65-445(g), 65-6154, 71-218, 75-457, 75-712c, 75-723 and 75-7c06.

(k) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been reviewed during the 2014 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 1-205, 2-2204, 8-240, 8-247, 8-255c, 8-1324, 8-1325, 12-17,150, 12-2001, 17-12a607, 38-1008, 38-2209, 40-5006, 40-5108, 41-2905, 41-2906, 44-706, 44-1518, 45-221(a)(44), (45), (46), (47) and (48), 50-6a11, 65-1,243, 65-16,104, 65-3239, 74-50,184, 74-8134, 74-99b06, 77-503a and 82a-2210.

(l) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2016 and that have been reviewed during the 2017 legislative session are hereby continued in existence: 12-5711, 21-2511, 22-4909, 38-2313, 45-221(a)(51) and (52), 65-516, 65-1505, 74-2012, 74-5607, 74-8745, 74-8752, 74-8772, 75-7d01, 75-7d05, 75-5133, 75-7427 and 79-3234.

(m) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) during 2012 and that have been reviewed during the 2013 legislative session and continued in existence by the legislature as provided in subsection (g) are hereby continued in existence: 12-5811, 40-222, 40-223j, 40-5007a, 40-5009a, 40-5012a, 65-1685, 65-1695, 65-2838a, 66-1251, 66-1805, 72-8268, 75-712 and 75-5366.

(n) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) and that have been reviewed during the 2018 legislative session are hereby continued in existence: 9-513c(c)(2), 39-709, 45-221(a)(26), (53) and (54), 65-6832, 65-6834, 75-7c06 and 75-7c20.

(o) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) that have been reviewed during the 2019 legislative session are hereby continued in existence: 21-2511(h)(2), 21-5905(a)(7), 22-2302(b) and (c), 22-2502(d) and (e), 40-222(k)(7), 44-714(e), 45-221(a)(55), 46-1106(g) regarding 46-1106(i), 65-2836(i), 65-2839a(c), 65-2842(d), 65-28a05(n), article 6(d) of 65-6230, 72-6314(a) and 74-7047(b).

(p) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) that have been reviewed during the 2020 legislative session are hereby continued in existence: 38-2310(c), 40-409(j)(2), 40-6007(a), 45-221(a)(52), 46-1129, 59-29a22(b)(10) and 65-6747.

(q) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) that have been reviewed during the 2021 legislative session are hereby continued in existence: 22-2302(c)(4)(J) and (c)(6)(B), 22-2502(e)(4)(J) and (e)(6)(B) and 65-6111(d)(4).

(r) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) that have been reviewed during the 2023 legislative session are hereby continued in existence: 2-3902 and 66-2020.

(s) Exceptions contained in the following statutes as certified by the revisor of statutes to the president of the senate and the speaker of the house of representatives pursuant to subsection (e) that have been reviewed during the 2024 legislative session are hereby continued in existence: 2-3906, 2-3907, 41-511, 50-6,109a and 74-50,227.

Sec. 3. K.S.A. 2023 Supp. 50-6,109a is hereby amended to read as follows: 50-6,109a. (a) The attorney general is hereby given jurisdiction and authority over all matters involving the implementation, administration and enforcement of the provisions of the scrap metal theft reduction act including to:

(1) Employ or appoint agents as necessary to implement, administer and enforce the act;

(2) contract;

(3) expend funds;

(4) license and discipline;

(5) investigate;

(6) issue subpoenas;

(7) keep statistics; and

(8) conduct education and outreach programs to promote compliance with the act.

(b) In accordance with the rules and regulations filing act, the attorney general is hereby authorized to adopt rules and regulations necessary to implement the provisions of the scrap metal theft reduction act.

(c) There is hereby established in the state treasury the scrap metal theft reduction fee fund to be administered by the attorney general. All moneys received by the attorney general from fees, charges or penalties

collected under the provisions of the scrap metal theft reduction act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, who shall deposit the entire amount thereof in the state treasury to the credit of the scrap metal theft reduction fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or the attorney general's designee. All moneys credited to the scrap metal theft reduction fee fund shall be expended for the administration of the duties, functions and operating expenses incurred under the provisions of the scrap metal theft reduction act.

(d) There is hereby established in the state treasury the scrap metal data repository fund to be administered by the director of the Kansas bureau of investigation. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the Kansas bureau of investigation or the director's designee. All moneys credited to the scrap metal data repository fund shall be expended for the administration of the duties, functions and operating expenses incurred under the provisions of the scrap metal theft reduction act.

(e) The attorney general may transfer any moneys from the scrap metal theft reduction fee fund to the scrap metal data repository fund. The attorney general shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(f) On July 1, 2020, the Kansas bureau of investigation shall establish and maintain a database which shall be a central repository for the information required to be provided under K.S.A. 2023 Supp. 50-6,110, and amendments thereto. The database shall be maintained for the purpose of providing information to law enforcement and for any other purpose deemed necessary by the attorney general to implement and enforce the provisions of the scrap metal theft reduction act.

(g) The information maintained in such database by the Kansas bureau of investigation, or by any entity contracting with the Kansas bureau of investigation, submitted to, maintained or stored as part of the system may be provided to the attorney general and shall:

(1) Be confidential, shall only be used for investigatory, evidentiary or analysis purposes related to criminal violations of city, state or federal law and shall only be released to law enforcement in response to an official investigation or as permitted in subsection (f); and

(2) not be a public record and shall not be subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. ~~The provisions of this subsection shall expire on July 1, 2024, unless the legisla-~~

ture reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto.

(h) On or before February 1, 2021, and annually on or before February 1 thereafter, the attorney general shall submit a report to the president of the senate, the speaker of the house of representatives and the standing committees on judiciary in the senate and the house of representatives on the implementation, administration and enforcement of the provisions of the scrap metal theft reduction act.

(i) Any entity contracting with the attorney general or the Kansas bureau of investigation to provide or maintain the database required by this section shall not require a scrap metal dealer to contract with such entity for the authority to release proprietary or confidential data, including, but not limited to, customer information. Such entity shall not charge any fee to the scrap metal dealer as a condition of providing information to the database as required by the scrap metal theft reduction act, including, but not limited to, a fee for electronic submission of information.

(j) A scrap metal dealer providing information to the database as required by the scrap metal theft reduction act shall not be subject to civil liability for any claim arising from the negligence or omission by the state of Kansas or any contracting entity in the collection, storing or release of information provided by such scrap metal dealer to the database.

Sec. 4. K.S.A. 2023 Supp. 74-50,227 is hereby amended to read as follows: 74-50,227. (a) The department of commerce shall collect incentive data from economic development incentive programs that provide more than \$50,000 of annual incentives from administering agencies as required by this section. Such data shall be collected from administering agencies and be stored in a database that is available to the public in a digital format. The database shall contain information from multiple years and must be searchable, printable and available to access over the internet on the department of commerce's website on a permanently accessible web page that may be accessed via a conspicuous link to that web page placed on the front page of the department's website. Information included in the database shall be updated by the department of commerce on an annual basis and such update shall be completed prior to the end of the following fiscal year in which such incentive was earned or distributed.

(b) The database required to be created by subsection (a) shall contain the following information or shall contain a link by which the user can access such information:

(1) User information for each economic development incentive program, including the:

(A) Names and addresses, including county, of recipients receiving benefits from the program and, for sales tax and revenue bonds

issued under the STAR bond financing act, K.S.A. 12-17,162 et seq., and amendments thereto, the names of principals and officers for each project developer;

(B) annual amount of incentives claimed, distributed to or received by each recipient and any remaining balance of the total amount of incentives claimed or awarded to the recipient;

(C) qualification criteria for the economic development incentive program, including, if available, qualification criteria specific to the recipient. Qualification criteria shall include, but not be limited to, any requirements regarding the number of jobs created or the amount of initial or annual capital improvement;

(D) required benchmarks for continued participation in the economic development incentive program and progress made toward the benchmarks; and

(E) years for which the recipient has received benefits under the economic development incentive program;

(2) descriptive information for each economic development program, which shall include:

(A) A description and history of the program, including its inception date;

(B) the purpose or goals of the program and the criteria for qualification;

(C) applications for the program, if any, and relevant resources or contacts;

(D) the program cost and return on investment, including assumptions used to calculate the return on investment;

(E) the program compliance rate;

(F) annual reports, if required by statute; and

(G) evaluations of the program, if any; and

(3) annual data, which shall be organized by recipient, county and program and shall include the:

(A) Total amount of annual incentives from a program claimed or received by a recipient;

(B) total amount of incentives received by recipients in each county; and

(C) total amount of incentives distributed by each program.

(c) Data collected pursuant to this section must be aggregated and provided by program, recipient and county.

(d) Except as otherwise provided in this subsection, and notwithstanding any information publication requirements listed in this section, no information shall be disclosed by the secretary of commerce under this section if such disclosure would:

(1) Violate any federal law;

(2) violate the confidentiality provisions of any agreement executed before July 1, 2019;

(3) in the discretion of the secretary of commerce, be detrimental to the development of a STAR bond project or jeopardize an economic development incentive program or project; or

(4) disclose the names or other personally identifying information of individuals who have made contributions or investments pursuant to the provisions of an economic development incentive program for the purpose of receiving a tax credit.

Information that is otherwise publicly available shall not be considered confidential and shall be subject to publication as provided in this section.

(e)(1) The secretary of commerce shall report in writing to the standing committee on commerce, labor and economic development of the house of representatives and the standing committee on commerce of the senate any information not disclosed by the secretary pursuant to subsection (d)(3) and the reason the information was not disclosed. Any testimony or oral presentation before the committee or discussion by the committee with respect to the report shall be considered the discussion of data relating to financial affairs or trade secrets of corporations, partnerships, trusts, and individual proprietorships pursuant to the provisions of K.S.A. 75-4319(b)(4), and amendments thereto, for purposes of the Kansas open meetings act, and shall be closed to the public.

(2) The report of the secretary pursuant to subsection (e)(1) shall be confidential and shall not be subject to the provisions of the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto, *except that two years after the report is submitted to a legislative committee, such report shall be a public record open for inspection under the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto.* ~~The provisions of this paragraph shall expire on July 1, 2024, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2024.~~

Sec. 5. K.S.A. 41-511 and K.S.A. 2023 Supp. 45-229, 50-6,109a and 74-50,227 are hereby repealed.

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

Approved April 23, 2024.

CHAPTER 76

House Substitute for SENATE BILL No. 143

AN ACT concerning elevators; relating to the elevator safety act; redefining the term elevator; modifying the requirements for licensure, inspection and testing of elevators and adoption of rules and regulations by the state fire marshal; permitting inspections by insurance companies; requiring notification to the state fire marshal of certain elevator accidents; prohibiting the use of elevators following such accidents until approved by the state fire marshal; providing for the use of labels by the state fire marshal to affix to elevators not authorized for use; providing that failure to notify the state fire marshal of an accident; removing an affixed label or operating an elevator in violation of an affixed label constitutes class A nonperson misdemeanors; removing requirements that inspections be conducted only by licensed elevator inspectors and providing that licensed elevator mechanics or the employees of licensees may conduct such inspections; establishing educational and testing licensing options for elevator inspectors; amending K.S.A. 2023 Supp. 44-1802, 44-1805, 44-1807, 44-1815, 44-1816 and 44-1819 and repealing the existing sections.

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

New Section 1. (a) No regular routine inspection shall be required when an owner or user of an elevator:

(1) Obtains an inspection by an insurance company licensed to do business in the state and that is rated by the AM Best insurance industry rating services agency at a rating of B or better or the equivalent rating by another national insurance industry rating services agency;

(2) obtains a policy of insurance from such company for the elevator;

(3) files with the state fire marshal a certificate of inspection by an insurance company inspector and a statement that such elevator is insured; and

(4) pays an administrative fee to the state fire marshal of not to exceed \$100.

(b) This section shall be a part of and supplemental to the elevator safety act.

New Sec. 2. (a) An owner of an elevator shall notify the state fire marshal of any accident possibly involving an elevator malfunction resulting in death, personal injury or property damage in excess of \$1,000 involving such elevator on or before the close of business on the next business day following the accident. Such elevator involved shall not operate until the state fire marshal has conducted an investigation of the accident and approved the operation of the elevator. The state fire marshal shall investigate the cause of any such elevator accident resulting in death, personal injury or property damage in excess of \$1,000 that may occur in the state, the loss of life, the injuries sustained and such other data as may be of benefit in preventing similar accidents.

(b) Any owner of an elevator who fails to notify the state fire marshal of an accident as required by subsection (a) or causes the operation of an

elevator after such an accident and prior to the approval of the state fire marshal as prohibited by subsection (a) shall be guilty of a class A nonperson misdemeanor.

(c) This section shall not apply to any escalator.

(d) This section shall be a part of and supplemental to the elevator safety act.

New Sec. 3. (a) The state fire marshal shall adopt a suitable label to be prominently affixed to the doors of any elevator if the state fire marshal determines that continued operation of such elevator would jeopardize public safety. Such label shall provide notice that the elevator is not certified for operation and that it is unlawful for any unauthorized person to operate such elevator or remove such label.

(b) Any unauthorized person who operates an elevator that has a label affixed to such elevator as provided by subsection (a) or removes such a label from an elevator shall be guilty of a class A nonperson misdemeanor.

(c) This section shall be a part of and supplemental to the elevator safety act.

Sec. 4. K.S.A. 2023 Supp. 44-1802 is hereby amended to read as follows: 44-1802. As used in K.S.A. 2023 Supp. 44-1801 through 44-1820, and amendments thereto:

(a) “Act” means the elevator safety act.

(b) “Board” means the elevator safety advisory board.

(c) (1) “Elevator” means any device for lifting or moving people, cargo or freight within, or adjacent and connected to, a structure or excavation, including, ~~but not limited to,~~ an escalator, ~~power-driven stairway, moving walkway or stairway chair lift.~~

(2) The term “elevator” does not mean any:

(A) Amusement ride or other device subject to the Kansas amusement ride act, K.S.A. 44-1601 et seq., and amendments thereto;

(B) *any power-driven stairway, moving walkway or stairway chair lift;*

(C) mining equipment;

~~(C)(D)~~ (D) aircraft, railroad car, boat, barge, ship, truck or other self-propelled vehicle or component thereof;

~~(D)(E)~~ (E) a dumbwaiter, conveyor, chain or bucket hoist, construction hoist or similar device used for the primary purpose of elevating or lowering materials;

~~(E)(F)~~ (F) boiler grate stoker or other similar firing mechanism subject to the boiler safety act, K.S.A. 44-913 et seq., and amendments thereto; or

~~(F)(G)~~ (G) lift, manlift, belt manlift, chain hoists, climb assists, special purpose personnel elevator, automated people mover or similar device in wind turbine towers, grain elevators, grain warehouses, seed processing facilities, grain processing facilities, biofuel processing facilities, feed

mills, flour mills or any similar pet food, feed or agricultural commodity processing facilities.

(d) “Elevator apprentice” means an individual who works under the supervision or general direction of a licensed elevator mechanic.

(e) “Elevator contractor” means a sole proprietorship, firm, partnership, corporation or association that is engaged in the business of erecting, constructing, installing, altering, servicing, repairing or maintaining elevators.

(f) “Elevator inspector” means an individual engaged in the business of inspecting elevators.

(g) “Elevator mechanic” means an individual engaged in the business of erecting, constructing, installing, altering, *inspecting*, servicing, repairing or maintaining elevators under the direct supervision of an elevator contractor.

(h) “Licensee” means an elevator contractor, inspector or mechanic who is licensed pursuant to this act.

Sec. 5. K.S.A. 2023 Supp. 44-1805 is hereby amended to read as follows: 44-1805. (a) No individual shall erect, construct, alter, replace, *inspect*, maintain, remove or dismantle any elevator contained within a building or other structure in this state or wire any elevator from the mainline feeder terminals on the controller unless such individual is a licensed elevator mechanic ~~and or such individual is working under the direct supervision of a licensed elevator contractor~~ *employed and directed by a licensee*. An elevator mechanic’s license or elevator contractor’s license is not required for removing or dismantling elevators that are destroyed as a result of a complete demolition of a secured building or structure, or where the hoistway or wellway is demolished back to the basic support structure whereby no access is permitted therein to endanger the safety and welfare of a person.

(b) No individual shall inspect any elevator within a building or other structure in this state, including, but not limited to, private residences, unless such individual is a licensed elevator inspector *or mechanic or is employed by a licensee*. *No licensed elevator mechanic or employee of such a licensee shall inspect work that was performed on an elevator by that individual*. This subsection shall not apply to any individual employed as an elevator inspector by a city or county who performs inspections only while engaged in the performance of such individual’s duties as an employee of such city or county.

(c) No individual, firm, partnership, corporation, association or other entity shall erect, alter, replace, maintain, remove, dismantle or operate any elevator in this state or construct any elevator for use in this state in violation of this act or rules and regulations adopted pursuant thereto.

(d) (1) All elevators shall conform to the rules and regulations adopted pursuant to this act. Where any material alteration is made *to an*

~~elevator, the~~ or an elevator is installed or reinstalled, such elevator shall conform to applicable requirements of the code. ~~All other elevators shall conform to the applicable requirements of the code in effect on the date such elevator was installed.~~

(2) Nothing in this act shall be construed so as to prevent the use, sale or reinstallation of an elevator installed in this state prior to ~~the effective date of this act~~ July 1, 2024, provided that such elevator has been made to conform to the rules and regulations adopted pursuant to this act as provided by paragraph (1) and has not been found upon inspection to be in an unsafe condition or in violation of this act or rules and regulations adopted pursuant thereto as provided by paragraph (1).

(3) For purposes of this subsection, “material alteration” means alterations to an elevator that constitute a change to more than 49% of such elevator.

Sec. 6. K.S.A. 2023 Supp. 44-1807 is hereby amended to read as follows: 44-1807. (a) (1) Any individual, firm, partnership, corporation, association or other entity wishing to engage in the business of installing, altering, *inspecting*, servicing, replacing or maintaining elevators shall make application for an elevator contractor’s license in such form and manner as prescribed by the state fire marshal and shall pay the required initial application fee, which shall not exceed \$500. An applicant shall demonstrate that such applicant employs ~~a licensed one or more elevator mechanic or mechanics~~ to perform the work described in K.S.A. 2023 Supp. 44-1805, and amendments thereto, and shall provide proof of compliance with the insurance requirements set forth in K.S.A. 2023 Supp. 44-1808, and amendments thereto.

(2) Any individual wishing to engage in installing, altering, *inspecting*, repairing or servicing of elevators shall make application for an elevator mechanic’s license in such form and manner as prescribed by the state fire marshal and shall pay the required initial application fee, which shall not exceed \$150.

(3) *In the alternative to an application pursuant to paragraph (2)*, any individual wishing to engage in the business of inspecting elevators shall make application for an elevator inspector’s license in such form and manner as prescribed by the state fire marshal and shall pay the required initial application fee, which shall not exceed \$250. An applicant shall provide proof of compliance with the insurance requirements set forth in K.S.A. 2023 Supp. 44-1808, and amendments thereto.

(b) No license shall be issued to any applicant that has not demonstrated the requisite qualifications and abilities required by this act and rules and regulations adopted pursuant thereto. Upon the state fire marshal’s approval of an application as having met the requirements for licensure, the state fire marshal shall issue a license. Such

license shall be valid for a period of two years and shall be renewable biennially upon submission of a renewal application and payment of the required renewal application fee, which shall not exceed the initial application fee.

(c) An elevator mechanic license shall be issued, upon application, to an applicant that:

(1) Holds a certificate of completion from the national association of elevator contractors certified elevator technician certification program, national elevator industry education apprenticeship program or other equivalent nationally approved apprenticeship program;

(2) *holds a certificate of completion of an elevator technician program provided through a postsecondary educational institution or other similar program, or passes an equivalency examination prepared by the state fire marshal;*

(3) holds a valid license from a state having standards substantially equal to those of this act and the rules and regulations adopted pursuant thereto; or

(4) those persons who can demonstrate within the first year following enactment that such person has worked as an elevator mechanic without supervision for at least ~~8,000~~ 4,000 hours within six years prior to the date of application.

(d) *An elevator inspector license shall be issued, upon application, to an applicant that:*

(1) *Holds a certification as an elevator inspector from the American national standards institute; or*

(2) *holds a certificate of completion of an elevator inspector program provided through a postsecondary educational institution or similar program or passes an equivalency examination prepared by the state fire marshal.*

(e) An elevator contractor's license may be issued, upon application, to an applicant that holds a valid license from a state having standards substantially equal to those of this act and rules and regulations adopted pursuant thereto.

~~(e)~~(f) An elevator apprentice is not required to hold a license.

~~(f)~~(g) Any city or county that has adopted requirements and standards that meet or exceed the requirements and standards of this act and any rules and regulations adopted pursuant thereto may issue an elevator contractor's license or elevator mechanic's license in accordance with such requirements and standards. Any such license shall specify that it is issued by such city or county. No such license shall be issued in lieu of any license issued by the state fire marshal or authorize the licensee to perform work as an elevator contractor or elevator mechanic outside the jurisdiction of the issuing city or county.

Sec. 7. K.S.A. 2023 Supp. 44-1815 is hereby amended to read as follows: 44-1815. (a) It shall be the responsibility of the owner of any new or existing elevator or the owner's agent to have such elevator inspected ~~annually~~ by a licensed elevator inspector, *licensed elevator mechanic or an employee of a licensee or an insurance company inspector as provided in section 1, and amendments thereto*. Such inspection shall occur for all elevators once within three years of the effective date of this act and every year thereafter for elevators located within a county with a population of 100,000 or more, every two years thereafter for elevators located within a county with a population of 50,000 or more and every three years thereafter for elevators located in all other counties. Upon such inspection, the ~~licensed elevator inspector~~ *licensee or the employee of such licensee or the insurance company inspector* shall provide the owner of the elevator or the owner's agent, the owner or lessee of the property where such elevator is located and the state fire marshal with a written inspection report describing any and all code violations. The owner of the elevator or the owner's agent shall have 30 days from the date of the inspection report to be in full compliance by correcting such violations. The state fire marshal may grant additional 30-day extensions of time if the state fire marshal determines good cause has been shown and the safety of the public will not be endangered.

(b) It shall be the responsibility of the owner of any elevator or the owner's agent to have a licensed elevator contractor, *licensed elevator mechanic or an employee of such a licensee* conduct ~~all required any tests at the intervals required by~~ *in accordance with this act and rules and regulations adopted pursuant thereto*. ~~All tests shall be performed by a licensed elevator mechanic when such tests are necessary based on the findings and conclusions in a written inspection report, except that load tests shall be performed on all elevators every six years, including, if the elevator maintenance agreement does not include any provision for load testing, elevators otherwise exempt from the requirements of this section pursuant to subsection (c)(2). Such load tests may be performed by a licensed elevator mechanic, licensed elevator contractor, employee of such a licensee or an insurance company inspector. The first load test required pursuant to this section shall be as follows:~~

(1) *For elevators installed on and after July 1, 2024, within six years of the date of installation; and*

(2) *for elevators installed prior to July 1, 2024, within six years of July 1, 2024.*

(c) This section shall not apply to:

(1) Any elevator located in a city or county that has adopted requirements or standards that meet or exceed the requirements or standards of this act and any rules and regulations adopted pursuant thereto; or

(2) *except for the performance of load tests as required by subsection (b), any elevator that is subject to an elevator maintenance agreement between the owner or the owner's agent of such elevator and a licensee.*

Sec. 8. K.S.A. 2023 Supp. 44-1816 is hereby amended to read as follows: 44-1816. (a) For any elevator installed prior to July 1, ~~2022~~ 2024, the owner of the elevator or the owner's agent shall apply for a certificate of operation on or before July 1, ~~2023~~ 2025. Such application shall be in such form and manner as prescribed by the state fire marshal and shall include a copy of the most recent inspection report required pursuant to K.S.A. 2023 Supp. 44-1815, and amendments thereto, *a copy of the elevator maintenance agreement if the elevator is exempt from the inspection requirement pursuant to K.S.A. 2023 Supp. 44-1815(d)(2), and amendments thereto, or a copy of the certification provided by an insurance company documenting an inspection by an insurance company inspector as provided by section 1, and amendments thereto,* and payment of the required application fee, ~~which that~~ shall not exceed \$100.

(b) For any elevator installed on or after July 1, ~~2022~~ 2024, and prior to January 1, ~~2023~~ 2025, the owner of such elevator or the owner's agent shall apply for a certificate of operation within six months after such elevator is placed into operation. Such application shall be in such form and manner as prescribed by the state fire marshal and shall include a certification by the licensed elevator contractor that such installation was performed in compliance with the applicable provisions of this act and rules and regulations adopted pursuant thereto and payment of the required application fee, which shall not exceed \$100.

(c) On and after January 1, ~~2023~~ 2025, before a newly installed elevator may be placed into operation, the licensed elevator contractor that performed the new installation shall apply for a certificate of operation. Such application shall be in such form and manner as prescribed by the state fire marshal and shall include a certification by the licensed elevator contractor that such installation was performed in compliance with the applicable provisions of this act and rules and regulations adopted pursuant thereto and payment of the required application fee, which shall not exceed \$100.

(d) The state fire marshal shall grant applications and renewal applications for certificates of operation if the state fire marshal finds the applicant has demonstrated to the state fire marshal's satisfaction that all applicable provisions of this act and rules and regulations adopted pursuant thereto have been met, the elevator will be operated in accordance with the rules and regulations adopted pursuant to this act and operation of the elevator will not present a danger to the public.

(e) (1) A certificate of operation shall be valid ~~for one year~~ from the date of issuance ~~and or renewal until the date that is 30 days after the date~~

of the inspection occurring within three years of the effective date of this act as provided by K.S.A. 44-1815(a), and amendments thereto. Upon receiving a renewal application for a certificate of operation that will expire as provided by this subsection, the state fire marshal shall extend the valid date of the certificate of operation until such time as the state fire marshal has made a determination on the renewal application. If the renewal application is granted, the certificate of operation for such elevator shall be valid until the date that is 30 days from the date of the subsequent inspection of such elevator as required by K.S.A. 44-1815(a), and amendments thereto. Certificates of operation newly issued after three years from the effective date of this act shall be valid until the date that is 30 days from the date of inspection performed as required by K.S.A. 44-1815(a), and amendments thereto. Certificates of operation may be renewed upon application submitted to the state fire marshal and payment of the required renewal fee, which shall not exceed the initial application fee. An application for a renewal certificate shall be accompanied by ~~an~~ a copy of the most recent inspection report for an inspection performed within the immediately preceding 12 months, the date of installation of the elevator and a certification that a load test has been performed on such elevator when required by K.S.A. 44-1815, and amendments thereto, the results of the load test and the date such test was performed.

(2) A certificate of operation for an elevator not subject to inspection requirements pursuant to K.S.A. 44-1815(d)(2), and amendments thereto, shall be valid from the date of issuance or renewal until the date that is three years from the effective date of this act. Thereafter all certificates of operation for such elevators shall be subject to renewal at the same time as if such elevator was subject to inspections pursuant to K.S.A. 44-1815(a), and amendments thereto. Any such application for issuance or a renewal application shall be accompanied by a copy of the elevator maintenance agreement. If the elevator maintenance agreement does not include any provision for load testing, any such application for renewal shall, in addition, be accompanied by a certification that a load test has been performed on such elevator when required by K.S.A. 44-1815, and amendments thereto, the results of the load test and the date such test was performed.

(f) Certificates of operation shall be clearly displayed on or in each elevator or in the machine room for such elevator. Each certificate of operation shall state that the elevator has been inspected, tested and found to be in compliance with all applicable standards of operation, that such elevator is subject to an elevator maintenance agreement and is in compliance with all applicable standards of operation or that such elevator has been inspected by an insurance company inspector as provided by section 1, and amendments thereto.

(g) This section shall not apply to any elevator located in a city or county that has adopted requirements and standards that meet or exceed the requirements and standards of this act and any rules and regulations adopted pursuant thereto.

Sec. 9. K.S.A. 2023 Supp. 44-1819 is hereby amended to read as follows: 44-1819. (a) On or before January 1, ~~2023~~ 2025, the state fire marshal shall adopt rules and regulations necessary to implement and enforce the provisions of this act. Rules and regulations adopted by the state fire marshal shall be based on and follow generally accepted national engineering standards, formula and practices ~~that shall at a minimum and may~~ include adoption of current American national standards known as the American society of mechanical engineers (ASME) safety code for elevators and escalators and the safety standards for wind turbine tower elevators, *except that no rules and regulations shall require an elevator installed before July 1, 2024, to be in compliance with current American national standards as provided in K.S.A. 2023 Supp. 44-1805(d), and amendments thereto.*

(b) Such rules and regulations shall include rules and regulations:

(1) For the operation, maintenance, servicing, construction, alteration and installation of elevators;

(2) requirements and qualifications for the licensure of elevator contractors, mechanics and inspectors, including initial and renewal application requirements, examination requirements and continuing education requirements;

(3) requirements and qualifications for the issuance of emergency and temporary licenses;

(4) requirements for issuance of permits and certificates of operation, including initial and renewal application requirements;

(5) requirements for registration of elevators; and

(6) standards for granting exceptions and variances from rules and regulations adopted pursuant to this act and municipal ordinances.

~~(b)~~(c) The state fire marshal shall establish a schedule for fees for licenses, permits, certificates of operation, inspections and variance requests. The fees shall reasonably reflect the state fire marshal's actual costs and expenses to operate and to conduct those duties and obligations as described in this act.

~~(c)~~(d) The state fire marshal shall have the authority to grant or deny requests for exceptions and variances from the requirements of rules and regulations adopted pursuant to this act or from municipal ordinances in cases where the state fire marshal finds such exception or variance would not jeopardize the public safety and welfare and that the request meets the applicable standards adopted by the state fire marshal for granting such an exception or variance.

Sec. 10. K.S.A. 2023 Supp. 44-1802, 44-1805, 44-1807, 44-1815, 44-1816 and 44-1819 are hereby repealed.

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

Approved April 23, 2024.

CHAPTER 77

SENATE BILL No. 19*

AN ACT concerning education; establishing the Kansas national guard educational master's for enhanced readiness and global excellence (EMERGE) program and the Kansas national guard EMERGE program repayment fund; requiring school districts to establish requirements for cardiac emergency response plans; establishing the school cardiac emergency response grant fund.

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

Section 1. (a) Sections 1 through 6, and amendments thereto, shall be known and may be cited as the Kansas national guard educational master's for enhanced readiness and global excellence (EMERGE) program.

(b) The purpose of the Kansas national guard EMERGE program is to establish a master's degree assistance program under which payment of the tuition and fees charged eligible members of the Kansas national guard for enrollment in master's degree programs at Kansas educational institutions shall be provided by the state pursuant to the EMERGE program.

Sec. 2. As used in the Kansas national guard educational master's for enhanced readiness and global excellence (EMERGE) program:

(a) "Educational program" means a master's degree program offered or maintained by a Kansas educational institution that leads to the award of a master's degree to an eligible guard member upon satisfactory completion of course work requirements.

(b) "Eligible guard member" means any member of the Kansas national guard who has been accepted into an eligible master's degree program and who is not under a suspension of favorable flag action or on the unit unfavorable information file.

(c) "Kansas educational institution" means a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, Washburn university or an accredited independent institution, as defined in K.S.A. 72-3222, and amendments thereto.

(d) "Kansas national guard educational master's for enhanced readiness and global excellence program" or "EMERGE program" means the program established pursuant to the provisions of the Kansas national guard educational master's for enhanced readiness and global excellence program.

Sec. 3. The state board of regents shall administer the Kansas national guard EMERGE program. The state board of regents may adopt rules and regulations for the administration of this act and shall:

(a) Establish a mechanism to ensure distribution of funds for tuition and fee reimbursement to Kansas educational institutions;

(b) enter into a cooperative relationship with the adjutant general to ensure efficient operation of the program;

(c) develop and effectuate a system of accountability for all disbursements under the program and provide written reports as prescribed; and

(d) coordinate with the adjutant general to create a procedure to ensure initial and on-going eligibility of all eligible guard members who are program participants.

Sec. 4. (a) Subject to the availability of appropriations for the Kansas national guard EMERGE program and within the limits of any such appropriations, except as provided in subsections (b) and (c), every eligible national guard member who is enrolled at a Kansas educational institution and participating in the program shall receive assistance each semester in an amount equal to the tuition and required fees for not more than 15 hours. The aggregate number of credit hours for which assistance may be provided under the program shall not exceed 150% of the total credit hours required for the eligible guard member to complete such member's master's degree program.

(b) Notwithstanding the provisions of subsection (a), eligible guard members shall not be paid the amount of tuition and fees charged for any course repeated or taken in excess of the requirements for completion of the master's degree program in which the eligible guard member is enrolled. The amount of tuition and required fees paid an eligible guard member pursuant to subsection (a) shall be at a rate not to exceed the maximum rate that would be charged by a state educational institution for enrollment of the eligible guard member.

(c) Amounts of assistance for which an eligible guard member is eligible to receive under this act shall be offset by the aggregate amount of federal or institutional tuition assistance received by such eligible guard member, as a result of active national guard membership, to pay costs of tuition and fees for enrollment at Kansas educational institutions.

Sec. 5. (a) On or before July 1 of each academic year, the adjutant general shall select up to 100 eligible national guard members who applied to the program to receive assistance from such program. The number of eligible guard members in the program shall not exceed 200 eligible guard members in any one school year.

(b) (1) In order to qualify for participation in the Kansas national guard EMERGE program, an eligible national guard member shall agree, in writing, to complete such member's current service obligation in the Kansas national guard and serve actively in good standing with the Kansas national guard or in a duty status affiliated with the Kansas national guard for not less than 48 months upon completion of the last semester for which the member receives assistance under the program.

(2) Prior to becoming eligible for participation in the program, each eligible guard member shall submit the free application for federal stu-

dent aid and apply for any other federal tuition assistance that such member also may be eligible to receive.

(c) In order to remain eligible for participation in the program, an eligible guard member shall remain in good standing at the Kansas educational institution where such member is enrolled, make satisfactory progress toward completion of the requirements of such member's master's degree program, maintain a grade point average of not less than 2.75 and maintain satisfactory participation in the Kansas national guard.

(d) (1) Upon failure of any eligible guard member who received payments under the Kansas national guard EMERGE program to satisfy the agreement to continue service in the Kansas national guard as provided by subsection (a), such person shall pay to the state of Kansas an amount to be determined as follows:

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

(B) divide the amount determined under subsection (d)(1)(A) by 48; and

(C) multiply the amount determined under subsection (d)(1)(B) by the number of months such member did not serve as required by subsection (a). The resulting product is the total amount of recoupment to be paid by such member.

(2) All amounts paid to the state under this subsection shall be deposited in the state treasury and credited to the Kansas national guard EMERGE program repayment fund created by section 6, and amendments thereto.

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

Sec. 6. There is hereby created in the state treasury the Kansas national guard EMERGE program repayment fund. The state board of regents shall remit all moneys received under section 5, and amendments thereto, to the state treasurer at least monthly. Upon receipt of such remittance the state treasurer shall deposit the entire amount thereof in the state treasury, and such amount shall be credited to the Kansas national guard EMERGE program repayment fund. All expenditures from the Kansas national guard EMERGE repayment fund shall be for payments

of assistance under the Kansas national guard EMERGE program and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director of the state board of regents or a person designated by the executive officer.

Sec. 7. (a) The secretary of health and environment shall develop statewide standards for cardiac emergency response plans. Such standards shall be developed in accordance with nationally recognized guidelines for implementation of cardiac emergency response plans as promulgated by organizations focused on emergency cardiovascular care.

(b) The board of education of each school district shall adopt a comprehensive cardiac emergency response plan, including policies and procedures for cardiac emergency responses for each attendance center operated by the school district, based on the statewide standards developed by the secretary under subsection (a). The board may utilize any materials, documentation, video recordings, training modules and certifications published by organizations focused on emergency cardiovascular care. The cardiac emergency response plan shall include, but is not limited to, the following:

- (1) Establishing of a cardiac emergency response team;
- (2) identifying and implementing the placement of automated external defibrillators;
- (3) identifying roles and responsibilities of school district personnel, local law enforcement agencies and local emergency medical services in implementing the cardiac emergency response plan;
- (4) establishing procedures, including the roles and responsibilities of school district personnel when responding to incidents involving an individual experiencing a suspected sudden cardiac arrest while attending school or at the site of any school-sponsored athletic practice or competition or other school-sponsored activity located in this state whether such site is located on the grounds of the school district or at another location, including, but not limited to:
 - (A) Responding to individuals experiencing a suspected sudden cardiac arrest;
 - (B) summoning emergency medical services;
 - (C) assisting emergency medical service providers; and
 - (D) documenting actions taken during such incident;
- (5) conducting routine maintenance of automated external defibrillators, including appropriate placement in accordance with the statewide standards;
- (6) designating school district personnel for training in the use of automated external defibrillators and cardiopulmonary resuscitation during a cardiac emergency;

(7) rehearsing cardiac emergency response plans, by simulation, by all athletic directors, coaches, assistant coaches, athletic trainers, school nurses and any other school district personnel designated pursuant to paragraph (6) either prior to the beginning of each athletic season or prior to the beginning of each school year;

(8) establishing communication systems with local emergency medical services operating within the school district; and

(9) developing a cardiac emergency action plan for school-sponsored events held at a location that is not on school district property.

(c) Each board of education shall annually review the cardiac emergency response plan and adopt any changes to such plan as necessary.

(d) Each school district shall submit a copy of the adopted cardiac emergency response plan to the secretary of health and environment. If the board of education of such district adopts any changes to such plan, a copy of the amended plan shall be submitted to the secretary.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 23, 2024.

CHAPTER 78

SENATE BILL No. 292

AN ACT concerning veterans and military; updating certain provisions related to the Kansas army and air national guard; providing for the appointment of a state judge advocate; increasing monthly disability and death benefits; providing for the adjustment of such disability and death benefits; updating the Kansas code of military justice relating to certain definitions, unlawful acts and punishment requirements thereof; amending K.S.A. 48-101, 48-202, 48-205, 48-206, 48-209, 48-211, 48-214, 48-216, 48-242, 48-243, 48-252c, 48-261, 48-267, 48-269, 48-301, 48-509, 48-516, 48-2101, 48-2102, 48-2103, 48-2105, 48-2106, 48-2201, 48-2203, 48-2204, 48-2204, 48-2602, 48-2605, 48-2708, 48-2709, 48-2801, 48-2802, 48-3003, 48-3005, 48-3006, 48-3007, 48-3008, 48-3009, 48-3010, 48-3011, 48-3012, 48-3013, 48-3014, 48-3015, 48-3016, 48-3017, 48-3018, 48-3019, 48-3020, 48-3021, 48-3022, 48-3023, 48-3024, 48-3025, 48-3026, 48-3027, 48-3028, 48-3029, 48-3030, 48-3031, 48-3032, 48-3033, 48-3033a, 48-3034, 48-3035, 48-3035a, 48-3036, 48-3037, 48-3038, 48-3039, 48-3040, 48-3041, 48-3042, 48-3043, 48-3044, 48-3101, 48-3102, 48-3103, 48-3104, 48-3105, 48-3108, 48-3109, 48-3110 and 48-3112 and K.S.A. 2023 Supp. 48-204 and 48-2301 and repealing the existing sections; also repealing K.S.A. 48-103, 48-219, 48-221, 48-222, 48-223, 48-228, 48-237, 48-252, 48-2104, 48-2202, 48-2205, 48-2206, 48-2207, 48-2208, 48-2401, 48-2401a, 48-2402, 48-2402a, 48-2403, 48-2404, 48-2405, 48-2406, 48-2501, 48-2501a, 48-2502, 48-2503, 48-2504, 48-2505, 48-2506, 48-2507, 48-2601, 48-2603, 48-2604, 48-2606, 48-2701, 48-2702, 48-2703, 48-2704, 48-2705, 48-2706, 48-2707, 48-2710, 48-2711, 48-2712, 48-2713, 48-2714, 48-2715, 48-2716, 48-2717, 48-2718, 48-2719, 48-2803, 48-2804, 48-2915, 48-2916, 48-2917, 48-2918, 48-2919, 48-2920, 48-2921, 48-2922, 48-2923, 48-2924, 48-2925, 48-2926, 48-2927, 48-2928, 48-2929, 48-2930, 48-2931, 48-2932, 48-3001, 48-3106, 48-3107 and 48-3114.

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

New Section 1. (a) The adjutant general, with the approval of the governor, shall appoint an officer of the state military forces as state judge advocate, with the rank of colonel. To be eligible for such appointment, the appointee shall meet the definition of judge advocate in K.S.A. 48-2101, and amendments thereto.

(b) The adjutant general may appoint as many assistants to the state judge advocate as the adjutant general considers necessary. The appointees shall be designated assistant state judge advocates. To be eligible for such appointment, appointees shall meet the definition of judge advocate in K.S.A. 48-2101, and amendments thereto.

(c) The adjutant general, with the approval of the governor, may promote a state judge advocate to the rank of brigadier general if the state judge advocate has served 20 years or more of combined service in the Kansas national guard and the United States military forces and held the rank of colonel for at least 10 years.

New Sec. 2. The benefits amounts specifically identified in K.S.A. 48-267 and 48-269, and amendments thereto, shall be adjusted by the military disability board, as defined in K.S.A. 48-261, and amendments thereto, to commence on July 1, 2025, and each July 1 thereafter by a

percentage equal to the percentage increase from the previous calendar year in the consumer price index for all urban consumers as published by the bureau of labor statistics of the United States department of labor.

New Sec. 3. No member of the state military forces may be placed in confinement in immediate association with enemy prisoners, both foreign and domestic, or other foreign nationals who are not members of the armed forces.

New Sec. 4. (a) A person punished under K.S.A. 48-2301, and amendments thereto, by a company-grade commanding officer who considers the findings unsupported by the evidence or the punishment unjust or disproportionate to the offense can demand from the commanding officer a de novo review of the findings and punishment.

(1) Upon such demand, any punishment shall be stayed and the hearing record, evidence and supporting documents under K.S.A. 48-2301, and amendments thereto, shall be forwarded to the next superior field-grade commander.

(2) Upon receipt of such evidence, the next superior commander shall obtain a written legal review of the matter and, after providing the accused an opportunity to be heard, make a written decision on:

- (A) Whether to uphold or reverse any finding of guilt; and
- (B) whether to uphold, mitigate or reduce any punishment.

(b) A person punished under K.S.A. 48-2301, and amendments thereto, by a field-grade commanding officer, or an officer of a general or flag rank in command who considers the punishment unjust or disproportionate to the offense can, through the proper channel, appeal to the next superior commander within 10 days of being informed about the punishment.

(1) The appeal shall be promptly forwarded and decided, but the person punished may be required to undergo the punishment. The superior commander may exercise the same powers with respect to the punishment imposed in K.S.A. 48-2301(f), and amendments thereto.

(2) Before acting on an appeal, the superior commander in charge of the appeal must give the accused the opportunity to be heard and can refer the case to a judge advocate for consideration and advice. The manner in which the opportunity to be heard is exercised at the sole discretion of the superior commander.

(c) A person punished under K.S.A. 48-2201, and amendments thereto, is entitled to one appeal but is not entitled to any appeal under this section.

New Sec. 5. (a) The imposition and enforcement of disciplinary punishment under K.S.A. 48-2301, and amendments thereto, for any act or omission does not bar a trial by a civilian court of competent jurisdiction

for a serious crime or offense related to the same act or omission and not properly punishable under this code.

(b) The enforcement of a disciplinary punishment may be shown by the accused during trial proceedings and, when shown, shall be considered in the determination of punishment if the accused is found guilty.

New Sec. 6. (a) Any person subject to this code shall be punished at the direction of a commanding officer if such person is:

(1) In a training leadership position with respect to a specially protected junior member of the armed forces; and

(2) engages in prohibited sexual activity with such specially protected junior member of the armed forces.

(b) Any person subject to this code shall be punished at the direction of a commanding officer if they are:

(1) A military recruiter and engage in prohibited sexual activity with an applicant for military service;

(2) a military recruiter and engage in prohibited sexual activity with a specially protected junior member of the armed forces who is enlisted under a delayed entry program; or

(3) a military cadre and engages in prohibited sexual activity with a specially protected junior member of the armed forces who is enlisted under a delayed entry program.

(c) Consent is not a defense for any conduct listed in this section.

(d) As used in this section:

(1) “Applicant for military service” means a person who, under regulations prescribed by the secretary of the military department concerned, is an applicant for original enlistment or appointment in the United States armed forces or state military forces.

(2) “Military recruiter” means a person who, under regulations prescribed by the secretary of the military department concerned, has the primary duty to recruit persons for military service.

(3) “Prohibited sexual activity” means, as specified in military regulations, inappropriate physical intimacy under circumstances described in such regulations.

(4) “Specially protected junior member of the armed forces” means:

(A) A member of the armed forces or state military forces who is assigned to, or is awaiting assignment to, basic training or other initial active duty for training, including a member who is enlisted under a delayed entry program;

(B) a member of the armed forces or state military forces who is a cadet, midshipman, an officer candidate or a student in any other officer qualification program; and

(C) a member of the armed forces or state military forces in any program that, by regulation prescribed by the secretary of the military

department concerned, is identified as a training program for initial career qualification.

(5) “Training leadership position” means any person subject to this code that is assigned or attached to a unit whose primary purpose is the recruitment of members into the United States armed forces or state military forces or who serve as faculty, staff, drill instructor or in other leadership position in:

- (A) A basic training program;
- (B) a training program for entry into the United States armed forces or state military forces;
- (C) a reserve officers’ training unit;
- (D) an officers’ candidate school; or
- (E) any program that is identified as a training program or initial career qualification.

New Sec. 7. Any person subject to this code shall be guilty of the offense of sexual harassment and shall be punished at the direction of a commanding officer if such person’s conduct meets the following elements:

(a) Such person made sexual advances, demands or requests for sexual favors or knowingly engaged in other conduct of a sexual nature;

(b) such conduct was unwelcome; and

(c) under the circumstances, such conduct:

(1) Would cause a reasonable person to believe, and such person did believe, that submission to such conduct would be made, either explicitly or implicitly, a term or condition of a person’s job, pay, career, benefits or entitlements;

(2) would cause a reasonable person to believe, and such person did believe, that submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting such person’s job, pay, career, benefits or entitlements; or

(3) was so severe, repetitive or pervasive that a reasonable person would perceive, and such person did perceive, an intimidating, hostile or offensive work environment.

New Sec. 8. (a) Any sentinel or lookout who is drunk, sleeps or leaves while on post before being regularly relieved shall be punished at the direction of a commanding officer.

(b) Any sentinel or lookout who loiters or wrongfully sits down on post shall be punished at the direction of a commanding officer.

New Sec. 9. (a) Any person subject to this code who, knowing that another person is a sentinel or lookout, uses wrongful and disrespectful language that is directed toward and within the hearing of the sentinel or lookout, who is in execution of duties as a sentinel or lookout, shall be punished at the direction of a commanding officer.

(b) Any person subject to this code who, knowing that another person is a sentinel or lookout, behaves in a wrongful and disrespectful manner that is directed toward and within the sight of the sentinel or lookout, who is in execution of duties as a sentinel or lookout, shall be punished at the direction of a commanding officer.

New Sec. 10. Any person subject to this code shall be punished at the direction of a commanding officer if such person willfully:

(a) Alters, conceals, removes, mutilates, obliterates or destroys a public record; or

(b) takes a public record with the intent to alter, conceal, remove, mutilate, obliterate or destroy such public record.

New Sec. 11. Any person subject to this code shall be punished at the direction of a commanding officer if such person intentionally:

(a) Falsely makes or alters any signature or any part of any writing that would, if genuine, impose a legal liability on another or change their legal rights or liability; or

(b) utters, offers, issues or transfers such writing, known by the person to be so made or altered.

New Sec. 12. (a) Any person subject to this code shall be punished at the direction of a commanding officer if such person willfully impersonates:

(1) An officer, noncommissioned officer or petty officer;

(2) an agent of superior authority of one of the armed forces or state military forces; or

(3) a government official.

(b) Any person subject to this code shall be punished at the direction of a commanding officer if such person, with intent to defraud, impersonates any person referred to in subsection (a).

(c) Any person subject to this code shall be punished at the direction of a commanding officer if such person, without intent to defraud, impersonates a government official by committing an act that exercises or asserts the authority of the office of the official being impersonated.

New Sec. 13. Any person subject to this code shall be punished at the direction of a commanding officer if such person:

(a) Is not authorized to wear an insignia, decoration, badge, ribbon, device or lapel button; and

(b) wrongfully wears such insignia, decoration, badge, ribbon, device or lapel button upon the person's uniforms or civilian clothing.

New Sec. 14. (a) Any person subject to this code shall be punished at the direction of a commanding officer if such person wrongfully takes any mail before such mail is delivered to or received by the addressee, with the intent to obstruct the correspondence, or to pry into the business secrets of any person or organization.

(b) Any person subject to this code shall be punished at the direction of a commanding officer if they wrongfully open, destroy or steal mail before such mail is delivered to or received by the addressee.

New Sec. 15. (a) Any person subject to this code shall be punished at the direction of a commanding officer if such person:

(1) Is the driver of a vehicle that is involved in an accident that results in a personal injury or property damage; and

(2) wrongfully leaves the scene of the accident without providing:

(A) Assistance to an injured person; or

(B) personal identification to others involved in the accident or to appropriate authorities.

(b) Any person subject to this code shall be punished at the direction of a commanding officer if such person:

(1) Is a passenger in a vehicle that is involved in an accident that results in personal injury or property damage;

(2) is the superior commissioned or noncommissioned officer of the driver or commander of the vehicle; and

(3) wrongfully and unlawfully orders, causes or permits the driver to leave the scene of the accident without providing:

(A) Assistance to an injured person; or

(B) personal identification to others involved in the accident or to appropriate authorities.

New Sec. 16. Any person subject to this code shall be punished at the direction of a commanding officer if such person willfully and wrongfully:

(a) Discharges or brandishes a firearm under any circumstances that endanger a human life; or

(b) causes a reasonable person to be apprehensive of the potential endangerment of human life.

New Sec. 17. (a) Any person subject to this code shall be guilty of simple assault and shall be punished at the direction of a commanding officer if such person:

(1) Attempts to do bodily harm to another person;

(2) offers to do bodily harm to another person; or

(3) does bodily harm to another person.

(b) As used in this section, “another person” means a member, cadet, trainee or recruit of the state military forces, the United States armed forces or the state military forces of another state.

New Sec. 18. (a) Any person subject to this code shall be punished at the direction of a commanding officer if such person commits a violent offense against a spouse, intimate partner or immediate family member of such person.

(b) Any person subject to this code shall be punished at the direction

of a commanding officer if such person, with the intent to threaten or intimidate a spouse, intimate partner or immediate family member of such person, commits an offense under this code against:

- (1) Any person; or
- (2) any property, including animals.
- (c) Any person subject to this code shall be punished at the direction of a commanding officer if such person, with the intent to threaten or intimidate a spouse, intimate partner or immediate family member of such person, violates a protection order.
- (d) Any person subject to this code shall be punished at the direction of a commanding officer if such person, with the intent to commit a violent offense against a spouse, intimate partner or immediate family member of such person, violates a protection order.

New Sec. 19. (a) Any person subject to this code shall be punished at the direction of a commanding officer if such person communicates a threat to injure the person, property or reputation of another.

(b) Any person subject to this code shall be punished at the direction of a commanding officer if such person communicates a threat to injure the person or property of another by use of:

- (1) An explosive;
- (2) a weapon of mass destruction;
- (3) a biological or chemical agent, substance or weapon; or
- (4) a hazardous material.
- (c) Any person subject to this code shall be punished at the direction of a commanding officer if such person maliciously communicates a false threat concerning the person or property of another by use of:
- (1) An explosive;
- (2) a weapon of mass destruction;
- (3) a biological or chemical agent, substance or weapon; or
- (4) a hazardous material.
- (d) As used in this section, “false threat” means a threat that, at the time it is communicated, is known to be untrue by the person communicating the threat.

New Sec. 20. (a) Any person subject to this code is guilty of wrongful distribution of intimate visual images or visual images of sexually explicit conduct and shall be punished at the direction of a commanding officer if such person:

- (1) Knowingly and wrongfully broadcasts or distributes an intimate visual image of another person or a visual image of sexually explicit conduct involving a person who:
 - (A) Is at least 18 years of age at the time the intimate visual image or visual image of sexually explicit conduct was created;
 - (B) is identifiable from the intimate visual image or visual image of

sexually explicit conduct or from information displayed in connection with the intimate visual image or visual image of sexually explicit conduct; and

(C) does not explicitly consent to the broadcast or distribution of the intimate visual image or visual image of sexually explicit conduct;

(2) knows or reasonably should have known that the intimate visual image or visual image of sexually explicit conduct was made under circumstances in which the person depicted in the intimate visual image or visual image of sexually explicit conduct retained a reasonable expectation of privacy regarding any broadcast or distribution of the intimate visual image or visual image of sexually explicit conduct;

(3) knows or reasonably should have known that the broadcast or distribution of the intimate visual image or visual image of sexually explicit conduct is likely to:

(A) Cause harm, harassment, intimidation, emotional distress or financial loss for the person depicted in the intimate visual image or visual image of sexually explicit conduct; or

(B) harm substantially the depicted person with respect to that person's health, safety, business, calling, career, financial condition, reputation or personal relations; or

(4) engaged in conduct that had a reasonably direct connection to a military mission or military environment.

(b) As used in this section:

(1) "Broadcast" means to electronically transmit a visual image with the intent that it be viewed by a person or persons.

(2) "Distribute" means to deliver to the actual or constructive possession of another person, including transmission by mail or electronic means.

(3) "Intimate visual image" means a visual image that depicts the private area of a person.

(4) "Private area" means the naked or underwear-clad genitalia, anus, buttocks or female areola or nipple.

(5) "Reasonable expectation of privacy" means circumstances in which a reasonable person would believe that a private area of the person, or sexually explicit conduct involving that person, would not be visible to the public.

(6) "Sexually explicit conduct" means actual or simulated genital-to-genital contact, oral-to-genital contact, anal-to-genital contact or oral-to-anal contact, whether between persons of the same or opposite sex, bestiality, masturbation or sadistic or masochistic abuse.

(7) "Visual image" means:

(A) Any developed or undeveloped photograph, picture, film or video;

(B) any digital or computerized image, picture, film or video made by any means, including those transmitted by any means, including streaming media not stored in a permanent format; or

(C) any digital or electronic data capable of conversion into a visual image.

New Sec. 21. (a) Any person subject to this code shall, if the conditions in subsection (b) are satisfied, be punished at the direction of a commanding officer if such person induces another person to:

- (1) Take an oath; and
 - (2) falsely testify, depose or make a statement upon such oath.
- (b) The conditions referred to in subsection (a) are the following:
- (1) The oath is administered regarding a matter for which such oath is required or authorized by law.
 - (2) The oath is administered by a person that has the authority to do so.
 - (3) Upon making such oath, the other person willfully makes or attests to a statement.
 - (4) The statement is material to the proceedings.
 - (5) The statement is false.
 - (6) When the statement is made or attested to, the person subject to this code and the person induced into such conduct do not believe such statement is true.

New Sec. 22. Any person subject to this code shall be punished at the direction of a commanding officer if such person engages in conduct intending to influence, impede or otherwise obstruct the due administration of justice.

New Sec. 23. Any person subject to this code shall be punished at the direction of a commanding officer if such person:

- (a) Knows another person has committed a serious offense; and
- (b) wrongfully conceals the commission of the offense and fails to make the commission of the offense known to civilian or military authorities as soon as possible.

New Sec. 24. Any person subject to this code shall be punished at the direction of a commanding officer if such person, in the presence of a court-martial, a board of officers, a military commission, a court of inquiry, a preliminary hearing or an officer taking a deposition for the state of Kansas or the United States, wrongfully refuses to qualify as a witness or to answer a question after having been directed to do so by the presiding authority.

New Sec. 25. Any person subject to this code shall be punished at the direction of a commanding officer if such person knows that one or more persons authorized to make searches and seizures are seizing, about to seize or are endeavoring to seize property then destroy, remove or otherwise dispose of the property with the intent to prevent the seizure of such property.

New Sec. 26. Any person subject to this code shall be punished at the direction of a commanding officer if such person has reason to believe that an adverse administrative action is pending against any person subject to this code and:

- (a) Intentionally acts to influence, impede or obstruct the conduct of the proceeding; or
- (b) acts to obstruct the due administration of justice.

New Sec. 27. (a) Any person subject to this code shall be punished at the direction of a commanding officer if such person:

- (1) Occupies an official position or has official duties; and
- (2) wrongfully asks for, accepts or receives something of value with the intent to have the person's decision or action influenced regarding an official matter in which the state of Kansas or the United States is interested.

(b) Any person subject to this code shall be punished at the direction of a commanding officer if such person:

- (1) Wrongfully promises, offers or gives something of value to a person who occupies an official position or has official duties; and
- (2) intends to influence the decisions or actions of the person regarding an official matter in which the state of Kansas or the United States is interested.

New Sec. 28. (a) Any person subject to this code shall be punished at the direction of a commanding officer if such person:

- (1) Occupies an official position or has official duties; and
- (2) wrongfully asks for, accepts or receives something of value as compensation for or in recognition of services rendered or to be rendered by the person regarding an official matter in which the state of Kansas or the United States is interested.

(b) Any person subject to this code shall be punished at the direction of a commanding officer if such person promises, offers or gives something of value to a person who occupies an official position or who has official duties as compensation for or in recognition of services rendered by such person regarding an official matter in which the state of Kansas or the United States is interested.

New Sec. 29. (a) Any person subject to this code shall be punished at the direction of a commanding officer if such person, with the knowing intent to defraud and obtain money, property, services or something of value, uses:

- (1) A stolen credit card, debit card or other access device;
- (2) a revoked, canceled or otherwise invalid credit card, debit card or other access device; or
- (3) a credit card, debit card or other access device without the authorization of a person whose authorization is required for such use.

(b) As used in this section:

(1) “Access device” means the same as defined in 18 U.S.C. § 1029.

(2) “Credit card” and “debit card” mean cards issued on behalf of the United States government or the state of Kansas or because of the member’s service in the state military forces.

New Sec. 30. Any person subject to this code shall be guilty of extortion and be punished at the direction of a commanding officer if such person communicates threats to another person with the intention to obtain something of value or any acquittance, advantage or immunity.

New Sec. 31. (a) Any person subject to this code shall be punished at the direction of a commanding officer if such person, without legal justification or lawful authorization:

(1) Knowingly and wrongfully views the private area of another person without the other person’s consent and when that other person has a reasonable expectation of privacy;

(2) knowingly photographs, videotapes, films or records by any means the private area of another person without that other person’s consent and when that other person has a reasonable expectation of privacy; or

(3) knowingly broadcasts or distributes any such recording that the person knew or reasonably should have known was made under the circumstances prescribed in paragraphs (1) and (2).

(b) Any person subject to this code shall be punished at the direction of a commanding officer and is guilty of forcible pandering if such person compels another person to engage in an act of prostitution with any person.

(c) Any person subject to this code shall be punished at the direction of a commanding officer and is guilty of indecent exposure if such person intentionally exposes, in an indecent manner, the genitalia, anus, buttocks or female areola or nipple.

(d) In this section:

(1) “Act of prostitution” means a sexual act or sexual contact as defined in UCMJ article 120 and where the person performing the act receives something of value in return.

(2) “Another person” or “other person” means a member of the state military forces, the United States armed forces, the state military forces from another state, a cadet, a candidate, a trainee or a recruit.

(3) “Broadcast” means to electronically transmit a visual image with the intent that it be viewed by a person or persons.

(4) “Distribute” means to deliver to the actual or constructive possession of another, including transmission by electronic means.

(5) “Indecent manner” means conduct that amounts to a form of immorality relating to sexual impurity that is grossly vulgar, obscene and repugnant to common propriety and tends to excite sexual desire or deprave morals with respect to sexual relations.

(6) “Private area” means the naked or underwear-clad genitalia, anus, buttocks or female areola or nipple.

(7) “Reasonable expectation of privacy” means circumstances in which a reasonable person would believe that:

(A) The person could disrobe in privacy without being concerned that an image of a private area of the person is being captured; or

(B) a private area of the person would not be visible to the public.

New Sec. 32. (a) Any person subject to this code shall be punished at the direction of a commanding officer if such person takes or threatens to take an adverse personnel action or withholds or threatens to withhold a favorable personnel action with the intent to:

(1) Retaliate against any person for reporting or planning to report a criminal or military offense;

(2) retaliate against any person making or planning to make a protected communication; or

(3) discourage any person from reporting or planning to report a criminal or military offense.

(b) As used in this section:

(1) “Covered individual or organization” means any recipient of communication specified in 10 U.S.C. § 1034(b)(1)(B)(i) through (v).

(2) “Inspector general” means the same as defined in 10 U.S.C. § 1034(j).

(3) “Protected communication” means:

(A) A lawful communication to a member of congress or an inspector general; or

(B) a communication to a covered individual or organization in which a member of the armed forces or state military forces complains of or discloses information that the member reasonably believes constitutes evidence of the following:

(i) A violation of law or regulation prohibiting sexual harassment or unlawful discrimination; or

(ii) gross mismanagement, a gross waste of funds, an abuse of authority or a substantial and specific danger to public health or safety.

(4) “Unlawful discrimination” means discrimination on the basis of race, color, religion, sex or national origin.

New Sec. 33. Army regulation 27-10, military justice, air force instruction 51-201, administration of military justice, and air force instruction 51-202, nonjudicial punishment, may be used to effectuate the purpose and provisions of this code to the extent they are consistent with this code.

New Sec. 34. Nothing in this code precludes administrative action against a person subject to this code for an offense, military or non-military, as allowed by law or regulation.

New Sec. 35. The provisions of this code are severable. If any portion of the code is declared unconstitutional or invalid, or the application of any portion of the code to any person or circumstance is held unconstitutional or invalid, the invalidity shall not affect other portions of the code that can be given effect without the invalid portion or application, and the applicability of such other portions of the code to any person or circumstance shall remain valid and enforceable.

New Sec. 36. Any person subject to this code shall be punished at the direction of a commanding officer if such person willfully disobeys a lawful command of such person's superior commissioned officer.

Sec. 37. K.S.A. 48-101 is hereby amended to read as follows: 48-101. All persons subject to military duty under the constitution of this state and not exempt therefrom by the provisions of this act, and such other persons as shall voluntarily enroll themselves, shall be divided into three ~~(3)~~ classes, ~~to wit:~~ One consisting of the federally recognized national guard, ~~which shall~~ to be known as the "Kansas army and air national guard"; one consisting of those able-bodied ~~male~~ citizens prescribed and contemplated in article 8 of the constitution of ~~this~~ the state of Kansas not in the "Kansas army and air national guard" ~~which shall~~ to be known as "the militia"; and one to consist of all those subject to military duty, but not included in the "Kansas army and air national guard" or "the militia," to be known as the "Kansas military reserve."

Sec. 38. K.S.A. 48-202 is hereby amended to read as follows: 48-202. All staff officers of the Kansas national guard, including officers of the pay, inspection, subsistence, and medical departments, ~~hereafter appointed~~ shall have had previous military experience, and shall hold their positions until they ~~shall have reached the age of sixty-four~~ 64 years of age, unless retired prior to that time by reason of resignation, disability, or for cause ~~to be determined by a court martial legally convened for that purpose;~~ and. All vacancies among ~~said~~ such officers shall be filled by appointment from the officers of the militia of Kansas. Nothing in this section shall be construed or operate to limit the provisions of any federal law relative to the qualifications for appointment of officers or the filling of vacancies.

Sec. 39. K.S.A. 2023 Supp. 48-204 is hereby amended to read as follows: 48-204. (a) The adjutant general shall:

- (1) Be in control of the military department of the state and subordinate only to the governor in matters pertaining to the department;
- (2) have general supervision over all the subordinate military departments, ~~to include~~ including the department of the army national guard and the department of the air national guard;
- (3) perform such duties as pertain to the adjutant general's department under the regulations and usage of the army of the United States;

(4) superintend the preparation of all returns and reports required by the United States from the state;

(5) require a certificate of the military service to be furnished, in accordance with K.S.A. 73-209, and amendments thereto, to any soldier who has served in the army in any of the state military organizations; and

(6) audit and pass upon all claims of a military character against the state, and no contract of a military nature against the state shall be valid or paid until approved by the adjutant general.

(b) The adjutant general is authorized to:

(1) Adopt regulations pertaining to the preparation and rendering of reports and returns and to the care and preservation of public property as in the adjutant general's opinion the conditions demand, ~~which~~ *and such* regulations shall be operative and in force when promulgated in the form of general orders, circulars or circular letters;

(2) administer oaths in matters pertaining to the duties of the office as relates to:

(A) Claims against the state;

(B) the organization of boards of ~~survey, courts-martial~~ and courts of inquiry;

(C) affidavits covering loss of military property belonging to the state or the United States;

(D) oaths of office of officers of the Kansas national guard;

(E) statements and reports required from officers pertaining to property and money accountability and expenditures; and

(F) any other official military matters coming before the adjutant general;

(3) adopt an appropriate seal for use in the office, to be affixed to all oaths that the adjutant general administers under authority of law, and to authenticate all certificates required of the adjutant general;

(4) appoint such officers as necessary as security officers for the protection of all national guard property and equipment, owned by or under the control of the Kansas national guard wherever located in the state of Kansas, including when transported over public roads or located on temporary national guard sites, and for the protection of persons and property associated with the national guard; and

(5) appoint law enforcement officers to serve under the command of the adjutant general.

(c) (1) Those members of the adjutant general's department who are appointed as law enforcement officers must meet the requirements of the Kansas law enforcement training act, K.S.A. 74-5601 through 74-5623, and amendments thereto.

(2) A law enforcement officer engaged in the protective functions specified in subsection (b)(4) shall possess and exercise all general law

enforcement powers, rights, privileges, protections and immunities in every county where there is located any Kansas national guard property. All persons arrested by a law enforcement officer may be turned over to the appropriate local police or county sheriff in whose jurisdiction the offense was committed to be processed in the same manner as other persons turned over to such police or sheriff or may book such arrested person at the jail in the jurisdiction of the arrest. Such law enforcement officer shall complete any required reports, arrest affidavits and other documents associated with the arrest. These reports shall be kept on file with the office of the adjutant general, unless a memorandum of agreement with the local law enforcement agency specifies otherwise.

(3) While on duty, security officers or law enforcement officers appointed pursuant to subsection (b)(4) or (b)(5), as applicable, shall wear and display publicly a badge of office.

Sec. 40. K.S.A. 48-205 is hereby amended to read as follows: 48-205. ~~The adjutant general shall have immediate charge of the state arsenal under the supervision of the governor. The adjutant general shall have charge and care of all state and United States military property for which the state is responsible and shall cause to be kept an accurate and careful account of all receipts and issues of the same. He or she shall require to be kept a careful memorandum of all public property on hand in the state arsenal and in the possession of the several organizations of the Kansas army and air national guard, or Kansas state guard and will guard said property against injury and loss to the extent of his or her ability. The adjutant general shall require every accountable and responsible officer of the Kansas army and air national guard, or Kansas state guard to account for every deficiency in public property in such officer's possession immediately after such deficiency is discovered.~~

(a) ~~The adjutant general may appoint two~~ *assign the number of* assistant adjutants general ~~who may have the rank of brigadier general when they are assigned as head of the department of the army national guard or the department of the air national guard, and who shall have served at least five years as commissioned officers in the Kansas army or air national guard who shall be within the classified service of the Kansas civil service act. The office of one of the assistant adjutants general will be with the adjutant general, and the assistant shall assist the adjutant general in the performance of such duties as may be assigned to him or her and the assistant may perform the duties of the adjutant general in the case of absence, inability, or by express direction of the latter, and at such time the assistant will sign as "acting adjutant general." He or she may appoint one special assistant adjutant general, with the rank of colonel, who shall have served at least five years as a commissioned officer with the Kansas national guard and who shall be within the classified service of the~~

Kansas civil service act; and one judge advocate general, with the rank of colonel. The adjutant general may, with the approval of the governor, promote a judge advocate general who has served thirty (30) or more years of combined service in the Kansas national guard and United States military forces, with the rank of colonel for at least ten (10) years, to the rank of brigadier general. Subject to the approval of the governor, and, within the provisions of the civil service law and available appropriations, the adjutant general may appoint one finance and disbursing officer with the rank of colonel, who acts as disbursing officer for the state; and such other assistants and clerical employees as may be necessary to carry out properly the provisions of this act from the ground forces and air forces of this state who are authorized by national guard bureau rules and regulations.

(b) *The assistant adjutants general shall, if they qualify therefor, hold military rank as may be authorized and approved for the positions by the national guard bureau of the United States. The assistant adjutants general, at the time of their appointment, shall have served at least five years as commissioned officers in the Kansas army or air national guard.*

(c) *The assistant adjutants general shall serve at the pleasure of the adjutant general and perform such duties as are assigned by the adjutant general.*

(d) *The adjutant general shall designate one assistant adjutant general as the senior assistant adjutant general who, during any period when the adjutant general is absent, unable or by express direction of the adjutant general, shall perform the duties of the adjutant general as acting adjutant general.*

Sec. 41. K.S.A. 48-206 is hereby amended to read as follows: 48-206. The finance and disbursing officer, shall perform such duties in connection with the Kansas national guard as usage and the regulations of the army of the United States assign to the finance and disbursing departments. He or she will, pursuant to the orders of the adjutant general, disburse the armory rent allowance for the several organizations of the Kansas national guard entitled to the same and the allowances made to the several headquarters for postage and contingent expenses, and such allowances as the legislature may make to the minor military departments of the state; he or she will disburse upon approved vouchers the appropriations for semiannual inspection of companies, for active service, for purchase of marksmanship badges, for schools for officers, and all other pay and allowances to which officers and enlisted persons of the Kansas national guard may be entitled to according to law. The state controller is authorized to draw the necessary warrants against the foregoing appropriations in favor of the finance and disbursing officer on presentation of an itemized voucher made in conformity with the laws of the state and approved by the governor and the adjutant general

(a) *There shall be a United States property and disbursing officer appointed or assigned as may be provided in federal regulations.*

(b) *The United States property and disbursing officer shall be provided with adequate office facilities in Topeka or at the site of the principal military warehouses or training grounds for the national guard at the discretion of the adjutant general to best serve the needs of the organized militia.*

(c) *Such United States property and disbursing officer shall secure, receive, disburse, issue and account for all United States funds, arms, uniforms, equipment and supplies as requested by the governor for use by the organized militia. The property and disbursing officer shall maintain complete and accurate records, in the manner prescribed by federal regulations, of all funds and property granted or loaned to the state for use by the organized militia, and such records shall constitute the official records of the federally owned military property for which the state shall be responsible to the United States. The property and disbursing officer shall perform such additional duties and exercise such powers and authority as may be vested in such officer by federal regulations, or as may be assigned by the adjutant general. Such officer shall be provided assistants and clerical, stenographic, shop, technical and warehouse personnel as may be necessary to properly discharge such officer's duties.*

(d) *Personnel and other employees of the property and disbursing officer shall receive salaries as the adjutant general determines, except that state funds shall be used for salaries or other expenses of the office of the office of the United States property and disbursing officer only when federal funds are not available.*

(e) *Expenditures from the appropriations described in this section shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports pursuant to vouchers approved by the governor and the adjutant general, or designees thereof.*

Sec. 42. K.S.A. 48-209 is hereby amended to read as follows: 48-209. All officers of the Kansas army and air national guard in the line and in all of the departments and corps, shall hold their positions until they have reached ~~the age of sixty-four~~ (64) years of age unless ~~the same shall have been~~ *an officer was terminated according to federal law.* Upon the recommendation of the adjutant general, the governor may order any person on the state retired list to active service of the state for the purpose of serving on military courts or boards or performing staff duty in or with the active militia and in time of emergency to perform any military duty in or with the active militia. In any such case, the person so ordered shall rank in ~~his or her~~ grade from the date of such order. Pay and allowances while on active service of the state shall be as provided for in K.S.A. 48-225, ~~or any~~ *and* amendments thereto, except that time spent on the state retired list shall not be credited in the computation of seniority or pay.

Sec. 43. K.S.A. 48-211 is hereby amended to read as follows: 48-211. (a) Enlisted personnel of the Kansas army and air national guard who are unable, on account of permanent physical disability, to perform the duties required of them shall be discharged from the military service of the state under such regulations as shall be promulgated by the military board. All commissioned officers, warrant officers, and noncommissioned officers who have reached the age of 64 years of age and those who are found to be permanently disabled through no fault of their own shall be retired from active service and placed on the retired list; and Those who have served 10 years, honorably, in the military service of the United States or in any state or territory thereof and shall make application for the same may be placed upon the retired list.

(b) All members of the Kansas army and air national guard shall be exempt from jury duty during the annual muster and camp instruction training, during the time the member is ordered by the governor to perform active state service under K.S.A. 48-238 or 48-241, and amendments thereto, or during the time the member is ordered to perform active state service under K.S.A. 48-242, and amendments thereto.

Sec. 44. K.S.A. 48-214 is hereby amended to read as follows: 48-214. (a) There shall be a Kansas military board consisting of the adjutant general, who shall be recorder, the state judge advocate general, the three senior commanders of the Kansas army national guard and the senior commander of the Kansas air national guard; There may be three additional members appointed at the discretion of the governor.

(b) The military board shall constitute an advisory board to the commander in chief on military matters and said such board is hereby authorized and empowered to prepare the necessary rules, provisions and regulations, together with such amendments and changes as may be required and made from time to time, and when approved by the commander in chief shall be in full force and effect from the date of their publication in general orders; and.

(c) It shall be the duty of said the board, subject to the approval of the commander in chief, to make such changes in the military organization or organizations of the state from time to time as they deem the board deems for the best interests of the service; ~~Provided, if~~ such changes are in accordance with the laws governing the regular army and regular air force of the United States and the regulations issued by the secretary of defense, department of the army and the department of the air force of the United States.

Sec. 45. K.S.A. 48-216 is hereby amended to read as follows: 48-216. Every commissioned officer of the Kansas national guard shall provide himself or herself with a suitable uniform, arms and equipments within sixty days from date of the commission; but every noncommissioned officer, mu-

sician and private shall be furnished with a uniform, arms and equipments free of expense, as hereinafter provided. (a) The uniforms of the Kansas national guard shall conform as nearly as practicable to the ~~undress~~ uniform adopted for the ~~army~~ *applicable armed service* of the United States, and the governor shall make requisition on the secretary of ~~war~~ *defense* against the allotment to the state of Kansas by the general government to provide arms and equipment for the militia, ~~from time to time~~, as uniforms may be required for the purposes provided in this act, ~~and~~.

(b) The military board shall prescribe the rules and regulations under which ~~said~~ uniforms and equipment shall be issued to and used by the Kansas national guard.

Sec. 46. K.S.A. 48-242 is hereby amended to read as follows: 48-242.

(a) In case of any breach of the peace, tumult, riot, resistance to process in this state, public disaster or imminent danger thereof, it shall be lawful for the sheriff of any county or the mayor of any city to call upon the commander in chief, or in ~~his or her~~ *the commander in chief's* absence, upon the adjutant general, for aid, ~~said~~.

(b) ~~Such request to for aid shall~~ be in writing ~~or by telegraph~~; and it shall be the duty of the commander in chief or the adjutant general, if in that officer's judgment the circumstances demand military aid, to order into the active service of the state the available militia in such numbers and organizations as the conditions require. The commanding officer of such militia will report to the sheriff or mayor asking aid, ~~and~~ will cooperate with ~~him or her~~ *the sheriff or mayor* and the civil authorities; and will render all assistance in ~~his or her~~ *the commanding officer's* power to preserve the peace and execute the laws of the state.

(c) The commanding officer of such militia called into active service shall handle and maneuver the command in accordance with ~~his or her~~ *the commanding officer's* own judgment; and if the commanding officer has reason to believe that the civil authorities are not acting judiciously; or are not sincerely endeavoring to preserve the peace or execute the laws, the commanding officer shall at once report the fact to the commander in chief, ~~by telegraph if possible~~, and hold ~~himself or herself~~ in readiness to carry out such instructions as ~~he or she~~ *the commanding officer* may receive in response.

Sec. 47. K.S.A. 48-243 is hereby amended to read as follows: 48-243. The commanding officer of a military organization ordered into active service shall faithfully perform the duties required of ~~him or her~~, and such officer shall not hinder or prevent the civil authorities in a faithful performance of their duties, nor shall any officer or enlisted person neglect or refuse to obey the *lawful* orders of the commanding officer issued in line of duty. ~~Should any commissioned officer so offend, the officer shall be subject to trial by court-martial, and shall be liable to a fine of not more~~

than one hundred dollars, or imprisonment in the county jail for a period not exceeding six months, and may be dishonorably discharged from the service; should an enlisted person so offend, he or she shall be liable to a fine of not less than ten nor more than fifty dollars, or imprisonment in the county jail for a period not exceeding three months, as may be fixed by the military court, and may be dishonorably discharged from the service.

Sec. 48. K.S.A. 48-252c is hereby amended to read as follows: 48-252c. Application for such authority shall be made by the commanding officer of the military unit or national guard unit to the Kansas highway patrol superintendent or the division captain in the division where the military vehicles or convoy will operate. Such application shall:

- (a) Identify the military unit or national guard unit whose vehicles will be using the state roads and highways;
- (b) state the name and rank of the commanding officer of ~~the said~~ *such* military unit or national guard unit;
- (c) set forth the route over which ~~the said such~~ military vehicles or convoys will pass;
- (d) state the anticipated number of vehicles in the convoy; *and*
- (e) state the ~~date(s) dates and time(s) times~~ the vehicles or convoy expects to use such route.

Sec. 49. K.S.A. 48-261 is hereby amended to read as follows: 48-261. (a) Every member of the Kansas national guard or Kansas state guard ~~herein referred to as "member"~~ shall be entitled to the benefits specified in K.S.A. 48-261 ~~to through~~ 48-271, ~~inclusive~~, and amendments thereto, subject to the conditions specified therein.

(b) The governor shall appoint at least five ~~(5)~~ officers of the Kansas national guard or Kansas state guard, including at least one ~~(1)~~ officer of the medical corps, to the military disability board, which is hereby created. Members of the board shall serve at the pleasure of the governor. *Members of the board shall be compensated and permitted allowances in accordance with K.S.A. 75-3201, and amendments thereto.* The board shall *meet at least annually and* determine the percentage of total disability and award compensation for disability or death in accordance with the provisions of K.S.A. 48-261 ~~to through~~ 48-271, ~~inclusive~~, and amendments thereto.

(c) The compensation, reimbursement and other benefits required to be paid for entitlements accruing to members under the provisions of K.S.A. 48-261 ~~to through~~ 48-271, ~~inclusive~~, and amendments thereto shall be paid from amounts allocated therefor from the state emergency fund in accordance with K.S.A. 75-3713b, *and amendments thereto.* The cost of administration of K.S.A. 48-261 ~~to through~~ 48-271, ~~inclusive~~, and amendments thereto, shall be paid out of amounts appropriated therefor from the state general fund.

(d) The adjutant general shall administer the provisions of K.S.A. 48-261 ~~to through 48-271, inclusive~~, and amendments thereto, and shall adopt rules and regulations to carry out the provisions thereof.

Sec. 50. K.S.A. 48-267 is hereby amended to read as follows: 48-267. Any member, who is entitled to benefits under this act for any wound, injury, disease or illness, and who incurs a permanent disability therefrom shall receive compensation as provided in this section. Entitlement to compensation under this section shall commence at the conclusion of the period specified in K.S.A. 48-266, *and amendments thereto*, and continue so long as such permanent disability exists. The monthly benefit under this section for total or ~~one hundred percent (100%)~~ disability shall be ~~one hundred twenty dollars (\$120)~~ \$850 plus twelve and one half percent ~~(12 1/2%)~~ 12.5% of the monthly basic pay ~~of the grade or rank held by the member at the time entitlement under this act accrued that the member would be entitled to receive under K.S.A. 48-225, and amendments thereto, if such member were called to active duty by the governor.~~ The monthly benefit under this section for less than ~~one hundred percent (total or 100%)~~ disability shall be a percent of the amount payable for total disability that is equal to the percent of disability that the member is sustaining. Entitlement under this section and the amount thereof shall be determined by the military disability board. The board shall annually review each award under this section and determine whether ~~it such award~~ shall continue unchanged, be reduced, be increased or be terminated.

Sec. 51. K.S.A. 48-269 is hereby amended to read as follows: 48-269. Whenever a member is entitled to death benefits under this act:

(a) The member's estate shall be paid an amount equal to:

- (1) Any reimbursement due the deceased under this act;
- (2) the accrued pay and allowances of the deceased; and
- (3) the amount of actual funeral expenses of the deceased not to exceed ~~five hundred dollars (\$500)~~ \$3,500.

(b) The member's surviving spouse shall be paid a monthly compensation equal to ~~one hundred twenty dollars (\$120)~~ \$850 plus twelve and one half percent ~~(12 1/2%)~~ 12.5% of the monthly basic pay ~~of the grade or rank held by the member that the deceased member would be entitled to under K.S.A. 48-225, and amendments thereto, if such member were called to active duty by the governor at the time entitlement under this act accrued, until the surviving spouse dies or remarries.~~

(c) If a member's surviving spouse remarries, the surviving child or children under *18 years of age* ~~eighteen~~, or under *21 years of age* ~~twenty-one~~ and unmarried and still in school, shall be entitled to compensation as follows:

- (1) One such child — ~~\$77~~ \$545 per month.
- (2) Two such children — ~~\$55~~ \$390 per month to each child.

(3) Three such children — ~~\$48~~ \$340 per month to each child.

(4) More than three such children — to each child per month an amount determined by dividing the sum of ~~\$144~~ \$1,020, plus the product of ~~\$28~~ \$198 times the number of such children in excess of three, by the total number of children entitled to compensation.

(d) If a member is not married but is survived by a child or children, such children under *18 years of age* ~~eighteen~~, or under *21 years of age* ~~twenty-one~~ and unmarried and still in school, shall be entitled to compensation as specified in subsection (c) ~~of this section~~.

(e) ~~The children to which entitled to compensation under subsection (c) and or (d) of this section shall apply~~ shall be the member's surviving children who meet the prescribed conditions on the first day of each calendar month. Compensation payable under subsection (c) or (d) ~~of this section~~ shall be paid to the children or guardian as determined by the military disability board.

(f) If a member is survived by a child or children, such child or children during the period ~~he or she~~ *such child* is under ~~the 22 years of age of twenty-two years~~ and is unmarried shall be entitled to attend any college, university, junior college or vocational-technical school ~~which is postsecondary educational institution as defined in K.S.A. 74-3201b, and amendments thereto~~, operated by the state or any county, city, school district or other political subdivision without being required to pay tuition or admission fees of any kind. ~~Provided, if~~ such child is otherwise eligible to enroll in such institution and during the period such child is in good standing.

Sec. 52. K.S.A. 48-301 is hereby amended to read as follows: 48-301.

(a) The Kansas military board is hereby empowered and directed to erect or provide, anywhere within the limits of this state, *and* upon such terms and conditions ~~as shall be decided upon by the Kansas military board as most advantageous to the state, armories for the use of the Kansas army or air national guard. Each such armory shall be used for drill, meeting and rendezvous purposes by the unit of the national guard occupying such armory, and such other public functions which~~ *that* the officers in charge of such armory may deem advisable and proper. ~~Such armories shall also be opened for meetings and functions of the Grand Army of the Republic, the Spanish-American War Veterans and their auxiliary organizations.~~

(b) Subject to the provisions of K.S.A. 48-324, and amendments thereto, the adjutant general, with the advice of the Kansas military board, shall adopt rules and regulations establishing a uniform policy governing rental charges for use of armories for other than national guard purposes in order to recover the costs incurred for such use.

Sec. 53. K.S.A. 48-509 is hereby amended to read as follows: 48-509.

No person shall be commissioned or enlisted in such forces who is not a ~~citizen of the United States~~ *qualified for commissioning or enlistment as*

established by part II, title 10 of the United States code or who has been dishonorably discharged received a punitive discharge from any military or naval organization of this state, or of another state, or of the United States, naval, air or space component of any of the several states and territories, Puerto Rico or the District of Columbia.

Sec. 54. K.S.A. 48-516 is hereby amended to read as follows: 48-516. Members of the Kansas state guard after July 1, 1943, who are actually present and participate in regular weekly drills provided for by law or regulations, for not less than one and one-half 1½ hours, shall receive the following schedule of pay: For each of no more than five such weekly periods in any one month; private, sixty cents; private first class, seventy cents; corporal, eighty cents; sergeant, ninety five cents; staff sergeant and first sergeant, one dollar; second lieutenant, one dollar and twenty five cents; first lieutenant, one dollar and fifty cents; captain, two dollars and fifty cents. The rate of pay for a technician fifth grade will be the same as that of a corporal; the rate of pay for a technician fourth grade and a technician third grade will be the same as that of a sergeant *appropriate compensation as established by policy, guidance or regulation.*

Sec. 55. K.S.A. 48-2101 is hereby amended to read as follows: 48-2101. In this act, unless the context otherwise requires:

(1) “State military forces” means the national guard of the state, as defined in ~~section 101 (3) of title 32; of the United States Code~~, and any other military force organized under the laws of the state *when not in a status subjecting the state military forces to exclusive federal jurisdiction under title 10 of chapter 47 of the United States Code. The unorganized militia, state defense force, state national guard, home guard or any other name of any state force that does not meet this definition shall be part of the state military forces under this code.*

(2) “Officer” means *both a commissioned or warrant officer.*

(3) “Commanding officer” includes only commissioned officers *of the state military forces and shall include officers in charge only when administering nonjudicial punishment under K.S.A. 48-2301, and amendments thereto. The term “commander” has the same meaning as “commanding officer” unless otherwise noted.*

(4) “Superior commissioned officer” means a commissioned officer superior in rank or command.

(5) “Enlisted member” means ~~any~~ a person serving in an enlisted grade.

(6) “Grade” means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.

(7) “Rank” means the order of precedence among members of the state military forces.

(8) “~~Active-State~~ *active duty*” means full-time duty in the ~~active state~~ *military service of the state forces* under an order of the governor issued under authority vested in the governor by law, ~~performance of regular duties by technicians, regularly scheduled drills and other legally called assemblies and paid for by state funds,~~ including travel to and from such duty.

(9) “*Duty status other than state active duty*” ~~includes active state duty and means~~ any other type of ~~state military duty~~ *duty not in federal service and not full-time duty in the active service of the state, under an order issued by authority of law,* including travel to and from such duty.

(10) “*Military court*” means ~~a court martial, a court of inquiry, or a provost court.~~

(11) “*Military judge*” means ~~an official of a general or special court martial detailed in accordance with this code.~~

(12)(10) “*State judge advocate general*” means ~~the commissioned officer judge advocate appointed by the adjutant general who is responsible for supervising the administration of the military justice in the state military forces, overseeing and managing all legal personnel and services of the state military forces and military legal matters therein and for the administration of military justice.~~

(13)(11) “*Accuser*” means a person who signs and swears to charges, any person who directs that charges nominally be signed and sworn to by another, and any person who has an interest other than an official interest in the prosecution of the accused.

(14)(12) “*Military*” refers to any or all of the armed forces.

(15) “*Convening authority*” ~~includes, in addition to the person who convened the court, a commissioned officer commanding for the time being, or a successor in command.~~

(16)(13) “*May*” is used in a permissive sense. The words “no person may ...” means that no person is required, authorized, or permitted to do the act prescribed.

(17)(14) “*Shall*” is used in an imperative, *mandatory* sense.

(18)(15) “*Code*” means this act *or the Kansas code of military justice.*

(19)(16) “*Hostile force Enemy*” means ~~enemy~~ *any hostile force designated as such by the United States, designated terrorist group or organized group designated by the proper civil authority that causes or perpetuates an insurrection against the United States or state of Kansas, rioters, looters, dissidents, and others opposing or interfering with law and order.*

(20)(17) “*Judge advocate*” means ~~a commissioned officer of the organized state military forces who is a member in good standing of the state bar of Kansas and is:~~

(a) ~~An officer of the~~ *Certified or designated as a judge advocate in the judge advocate general’s corps of the army or the, air force, navy, marine*

corps or space force, or of the state military forces designated as a law specialist and as an officer of the coast guard or a reserve component of the armed forces; or

(b) an officer of the air force or the marine corps who is designated as a certified as a non-federally recognized judge advocate under regulations promulgated under this provision by the state judge advocate or a designee as competent to perform such military justice duties required by this code; or

(c) an officer of the coast guard who is designated as a law specialist.

(21) "Record," when used in connection with the proceedings of a court martial, means:

(a) An official written transcript, written summary or other writing relating to the proceedings; or

(b) an official audiotape, videotape or similar material from which sound, or sound and visual images, depicting the proceedings may be reproduced.

(22) For further definition of military terms refer to the dictionary of United States army terms (AR-310-25).

(18) "Cadet" or "candidate" means a person who is enrolled in or attending a state military academy, a regional training institute or any other formal education program for the purpose of becoming a commissioned officer in the state military forces.

(19) "Classified information" means:

(a) Any information or material that has been determined by an official of the United States or any state in accordance with law, an executive order or regulation to require protection against unauthorized disclosure for reasons of national or state security; and

(b) any restricted data, as defined in 42 U.S.C. § 2014(y).

(20) "Day" means a calendar day and is not synonymous with the term "unit training assembly." Any punishment authorized by this code that is measured in days shall, when served in a status other than annual training, be construed to mean successive duty days.

(21) "Military offenses" means those offenses punishable under the KCMJ and prescribed under chapter 48 of the Kansas Statutes Annotated, and amendments thereto.

(22) "National security" means the national defense and foreign relations of the United States.

(23) "Commissioned officer" includes a commissioned warrant officer.

(24) "Pay" means the federal active duty base pay in accordance with current United States department of defense military pay tables.

(25) "Open hearing" and "open proceeding" means a hearing or a proceeding that is open to and may be attended by members of the state military forces except for any member who is a witness in such hearing.

(26) “UCMJ” means the uniform code of military justice as defined in title 10 of chapter 47 of the United States Code and put into effect by an executive order of the president of the United States.

Sec. 56. K.S.A. 48-2102 is hereby amended to read as follows: 48-2102. ~~This code applies to all members of the state military forces (a) The following persons who are not in federal service under a call or order of the president of the United States, are subject to this code:~~

- (1) Members of the state military forces; and
- (2) all other persons lawfully ordered to duty as part of the state military forces, from the dates they are required by the terms of the ordered or other directive to obey the code.

(b) A person may not be punished for any offense provided in this code unless:

- (1) The offense was committed while the person was in a duty status during the time of the offense or was properly ordered to be in a duty status for the duration of the offense; or

- (2) the offense charged shares a nexus to the military status, duty or assignment of the person.

(c) For purposes of this section, the required nexus of connection with military status, duty or assignment is conclusively established for offenses for which there is no equivalent offense in the criminal laws of this state and for offenses involving:

- (1) Wrongful use, possession, manufacture, distribution or introduction of a controlled substance as described in K.S.A. 48-3035a, and amendments thereto; or

- (2) the state military forces.

(d) Subject-matter jurisdiction is established if a nexus exists between an offense, either military or non-military, and the state military forces. State military forces have primary jurisdiction of military offenses, as defined in K.S.A. 48-2101, and amendments thereto, when persons subject to this code are in a duty status or were properly ordered to be in a duty status. A proper civilian court, except as provided in subsection (e), has primary jurisdiction of an offense when an act or omission violates both this code and local criminal law, foreign and domestic, and when a person subject to this code was neither in a duty status nor properly ordered into a duty status. In such a case involving a military offense, nonjudicial punishment may be initiated only after the civilian authority has declined to prosecute or has dismissed the charges, provided that jeopardy has not attached. Jurisdiction over attempted crimes, conspiracy crimes, solicitation and accessory crimes shall be determined by the underlying offense.

(e) State military forces have primary jurisdiction of any offense under this code that involves a person subject to the this code when in a duty

status, when properly ordered to be in a duty status or when a military nexus exists and specifically includes the wrongful use, possession, manufacture or introduction of a controlled substance as defined in Article 112a of the KCMJ.

Sec. 57. K.S.A. 48-2103 is hereby amended to read as follows: 48-2103. (a) ~~Each person discharged from the state military forces who is later charged with having fraudulently obtained a discharge is, subject to K.S.A. 48-2708, subject to trial by court-martial on that charge and is, after apprehension, subject to this code while in the custody of the military for that trial. Upon conviction of that charge such person is subject to trial by court-martial for all offenses under this code committed before the fraudulent discharge.~~

(b)—No person who has deserted from the state military forces may be relieved from amenability to the jurisdiction of this code by virtue of a separation from any later period of service.

~~(c)~~(b) The fact that any person charged with an offense under this code is separated from the service while proceedings are pending or while undergoing sentence shall not affect the jurisdiction of any ~~court-martial proceeding.~~

Sec. 58. K.S.A. 48-2105 is hereby amended to read as follows: 48-2105. (a) ~~This code applies throughout the state to all times and places, provided that the person subject to the code is in a duty status or subject to this code under K.S.A. 48-2102, and amendments thereto. This grant of military jurisdiction shall neither preclude nor limit civilian jurisdiction over an offense, limited only by the prohibition of double jeopardy. It also applies to all persons otherwise subject to this code while they are serving outside the state, and while they are going to and returning from such service outside the state, in the same manner and to the same extent as if they were serving inside the state.~~

~~(b)—Courts-martial~~ Nonjudicial punishment may be convened and courts of inquiry may be convened and held in units of the state military forces while those units are serving outside the state with the same jurisdiction and powers as to persons subject to this code as if the proceedings were held inside the state, and offenses committed outside the state may be tried and punished either inside or outside the state.

Sec. 59. K.S.A. 48-2106 is hereby amended to read as follows: 48-2106. (a) ~~The governor, on the recommendation of the adjutant general, shall appoint an officer of the state military forces as staff judge-advocate general advocates in each component of the state's military forces or such judge advocate's designee shall make frequent inspections in the field under the supervision of the administration of military justice in that force. To be eligible for appointment, an officer must be a member of the bar of~~

the highest court of the state and must have been a member of the bar of the state for at least five (5) years.

~~(b) The adjutant general may appoint as many assistants to the judge advocate general as he or she considers necessary who shall be designated assistant judge advocates. To be eligible for appointment, assistant judge advocates must be officers of the state military forces and members of the bar of the highest court of the state.~~

~~(c) Convening authorities~~*(b) Commanding officers* shall at all times communicate directly with their staff judge advocates in matters relating to the administration of military justice; ~~and the staff. The judge advocate of any command is entitled to communicate directly with the staff judge advocate of a superior or subordinate command, or with the state judge advocate general.~~

~~(d)~~*(c)* No person who has acted as member, military judge, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, or investigating officer, or who has been a witness for either the prosecution or defense, in any case, may later act as ~~staff~~ a judge advocate to any reviewing authority upon the same case.

Sec. 60. K.S.A. 48-2201 is hereby amended to read as follows: 48-2201. (a) Apprehension is the taking of a person into custody.

~~(b) Any person authorized by regulations governing the state military forces this code or by title 10 of chapter 47 of the United States Code or by regulations issued under either, to apprehend persons subject to this code, any marshal of a court martial appointed pursuant to the provisions of this code, and any law enforcement officer having authority to apprehend offenders under the laws of the United States or of a state or municipality, may do so upon reasonable belief that an offense has been committed and that the person apprehended committed it.~~

(c) Commissioned officers, warrant officers and noncommissioned officers have authority to quell quarrels, frays and disorders among persons subject to this code and to apprehend persons subject to this code who take part therein.

~~(d) Any~~ No person authorized by this article to apprehend persons subject to this code nor the place where such offender is restrained, held or otherwise housed subject to this code who misses a movement to annual training or state active duty or is absent without leave from annual training or state active duty, may be apprehended and delivered to the person's commanding officer pursuant to a warrant issued by a military judge based upon probable cause. Apprehension under this subsection may be made by military police, security police or civilian law enforcement officers may require payment of any fee or charge for receiving, apprehending, confining, restraining, holding or otherwise housing a person except as otherwise provided by law.

Sec. 61. K.S.A. 48-2203 is hereby amended to read as follows: 48-2203. (a) Arrest is the restraint of a person by an order, not imposed as a punishment for an offense, directing the person to remain within certain specified limits. Confinement is the physical restraint of a person.

(b) An enlisted member may be ordered into arrest or confinement by any commissioned officer by an order, oral or written, delivered in person or through other persons subject to this code or through any person authorized by this code to apprehend persons. A commanding officer may authorize warrant officers or noncommissioned officers to order enlisted members of such officers' command or subject to such officers' authority into arrest or confinement.

(c) A commissioned officer, ~~or warrant officer or a civilian subject to this code~~ may be ordered ~~apprehended or~~ into arrest or confinement only by a commanding officer to whose authority such commissioned officer or warrant officer is subject, by an order, oral or written, delivered in person or by a commissioned officer. The authority to order such persons apprehended or into arrest or confinement may not be delegated.

(d) No person may be ordered apprehended or into arrest or confinement except for probable cause.

(e) This section does not limit the authority of persons authorized to apprehend offenders to secure the custody of an alleged offender until proper authority may be notified.

Sec. 62. K.S.A. 48-2204 is hereby amended to read as follows: 48-2204. Any person subject to this code charged with an offense under this code may be ordered into arrest or confinement, as circumstances may require; ~~but when charged only with an offense normally tried by a summary court-martial, such person shall not ordinarily be placed in confinement.~~ When any person subject to this code is placed in arrest or confinement prior to trial, immediate steps shall be taken to inform the person of the specific wrong of which the person is accused and to try the person or to dismiss the charges and release the person, in accordance with regulations promulgated by the governor.

Sec. 63. K.S.A. 2023 Supp. 48-2301 is hereby amended to read as follows: 48-2301. (a) ~~(1)~~ Under such regulations as the governor may prescribe, any commanding officer may impose disciplinary punishments for ~~minor military offenses without the intervention of a court-martial pursuant to this article. For purposes of this article, commanding officer shall include officers in charge under this code.~~

~~(2)~~ Only the governor, the adjutant general or an officer of a general or flag rank in command may delegate the powers under this article to a principal assistant who is a member of the state military forces.

(b) Any *company-grade* commanding officer may *in addition to or in lieu of admonition or reprimand, after holding a hearing in which the*

accused is entitled to be present, impose not more than two of the following disciplinary punishments upon enlisted members of the officer's command:

- ~~(1) An admonition;~~
- ~~(2) a reprimand;~~
- ~~(3) the Withholding of privileges for not more than six months, which need not be consecutive two consecutive weeks;~~

~~(2) extra duties for not more than two consecutive weeks and not to exceed two hours per day, holidays included;~~

~~(4)(3) the forfeiture of not more than seven days' pay;~~

~~(5)(4) a fine of not more than seven days' pay; or~~

~~(6)(5) a reduction to the next inferior pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction;~~

~~(7) extra duties, including fatigue or other duties, for not more than 14 days, which need not be consecutive; and~~

~~(8) restriction to certain specified limits, with or without suspension from duty, for not more than 14 days, which need not be consecutive, but the officer imposing the reduction need not have actual authority to promote the member on whom the reduction is imposed.~~

(c) Any field-grade commanding officer of the grade of O-4, or above, or an officer of a general or flag rank in command may in addition to or in lieu of admonition or reprimand, after holding a hearing in which the accused is entitled to be present, impose not more than three of the following disciplinary punishments upon enlisted members of the officer's command:

- ~~(1) Any punishment authorized in subsections (b)(1), (2) and~~
- ~~(3) Withholding of privileges for not more than two consecutive weeks;~~

~~(2) extra duties for not more than two consecutive weeks but not to exceed two hours per day, holidays included;~~

~~(2)(3) the forfeiture of not more than $\frac{1}{2}$ of one month's pay per month for two months 30 days' pay;~~

~~(3)(4) a fine of not more than one month's 30 days' pay; or~~

~~(4)(5) a reduction to the lowest or any intermediate pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction, but the officer imposing the reduction need not have actual authority to promote the member on whom the reduction is imposed. An enlisted member in a pay grade above E-4 may not be reduced more than two pay grades;~~

~~(5) extra duties, including fatigue or other duties, for not more than 45 days, which need not be consecutive; and~~

(6) —restriction to certain specified limits, with or without suspension from duty, for not more than 60 days, which need not be consecutive.

(d) The governor, the adjutant general, ~~an officer exercising general court-martial convening authority~~ or an officer of a general or flag rank in command may *in addition to or in lieu of admonition or reprimand, after a hearing in which the accused is entitled to be present, impose any of the following disciplinary punishments upon officers of the officer's command:*

(1) ~~Upon officers of the officer's command, any punishment authorized in subsections (c)(1), (2), (3) and (6) and arrest in quarters for not more than 30 days, which need not be consecutive~~ *Withholding privileges for not more than two consecutive weeks; and*

(2) ~~upon enlisted members of the officer's command, any punishment authorized in subsection (c)~~ *the forfeiture of not more than 30 days' pay; and*

(3) *a fine of not more than 30 days' pay.*

(e) Whenever any of those punishments are combined to run consecutively, the total length of the combined punishment cannot exceed the authorized duration of the longest punishment in the combination, and there must be an apportionment of punishments so that no single punishment in the combination exceeds its authorized length under this article.

~~(f) Prior to the offer of non-judicial punishment, the commanding officer shall determine whether arrest in quarters or restriction shall be considered as punishments. If the commanding officer determines that the punishment options may include arrest in quarters or restriction, the accused shall be notified of the right to demand trial by court-martial. If the commanding officer determines that the punishment options will not include arrest in quarters or restriction, the accused shall be notified that there is no right to trial by court-martial in lieu of non-judicial punishment.~~

~~(g)~~(f) The officer who imposes the punishment, or the successor in command, may, at any time, suspend, set aside, mitigate or remit any part or amount of the punishment and restore all rights, privileges and property affected. The officer also may mitigate ~~punishments as follows:~~

(1) Reduction in grade to forfeiture of pay; *or*

(2) ~~arrest in quarters to restriction; or~~

(3) ~~extra duties to restriction.~~

The mitigated punishment shall not be for a greater period than the punishment mitigated. When mitigating reduction in grade to forfeiture of pay, the amount of the forfeiture shall not be greater than the amount that could have been imposed initially under this article by the officer who imposed the punishment mitigated.

(h) A person punished under this article who considers the punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority within 15 days after the

punishment is either announced or sent to the accused, as the commander may determine. The appeal shall be promptly forwarded and decided, but the punishment shall be stayed until final action is taken on the appeal. The superior authority may exercise the same powers with respect to the punishment imposed as may be exercised under subsection (g) by the officer who imposed the punishment. Before acting on an appeal from a punishment, the authority that is to act on the appeal will refer the case to a judge advocate for consideration and advice.

(i) ~~The imposition and enforcement of disciplinary punishment under this article for any act or omission is not a bar to trial by court-martial or a civilian court of competent jurisdiction for a serious crime or offense growing out of the same act or omission and not properly punishable under this article; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial and, when so shown, it shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty~~

(g) *The governor or the adjutant general may, by order or rule, place limitations on the powers granted by this code with respect to the kinds and amount of punishment authorized and the categories of commanding officers authorized to exercise those powers.*

~~(j)(h)~~ Whenever a nonjudicial punishment of forfeiture of an amount of pay is imposed under this article, the forfeiture may apply to base pay ~~accruing~~ before, any deduction, withholding, assignment or forfeiture due on or after the date that punishment is imposed and to any pay accrued before that date.

~~(k)(i)~~ Regulations may prescribe the form of records to be kept of proceedings under this article and may prescribe that certain categories of those proceedings shall be in writing.

(j) *A person subject to punishment under this article has a right to be physically present during any hearing conducted under this article. A person waives the right to be present at a hearing held to adjudicate the charged offenses if the person fails to go to the appointed place of the hearing at the time prescribed after having been properly informed of the charged offenses and scheduled hearing and was given the requisite opportunity to consult with legal counsel. Any hearing conducted under this article by a company-grade commanding officer during which a finding of guilt is made and punishment is adjudged over and above admonition, reprimand or both shall have a written record that includes all real and testimonial evidence and all other supporting documents.*

Sec. 64. K.S.A. 48-2602 is hereby amended to read as follows: 48-2602. (a) No person subject to this code shall compel any person to ~~in-~~criminate himself or herself self-incriminate that person or to answer any question, the answer to which may tend to incriminate the person.

(b) No person subject to this code may interrogate or request any statement from an accused or a person suspected of an offense without first informing ~~him or her~~ *that person* of the nature of the accusation and advising ~~him or her~~ *that person* that ~~he or she~~ *does* ~~such person~~ *does not* have to make any statement regarding the offense of which ~~he or she~~ *is* ~~such person~~ *is* accused or suspected, that any statement made by ~~him or her~~ *that person* may be used as evidence against ~~him or her~~ *such person* in a trial by ~~court-martial~~ *any military or civil proceeding*, that ~~he or she~~ *has* ~~such person~~ *has* a right to consult with a lawyer, that ~~he or she~~ *has* ~~such person~~ *has* a right to have a lawyer present during questioning, that ~~he or she~~ *has* ~~such person~~ *has* a right to request a lawyer and that upon request one will be provided without cost or, if ~~he or she~~ *that person* prefers, ~~he or she~~ *such person* may retain counsel of ~~his or her~~ *choice* ~~such person's~~ *choosing* at ~~his or her~~ *such person's* own expense.

(c) No person subject to this code may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade the person.

(d) No statement obtained from any person in violation of this section, or through the use of coercion, unlawful influence or unlawful inducement may be received in evidence against the person ~~in a trial by court-martial~~.

~~(e) The requirements of this section are binding on all persons administering this code but failure to follow them does not divest a military court of jurisdiction.~~

Sec. 65. K.S.A. 48-2605 is hereby amended to read as follows: 48-2605. (a) ~~Before directing the trial of any charge by general court-martial proceeding to take action under this code, the convening authority shall refer it to a commanding officer should confer with the convening authority's staff commanding officer's servicing judge advocate for consideration and advice. The convening authority may not refer a specification under a charge to a general court-martial for trial unless the convening authority has been advised in writing by the staff judge advocate that:~~

- ~~(1) The specification alleges an offense under this code;~~
- ~~(2) the specification is warranted by the evidence indicated in the report of the investigation under K.S.A. 48-2603 and amendments thereto, if there is such a report; and~~
- ~~(3) a court-martial would have jurisdiction over the accused and the offense.~~

~~(b) The advice of the staff judge advocate under subsection (a) with respect to a specification under a charge shall include a written and signed statement by the staff judge advocate:~~

- ~~(1) Expressing the staff judge advocate's conclusions with respect to each matter set forth in subsection (a); and~~

(2) ~~recommending action that the convening authority take regarding the specification.~~

~~If the specification is referred for trial, the recommendation of the staff judge advocate shall accompany the specification.~~

(e) ~~If the charges or specifications are not formally correct or do not conform to the substance of the evidence contained in the report of the investigating officer, formal corrections, and such changes in the charges and specifications as are needed to make them conform to the evidence shall be made.~~

Sec. 66. K.S.A. 48-2708 is hereby amended to read as follows: 48-2708. (a) A person charged with sedition, mutiny, desertion, *missing movement* or absence without leave in time of war or aiding a hostile force may be tried and punished at any time without limitation.

(b) ~~Except as otherwise provided in this section, a person charged with desertion or with the offense punishable under K.S.A. 48-3040 and amendments thereto is not liable to be tried by court martial if the offense was committed more than three years before the receipt of sworn charges and specifications by an officer exercising summary court martial jurisdiction over the command.~~

(e)(b) Except as otherwise provided in this section, a person charged with any offense is not liable to be ~~tried by court martial or~~ punished under K.S.A. 48-2301, and amendments thereto, if the offense was committed more than two years before the receipt of sworn charges and specifications by an officer exercising summary court martial jurisdiction over the command ~~or before the imposition of punishment under K.S.A. 48-2301~~ K.S.A. 48-2301, and amendments thereto, *unless the commission of the offense was not immediately known and not readily discoverable, in which case the statute of limitations is two years from the discovery.*

(c) *Periods in which the accused is absent without authority or fleeing from justice shall be excluded in computing the period of limitation prescribed in this article.*

(d) Periods in which the accused was absent from territory in which the state has the authority to apprehend the accused, or in the custody of civil authorities, or in the hands of a hostile force, shall be excluded in computing the period of limitation prescribed in this section.

(e) *When the United States is at war or the president of the United States has declared a national emergency, the running of any statute of limitations applicable to any offense under this code is suspended until three years after the termination of hostilities or national emergency as proclaimed by the president of the United States or by the joint resolution of the United States congress if the offense:*

(1) *Involves fraud or attempted fraud against the United States, any state or any agency of either in any manner, whether by conspiracy or not;*

(2) *was committed in connection with the acquisition, care, handling, custody, control or disposition of any real or personal property of the United States or any state; or*

(3) *was committed in connection with the negotiation, procurement, award, performance, payment, interim financing, cancellation or other termination or settlement of any contract, subcontract or purchase order that is connected with or related to the prosecution of the war or with any disposition of termination inventory by any war contractor or government agency.*

(f) (1) *Punishment under new charges and specifications are not barred by the statute of limitations if the conditions specified in paragraph (2) are met and charges or specifications are dismissed as defective or insufficient for any cause and the period prescribed by the applicable statute of limitations:*

(A) *Has expired; or*

(B) *will expire within 180 days after the date of dismissal of the charges and specifications.*

(2) *The conditions referred to in paragraph (1)(B) are that the new charges must:*

(A) *Be received by a commanding officer within 180 days after the dismissal of the charges or specifications; and*

(B) *allege the same acts or omissions that were alleged in the dismissed charges or specifications or allege acts or omissions that were included in the dismissed charges or specifications.*

Sec. 67. K.S.A. 48-2709 is hereby amended to read as follows: 48-2709. (a) No person may, *without that person's consent*, be ~~tried~~ punished a second time ~~in any court of the state~~ for the same offense.

(b) No proceeding in which an accused has been found guilty by a ~~court-martial~~ commanding officer upon any charge or specification under K.S.A. 48-2301, and amendments thereto, is a ~~trial in the sense of punishment under this section until the finding of guilty has become final after review of the case has been fully completed~~ time for appeal has run or a final decision on the appeal is made.

(c) ~~A proceeding which, after the introduction of evidence but before a finding, is dismissed or terminated by the convening authority or on motion of the prosecution for failure of available evidence or witnesses without any fault of the accused is a trial in the sense of this section.~~

Sec. 68. K.S.A. 48-2801 is hereby amended to read as follows: 48-2801. *Punishment by flogging, branding, marking or tattooing the body, or any other cruel or unusual punishment may not be adjudged by any court-martial commanding officer or inflicted upon any person subject to this code.*

Sec. 69. K.S.A. 48-2802 is hereby amended to read as follows: 48-2802. (a) The punishment ~~which that a court-martial~~ *commanding officer* may direct for an offense may not exceed limits prescribed by this code.

(b) *Notwithstanding the limitations already prescribed, the maximum fine that may be assessed by a commanding officer under K.S.A. 48-2301, and amendments thereto, shall not exceed the amount of \$2,500.*

Sec. 70. K.S.A. 48-3003 is hereby amended to read as follows: 48-3003. Any person subject to this code who, knowing that an offense punishable by this code has been committed, receives, comforts; or assists the offender in order to hinder or prevent the offender's apprehension, trial; or punishment shall be punished as ~~a court-martial~~ *commanding officer* may direct.

Sec. 71. K.S.A. 48-3005 is hereby amended to read as follows: 48-3005. (a) An act, done with specific intent to commit an offense under this code, amounting to more than mere preparation and tending, even though failing, to effect its commission, is an attempt to commit that offense.

(b) Any person subject to this code who attempts to commit any offense punishable by this code shall be punished as ~~a court-martial~~ *commanding officer* may direct, unless otherwise specifically prescribed.

(c) Any person subject to this code may be convicted of an attempt to commit an offense although it appears on the ~~trial~~ *hearing* that the offense was consummated.

Sec. 72. K.S.A. 48-3006 is hereby amended to read as follows: 48-3006. Any person subject to this code who conspires with any other person to commit an offense under this code shall, if one or more of the conspirators does an act to effect the object of the conspiracy, be punished as ~~a court-martial~~ *commanding officer* may direct.

Sec. 73. K.S.A. 48-3007 is hereby amended to read as follows: 48-3007. (a) Any person subject to this code who solicits or advises another or others to desert in violation of K.S.A. 48-3010, *and amendments thereto*, or mutiny in violation of K.S.A. 48-3019, *and amendments thereto*, shall, if the offense solicited or advised is attempted or committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or advised is not committed or attempted, the person shall be punished as ~~a court-martial~~ *commanding officer* may direct.

(b) Any person subject to this code who solicits or advises another or others to commit an act of misbehavior before ~~a hostile force~~ *the enemy* in violation of K.S.A. 48-3024, *and amendments thereto*, or sedition in violation of K.S.A. 48-3019, *and amendments thereto*, shall, if the offense solicited or advised is committed, be punished with the punishment provided for the commission of the offense, but, if the offense solicited or

advised is not committed, the person shall be punished as a ~~court-martial commanding officer~~ may direct.

Sec. 74. K.S.A. 48-3008 is hereby amended to read as follows: 48-3008. Any person *subject to this code shall be punished at the direction of a commanding officer* who:

(1) Procures ~~his or her~~ *such person's* own enlistment or appointment in the state military forces by knowingly false representation or deliberate concealment as to the person's qualifications for that enlistment or appointment and receives pay or allowances thereunder; or

(2) procures ~~his or her~~ *such person's* own separation from the state military forces by knowingly false representation or deliberate concealment as to the person's eligibility for that separation; ~~shall be punished as a court-martial may direct.~~

Sec. 75. K.S.A. 48-3009 is hereby amended to read as follows: 48-3009. Any person subject to this code who effects an enlistment or appointment in or a separation from the state military forces of any person who is known to that person to be ineligible for that enlistment, appointment, or separation because it is prohibited by law, regulation, or order shall be punished as a ~~court-martial~~ *commanding officer* may direct.

Sec. 76. K.S.A. 48-3010 is hereby amended to read as follows: 48-3010. (a) Any member of the state military forces who:

(1) Without authority goes or remains absent from the member's unit, organization, or place of duty with intent to remain away therefrom permanently;

(2) quits ~~his or her~~ *such member's* unit, organization or place of duty with intent to avoid hazardous duty or to shirk important service; or

(3) without being regularly separated from one of the state military forces, enlists or accepts an appointment in the same or another one of the state military forces, or in one of the armed forces of the United States, without fully disclosing the fact is guilty of desertion.

(b) Any commissioned officer of the state military forces who, after tender of resignation and before notice of its acceptance, quits ~~his or her~~ *such commissioned officer's* post or proper duties without leave and with intent to remain away therefrom permanently is guilty of desertion.

(c) Any person found guilty of desertion or attempt to desert shall be punished as a ~~court-martial may direct at the direction of a commanding officer.~~

Sec. 77. K.S.A. 48-3011 is hereby amended to read as follows: 48-3011. Any person subject to this code *shall be punished at the direction of a commanding officer* who, without authority:

(1)(a) Fails to go to the person's appointed place of duty at the time prescribed;

~~(2)(b)~~ goes from that place; or
~~(3)(c)~~ absents ~~himself or herself~~ *oneself* or remains absent from ~~the~~ *such* person's unit, organization, or place of duty at which ~~he or she~~ *such person* is required to be at the time prescribed; ~~shall be punished as a court-martial may direct.~~

Sec. 78. K.S.A. 48-3012 is hereby amended to read as follows: 48-3012. (a) Any person subject to this code who through neglect or design misses the movement of a ship, aircraft, or unit with which the person is required in the course of duty to move shall be punished as a ~~court-martial~~ *commanding officer* may direct.

(b) *Any person subject to this code who wrongfully and intentionally jumps into the water from a vessel in use by the United States armed forces or state military forces shall be punished at the direction of a commanding officer.*

Sec. 79. K.S.A. 48-3013 is hereby amended to read as follows: 48-3013. Any person subject to this code who uses contemptuous words against the president, ~~the vice president~~ *vice president*, congress, the secretary of defense, ~~the secretary of a military department, the secretary of homeland security,~~ the governor or the governor of any other state, ~~the legislature or the legislature of any other state,~~ territory, commonwealth or possession in which that person may be serving, shall be punished as a ~~court-martial~~ *commanding officer* may direct.

Sec. 80. K.S.A. 48-3014 is hereby amended to read as follows: 48-3014. Any person subject to this code who behaves with disrespect ~~to wards his or her~~ *toward such person's* superior commissioned officer shall be punished as a ~~court-martial~~ *commanding officer* may direct.

Sec. 81. K.S.A. 48-3015 is hereby amended to read as follows: 48-3015. Any person subject to this code ~~who~~:

~~(1)~~ *shall be punished at the direction of a commanding officer if such person strikes the person's superior commissioned officer or draws or lifts up any weapon or offers any violence against the superior commissioned officer while the officer is in the execution of his or her the officer's office; or*

~~(2)~~ *willfully disobeys a lawful command of his or her superior commissioned officer; shall be punished as a court-martial may direct.*

Sec. 82. K.S.A. 48-3016 is hereby amended to read as follows: 48-3016. Any warrant officer or enlisted member ~~who shall be punished at the direction of a commanding officer if such person:~~

~~(1)~~(a) Strikes or assaults a warrant officer, noncommissioned officer or petty officer, while that officer is in the execution of ~~his or her~~ *such officer's* office;

~~(2)~~(b) willfully disobeys the lawful order of a warrant officer, noncommissioned officer, or petty officer; or

~~(3)(c)~~ treats with contempt or is disrespectful in language or deportment toward a warrant officer, noncommissioned officer, or petty officer, while that officer is in the execution of ~~his or her~~ *such officer's* office; ~~shall be punished as a court-martial may direct.~~

Sec. 83. K.S.A. 48-3017 is hereby amended to read as follows: 48-3017. Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person:~~

- ~~(1)(a)~~ Violates or fails to obey any lawful general order or regulation;
- ~~(2)(b)~~ having knowledge of any other lawful order issued by a member of the state military forces which it is the person's duty to obey, fails to obey the order; or
- ~~(3)(c)~~ is derelict in the performance of ~~his or her~~ *such person's* duties; ~~shall be punished as a court-martial may direct.~~

Sec. 84. K.S.A. 48-3018 is hereby amended to read as follows: 48-3018. Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person~~ is guilty of cruelty toward, or oppression or maltreatment of, any person subject to ~~his or her~~ *such person's* orders ~~shall be punished as a court-martial may direct.~~

Sec. 85. K.S.A. 48-3019 is hereby amended to read as follows: 48-3019. (a) Any person subject to this code who:

(1) With intent to usurp or override lawful military authority, refuses, in concert with any other person, to obey orders or otherwise do ~~his~~ *such person's* duty or creates any violence or disturbance is guilty of mutiny;

(2) with intent to cause the overthrow or destruction of lawful civil authority, creates, in concert with any other person, revolt, violence, or other disturbance against that authority is guilty of sedition; or

(3) fails to do ~~his~~ *such person's* utmost to prevent and suppress a mutiny or sedition being committed in ~~his~~ *such person's* presence, or fails to take all reasonable means to inform ~~his~~ *such person's* superior commissioned officer or commanding officer of a mutiny or sedition ~~which he~~ *that such person* knows or has reason to believe is taking place, is guilty of a failure to suppress or report a mutiny or sedition.

(b) A person who is found guilty of attempted mutiny, mutiny, sedition, or failure to suppress or report a mutiny or sedition shall be punished ~~as a court-martial may direct at the direction of a commanding officer.~~

Sec. 86. K.S.A. 48-3020 is hereby amended to read as follows: 48-3020. Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person:~~

- ~~(a)~~ Resists apprehension; ~~or~~
- ~~(b)~~ breaks arrest; or
- ~~(c)~~ ~~who~~ escapes from physical restraint, *custody or confinement* lawfully imposed ~~shall be punished as a court-martial may direct.~~

Sec. 87. K.S.A. 48-3021 is hereby amended to read as follows: 48-3021. (a) Any person subject to this code ~~who, shall be punished at the direction of a commanding officer, whether or not the prisoner was committed to such person's charge in strict compliance with the law if such person:~~

(1) Without proper authority, releases ~~any a prisoner committed to his or her charge, or who;~~

(2) through neglect or ~~by design, suffers~~ allows any such prisoner to escape, ~~shall be punished as a court-martial may direct, whether or not the prisoner was committed in strict compliance with law; or~~

(3) unlawfully drinks any alcoholic beverage with a prisoner.

Sec. 88. K.S.A. 48-3022 is hereby amended to read as follows: 48-3022. Any person subject to this code who, except as provided by law or regulation, apprehends, arrests, or confines any person shall be punished ~~as a court-martial may direct at the direction of a commanding officer.~~

Sec. 89. K.S.A. 48-3023 is hereby amended to read as follows: 48-3023. Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person:~~

(1)(a) Is responsible for unnecessary delay in the disposition of any case of a person accused of an offense under this code; or

(2)(b) knowingly and intentionally fails to enforce or comply with any provision of this code regulating the proceedings before, during, or after ~~trial punishment of an accused, shall be punished as a court-martial may direct.~~

Sec. 90. K.S.A. 48-3024 is hereby amended to read as follows: 48-3024. Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person, before or in the presence of a hostile force the enemy:~~

(1)(a) Runs away;

(2)(b) shamefully abandons, surrenders, or delivers up any command, unit, place or military property ~~which it is the person's that such person has a duty to defend;~~

(3)(c) through disobedience, neglect, or intentional misconduct endangers the safety of any such command, unit, place, or military property;

(4)(d) casts away ~~his or her~~ such person's arms or ammunition;

(5)(e) is guilty of cowardly conduct;

(6)(f) quits ~~his or her~~ such person's place of duty to plunder or pillage;

(7)(g) causes false alarms in any command, unit, or place under control of the armed forces of the United States or the state military forces;

(8)(h) willfully fails to do ~~his or her~~ such person's utmost to encounter, engage, capture, or destroy any hostile force, combatants, vessels, aircraft, or any other thing, ~~which it is the person's duty so that the person has a duty to encounter, engage, capture, or destroy; or~~

~~(9)(i)~~ does not afford all practicable relief and assistance to any troops, combatants, vessels, or aircraft of the armed forces belonging to the United States or their allies, to the state, or to any other state, when engaged in battle, ~~shall be punished as a court-martial may direct.~~

Sec. 91. K.S.A. 48-3025 is hereby amended to read as follows: 48-3025. Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person~~ compels or attempts to compel the commander of any ~~of place, vessel, aircraft or other military property or of any body of members of the state military forces, the United States armed forces or the military forces of the state, or of any other state,~~ to give it up ~~such property or body of members to a hostile force an enemy~~ or to abandon it, ~~such property or body of members or who strikes the colors or flag to a hostile force an enemy~~ without proper authority, ~~shall be punished as a court-martial may direct.~~

Sec. 92. K.S.A. 48-3026 is hereby amended to read as follows: 48-3026. Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person,~~ in time of war or civil disturbance, discloses the parole or countersign to any person not entitled to receive it, or who gives to another who is entitled to receive and use the parole or countersign a different parole or countersign from that which, to the person's knowledge, ~~he or she that person was~~ authorized and required to give, ~~shall be punished as a court-martial may direct.~~

Sec. 93. K.S.A. 48-3027 is hereby amended to read as follows: 48-3027. Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person~~ forces a safeguard ~~shall be punished as a court-martial may direct.~~

Sec. 94. K.S.A. 48-3028 is hereby amended to read as follows: 48-3028. (a) All persons subject to this code shall secure all public property taken from the hostile force for the service of the United States, or the state of Kansas, and shall give notice and turn over to the proper authority without delay all captured or abandoned property in their possession, custody, or control.

(b) Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person:~~

- (1) Fails to carry out the duties prescribed in subsection (a);
- (2) buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, whereby that person receives or expects any profit, benefit, or advantage to ~~himself or herself~~ *such person* or another directly or indirectly connected with ~~himself or herself~~ *such person*; or
- (3) engages in looting or pillaging, ~~shall be punished as a court-martial may direct.~~

Sec. 95. K.S.A. 48-3029 is hereby amended to read as follows: 48-3029. Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person:~~

(1)(a) Aids, or attempts to aid the ~~hostile force~~ *enemy* with arms, ammunition, supplies, money, or other things; or

(2)(b) without proper authority, knowingly harbors or protects or gives intelligence to, or communicates or corresponds with or holds any intercourse with the ~~hostile force~~ *enemy*, either directly or indirectly; ~~shall be punished as a court-martial may direct.~~

Sec. 96. K.S.A. 48-3030 is hereby amended to read as follows: 48-3030. Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person,~~ while in the hands of a hostile force in time of war or civil disturbance:

(1)(a) For the purpose of securing favorable treatment by the person's captors, acts without proper authority in a manner contrary to law, custom, or regulation, to the detriment of others of whatever nationality held by a ~~hostile force~~ *the enemy* as civilian or military prisoners; or

(2)(b) while in a position of authority over such persons, maltreats ~~them~~ *such persons* without justifiable cause; ~~shall be punished as a court-martial may direct.~~

Sec. 97. K.S.A. 48-3031 is hereby amended to read as follows: 48-3031. (a) Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person,~~ with intent to deceive:

(1) Signs any false record, return, regulation, order, or other official document, knowing it to be false; or

(2) makes any other false official statement knowing ~~it~~ *such statement* to be false; ~~shall be punished as a court-martial may direct.~~

(b) Any person subject to this code shall be punished at the direction of a commanding officer if such person:

(1) Takes an oath that is administered:

(A) In a matter in which such oath is required to do so; and

(B) by a person with the authority to do so; and

(2) upon taking such oath, makes or subscribes to a statement that, at the time the oath was administered, the person did not believe to be true.

Sec. 98. K.S.A. 48-3032 is hereby amended to read as follows: 48-3032. Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person,~~ without proper authority:

(1)(a) Sells or otherwise disposes of any military property of the United States or of the state;

(2)(b) willfully or through neglect damages, destroys, or loses any military property of the United States or of the state; or

(3)(c) willfully or through neglect suffers to be damaged, destroyed, sold, or wrongfully disposed of; any military property of the United States or of the state ~~shall be punished as a court martial may direct.~~

Sec. 99. K.S.A. 48-3033 is hereby amended to read as follows: 48-3033. Any person subject to this code ~~who, while in a duty status, shall be punished at the direction of a commanding officer if such person willfully or recklessly wastes, spoils, or otherwise willfully and wrongfully destroys or damages any property other than military property of the United States or of the state shall be punished as a court martial may direct.~~

Sec. 100. K.S.A. 48-3033a is hereby amended to read as follows: 48-3033a. (a) Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person willfully and wrongfully hazards or suffers to be hazarded any vessel of the armed forces shall be punished as a court martial may direct of the United States or any state military forces.~~

(b) Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person negligently hazards or suffers to be hazarded any vessel of the armed forces shall be punished as a court martial may direct of the United States or any state military forces.~~

Sec. 101. K.S.A. 48-3034 is hereby amended to read as follows: 48-3034. Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person operates any vehicle in a manner proscribed prohibited by K.S.A. 8-1567, and amendments thereto, in a reckless or wanton manner or while impaired by a substance described in K.S.A. 48-3035a shall be punished as a court martial may direct, and amendments thereto.~~

Sec. 102. K.S.A. 48-3035 is hereby amended to read as follows: 48-3035. (a) Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person is found drunk, under the influence of any intoxicant, narcotic, barbiturate or somnifacient or similar substance, on duty or sleeping upon his or her post, or who leaves that post before he or she is regularly relieved, shall be punished as a court martial may direct.~~

(b) Any person subject to this code ~~shall be punished at the direction of a commanding officer if such person, as a result of indulgence in any alcoholic beverage or any drug, is incapacitated for the proper performance of duty.~~

Sec. 103. K.S.A. 48-3035a is hereby amended to read as follows: 48-3035a. (a) Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person wrongfully uses, is under the influence of, possesses, manufactures, distributes, imports into the customs territory of the United States, exports from the United States or~~

introduces into an installation, vessel, vehicle or aircraft used by or under the control of the armed forces of *the United States or state military forces* a substance described in subsection (b) ~~shall be punished as a court-martial may direct.~~

(b) The substances referred to in subsection (a) are the following:

(1) Opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phencyclidine, barbituric acid and marijuana and any compound or derivative of any such substance.

(2) Any substance not specific in subsection (b)(1) that is listed on a schedule of controlled substances prescribed by the president of *the United States or the governor* for the purposes of this article.

(3) Any other substance not specified in subsection (b)(1) or contained on a list prescribed by the president of *the United States or governor* under subsection (b)(2) that is listed in schedules I through V of section 202 of the controlled substances act~~—~~, 21 U.S.C. § 812).

(c) *A person subject to this code shall be punished at the direction of a commanding officer if such person wrongfully possesses in such person's blood or urine the metabolites of a controlled substance as identified in subsection (b).*

Sec. 104. K.S.A. 48-3036 is hereby amended to read as follows: 48-3036. Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person:~~

(a) Fights or promotes, or is concerned in or connives at fighting a duel; ~~or who, having~~

(b) *has knowledge of a challenge sent or about to be sent, and fails to report the fact promptly to the proper authority;* ~~shall be punished as a court-martial may direct.~~

Sec. 105. K.S.A. 48-3037 is hereby amended to read as follows: 48-3037. Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person,~~ for the purpose of avoiding work, duty or service in the state military forces:

~~(1)(a)~~ Feigns illness, physical disablement, mental lapse or derangement; or

~~(2)(b)~~ intentionally inflicts self-injury; ~~shall be punished as a court-martial may direct.~~

Sec. 106. K.S.A. 48-3038 is hereby amended to read as follows: 48-3038. Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person~~ causes or participates in any riot or breach of the peace ~~shall be punished as a court-martial may direct.~~

Sec. 107. K.S.A. 48-3039 is hereby amended to read as follows: 48-3039. Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person~~ uses provoking or reproachful

words or gestures towards any other person subject to this code ~~shall be punished as a court-martial may direct.~~

Sec. 108. K.S.A. 48-3040 is hereby amended to read as follows: 48-3040. Any person subject to this code ~~who shall be guilty of perjury and shall be punished at the direction of a commanding officer if such person, in a judicial proceeding or in a court of justice conducted under this code or in a proceeding or hearing conducted under the auspices of the adjutant general where oaths are administered, willfully and corruptly:~~

(a) Gives, upon a lawful oath or in any form allowed by law to be substituted for an oath, any false testimony material to the issue or matter of inquiry ~~is guilty of perjury and shall be punished as a court-martial may direct; or~~

(b) ~~in any declaration, certificate, verification or statement under penalty of perjury as permitted under law, testifies to any false statement material to the issue or matter of inquiry.~~

Sec. 109. K.S.A. 48-3041 is hereby amended to read as follows: 48-3041. Any person subject to this code *shall, upon conviction, be punished at the direction of a commanding officer if such person:*

~~(1)~~(a) Who, knowing it to be false or fraudulent:

~~(A)~~(1) Makes any claim against the United States, the state; or any officer thereof; or

~~(B)~~(2) presents to any person in the civil or military service thereof, for approval or payment any claim against the United States, the state or any officer thereof;

~~(2)~~(b) who, for the purpose of obtaining the approval, allowance; or payment of any claim against the United States, the state; or any officer thereof:

~~(A)~~(1) Makes or uses any writing or other paper knowing it to contain any false or fraudulent statements;

~~(B)~~(2) makes any oath to any fact or to any writing or other paper knowing the oath to be false; or

~~(C)~~(3) forges or counterfeits any signature upon any writing or other paper; or uses any such signature knowing it to be forged or counterfeited;

~~(3)~~(c) who, having charge, possession, custody; or control of any money, or other property of the United States or the state, furnished or intended for the armed forces of the United States or the state military forces, knowingly delivers to any person having authority to receive it, any amount thereof less than that for which the person receives a certificate or receipt; or

~~(4)~~(d) who, being authorized to make or deliver any paper certifying the receipt of any property of the United States or the state, furnished or intended for the armed forces of the United States or the state military forces, makes or delivers to any person such writing without having full

knowledge of the truth of the statements therein contained and with intent to defraud the United States or the state; ~~shall, upon conviction, be punished as a court-martial may direct.~~

Sec. 110. K.S.A. 48-3042 is hereby amended to read as follows: 48-3042. ~~(a)~~ Any person subject to this code ~~who shall be punished at the direction of a commanding officer if such person~~ wrongfully takes, obtains, or withholds, by any means, from the possession of the owner or of any other person any money, personal property, or article of value of any kind ~~with intent to:~~

~~(1) With intent~~ (a) Permanently to deprive or defraud another person of the use and benefit of property or to appropriate it to ~~his or her~~ *such person's* own use or the use of any person other than the owner, steals that property and is guilty of larceny; or

~~(2) with intent~~ (b) temporarily to deprive or defraud another person of the use and benefit of property or to appropriate it to ~~his or her~~ *such person's* own use or the use of any person other than the owner, is guilty of wrongful appropriation.

~~(b) Any person found guilty of larceny or wrongful appropriation shall be punished as a court-martial may direct.~~

Sec. 111. K.S.A. 48-3043 is hereby amended to read as follows: 48-3043. Any ~~commissioner~~ *commissioned officer or cadet* who is convicted of conduct unbecoming of an officer ~~and a gentleman~~ shall be punished as a ~~court-martial~~ *commanding officer* may direct.

Sec. 112. K.S.A. 48-3044 is hereby amended to read as follows: 48-3044. (a) Though not specifically mentioned in this code, all disorders and neglects to the prejudice of good order and discipline in the state military forces; *and all conduct of a nature to bring discredit upon the state military forces* of which persons subject to this code may be guilty, shall be taken cognizance of by a ~~general, special or summary court-martial, commanding officer~~ according to the nature and degree of the offense; and shall be punished at the discretion of ~~that court~~ *such commanding officer*.

(b) However, cognizance may not be taken of, and jurisdiction may not be extended to, the crimes of murder, manslaughter, rape, robbery, maiming, sodomy, arson, ~~extortion~~, assault, *not including simple assault*, burglary or housebreaking, jurisdiction of which is reserved to civil courts.

Sec. 113. K.S.A. 48-3101 is hereby amended to read as follows: 48-3101. (a) Courts of inquiry to investigate any matter may be convened by ~~any person authorized to convene a general court-martial or by any other person designated by the governor for that purpose~~ *an officer of a general or flag rank in command*, whether or not the persons involved have requested such an inquiry.

(b) A court of inquiry consists of three or more commissioned officers. For each court of inquiry, the convening authority shall also appoint counsel for the court.

(c) Any person subject to this code whose conduct is subject to inquiry shall be designated as a party. Any person subject to this code or employed in the division of military affairs, who has a direct interest in the subject of inquiry has the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and has the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.

(d) Members of a court of inquiry may be challenged by a party, but only for cause stated to the court.

(e) The members, counsel, the reporter and interpreters of courts of inquiry shall take an oath or affirmation to faithfully perform their duties.

(f) Witnesses may be summoned to appear and testify and be examined before courts of inquiry, ~~as provided for courts martial.~~

(g) Courts of inquiry shall make findings of fact but may not express opinions or make recommendations unless required to do so by the convening authority.

(h) Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. If the record cannot be authenticated by the president, it shall be signed by a member in lieu of the president. If the record cannot be authenticated by the counsel for the court, it shall be signed by a member in lieu of the counsel.

Sec. 114. K.S.A. 48-3102 is hereby amended to read as follows: 48-3102. (a) ~~The following members of the state military forces, while attending unit training assemblies or annual training or while performing active state duty or otherwise under orders of the governor,~~ persons may administer oaths for the purposes of military administration, including military justice, and have the general powers of a notary public in the performance of all notarial acts to be executed by members of the state military wherever they may be, by persons serving with, employed by or accompanying the state military forces outside the state; and by other persons subject to this code outside of the state:

- (1) ~~The state judge advocate general and~~ All assistant judge advocates;
- (2) ~~all summary courts martial;~~
- (3) all adjutants, assistant adjutants, acting adjutants and personnel adjutants;
- (4)(3) all commanding officers; and
- (5)(4) all staff judge advocates and legal officers and acting or assistant staff judge advocates and legal officers *other persons designated by regulations of the armed forces of the United States or by statute.*

(b) The following persons ~~while attending unit training assemblies or annual training, while performing active state duty or otherwise under orders of the governor~~ may administer oaths necessary in the performance of their duties:

(1) The president, ~~military judge legal advisor, trial counsel recorder and assistant trial counsel for all general or special courts-martial recorder for all administrative proceedings;~~

(2) the president and the counsel for the court of any court of inquiry;

(3) all officers designated to take a deposition;

(4) all persons detailed to conduct an investigation; ~~and~~

(5) ~~all recruiting officers; and~~

~~(5)(6) all other persons designated by regulations of the governor armed forces of the United States or by statute.~~

(c) No fee may be paid to or received by any person for the performance of any notarial act ~~herein authorized in this section.~~

(d) The signature without seal of any such person, together with the title of the person's office, is prima facie evidence of ~~his or her~~ *such person's* authority.

Sec. 115. K.S.A. 48-3103 is hereby amended to read as follows: 48-3103. K.S.A. 48-2102, 48-2103, 48-2201 ~~to through 48-2208, inclusive,~~ 48-2301, 48-2503, 48-2505, 48-2702, 48-2801, 48-3001 ~~to 48-3042 through 48-3044, inclusive,~~ and 48-3103 ~~to through 48-3105, inclusive,~~ as well as those required sections of the United States code of military justice, shall be carefully explained to every enlisted member at the time of the member's enlistment or transfer or induction into the state military forces or within ~~thirty (30)~~ days thereafter. ~~They~~ *Such provisions* shall also be explained annually to each unit of the state military forces. A complete text of this code and of the regulations prescribed by the governor thereunder shall be made available to any member of the state military forces, upon the member's request, ~~for his or her~~ *such member's* personal examination.

Sec. 116. K.S.A. 48-3104 is hereby amended to read as follows: 48-3104. (a) Any member of the state military forces who believes ~~himself or herself~~ *such member was* wronged by the member's a commanding officer, and who, upon due application to that commanding officer, is refused redress, may complain to any superior commissioned officer, who shall forward the complaint to the governor or adjutant general ~~first general in the member's chain of command. Such general officer shall investigate the complaint and take proper measures for redressing the wrong. The first general in the member's chain of command shall, as soon as possible, send to the adjutant general a true statement of the complaint with an explanation of the proceedings held thereon.~~

(b) *An alleged wrong is inappropriate for redress under this section*

when other adequate processes exist to address the wrong alleged in the complaint. An action is an inappropriate matter for resolution when:

- (1) Review is provided specifically by the code;*
- (2) such matter is taken under the recommendation of an administrative board authorized by policy, regulation or instruction at which the complainant was afforded substantially the rights of a respondent; or*
- (3) service policy, regulation or instruction specifically authorizes an administrative appeal or similar redress for such matter.*

Sec. 117. K.S.A. 48-3105 is hereby amended to read as follows: 48-3105. (a) Whenever complaint is made to any commanding officer that willful damage has been done to the property of any person or that the person's property has been wrongfully taken by members of the state military forces, the person may, subject to such regulations as the governor may prescribe, convene a board to investigate the complaint. The board shall consist of from one to three commissioned officers and, for the purpose of that investigation, it has power to summon witnesses and examine them upon oath or affirmation, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by the board is subject to the approval of the commanding officer, and in the amount approved by the commanding officer shall be charged against the pay of the offenders. The order of the commanding officer directing charges herein authorized is conclusive, ~~except as provided in subsection (c), on any disbursing officer for the payment by him or her such disbursing officers to the injured parties of the damages so assessed and approved.~~

(b) If the offenders cannot be ascertained, but the organization or detachment to which ~~they~~ *such offenders* belong is known, charges totaling the amount of damages assessed and approved may be ~~paid to the injured parties from the funds of the units of the state military forces to which the offenders belonged~~ *made in such proportion as may be considered just upon the individual members thereof who are shown to have been present at the scene at the time the damages complained of were inflicted as determined by the findings of the board.*

~~(c) Any person subject to this code who is accused of causing willful damage to property has the right to be represented by counsel, to summon witnesses in the person's behalf, and to cross-examine those appearing against him or her. The accused has the right of appeal to the next higher commander.~~

Sec. 118. K.S.A. 48-3108 is hereby amended to read as follows: 48-3108. (a) ~~Fines imposed by a military court may be paid to it or to an officer executing its process. All such fines shall be payable at the time of approval of the sentence by the convening authority. Any sum so deducted shall be turned into the military court which imposed the fine. Any~~

~~officer collecting a fine or penalty imposed by a military court upon an officer or enlisted person shall pay it within 30 days to the judge advocate, who shall transmit the same to the adjutant general. The adjutant general shall remit all fines and penalties so received to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto through imposition of nonjudicial punishment may be paid to the state and delivered to the imposing officer or to a person executing the process. Fines may be collected in the following manners:~~

- ~~(1) By cash or money order;~~
- ~~(2) by retention of any pay or allowances due or to become due the person fined from any state or the United States;~~
- ~~(3) by garnishment or levy, together with costs, on the wages, goods and chattels of a person delinquent in paying a fine; and~~
- ~~(4) registered and filed as a foreign judgment.~~
- ~~(b) 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 to be available for general governmental expenses. The adjutant general shall remit all fines and penalties so received to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto.~~

~~(b) When the sentence of a court-martial adjudges a fine against any person and such fine has not been fully paid within 10 days after it is due and payable, the president of the military court or the summary court officer shall issue a warrant of commitment directed to the sheriff or chief law enforcement officer of the county in which the court-martial was held or where the offense was committed, directing such sheriff or law enforcement officer to arrest and confine the person until such fine is paid or until one day shall have been served for each \$1 of the fine which is not paid. The form for order of commitment shall be prescribed by the adjutant general.~~

~~(c) Damages assessed and approved under K.S.A. 48-3105, and amendments thereto, shall be paid promptly to the owner of the injured property and delivered to the commanding officer who convened the investigating board. Damages may be collected in any of the following manners:~~

- ~~(1) By cash or money order;~~
- ~~(2) by retention of any pay or allowances due or to become due to the person fined from any state or the United States; or~~
- ~~(3) by garnishment or levy, together with costs, on the wages, goods and chattels of a person delinquent in paying a fine.~~

Sec. 119. K.S.A. 48-3109 is hereby amended to read as follows: 48-3109. No accused may bring an action or proceeding against the convening authority or a member of a military court or officer or person acting under its authority or reviewing its proceedings because of the approval,

~~imposition, or execution of any sentence or the imposition or collection of a fine or penalty, or the execution of any process or mandate of a military court.~~ *All persons acting under the provisions of this code, whether a member of the military or a civilian, shall be immune from any personal liability for any of the acts or omissions that such person did or failed to do as part of such person's duties under this code.*

Sec. 120. K.S.A. 48-3110 is hereby amended to read as follows: 48-3110. The jurisdiction of the ~~military courts and boards~~ *proceedings* established by this code shall be presumed and the burden of proof rests on any person seeking to oust those ~~courts or boards of jurisdiction in any action or proceeding~~ *proceedings*.

Sec. 121. K.S.A. 48-3112 is hereby amended to read as follows: 48-3112. (a) This act shall be so construed as to effectuate its general purpose ~~and to make it uniform~~, so far as practical, to make the law uniform with the law of the United States uniform code of military justice, *title 10 of chapter 47 of title 10 of the United States code. The information accompanying each punitive article of the United States uniform code of military justice shall be used in the defining and charging of any offense and the drafting of any charge and specifications to the extent that the United States code of military justice is consistent with this code.*

(b) *The decisions of the army court of criminal appeals, air force court of criminal appeals, coast guard court of criminal appeals, navy-marine corps court of criminal appeals and the United States court of appeals for the armed forces shall not be binding on proceedings under this code. Such decisions may be used for guidance in determining the guilt or punishment of any member of the state military forces subject to this code.*

Sec. 122. K.S.A. 48-101, 48-103, 48-202, 48-205, 48-206, 48-209, 48-211, 48-214, 48-216, 48-219, 48-221, 48-222, 48-223, 48-228, 48-237, 48-242, 48-243, 48-252, 48-252c, 48-261, 48-267, 48-269, 48-301, 48-509, 48-516, 48-2101, 48-2102, 48-2103, 48-2104, 48-2105, 48-2106, 48-2201, 48-2202, 48-2203, 48-2204, 48-2205, 48-2206, 48-2207, 48-2208, 48-2401, 48-2401a, 48-2402, 48-2402a, 48-2403, 48-2404, 48-2405, 48-2406, 48-2501, 48-2501a, 48-2502, 48-2503, 48-2504, 48-2505, 48-2506, 48-2507, 48-2601, 48-2602, 48-2603, 48-2604, 48-2605, 48-2606, 48-2701, 48-2702, 48-2703, 48-2704, 48-2705, 48-2706, 48-2707, 48-2708, 48-2709, 48-2710, 48-2711, 48-2712, 48-2713, 48-2714, 48-2715, 48-2716, 48-2717, 48-2718, 48-2719, 48-2801, 48-2802, 48-2803, 48-2804, 48-2915, 48-2916, 48-2917, 48-2918, 48-2919, 48-2920, 48-2921, 48-2922, 48-2923, 48-2924, 48-2925, 48-2926, 48-2927, 48-2928, 48-2929, 48-2930, 48-2931, 48-2932, 48-3001, 48-3003, 48-3005, 48-3006, 48-3007, 48-3008, 48-3009, 48-3010, 48-3011, 48-3012, 48-3013, 48-3014, 48-3015, 48-3016, 48-3017, 48-3018, 48-3019, 48-3020, 48-3021, 48-3022, 48-

3023, 48-3024, 48-3025, 48-3026, 48-3027, 48-3028, 48-3029, 48-3030, 48-3031, 48-3032, 48-3033, 48-3033a, 48-3034, 48-3035, 48-3035a, 48-3036, 48-3037, 48-3038, 48-3039, 48-3040, 48-3041, 48-3042, 48-3043, 48-3044, 48-3101, 48-3102, 48-3103, 48-3104, 48-3105, 48-3106, 48-3107, 48-3108, 48-3109, 48-3110, 48-3112 and 48-3114 and K.S.A. 2023 Supp. 48-204 and 48-2301 are hereby repealed.

Sec. 123. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 23, 2024.

CHAPTER 79

SENATE BILL No. 458

AN ACT concerning seizure and forfeiture of property; relating to the Kansas standard asset seizure and forfeiture act; specifying that certain drug offenses do not give rise to forfeiture under the act; providing limitations on state and local law enforcement agency requests for federal adoption of a seizure under the act; requiring courts to make a finding that forfeiture is not excessive; restricting actions prior to commencement of forfeiture proceedings; requiring probable cause affidavit filing and review to commence forfeiture proceedings; increasing the burden of proof required to forfeit property to clear and convincing evidence; authorizing courts to order payment of attorney fees and costs for certain claimants; requiring the Kansas bureau of investigation to submit forfeiture fund financial reports to the legislature; amending K.S.A. 2023 Supp. 60-4104, 60-4106, 60-4107, 60-4109, 60-4111, 60-4112, 60-4113, 60-4116, 60-4117 and 60-4127 and repealing the existing sections.

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

Section 1. K.S.A. 2023 Supp. 60-4104 is hereby amended to read as follows: 60-4104. Conduct and offenses giving rise to forfeiture under this act, whether or not there is a prosecution or conviction related to the offense, are:

- (a) All offenses which statutorily and specifically authorize forfeiture;
- (b) violations involving controlled substances, as described in K.S.A. ~~21-5701 through 21-5717~~ 21-5703, 21-5705, 21-5707, 21-5708(b), 21-5709(a), (b)(1), (c) and (d), 21-5710, 21-5713(a), 21-5714 and 21-5716, and amendments thereto;
- (c) theft, as defined in K.S.A. 21-5801, and amendments thereto;
- (d) criminal discharge of a firearm, as defined in K.S.A. 21-6308(a)(1) and (a)(2), and amendments thereto;
- (e) gambling, as defined in K.S.A. 21-6404, and amendments thereto, and commercial gambling, as defined in K.S.A. 21-6406(a)(1), and amendments thereto;
- (f) counterfeiting, as defined in K.S.A. 21-5825, and amendments thereto;
- (g) unlawful possession or use of a scanning device or reencoder, as described in K.S.A. 21-6108, and amendments thereto;
- (h) medicaid fraud, as described in K.S.A. 21-5925 through 21-5934, and amendments thereto;
- (i) an act or omission occurring outside this state, which would be a violation in the place of occurrence and would be described in this section if the act occurred in this state, whether or not it is prosecuted in any state;
- (j) an act or omission committed in furtherance of any act or omission described in this section including any inchoate or preparatory offense, whether or not there is a prosecution or conviction related to the act or omission;

(k) any solicitation or conspiracy to commit any act or omission described in this section, whether or not there is a prosecution or conviction related to the act or omission;

(l) terrorism, as defined in K.S.A. 21-5421, and amendments thereto, illegal use of weapons of mass destruction, as defined in K.S.A. 21-5422, and amendments thereto, and furtherance of terrorism or illegal use of weapons of mass destruction, as described in K.S.A. 21-5423, and amendments thereto;

(m) unlawful conduct of dog fighting and unlawful possession of dog fighting paraphernalia, as defined in K.S.A. 21-6414(a) and (b), and amendments thereto;

(n) unlawful conduct of cockfighting and unlawful possession of cockfighting paraphernalia, as defined in K.S.A. 21-6417(a) and (b), and amendments thereto;

(o) selling sexual relations, as defined in K.S.A. 21-6419, and amendments thereto, promoting the sale of sexual relations, as defined in K.S.A. 21-6420, and amendments thereto, and buying sexual relations, as defined in K.S.A. 21-6421, and amendments thereto;

(p) human trafficking and aggravated human trafficking, as defined in K.S.A. 21-5426, and amendments thereto;

(q) violations of the banking code, as described in K.S.A. 9-2012, and amendments thereto;

(r) mistreatment of a dependent adult, as defined in K.S.A. 21-5417, and amendments thereto;

(s) giving a worthless check, as defined in K.S.A. 21-5821, and amendments thereto;

(t) forgery, as defined in K.S.A. 21-5823, and amendments thereto;

(u) making false information, as defined in K.S.A. 21-5824, and amendments thereto;

(v) criminal use of a financial card, as defined in K.S.A. 21-5828, and amendments thereto;

(w) unlawful acts concerning computers, as described in K.S.A. 21-5839, and amendments thereto;

(x) identity theft and identity fraud, as defined in K.S.A. 21-6107(a) and (b), and amendments thereto;

(y) electronic solicitation, as defined in K.S.A. 21-5509, and amendments thereto;

(z) felony violations of fleeing or attempting to elude a police officer, as described in K.S.A. 8-1568, and amendments thereto;

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

(bb) violations of the Kansas racketeer influenced and corrupt organization act, as described in K.S.A. 21-6329, and amendments thereto;

- (cc) indecent solicitation of a child and aggravated indecent solicitation of a child, as defined in K.S.A. 21-5508, and amendments thereto;
- (dd) sexual exploitation of a child, as defined in K.S.A. 21-5510, and amendments thereto; and
- (ee) violation of a consumer protection order as defined in K.S.A. 21-6423, and amendments thereto.

Sec. 2. K.S.A. 2023 Supp. 60-4106 is hereby amended to read as follows: 60-4106. (a) *Except as provided in this subsection*, all property, including all interests in property, described in K.S.A. 60-4105, and amendments thereto, is subject to forfeiture subject to all mortgages, deeds of trust, financing statements or security agreements properly of record prior to the forfeiture held by an interest holder ~~except that property specifically exempted hereunder.~~

(1) No real property or conveyance, or an interest therein, may be forfeited under this act unless the offense or conduct giving rise to forfeiture constitutes a felony.

(2) No conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this act unless the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this act.

(3) No property is subject to forfeiture under this act if the owner or interest holder acquired the property before or during the conduct giving rise to the property's forfeiture, and such owner or interest holder:

(A) Did not know and could not have reasonably known of the act or omission or that it was likely to occur; or

(B) acted reasonably to prevent the conduct giving rise to forfeiture.

(4) No property is subject to forfeiture if the owner or interest holder acquired the property after the conduct giving rise to the property's forfeiture, including acquisition of proceeds of conduct giving rise to forfeiture, and such owner or interest holder:

(A) Acquired the property in good faith, for value; and

(B) was not knowingly taking part in an illegal transaction.

(5) (A) An interest in property acquired in good faith by an attorney as reasonable payment or to secure payment for legal services in a criminal matter relating to violations of this act or for the reimbursement of reasonable expenses related to the legal services is exempt from forfeiture unless before the interest was acquired the attorney knew of a judicial determination of probable cause that the property is subject to forfeiture.

(B) The state bears the burden of proving that an exemption claimed under this section is not applicable. Evidence made available by the compelled disclosure of confidential communications between an attorney and a client other than nonprivileged information relating to attorney fees, is not admissible to satisfy the state's burden of proof.

(b) Notwithstanding subsection (a), property is not exempt from forfeiture, even though the owner or interest holder lacked knowledge or reason to know that the conduct giving rise to property's forfeiture had occurred or was likely to occur, if the:

(1) Person whose conduct gave rise to the property's forfeiture had authority to convey the property of the person claiming the exemption to a good faith purchaser for value at the time of the conduct;

(2) owner or interest holder is criminally responsible for the conduct giving rise to the property's forfeiture, whether or not there is a prosecution or conviction; or

(3) owner or interest holder acquired the property with notice of the property's actual or constructive seizure for forfeiture under this act, or with reason to believe that the property was subject to forfeiture under this act.

(c) Prior to final judgment in a judicial forfeiture proceeding, ~~a the court shall limit the scope of a proposed forfeiture to the extent the court finds the effect of the forfeiture is grossly disproportionate to the nature and severity of the owner's conduct including, but not limited to, a consideration of any of the following factors:~~

~~(1) The gain received or expected to be received by an owner from conduct that allows forfeiture;~~

~~(2) the value of the property subject to forfeiture;~~

~~(3) the extent to which the property actually facilitated the criminal conduct;~~

~~(4) the nature and extent of the owner's knowledge of the role of others in the conduct that allows forfeiture of the property and efforts of the owner to prevent the conduct; and~~

~~(5) the totality of the circumstances regarding the investigation determine whether the proposed forfeiture is unconstitutionally excessive pursuant to K.S.A. 60-4112(g), and amendments thereto, if the court has not made such determination earlier in the proceeding as a result of a petition filed pursuant to K.S.A. 60-4112(g), and amendments thereto.~~

Sec. 3. K.S.A. 2023 Supp. 60-4107 is hereby amended to read as follows: 60-4107. (a) Property may be seized for forfeiture by a law enforcement officer upon process issued by the district court. The court may issue a seizure warrant on an affidavit under oath demonstrating that probable cause exists for the property's forfeiture or that the property has been the subject of a previous final judgment of forfeiture in the courts of any state or of the United States. The court may order that the property be seized on such terms and conditions as are reasonable in the discretion of the court. The order may be made on or in connection with a search warrant. All real property is to be seized constructively or pursuant to a pre-seizure adversarial judicial determination of probable cause, except

that this determination may be done ex parte when the attorney for the state has demonstrated exigent circumstances to the court.

(b) Property may be seized for forfeiture by a law enforcement officer without process on probable cause to believe the property is subject to forfeiture under this act.

(c) Property may be seized constructively by:

(1) Posting notice of seizure for forfeiture or notice of pending forfeiture on the property.

(2) Giving notice pursuant to K.S.A. 60-4109, and amendments thereto.

(3) Filing or recording in the public records relating to that type of property notice of seizure for forfeiture, notice of pending forfeiture, a forfeiture lien or a lis pendens. Filings or recordings made pursuant to this act are not subject to a filing fee or other charge, except that court costs may be assessed and, if assessed, shall include the amount of the docket fee prescribed by K.S.A. 60-2001, and amendments thereto, and any additional court costs accrued in the action.

(d) The seizing agency shall make reasonable effort to provide notice of the seizure to the person from ~~whose~~ *whom* possession or control of the property was seized and any interest holder of record within 30 days of seizing the property. If no person is in possession or control, the seizing agency may attach the notice to the property or to the place of the property's seizure or may make a reasonable effort to deliver the notice to the owner of the property. The notice shall contain a general description of the property seized, the date and place of seizure, the name of the seizing agency and the address and telephone number of the seizing officer or other person or agency from whom information about the seizure may be obtained.

(e) A person who acts in good faith and in a reasonable manner to comply with an order of the court or a request of a law enforcement officer is not liable to any person on account of acts done in reasonable compliance with the order or request. No liability may attach from the fact that a person declines a law enforcement officer's request to deliver property.

(f) A possessory lien of a person from ~~whose~~ *whom* possession of the property is seized is not affected by the seizure.

(g) When property is seized for forfeiture under this act, the seizing agency shall, within ~~45 days of~~ *14 days after* such seizure, forward to the county or district attorney in whose jurisdiction the seizure occurred, a written request for forfeiture which shall include a statement of facts and circumstances of the seizure, the estimated value of the property, the owner and lienholder of the property, the amount of any lien, and a summary of the facts relied on for forfeiture.

(h) (1) Upon receipt of a written request for forfeiture from a local law enforcement agency, the county or district attorney shall accept or decline the request within 14 days. ~~If~~

(2) *Upon the expiration of the 14-day time limitation provided in paragraph (1) or upon notification that the county or district attorney declines such request, or fails to answer whichever occurs first, the seizing agency may has 14 days to:*

(1)(A) Request a state law enforcement agency that enforces this act to adopt the forfeiture; or

(2)(B) engage an attorney, approved by the county or district attorney, to represent the agency in the forfeiture proceeding, but in no event shall the county or district attorney approve an attorney with whom the county or district attorney has a financial interest, either directly or indirectly.

(3) *Upon the expiration of the 14-day time limitation provided in paragraph (2), if a state law enforcement agency has not adopted the forfeiture or the seizing agency has not engaged an attorney to represent the agency, the property that was seized for forfeiture shall be returned within 30 days to the owner or interest holder or as provided for the same kind of property in K.S.A. 22-2512, and amendments thereto.*

(i) (1) Upon receipt of a written request for forfeiture from a state law enforcement agency, the county or district attorney shall accept or decline the request within 14 days. ~~If~~

(2) *Upon the expiration of the 14-day time limitation provided in paragraph (1) or upon notification that the county or district attorney declines such request, or fails to answer whichever occurs first, the seizing agency may has 14 days to engage an assistant attorney general or other attorney approved by the attorney general to represent the agency in the forfeiture proceeding, but in no event shall the attorney general approve an attorney with whom the attorney general has a financial interest, either directly or indirectly.*

(3) *Upon the expiration of the 14-day time limitation provided in paragraph (2), if the seizing agency has not engaged an attorney to represent the agency, the property that was seized for forfeiture shall be returned within 30 days to the owner or interest holder or as provided for the same kind of property in K.S.A. 22-2512, and amendments thereto.*

(j) *Nothing in subsection (h) or (i) shall affect the time limitations for initiating or filing a forfeiture proceeding pursuant to K.S.A. 60-4109, and amendments thereto.*

(k) A county or district attorney or the attorney general shall not request or receive any referral fee or personal financial benefit, either directly or indirectly, in any proceeding conducted under this act.

~~(k)(l)~~ Nothing in this act shall prevent the attorney general, an employee of the attorney general or an authorized representative of the attorney general from conducting forfeiture proceedings under this act.

~~(d)(m)~~ (1) ~~Nothing in this act shall prevent a seizing agency from requesting federal adoption of a seizure. A state or local law enforcement agency may request federal adoption of a seizure pursuant to this act or otherwise transfer or refer seized property to a federal agency only if:~~

(A) *The seizure by the agency occurs pursuant to a joint task force with federal law enforcement authorities;*

(B) *the seizure by the agency occurs pursuant to a joint investigation with federal law enforcement authorities as part of an ongoing federal investigation;*

(C) *the agency makes such request in conjunction with a request for federal law enforcement authorities to adopt the criminal investigation relating to the seizure;*

(D) *the property seized by the agency is subsequently seized pursuant to a federal seizure warrant, obtained from a federal court to take custody of assets originally seized under state law;*

(E) *the property seized by the agency directly relates to a serious public safety concern; or*

(F) *the gross estimated value of the property seized by the agency is \$25,000 or more.*

(2) *Subject to the requirements of paragraph (1), it shall not be necessary to obtain any order pursuant to K.S.A. 22-2512, and amendments thereto, to release any seized property to a federal agency if the county or district attorney approves of such transfer.*

~~(m)(n)~~ Nothing in this act shall prevent a seizing agency, or the plaintiff's attorney on behalf of the seizing agency, from settling any alleged forfeiture claim against property before or during forfeiture proceedings. Such settlement shall be in writing and shall be approved, if a local agency, by the county or district attorney or, if a state agency, by the attorney general's office and a district court judge. No hearing or other proceeding shall be necessary. The records of settlements occurring prior to commencement of judicial forfeiture proceedings in the district court shall be retained by the county or district attorney for not less than five years.

~~(n)(o)~~ Settlements under this act shall not be conditioned upon any disposition of criminal charges.

(p) *When property is seized for forfeiture under this act, the seizing agency shall not request, induce or otherwise coerce a person who has at any time asserted rights as an owner or interest holder of such property to waive in writing such rights in the property until forfeiture proceedings are commenced pursuant to K.S.A. 60-4109, and amendments thereto.*

Sec. 4. K.S.A. 2023 Supp. 60-4109 is hereby amended to read as follows: 60-4109. (a) (1) (A) Forfeiture proceedings shall be commenced by filing:

(i) A notice of pending forfeiture or a judicial forfeiture action; and

(ii) *an affidavit describing the probable cause supporting forfeiture.*

(B) *After an affidavit is filed under this section, further proceedings shall occur only after a judge of the district court has determined from the affidavit that there is probable cause to believe that the property is subject to forfeiture pursuant to K.S.A. 60-4105, and amendments thereto.*

~~(1)~~(2) If the plaintiff's attorney fails to initiate forfeiture proceedings by notice of pending forfeiture within 90 days against property seized for forfeiture or if the seizing agency fails to pursue forfeiture of the property upon which a proper claim has been timely filed by filing a judicial forfeiture proceeding within 90 days after notice of pending forfeiture, the property shall be released on the request of an owner or interest holder to such owner's or interest holder's custody, as custodian for the court, pending further proceedings pursuant to this act. Such custodianship shall not exceed 90 days following the release to the owner or interest holder unless an extension is authorized by the court for good cause shown.

~~(2)~~(3) If, after notice of pending forfeiture, a claimant files a petition for recognition of exemption pursuant to K.S.A. 60-4110, and amendments thereto, the plaintiff's attorney may delay filing the judicial forfeiture proceeding for a total of 180 days after the notice of pending forfeiture except that if an interest holder timely files a proper petition documenting the complete nature and extent of such holder's interest, including all of the contractual terms and current status, the plaintiff's attorney may delay filing a judicial forfeiture proceeding only if such attorney provides each such petitioner with a written recognition of exemption within 60 days after the effective date of the notice of pending forfeiture, recognizing the interest of such petitioner to the extent of documented outstanding principal plus interest at the contract rate until paid and any attorney fees ordered by a court pursuant to such contract.

~~(3)~~(4) Whenever notice of pending forfeiture or service of an in rem complaint or notice of a recognition of exemption and statement of non-exempt interests is required under this act, notice or service shall be given in accordance with one of the following:

(A) If the owner's or interest holder's name and current address are known, by either personal service by any person qualified to serve process or by any law enforcement officer or by mailing a copy of the notice by certified mail, return receipt requested, to the known address, pursuant to the code of civil procedure;

(B) if the owner's or interest holder's name and address are required by law to be on record with a municipal, county, state or federal agency to perfect an interest in the property, and the owner's or interest holder's current address is not known, by mailing a copy of the notice by certified mail, return receipt requested, to any address of record with any of the described agencies, pursuant to the code of civil procedure; or

(C) if the owner's or interest holder's address is not known and is not on record as provided in subparagraph (B), or the owner's or interest holder's interest is not known, or if service by certified mail was attempted pursuant to subparagraph (A) or (B) and was not effective, by publication in one issue of the official county newspaper, as defined by K.S.A. 64-101, and amendments thereto, in the county in which the seizure occurred.

~~(4)(5)~~ Notice is effective pursuant to the code of civil procedure, except that notice of pending forfeiture of real property is not effective until it is recorded. Notice of pending forfeiture shall include a description of the property, the date and place of seizure, the conduct giving rise to forfeiture or the violation of law alleged and a summary of procedures and procedural rights applicable to the forfeiture action. ~~When notice of pending forfeiture is mailed to an owner or interest holder, the following shall be included with the notice: (A) The affidavit describing the essential facts probable cause supporting forfeiture shall be included with the notice; and (B) copies of judicial council forms for petitioning for recognition of an exemption pursuant to K.S.A. 60-4110, and amendments thereto, and for making a claim pursuant to K.S.A. 60-4111, and amendments thereto, shall be provided with the notice.~~

(b) The plaintiff's attorney, ~~without a filing fee,~~ may file a lien for the forfeiture of property upon the initiation of any civil or criminal proceeding relating to conduct giving rise to forfeiture under this act or upon seizure for forfeiture commencement of a forfeiture proceeding as provided in subsection (a). ~~The court shall not charge the plaintiff's attorney a filing fee.~~ Court costs may be assessed and, if assessed, shall include the amount of the docket fee prescribed by K.S.A. 60-2001, and amendments thereto, and any additional court costs accrued in the action. A plaintiff's attorney may also file a forfeiture lien in this state in connection with a proceeding or seizure for forfeiture in any other state under a state or federal statute substantially similar to the relevant provisions of this act. The filing constitutes notice to any person claiming an interest in the seized property or in property owned by the named person.

(1) The lien notice shall set forth the following:

(A) The name of the person and, in the discretion of the lienor, any alias, or the name of any corporation, partnership, trust or other entity, including nominees, that are owned entirely or in part or controlled by the person; and

(B) the description of the seized property, the criminal or civil proceeding that has been brought relating to conduct giving rise to forfeiture under this act, the amount claimed by the lienor, the name of the district court where the proceeding or action has been brought, and the case number of the proceeding or action if known at the time of filing.

(2) A lien filed pursuant to this subsection applies to the described seized property or to one named person, any aliases, fictitious names, or other names, including the names of any corporation, partnership, trust, or other entity, owned entirely or in part, or controlled by the named person, and any interest in real property owned or controlled by the named person. A separate forfeiture lien shall be filed for each named person.

(3) The notice of lien creates, upon filing, a lien in favor of the lienor as it relates to the seized property or the named person or related entities. The lien secures the amount of potential liability for civil judgment, and if applicable, the fair market value of seized property relating to all proceedings under this act enforcing the lien. The notice of forfeiture lien referred to in this subsection shall be filed in accordance with the provisions of the laws of this state relating to the type of property that is subject to the lien. The validity and priority of the forfeiture lien shall be determined in accordance with applicable law pertaining to liens. The lienor may amend or release, in whole or in part, a lien filed under this subsection at any time by filing, without a filing fee, an amended lien in accordance with this subsection which identifies the lien amended. The lienor, as soon as practical after filing the lien, shall furnish to any person named in the lien a notice of the filing of the lien. Failure to furnish notice under this subsection shall not invalidate or otherwise affect the lien.

(4) Upon entry of judgment in the seizing agency's favor, the seizing agency may proceed to execute on the lien as provided by law.

(5) A trustee, constructive or otherwise, who has notice that a notice of forfeiture lien, or a notice of pending forfeiture, or a ~~civil~~ forfeiture proceeding has been filed against the property or against any person or entity for whom the person holds title or appears as record owner, shall furnish within 14 days, to the seizing agency or the plaintiff's attorney all of the following information, unless all of the information is of record in the public records giving notice of liens on that type of property:

(A) The name and address of each person or entity for whom the property is held;

(B) the description of all other property whose legal title is held for the benefit of the named person; and

(C) a copy of the applicable trust agreement or other instrument, if any, under which the trustee or other person holds legal title or appears as record owner of the property.

(6) A trustee with notice who knowingly fails to comply with the provisions of this subsection shall be guilty of a class B nonperson misdemeanor.

(7) A trustee with notice who fails to comply with paragraph (5) is subject to a civil penalty of \$100 for each day of noncompliance. The court shall enter judgment ordering payment of \$100 for each day of non-

compliance from the effective date of the notice until the required information is furnished or the seizing agency executes the seizing agency's judgment lien under this section.

(8) To the extent permitted by the constitutions of the United States and the state of Kansas, the duty to comply with paragraph (5) shall not be excused by any privilege or provision of law of this state or any other state or country which authorizes or directs that testimony or records required to be furnished pursuant to paragraph (5) are privileged, confidential and otherwise may not be disclosed.

(9) A trustee who furnishes information pursuant to paragraph (5) is immune from civil liability for the release of the information.

(10) An employee of the seizing agency or the plaintiff's attorney who releases the information obtained pursuant to paragraph (5), except in the proper discharge of official duties, is guilty of a class B nonperson misdemeanor.

(11) If any information furnished pursuant to paragraph (5) is offered in evidence, the court may seal that portion of the record or may order that the information be disclosed in a designated way.

(12) A judgment or an order of payment entered pursuant to this section becomes a judgment lien against the property alleged to be subject to forfeiture.

Sec. 5. K.S.A. 2023 Supp. 60-4111 is hereby amended to read as follows: 60-4111. (a) (1) Only an owner of or interest holder in property seized for forfeiture may file a claim, and shall do so in the manner provided in this section. The claim shall be mailed to the seizing agency and to the plaintiff's attorney by certified mail, return receipt requested, within 60 days after the effective date of notice of pending forfeiture.

(2) *The plaintiff's attorney shall file a notice of receipt with the court when a claim is received unless the claim was already filed with the court. Such filing shall include a copy of the claim and documents showing the date that the claim was mailed and received.*

(b) The claim shall be signed by the claimant under penalty of perjury, K.S.A. 21-5903, and amendments thereto, and shall set forth the following:

(1) The caption of the proceedings and identifying number, if any, as set forth on the notice of pending forfeiture or complaint, the name of the claimant, and the name of the plaintiff's attorney who authorized the notice of pending forfeiture or complaint;

(2) the address where the claimant will accept mail;

(3) the nature and extent of the claimant's interest in the property; and

(4) a detailed description of when and how the claimant obtained an interest in the property.

(c) Substantial compliance with subsection (b) shall be deemed sufficient.

(d) It is permissible to assert the right against self-incrimination in a claim. If a claimant asserts the right, the court, in the court's discretion, may draw an adverse inference from the assertion against the claimant. The adverse inference shall not, by itself, be the basis of a judgment against the claimant.

Sec. 6. K.S.A. 2023 Supp. 60-4112 is hereby amended to read as follows: 60-4112. (a) A judicial forfeiture proceeding under this act is subject to the provisions of this section.

(b) The court, on application of the plaintiff's attorney, may enter any restraining order or injunction, require the execution of satisfactory performance bonds, create receiverships, appoint conservators, custodians, appraisers, accountants or trustees, or take any other action to seize, secure, maintain or preserve the availability of property subject to forfeiture under this act, including a writ of attachment or a warrant for such property's seizure, whether before or after the filing of a notice of pending forfeiture or complaint.

~~(c) If property is seized for forfeiture or a forfeiture lien is filed without a previous judicial determination of probable cause or order of forfeiture or a hearing under K.S.A. 60-4114(c), and amendments thereto, the court, on an application filed by an owner or interest holder in the property within 14 days after notice of the property's seizure for forfeiture or lien, or actual knowledge of it, whichever is earlier, and after complying with the requirements for claims in K.S.A. 60-4109, and amendments thereto, after seven days' notice to the plaintiff's attorney, may issue an order to show cause to the seizing agency, for a hearing on the sole issue of whether probable cause for forfeiture of the property then exists. The hearing shall be held within 30 days of the order to show cause unless continued for good cause on motion of either party. If the court finds that there is no probable cause for forfeiture of the property, or if the seizing agency elects not to contest the issue, the property shall be released to the custody of the applicant, as custodian for the court, or from the lien pending the outcome of a judicial proceeding pursuant to this act. If the court finds that probable cause for the forfeiture of the property exists, the court shall not order the property released. At any time prior to final judgment, an owner or interest holder may petition the court for determination or reconsideration of its prior determination that there is probable cause to believe that the property is subject to forfeiture.~~

(d)—All applications filed within the 14 day period prescribed by subsection (c) shall be consolidated for a single hearing relating to each applicant's interest in the property seized for forfeiture.

(e) A person charged with a criminal offense may apply at any time before final judgment to the court where the forfeiture proceeding is pending

for the release of property seized for forfeiture, that is necessary for the defense of the person's criminal charge. The application shall satisfy the requirements under K.S.A. 60-4111(b), and amendments thereto. The court shall hold a probable cause hearing if the applicant establishes that:

(1) The person has not had an opportunity to participate in a previous adversarial judicial determination of probable cause;

(2) the person has no access to other moneys adequate for the payment of criminal counsel; and

(3) the interest in property to be released is not subject to any claim other than the forfeiture.

~~(f)(e)~~ If the court finds that there is no probable cause for forfeiture of the property, the court shall order the property released ~~pursuant to subsection (e)~~ *to the custody of the applicant, as custodian for the court, or from a forfeiture lien pending the outcome of a judicial proceeding pursuant to this act.* If the seizing agency does not contest the hearing, the court may release a reasonable amount of property for the payment of the applicant's criminal defense costs. Property that has been released by the court and that has been paid for criminal defense services actually rendered is exempt under this act.

~~(g)(f)~~ A defendant convicted in any criminal proceeding is precluded from later denying the elements of the criminal offense of which the defendant was convicted in any proceeding pursuant to this section. For the purposes of this section, a conviction results from a verdict or plea of guilty, including a plea of no contest or nolo contendere.

(g)(1) At any time following seizure pursuant to this act, the person from whom possession or control of the property was seized may petition the court to determine whether such forfeiture is unconstitutionally excessive.

(2) The plaintiff's attorney has the burden of establishing that the forfeiture is proportional to the seriousness of the offense giving rise to the forfeiture by clear and convincing evidence.

(3) In determining whether the forfeiture is unconstitutionally excessive, the court may consider all relevant factors, including, but not limited to:

(A) The seriousness of the offense;

(B) the extent of participation in the offense by the person from whom possession or control of the property was seized;

(C) the extent to which the property was used in committing the offense;

(D) the sentence imposed for committing the offense that gave rise to forfeiture;

(E) the effect of the forfeiture on the livelihood of the person from whom possession or control of the property was seized; and

(F) *the fair market value of the property compared to the property owner's net worth.*

(h) In any proceeding under this act, if a claim is based on any exemption provided for in this act, the burden of proving the existence of the exemption is on the claimant, and is not necessary for the seizing agency or plaintiff's attorney to negate the exemption in any application or complaint.

(i) In hearings and determinations pursuant to this section, the court may receive and consider, in making any determination of probable cause or reasonable cause, all evidence admissible in determining probable cause at a preliminary hearing or in the issuance of a search warrant, together with inferences ~~therefrom~~ *from such admissible evidence.*

(j) The totality of the circumstances shall determine if the property of a person is subject to forfeiture under this act. Factors that may be considered include, but are not limited to, the following:

(1) The person has engaged in conduct giving rise to forfeiture;

(2) the property was acquired by the person during that period of the conduct giving rise to forfeiture or within a reasonable time after the period;

(3) there was no likely source for the property other than the conduct giving rise to forfeiture; and

(4) the proximity to contraband or an instrumentality giving rise to forfeiture.

(k) A finding that property is the proceeds of conduct giving rise to forfeiture does not require proof the property is the proceeds of any particular exchange or transaction.

(l) A person who acquires any property subject to forfeiture is a constructive trustee of the property, and such property's fruits, for the benefit of the seizing agency, to the extent that such agency's interest is not exempt from forfeiture. If property subject to forfeiture has been mingled with other property, the court shall order the forfeiture of the mingled property and of any fruits of the mingled property, to the extent of the property subject to forfeiture, unless an owner or interest holder proves that specified property does not contain property subject to forfeiture, or that such owner's or interest holder's interest in specified property is exempt from forfeiture.

(m) All property declared forfeited under this act vests in the law enforcement agency seeking forfeiture on the date of commission of the conduct giving rise to forfeiture together with the proceeds of the property after that time. Any such property or proceeds subsequently transferred to any person remain subject to forfeiture and thereafter shall be ordered forfeited unless the transferee acquired the property in good faith, for value, and was not knowingly taking part in an illegal transac-

tion, and the transferee's interest is exempt under K.S.A. 60-4106, and amendments thereto.

(n) An acquittal or dismissal in a criminal proceeding shall not preclude civil proceedings under this act, nor give rise to any presumption adverse or contrary to any fact alleged by the seizing agency.

(o) ~~On motion,~~ The court shall *automatically* stay discovery against the criminal defendant and against the seizing agency in civil proceedings during a related criminal proceeding alleging the same conduct, after making provision to prevent loss to any party resulting from the delay. ~~Such a stay shall not be available pending any appeal by a defendant.~~ *The court may lift the automatic stay of discovery upon good cause shown.*

(p) Except as otherwise provided by this act, all proceedings ~~hereunder~~ *under the act* shall be governed by the rules of civil procedure pursuant to K.S.A. 60-101 et seq., and amendments thereto.

(q) An action pursuant to this act shall be consolidated with any other action or proceeding pursuant to this act or to such other foreclosure or trustee sale proceedings relating to the same property on motion of the plaintiff's attorney, and may be consolidated on motion of an owner or interest holder.

Sec. 7. K.S.A. 2023 Supp. 60-4113 is hereby amended to read as follows: 60-4113. (a) A judicial in rem forfeiture proceeding brought by the plaintiff's attorney pursuant to a notice of pending forfeiture or verified petition for forfeiture is also subject to the provisions of this section. If a forfeiture is authorized by this act, it shall be ordered by the court in the in rem action.

(b) An action in rem may be brought by the plaintiff's attorney in addition to, or in lieu of, civil in personam forfeiture procedures. The seizing agency may serve the complaint in the manner provided by K.S.A. 60-4109(a)(3), and amendments thereto, or as provided by the rules of civil procedure.

(c) Only an owner of or an interest holder in the property who has timely filed a proper claim may file an answer in an action in rem. For the purposes of this section, an owner of or interest holder in property who has filed a claim and answer shall be referred to as a claimant.

(d) The answer shall be signed by the claimant under penalty of perjury, K.S.A. 21-5903, and amendments thereto, shall otherwise be in accordance with the rules of civil procedure on answers and shall also set forth the following:

(1) The caption of the proceedings and identifying number, if any, as set forth on the notice of pending forfeiture or complaint and the name of the claimant;

(2) the address where the claimant will accept mail;

(3) the nature and extent of the claimant's interest in the property; and

(4) a detailed description of when and how the claimant obtained an interest in the property.

(e) Substantial compliance with subsection (d) shall be deemed sufficient.

(f) It is permissible to assert the right against self-incrimination in an answer. If a claimant asserts the right, the court, in the court's discretion, may draw an adverse inference from the assertion against the claimant. The adverse inference shall not, by itself, be the basis of a judgment against the claimant.

(g) The answer shall be filed within 21 days after service of the civil in rem complaint.

(h) The issue shall be determined by the court alone. The plaintiff's attorney shall have the initial burden of proving the interest in the property is subject to forfeiture by a preponderance of the *clear and convincing* evidence. If the state proves the interest in the property is subject to forfeiture, the claimant has the burden of showing by a preponderance of the evidence that the claimant has an interest in the property which is not subject to forfeiture.

(i) If the plaintiff's attorney fails to meet the burden of proof for forfeiture, or a claimant establishes by a preponderance of the evidence that the claimant has an interest that is exempt under the provisions of K.S.A. 60-4106, and amendments thereto, the court shall order the interest in the property returned or conveyed to the claimant. The court shall order all other property forfeited to the seizing agency and conduct further proceedings pursuant to K.S.A. 60-4116 and 60-4117, and amendments thereto.

Sec. 8. K.S.A. 2023 Supp. 60-4116 is hereby amended to read as follows: 60-4116. (a) If no proper claims are timely filed in an action in rem, or if no proper answer is timely filed in response to a complaint, the plaintiff's attorney may apply for an order of forfeiture and allocation of forfeited property pursuant to K.S.A. 60-4117, and amendments thereto. Upon a determination by the court that the seizing agency's written application established the court's jurisdiction, the giving of proper notice, and facts sufficient to show probable cause for forfeiture, the court shall order the property forfeited to the seizing agency.

(b) After final disposition of all claims timely filed in an action in rem, or after final judgment and disposition of all claims timely filed in an action in personam, the court shall enter an order that the seizing agency has clear title to the forfeited property interest. Title to the forfeited property interest and such property's proceeds shall be deemed to have vested in the seizing agency on the commission of the conduct giving rise to forfeiture under this act.

(c) If, in the discretion of the plaintiff's attorney, such plaintiff's attorney has recognized in writing that an interest holder has an interest

that is exempt from forfeiture, the court, on application of the plaintiff's attorney, may release or convey forfeited personal property to a regulated interest holder on all of the following conditions:

(1) The interest holder has an interest which was acquired in the regular course of business as an interest holder.

(2) The amount of the interest holder's encumbrance is readily determinable and the amount has been reasonably established by proof made available by the plaintiff's attorney to the court.

(3) The encumbrance held by the interest holder seeking possession is the only interest exempted from forfeiture and the order forfeiting the property to the seizing agency transferred all of the rights of the owner prior to forfeiture, including rights of redemption to the seizing agency.

(4) After the court's release or conveyance, the interest holder shall dispose of the property by a commercially reasonable public sale, and within 14 days of disposition shall tender to the seizing agency the amount received at disposition less the amount of the interest holder's encumbrance and reasonable expense incurred by the interest holder in connection with the sale or disposal.

(d) On order of the court forfeiting the subject property, the seizing agency may transfer good and sufficient title to any subsequent purchaser or transferee, unless satisfied and released earlier, subject to all mortgages, deeds of trust, financing statements or security agreements of record prior to the forfeiture held by an interest holder and the title shall be recognized by all courts, by this state, and by all agencies of and any political subdivision. Likewise on entry of judgment in favor of a person claiming an interest in the property that is subject to proceedings to forfeit property under this act, the court shall enter an order that the property or interest in property shall be released or delivered promptly to that person free of liens and encumbrances under this act and the person's cost bond shall be discharged.

(e) Upon motion by the plaintiff's attorney, if it appears after a hearing there was reasonable cause for the seizure for forfeiture or for the filing of the notice of pending forfeiture or complaint, the court shall cause a finding to be entered that reasonable cause existed, or that any such action was taken under a reasonable good faith belief that it was proper, and the claimant is not entitled to costs or damages, and the person or seizing agency who made the seizure, and the plaintiff's attorney, are not liable to suit or judgment on account of the seizure, suit or prosecution. *Nothing in this subsection shall affect whether a claimant is entitled to payment of attorney fees, litigation costs and interest pursuant to subsection (f).*

(f) (1) The court ~~shall~~ *may* order a claimant who fails to establish that a substantial portion of the claimant's interest is exempt from forfeiture under K.S.A. 60-4105, and amendments thereto, to pay the reasonable

costs and expenses of any claimant who established such claimant's interest is exempt from forfeiture under K.S.A. 60-4105, and amendments thereto, and to pay the reasonable costs and expenses of the seizing agency for the investigation and litigation of the matter, including reasonable attorney fees, in connection with that claimant.

(2) *In any proceeding in which the court finds that the claimant has prevailed by ordering the return of at least half of the aggregate value of the claimant's interest in the property or currency in which the claimant asserted an interest, the court shall order the seizing agency to pay:*

(A) *Reasonable attorney fees and other litigation costs incurred by the claimant;*

(B) *post judgment interest; and*

(C) *in cases involving currency, other negotiable instruments or the proceeds of an interlocutory sale, any interest actually paid from the date of seizure.*

(g) *If there are multiple claims to the same property, the seizing agency shall not be liable for attorney fees and costs associated with any claim if the seizing agency:*

(1) *Promptly recognizes such claim;*

(2) *promptly returns the interest of the claimant in the property to the claimant, if the property can be divided without difficulty and there are no competing claims to that portion of the property;*

(3) *does not cause the claimant to incur additional costs or fees; and*

(4) *prevails in obtaining forfeiture with respect to one or more of the other claims.*

(h) *If more than one law enforcement agency is substantially involved in effecting a forfeiture pursuant to this act, and no interagency agreement exists, the court shall equitably distribute the proceeds among such agencies.*

~~(h)~~(i) *Notwithstanding any other provision of law, upon the request of the intellectual property owner, all seized items bearing a counterfeit mark shall be released to the intellectual property owner for destruction or disposition. If the intellectual property owner does not request release of seized items bearing a counterfeit mark, such items shall be destroyed unless the intellectual property owner consents to another disposition.*

Sec. 9. K.S.A. 2023 Supp. 60-4117 is hereby amended to read as follows: 60-4117. Except as provided in K.S.A. 65-7014, and amendments thereto: (a) When property is forfeited under this act, the law enforcement agency may:

(1) *Retain such property for official use or transfer the custody or ownership to any local, or state or federal agency, subject to any lien preserved by the court;*

(2) *transfer the custody or ownership to any federal agency if authorized pursuant to K.S.A. 60-4107, and amendments thereto;*

(3) *destroy or use for investigative or training purposes, any illegal or controlled substances and equipment or other contraband, provided that materials necessary as evidence shall be preserved;*

~~(3)~~(4) *sell property which is not required by law to be destroyed and which is not harmful to the public;*

(A) All property, except real property, designated by the seizing agency to be sold shall be sold at public sale to the highest bidder for cash without appraisal. The seizing agency shall first cause notice of the sale to be made by publication at least once in an official county newspaper as defined by K.S.A. 64-101, and amendments thereto. Such notice shall include the time, place, and conditions of the sale and description of the property to be sold. Nothing in this subsection shall prevent a state agency from using the state surplus property system and such system's procedures shall be sufficient to meet the requirements of this subsection.

(B) Real property may be sold pursuant to subsection (a)(3)(A), or the seizing agency may contract with a real estate company, licensed in this state, to list, advertise and sell such real property in a commercially reasonable manner.

(C) No employee or public official of any agency involved in the investigation, seizure or forfeiture of seized property may purchase or attempt to purchase such property; or

~~(4)~~(5) *salvage the property, subject to any lien preserved by the court.*

(b) When firearms are forfeited under this act, the firearms in the discretion of the seizing agency, shall be destroyed, used within the seizing agency for official purposes, traded to another law enforcement agency for use within such agency or given to the Kansas bureau of investigation for law enforcement, testing, comparison or destruction by the Kansas bureau of investigation forensic laboratory.

(c) The proceeds of any sale shall be distributed in the following order of priority:

(1) For satisfaction of any court preserved security interest or lien, or in the case of a violation, as defined by K.S.A. 60-4104(i), and amendments thereto, the proceeds shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount into the state treasury to the credit of the medicaid fraud reimbursement fund;

(2) thereafter, for payment of all proper expenses of the proceedings for forfeiture and disposition, including expenses of seizure, inventory, appraisal, maintenance of custody, preservation of availability, advertising, service of process, sale and court costs;

(3) reasonable attorney fees:

(A) If the plaintiff's attorney is a county or district attorney, an assistant, or another governmental agency's attorney, fees shall not exceed 15% of the total proceeds, less the amounts of subsection (c)(1) and (2), in an uncontested forfeiture nor 20% of the total proceeds, less the amounts of subsection (c)(1) and (2), in a contested forfeiture. Such fees shall be deposited in the county or city treasury and credited to the special prosecutor's trust fund. Moneys in such fund shall not be considered a source of revenue to meet normal operating expenditures, including salary enhancement. Such fund shall be expended by the county or district attorney, or other governmental agency's attorney through the normal county or city appropriation system and shall be used for such additional law enforcement and prosecutorial purposes as the county or district attorney or other governmental agency's attorney deems appropriate, including educational purposes. All moneys derived from past or pending forfeitures shall be expended pursuant to this act. The board of county commissioners shall provide adequate funding to the county or district attorney's office to enable such office to enforce this act. Neither future forfeitures nor the proceeds therefrom shall be used in planning or adopting a county or district attorney's budget;

(B) if the plaintiff's attorney is the attorney general and the conduct and offense giving rise to forfeiture is pursuant to K.S.A. 60-4104(i), and amendments thereto, fees shall not exceed 15% of the total proceeds, less the amounts of subsection (c)(1) and (2) in an uncontested forfeiture nor 20% of the total proceeds, less the amounts of subsection (c)(1) and (2) in a contested forfeiture. Such fees shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the medicaid fraud prosecution revolving fund. Moneys paid into the medicaid fraud prosecution revolving fund pursuant to this subsection shall be appropriated to the attorney general for use by the attorney general in the investigation and prosecution of medicaid fraud and abuse; or

(C) if the plaintiff's attorney is a private attorney, such reasonable fees shall be negotiated by the employing law enforcement agency;

(4) repayment of law enforcement funds expended in purchasing of contraband or controlled substances, subject to any interagency agreement.

(d) Any proceeds remaining shall be credited as follows, subject to any interagency agreement:

(1) If the law enforcement agency is a state agency, the entire amount shall be deposited in the state treasury and credited to such agency's state

forfeiture fund. There is hereby established in the state treasury the following state funds: Kansas bureau of investigation state forfeiture fund, Kansas attorney general's state medicaid fraud forfeiture fund, Kansas highway patrol state forfeiture fund, Kansas department of corrections state forfeiture fund and Kansas national guard counter drug state forfeiture fund. Expenditures from the Kansas bureau of investigation state forfeiture fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or by a person or persons designated by the attorney general. Expenditures from the Kansas attorney general's state medicaid fraud forfeiture fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or by a person or persons designated by the attorney general. Expenditures from the Kansas highway patrol state forfeiture fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the superintendent of the highway patrol or by a person or persons designated by the superintendent. Expenditures from the Kansas department of corrections state forfeiture fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the department of corrections or by a person or persons designated by the secretary. Expenditures from the Kansas national guard counter drug state forfeiture fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the adjutant general of Kansas or by a person or persons designated by the adjutant general.

(2) If the law enforcement agency is a city or county agency, the entire amount shall be deposited in such city or county treasury and credited to a special law enforcement trust fund.

(e) (1) Moneys in the Kansas bureau of investigation state forfeiture fund, Kansas highway patrol state forfeiture fund, Kansas department of corrections state forfeiture fund, the special law enforcement trust funds and the Kansas national guard counter drug state forfeiture fund shall not be considered a source of revenue to meet normal operating expenses. Such funds shall be expended by the agencies or departments through the normal city, county or state appropriation system and shall be used for such special, additional law enforcement purposes specified in subsection (e)(2) as the law enforcement agency head deems appropriate. Neither future forfeitures nor the proceeds from such forfeitures shall be used in planning or adopting a law enforcement agency's budget.

(2) Moneys in the funds described in subsection (e)(1) shall be used only for the following special, additional law enforcement purposes:

(A) The support of investigations and operations that further the law enforcement agency's goals or missions;

(B) the training of investigators, prosecutors and sworn and non-sworn law enforcement personnel in any area that is necessary to perform official law enforcement duties;

(C) the costs associated with the purchase, lease, construction, expansion, improvement or operation of law enforcement or detention facilities used or managed by the recipient agency;

(D) the costs associated with the purchase, lease, maintenance or operation of law enforcement equipment for use by law enforcement personnel that supports law enforcement activities;

(E) the costs associated with the purchase of multi-use equipment and operations used by both law enforcement and non-law enforcement personnel;

(F) the costs associated with a contract for a specific service that supports or enhances law enforcement;

(G) the costs associated with travel and transportation to perform or in support of law enforcement duties and activities;

(H) the costs associated with the purchase of plaques and certificates for law enforcement personnel in recognition of a law enforcement achievement, activity or training;

(I) the costs associated with conducting awareness programs by law enforcement agencies;

(J) the costs associated with paying a state or local law enforcement agency's matching contribution or share in a state or federal grant program for items other than salaries;

(K) cash transfers from one state or local law enforcement agency to another in support of the law enforcement agency's goals or missions; ~~and~~

(L) transfers from a state or local law enforcement agency to a state, county or local governmental agency or community non-profit organization in support of the law enforcement agency's goals or missions; *and*

(M) *payment of attorney fees, litigation costs and interest ordered by a court pursuant to K.S.A. 60-4116, and amendments thereto.*

(3) Moneys in the funds described in subsection (e)(1) shall be separated and accounted for in a manner that allows accurate tracking and reporting of deposits and expenditures of the following categories of money:

(A) Proceeds from forfeiture credited to the fund pursuant to this section;

(B) proceeds from pending forfeiture actions under this act; and

(C) proceeds from forfeiture actions under federal law.

(f) Moneys in the Kansas attorney general's medicaid fraud forfeiture fund shall defray costs of the attorney general in connection with the duties of investigating and prosecuting medicaid fraud and abuse.

(g) (1) ~~If the law enforcement agency is a state agency, such agency shall compile and submit a forfeiture fund report to the legislature on or before~~

February 1 of each year. Such report shall include, but not be limited to: (A) The fund balance on December 1; and (B) the deposits and expenditures for the previous 12-month period ending December 1.

~~(2) If the law enforcement agency is a city or county agency, such agency shall compile and submit annually a special law enforcement trust fund report to the entity that has budgetary authority over such agency and such report shall specify, for such period, the type and approximate value of the forfeited property received, the amount of any forfeiture proceeds received and how any of those proceeds were expended.~~

~~(3) The provisions of this subsection shall expire on July 1, 2019.~~

Sec. 10. K.S.A. 2023 Supp. 60-4127 is hereby amended to read as follows: 60-4127. (a) ~~On or before July 1, 2019,~~ The Kansas bureau of investigation shall establish the Kansas asset seizure and forfeiture repository. The repository shall gather information concerning each seizure for forfeiture made by a seizing agency pursuant to the Kansas standard asset seizure and forfeiture act including, but not limited to, the following:

(1) The name of the seizing agency or the name of the lead agency if part of a multi-jurisdictional task force;

(2) the county where the seizure occurred;

(3) the date and time the seizure occurred;

(4) any applicable agency or district court case numbers for the seizure;

(5) a description of the initiating law enforcement activity leading to the seizure;

(6) a description of the specific location where the seizure occurred;

(7) the conduct or offense giving rise to the forfeiture;

(8) a description of the type of property seized and the estimated value;

(9) a description of the type of contraband seized and the estimated value;

(10) whether criminal charges were filed for an offense related to the forfeiture and, if so, court and case number information for the criminal charges;

(11) a description of the final disposition of the forfeiture action, including a description of the disposition of any claim or exemption asserted under this act;

(12) whether the forfeiture was transferred to the federal government for disposition;

(13) the total cost of the forfeiture action, including attorney fees; and

(14) the total amount of proceeds from the forfeiture action, specifying the amount received by the seizing agency and the amount received by any other agency or person.

(b) ~~On and after July 1, 2019,~~ The Kansas bureau of investigation shall maintain the repository and an associated public website. ~~On or before~~

~~July 1, 2019,~~ The Kansas bureau of investigation shall promulgate rules and regulations to implement this section.

(c) ~~On and after July 1, 2019,~~ Each seizing agency shall report information concerning each seizure for forfeiture to the Kansas asset seizure and forfeiture repository as required by this section and the rules and regulations promulgated pursuant to this section. The prosecuting attorney shall submit information concerning each forfeiture action to the seizing agency within 30 days after the final disposition of the forfeiture. The seizing agency shall submit the required information to the repository within 60 days after the final disposition of the forfeiture.

(d) ~~On or before February 1, 2020, and~~ Annually, on or before February 1 ~~thereafter,~~ each law enforcement agency shall compile and submit a forfeiture fund *financial* report to the Kansas asset seizure and forfeiture repository as required by this section and the rules and regulations promulgated pursuant to this section.

(1) If the law enforcement agency is a state agency, the report shall include, but not be limited to:

(A) The agency's state forfeiture fund balance on January 1 and December 31 of the preceding calendar year; and

(B) the total amount of the deposits and a listing, by category, of expenditures from January 1 through December 31 of the preceding calendar year.

(2) If the law enforcement agency is a city or county agency, the report shall include, but not be limited to:

(A) The agency's special law enforcement trust fund balance on January 1 and December 31 of the preceding calendar year; and

(B) the total amount of the deposits and a listing, by category, of expenditures from January 1 through December 31 of the preceding calendar year.

(3) The report shall separate and account for:

(A) Deposits and expenditures from proceeds from forfeiture credited to the fund pursuant to K.S.A. 60-4117, and amendments thereto;

(B) deposits and expenditures from proceeds from forfeiture actions under federal law; and

(C) amounts held by the agency related to pending forfeiture actions under the Kansas standard asset seizure and forfeiture act.

(e) (1) ~~On March 1, 2020, and~~ Annually, on March 1 ~~thereafter,~~ the Kansas bureau of investigation shall determine whether each agency's *forfeiture fund* financial report matches the agency's seizing report. If the Kansas bureau of investigation determines that an agency's financial report does not substantially match that agency's seizing report or the agency has not submitted a financial report, the Kansas bureau of investigation shall notify such agency of the difference in reports. Such agency shall

correct the reporting error within 30 days. If the reporting error is not corrected within 30 days, the Kansas bureau of investigation shall send such law enforcement agency, and the county or district attorney for the county in which such law enforcement agency is located, a certified letter notifying such agency that it is out of compliance. Upon receipt of such letter, no forfeiture proceedings shall be filed on property seized by such law enforcement agency. When such law enforcement agency has achieved compliance with the reporting requirements, the bureau shall send such law enforcement agency, and the county or district attorney for the county in which such law enforcement agency is located, a certified letter notifying such agency that it is in compliance and forfeiture proceeding filings may continue pursuant to this act.

(2) Annually, on or before April 15, the Kansas bureau of investigation shall report to the ~~legislature~~ *president of the senate, the speaker of the house of representatives and the standing committees on judiciary in the senate and the house of representatives*:

(A) Any law enforcement agencies in the state that have failed to come into compliance with the reporting requirements in subsection (d); and

(B) *each agency's forfeiture fund financial report submitted pursuant to subsection (d).*

Sec. 11. K.S.A. 2023 Supp. 60-4104, 60-4106, 60-4107, 60-4109, 60-4111, 60-4112, 60-4113, 60-4116, 60-4117 and 60-4127 are hereby repealed.

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

Approved April 23, 2024.

CHAPTER 80

SENATE BILL No. 333

AN ACT concerning persons with disabilities; relating to employment thereof; providing hiring, promotion and retention preferences for such persons for certain executive branch state government positions; extending the expiration provision for the state use law committee; amending K.S.A. 75-3322c and repealing the existing section.

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

New Section 1. Sections 1 through 3, and amendments thereto, shall be known and may be cited as Kathy's bill.

New Sec. 2. For purposes of sections 1 through 3, and amendments thereto:

(a) "Disability" means a physical or mental impairment that substantially limits one or more major life activities of an individual.

(b) "Major life activities" includes, but is not limited to, the activities of caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working. "Major life activities" also includes the operation of major bodily functions, including, but not limited to, the immune system, normal cell growth, digestive system, bowel, bladder, neurological system, brain, respiratory system, circulatory system, endocrine system and reproductive system.

(c) "Reasonable accommodation" means:

(1) Making existing facilities used by employees readily accessible and usable by individuals with disabilities; and

(2) job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters or other similar accommodations for individuals with disabilities.

(d) "State government" means any department, bureau, division, board, authority, agency, commission or institution of this state, except the judicial and legislative branches of state government and political subdivisions of the state.

New Sec. 3. (a) Persons with disabilities shall be preferred for employment and promotion in the state government of Kansas if qualified, with or without a reasonable accommodation, to meet the performance standards of the position. In the event that a person with a disability meeting the requirements of this act and a veteran meeting the requirements of the veteran's preference established by K.S.A. 73-201, and amendments thereto, apply for the same position, the person having the highest

qualifications meeting the performance standards of the position shall receive the primary preference.

(b) State government job opening notices and application forms shall state that the position is subject to the disability preference and explain how applicants with disabilities may take advantage of the preference, including information regarding the documentation of a disability that shall be provided pursuant to subsection (c) and the process that will be used for selection.

(c) An applicant who is a person with a disability shall provide documentation of the person's disability to the state government hiring authority when applying for the disability preference by providing a copy of one of the following documents:

- (1) Supplemental security income or social security disability insurance determination letter;
- (2) letter from a managed care organization or a qualified medical professional attesting to the disability;
- (3) home and community-based services waiver approval letter; or
- (4) vocational rehabilitation letter from a vocational rehabilitation counselor.

(d) The state government hiring authority shall offer an interview to a person who has applied for an open position who is qualified, with or without reasonable accommodation, to meet the performance standards of the position and who has presented proof of disability as provided in subsection (c).

(e) In any reduction in personnel by the state government employer, employees who are persons with disabilities shall be retained in preference to all other employees in the same job classification or job title with equal qualifications, seniority, status and performance reviews.

(f) A person with a disability has the right to not disclose that person's disability at the time of hire but may not assert a right to a retention preference pursuant to subsection (e) at a later date unless the disability is disclosed prior to the announcement of a layoff by submission of documentation as provided in subsection (c). Disclosure may be made to the state government human resources office where the employee is employed and shall remain confidential unless disclosure is required for the provision of a reasonable accommodation for the person with a disability or for emergency preparedness planning.

(g) The provisions of sections 1 through 3, and amendments thereto, shall not apply to positions that are filled by elected officers or vacancies in such elected offices, personal secretaries of such officers, members of boards and commissions, persons employed on a temporary basis, positions held by patients in state institutions, inmates in the custody of the secretary of corrections, students enrolled at a state educational institu-

tion, heads of departments, positions that require licensure as a physician and positions that require that the employee be admitted to practice law in Kansas.

Sec. 4. K.S.A. 75-3322c is hereby amended to read as follows: 75-3322c. (a) There is hereby established within the department of administration, the state use law committee, hereafter referred to as the committee, to advise the director of purchases on issues surrounding the purchase of products and services provided by blind or disabled persons, which shall consist of nine members.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) On July 1, ~~2024~~ 2029, the state use law committee is hereby abolished.

Sec. 5. K.S.A. 75-3322c is hereby repealed.

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

Approved April 24, 2024.

CHAPTER 81

SENATE BILL No. 410
(Amended by Chapter 100)

AN ACT concerning taxation; relating to property taxation; reducing penalties for the late filing of or the failure to file statements listing personal property for assessment and the discovery of escaped personal property; reporting changes after initial statement; allowing for filing of an appraisal by a certified residential real property appraiser for appeal purposes; accounting for adverse influences in the valuation of agricultural land; including properties used for registered agritourism activities as land devoted to agricultural use for purposes of classification; providing a property tax exemption for new electric generation facilities and new pollution control devices and additions constructed or installed at electric generation facilities; discontinuing the current property tax exemptions for certain existing electric generation facilities; relating to tax levy rates; providing that county clerks are not required to send revenue neutral rate notices to property owners of exempt property; modifying and prescribing the contents of the revenue neutral rate public hearing notice; permitting a tax levy that generates the same amount of revenue as the previous year when the final assessed valuation decreases compared to the estimated assessed valuation; requiring that the governing body's vote be conducted on the same day as the commencement of the public hearing; extending reimbursement from the taxpayer notification costs fund for printing and postage costs for county clerks for calendar year 2024; relating to income taxation; providing subtraction modifications for certain federal credit disallowances and the employee retention credit disallowance and to permit the carryforward of certain net operating losses; clarifying the disallowed business interest expense deduction; extending the time period for the single city port authority tax credit; decreasing the penalties for failing to timely remit withholding income taxes of employees by employers; relating to the salt parity act; clarifying the determination of taxable income of an electing pass-through entity; providing for the passing through of tax credits to electing pass-through entity owners; relating to sales and compensating use tax; providing countywide retailers' sales tax authority for Rawlins, Marshall and Neosho counties; relating to the state board of tax appeals; authorizing teleconference or video conference hearings in the small claims and expedited hearings division; amending K.S.A. 79-257, 79-258, 79-306, 79-332a, 79-1422, 79-1427a, 79-1496 and 79-32,107 and K.S.A. 2023 Supp. 12-187, 12-189, 12-192, 74-2433f, 79-1476, 79-2988, 79-2989, 79-32,117, 79-32,212, 79-32,284 and 79-32,287 and repealing the existing sections.

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

New Section 1. Adverse influences not sufficiently accounted for in the agricultural use valuation formula for land devoted to agricultural use shall be addressed by the director of property valuation and the county appraiser. Adverse influences include, but are not limited to, canopy cover, salinity and alkalinity, water table fluctuation and newly constructed drainage and flood control areas. The county appraiser shall address canopy cover, salinity and alkalinity, water table fluctuation and newly constructed drainage and flood control areas as follows:

- (a) For canopy cover, the county appraiser shall:
 - (1) View the parcel;
 - (2) delineate the area impacted on a map;

(3) determine the appropriate reduction from actual inspection and make the appropriate reduction as follows:

- (A) 0 to 25% cover = no reduction;
 - (B) 25% to 50% cover = 20% reduction;
 - (C) 50% to 75% cover = 30% reduction; and
 - (D) 75% to 100% cover = 50% reduction; and
- (4) establish an adverse influence file for the parcel;
- (b) for salinity and alkalinity, the county appraiser shall:
- (1) Request that the taxpayer provide soil analysis from a crop consulting service;
 - (2) delineate the area impacted on a map;
 - (3) reduce the value as indicated by the report;
 - (4) establish an adverse influence file for the parcel; and
 - (5) notify the local United States department of agriculture natural resources conservation service (NRCS) office of the change;
- (c) for water table fluctuation, the county appraiser shall:
- (1) Delineate the area impacted on a map;
 - (2) contact the local NRCS office and request verification;
 - (3) contact the division of property valuation for assistance;
 - (4) obtain a temporary influence amount from the division of property valuation to use until the NRCS review is complete; and
 - (5) establish an adverse influence file for the parcel; and
- (d) for newly constructed drainage and flood control areas, the county appraiser shall:
- (1) View the parcel;
 - (2) delineate the area impacted on a map;
 - (3) contact the division of property valuation for assistance;
 - (4) receive an adverse influence amount from the division of property valuation after the division contacts the responsible agency; and
 - (5) establish an adverse influence file for the parcel.

New Sec. 2. (a) The following described property, to the extent herein specified, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

- (1) Any new electric generation facility.
 - (2) Any new addition to a new or existing electric generation facility.
 - (3) Any new pollution control device constructed or installed on or after January 1, 2025, at a new or existing electric generation facility.
- (b) The provisions of this section shall apply from and after commencement of construction or installation of such property and for the 10 taxable years immediately following the taxable year in which construction or installation of such property is completed.
- (c) As used in this section:
 - (1) “Existing electric generation facility” means an electric generation

facility described in K.S.A. 66-104(e) or 66-128(b)(2)(C), and amendments thereto, that is in existence on December 31, 2024. “Existing electric generation facility” does not include an electric generation facility that converts wind, solar, biomass, landfill gas or any other renewable source of energy to electricity.

(2) “New addition” means any real or tangible personal property constructed or installed on or after January 1, 2025, for incorporation in and use as part of a new or existing electric generation facility.

(3) “New electric generation facility” means an electric generation facility described in K.S.A. 66-104(e) or 66-128(b)(2)(C), and amendments thereto, and the commencement of construction of such facility began on or after January 1, 2025. “New electric generation facility” includes any electric generation facility that utilizes nuclear energy for the generation of electricity. “New electric generation facility” does not include any electric generation facility that converts wind, solar, biomass, landfill gas or any other renewable source of energy to electricity.

(d) The provisions of this section shall apply to all taxable years commencing after December 31, 2024.

Sec. 3. K.S.A. 2023 Supp. 12-187 is hereby amended to read as follows: 12-187. (a) No city shall impose a retailers’ sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers’ sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers’ sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than $\frac{2}{3}$ of the membership of the governing body of each of one or more cities within such county that contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by $\frac{2}{3}$ of the membership of the governing body of each of one or more taxing subdivisions within such county that levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

(2) The board of county commissioners of Anderson, Atchison, Barton, Brown, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Franklin, Grant,

Jefferson, Linn, Lyon, Marion, Miami, Montgomery, Neosho, Osage, Ottawa, Reno, Riley, Saline, Seward, Sumner, Thomas, Wabaunsee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers' sales tax and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.

(B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.

(C) Except as otherwise provided in this paragraph, the result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Sedgwick county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be used only to pay the costs of: (i) Acquisition of a site and constructing and equipping thereon a new regional events center, associated parking and infrastructure improvements and related appurtenances thereto, to be located in the downtown area of the city of Wichita, Kansas, (the "downtown arena"); (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown arena and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence on July 1, 2005, and shall terminate not later than 30 months after the commencement thereof.

(D) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Lyon county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of ad valorem tax reduction and capital outlay. The tax imposed pursuant to this paragraph shall terminate not later than five years after the commencement thereof.

(E) Except as otherwise provided in this paragraph, the result of the election held on August 5, 2008, on the question submitted by the board of county commissioners of Rawlins county for the purpose of increasing its countywide retailers' sales tax by 0.75% is hereby declared valid, and the revenue received therefrom by the county shall be expended for the purposes of financing the costs of a swimming pool. The tax imposed pursuant to this paragraph shall terminate not later than 15 years after the commencement thereof or upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(F) The result of the election held on December 1, 2009, on the question submitted by the board of county commissioners of Chautauqua county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received from such tax by the county shall be expended for the purposes of financing the costs of constructing, furnishing and equipping a county jail and law enforcement center and necessary improvements appurtenant to such jail and law enforcement center. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(G) The result of the election held on April 7, 2015, on the question submitted by the board of county commissioners of Bourbon county for the purpose of increasing its retailers' sales tax by 0.4% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the costs of constructing, furnishing and operating a courthouse, law enforcement center or jail facility improvements. Any tax imposed pursuant to authority granted in this paragraph shall terminate upon payment of all costs authorized pursuant to this paragraph incurred in the financing of the project described in this paragraph.

(H) The result of the election held on November 7, 2017, on the question submitted by the board of county commissioners of Finney county for the purpose of increasing its countywide retailers' sales tax by 0.3% is hereby declared valid, and the revenues of such tax shall be used by Finney county and the city of Garden City, Kansas, as agreed in an inter-

local cooperation agreement between the city and county, and as detailed in the ballot question approved by voters. The tax imposed pursuant to this subparagraph shall be levied for a period of 15 years from the date it is first levied.

(I) The result of the election held on November 3, 2020, on the question submitted by the board of county commissioners of Cherokee county for the purpose of increasing its retailers' sales tax by 0.5% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing: (i) Ambulance services within the county; (ii) renovations and maintenance of county buildings and facilities; or (iii) any other projects within the county deemed necessary by the governing body of Cherokee county. The tax imposed pursuant to this subparagraph shall terminate prior to January 1, 2033.

(4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of K.S.A. 68-2314(b)(5), and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.

(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to subsection (a)(2) by any city located in such county shall ex-

pire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include, but not be limited to, the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(7) (A) The board of county commissioners of Clay and Miami county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.50% in the case of Clay county and at a rate of up to 1% in the case of Miami county, and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. Except as otherwise provided, the tax imposed pursuant to this subparagraph shall expire after five years from the date such tax is first collected. The result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Miami county for the purpose of extending for an additional five-year period the countywide retailers' sales tax imposed pursuant to this subsection in Miami county is hereby declared valid. The countywide retailers' sales tax imposed pursuant to this subsection in Clay and Miami county may be extended or reenacted for additional five-year periods upon the board of county commissioners of Clay and Miami county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

(B) The board of county commissioners of Dickinson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this subparagraph shall expire after 10 years from the date such tax is first collected.

(8) The board of county commissioners of Sherman county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of street and roadway improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(9) (A) The board of county commissioners of Cowley, Crawford and Woodson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% in the case of Crawford and Woodson county and at a rate of up to 0.25%, in the case of Cowley county and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this subparagraph shall expire after five years from the date such tax is first collected.

(B) The board of county commissioners of Russell county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this subparagraph shall expire after 10 years from the date such tax is first collected.

(10) The board of county commissioners of Franklin county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing recreational facilities. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(11) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purposes of conservation, access and management of open space; preservation of cultural heritage; and economic development projects and activities.

(12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka boulevard

bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.

(13) The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of 0.4% and pledging the revenue received therefrom for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. Such tax shall expire after seven years from the date such tax is first collected.

(14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(15) The board of county commissioners of Saline county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction and operation of an expo center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(16) The board of county commissioners of Harvey county may submit the question of imposing a countywide retailers' sales tax at the rate of 1.0% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and public infrastructure improvements to the electors at an election called and held thereon.

(17) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of construction and maintenance of sports and recreational facilities to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(18) The board of county commissioners of Wabaunsee county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 15 years from the

date such tax is first collected. On and after July 1, 2019, the countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for one additional period not to exceed 15 years upon the board of county commissioners of Wabaunsee county submitting such question to the electors at an election called and held thereon as provided by law. For any countywide retailers' sales tax that is extended or reenacted pursuant to this paragraph, such tax shall expire not later than 15 years from the date such tax is first collected.

(19) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after six years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional six-year periods upon the board of county commissioners of Jefferson county submitting such question to the electors at an election called and held thereon for each additional six-year period as provided by law.

(20) The board of county commissioners of Riley county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(21) The board of county commissioners of Johnson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the construction and operation costs of public safety projects, including, but not limited to, a jail, detention center, sheriff's resource center, crime lab or other county administrative or operational facility dedicated to public safety, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this subsection may be extended or reenacted for additional periods not exceeding 10 years upon the board of county commissioners of Johnson county submitting such question to the electors at an election called and held thereon for each additional ten-year period as provided by law.

(22) The board of county commissioners of Wilson county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose

of financing the costs of roadway construction and improvements to federal highways, the development of a new industrial park and other public infrastructure improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project or projects.

(23) The board of county commissioners of Butler county may submit the question of imposing a countywide retailers' sales tax at the rate of either 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of public safety capital projects or bridge and roadway construction projects, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such projects.

(24) The board of county commissioners of Barton county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway and bridge construction and improvement and infrastructure development and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(25) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of the county's obligation as participating employer to make employer contributions and other required contributions to the Kansas public employees retirement system for eligible employees of the county who are members of the Kansas police and firemen's retirement system, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such purpose.

(26) The board of county commissioners of Pottawatomie county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, or public infrastructure improvements, or both, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project or projects.

(27) The board of county commissioners of Kingman county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom

for the purpose of financing the costs of constructing and furnishing a law enforcement center and jail facility and the costs of roadway and bridge improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire not later than 20 years from the date such tax is first collected.

(28) The board of county commissioners of Edwards county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.375% and pledging the revenue therefrom for the purpose of financing the costs of economic development initiatives to the electors at an election called and held thereon.

(29) The board of county commissioners of Rooks county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue therefrom for the purpose of financing the costs of constructing or remodeling and furnishing a jail facility to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized in financing such project or projects.

(30) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility, detention facility or other county administrative facility, specifically including mental health and for the operation thereof.

(31) The board of county commissioners of Bourbon county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1%, in increments of 0.05%, and pledging the revenue received therefrom for the purpose of financing the costs of constructing, furnishing and operating a courthouse, law enforcement center or jail facility improvements to the electors at an election called and held thereon.

(32) The board of county commissioners of Marion county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and the construction of public infrastructure improvements, including buildings, to the electors at an election called and held thereon.

(33) The board of county commissioners of Wilson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25%, 0.5%, 0.75% or 1% and pledging the revenue received therefrom for the purpose of supporting emergency medical and ambulance services in the county to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional

periods not exceeding 10 years per period upon the board of county commissioners of Wilson county submitting such question to the electors at an election called and held thereon for each additional period as provided by law. This paragraph shall not be construed to cause the expiration, repeal or termination of any existing city retailers' sales tax for health care services as defined in paragraph (5).

(34) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received for the purpose of joint law enforcement communications and solid waste disposal in Atchison county to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(35) The board of county commissioners of Dickinson county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.25% and pledging the revenue received therefrom for the purpose of financing the costs of public safety capital projects to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional five-year periods upon the board of county commissioners of Dickinson county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

(36) *The board of county commissioners of Rawlins county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of construction, remodeling, capital improvements or maintenance of attendance centers or other district facilities of any school district or school districts within the county. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing the costs of attendance centers or other district facilities for U.S.D. No. 105.*

(37) *The board of county commissioners of Marshall county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue therefrom for the purpose of financing the costs of constructing or remodeling and furnishing a jail facility to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized in financing such project or projects.*

(38) *The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of 0.5% and pledging the revenue received therefrom for the purpose of*

financing the costs of roadway and bridge construction, maintenance and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected.

(c) The boards of county commissioners of any two or more contiguous counties, upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than $\frac{2}{3}$ of the membership of the governing body of each of one or more cities within each of such counties that contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by $\frac{2}{3}$ of the membership of the governing body of each of one or more taxing subdivisions within each of such counties that levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Notwithstanding any provision of law to the contrary, including subsection (b)(5), any city retailers' sales tax being levied by a city prior to July 1, 2006, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance for such repeal. Any countywide retailers' sales tax in the amount of 0.5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

(e) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be re-submitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution, as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the

repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

(f) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.

(g) (1) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

(2) In addition to the requirements set forth in paragraph (1), the governing body of the county proposing to levy a countywide retailers' sales tax shall include as a part of the ballot proposition whether:

(A) The apportionment formula provided in K.S.A. 12-192, and amendments thereto, will apply to the revenue;

(B) an interlocal agreement was entered whereby the county will retain either all or part of the revenue; or

(C) pursuant to law, the county retains the revenue in its entirety.

Sec. 4. K.S.A. 2023 Supp. 12-189 is hereby amended to read as follows: 12-189. The rate of any city retailers' sales tax shall be fixed in increments of 0.05% and in an amount not to exceed 2% for general purposes and not to exceed 1% for special purposes, which shall be determined by the governing body of the city. For any retailers' sales tax imposed by a city for special purposes, such city shall specify the purposes for which such tax is imposed. All such special purpose retailers' sales taxes imposed by a city shall expire after 10 years from the date such tax is first collected. The rate of any countywide retailers' sales tax shall be fixed in an amount not to exceed 1% and shall be fixed in increments of 0.25%, and which amount shall be determined by the board of county commissioners, except that:

(a) The board of county commissioners of Wabaunsee county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage or Reno county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Ford, Saline, Seward or Wyandotte county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.5%; the board of county commissioners of Atchison or Thomas county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 1.5% or 1.75%; the board of county commissioners of Anderson, Barton, Jefferson or Ottawa county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 2%; the board of county commissioners of Marion county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at 2.5%; the board of county commissioners of Franklin, Linn and Miami counties, for the

purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by the respective board of county commissioners on July 1, 2007, plus up to 1.0%; and the board of county commissioners of Brown or Grant county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such rate at up to 2%;

(b) the board of county commissioners of Jackson county, for the purposes of K.S.A. 12-187(b)(3), and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of K.S.A. 12-187(b)(4), and amendments thereto, may fix such rate at 0.25%;

(d) the board of county commissioners of any county, for the purposes of K.S.A. 12-187(b)(5), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus 0.25%, 0.5%, 0.75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of K.S.A. 12-187(b)(7), and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of K.S.A. 12-187(b)(7), and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

(f) the board of county commissioners of Sherman county, for the purposes of K.S.A. 12-187(b)(8), and amendments thereto, may fix such rate at 2.25%;

(g) the board of county commissioners of Crawford or Russell county for the purposes of K.S.A. 12-187(b)(9), and amendments thereto, may fix such rate at 1.5%;

(h) the board of county commissioners of Franklin county, for the purposes of K.S.A. 12-187(b)(10), and amendments thereto, may fix such rate at 1.75%;

(i) the board of county commissioners of Douglas county, for the purposes of K.S.A. 12-187(b)(11) and (b)(30), and amendments thereto, may fix such rate at 1.75%;

(j) the board of county commissioners of Jackson county, for the purposes of K.S.A. 12-187(b)(13), and amendments thereto, may fix such rate at 1.4%;

(k) the board of county commissioners of Sedgwick county, for the purposes of K.S.A. 12-187(b)(3)(C), and amendments thereto, may fix such rate at 2%;

(l) the board of county commissioners of Neosho county, for the purposes of K.S.A. 12-187(b)(14), and amendments thereto, may fix such rate at 1.0% or 1.5%;

(m) the board of county commissioners of Saline county, for the purposes of K.S.A. 12-187(b)(15), and amendments thereto, may fix such rate at up to 1.5%;

(n) the board of county commissioners of Harvey county, for the purposes of K.S.A. 12-187(b)(16), and amendments thereto, may fix such rate at 2.0%;

(o) the board of county commissioners of Atchison county, for the purpose of K.S.A. 12-187(b)(17), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Atchison county on the effective date of this act plus 0.25%;

(p) the board of county commissioners of Wabaunsee county, for the purpose of K.S.A. 12-187(b)(18), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Wabaunsee county on July 1, 2007, plus 0.5%;

(q) the board of county commissioners of Jefferson county, for the purpose of K.S.A. 12-187(b)(19) and (25), and amendments thereto, may fix such rate at 2.25%;

(r) the board of county commissioners of Riley county, for the purpose of K.S.A. 12-187(b)(20), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Riley county on July 1, 2007, plus up to 1%;

(s) the board of county commissioners of Johnson county, for the purposes of K.S.A. 12-187(b)(21), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Johnson county on July 1, 2007, plus 0.25%;

(t) the board of county commissioners of Wilson county, for the purposes of K.S.A. 12-187(b)(22), and amendments thereto, may fix such rate at up to 2%;

(u) the board of county commissioners of Butler county, for the purposes of K.S.A. 12-187(b)(23), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75% or 1%;

(v) the board of county commissioners of Barton county, for the purposes of K.S.A. 12-187(b)(24), and amendments thereto, may fix such rate at up to 1.5%;

(w) the board of county commissioners of Lyon county, for the purposes of K.S.A. 12-187(b)(3)(D), and amendments thereto, may fix such rate at 1.5%;

(x) the board of county commissioners of Rawlins county, for the pur-

poses of K.S.A. 12-187(b)(3)(E), and amendments thereto, may fix such rate at 1.75%;

(y) the board of county commissioners of Chautauqua county, for the purposes of K.S.A. 12-187(b)(3)(F), and amendments thereto, may fix such rate at 2.0%;

(z) the board of county commissioners of Pottawatomie county, for the purposes of K.S.A. 12-187(b)(26), and amendments thereto, may fix such rate at up to 1.5%;

(aa) the board of county commissioners of Kingman county, for the purposes of K.S.A. 12-187(b)(27), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75%, or 1%;

(bb) the board of county commissioners of Edwards county, for the purposes of K.S.A. 12-187(b)(28), and amendments thereto, may fix such rate at 1.375%;

(cc) the board of county commissioners of Rooks county, for the purposes of K.S.A. 12-187(b)(29), and amendments thereto, may fix such rate at up to 1.5%;

(dd) the board of county commissioners of Bourbon county, for the purposes of K.S.A. 12-187(b)(3)(G) and (b)(31), and amendments thereto, may fix such rate at up to 2.0%;

(ee) the board of county commissioners of Marion county, for the purposes of K.S.A. 12-187(b)(32), and amendments thereto, may fix such rate at 2.5%;

(ff) the board of county commissioners of Finney county, for the purposes of K.S.A. 12-187(b)(3)(H), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.3%;

(gg) the board of county commissioners of Cherokee county, for the purposes of K.S.A. 12-187(b)(3)(I), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.5%;

(hh) the board of county commissioners of Wilson county, for the purposes of K.S.A. 12-187(b)(33), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.25%, 0.5%, 0.75% or 1%;

(ii) the board of county commissioners of Atchison county, for the purposes of K.S.A. 12-187(b)(34), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus up to 1%; ~~and~~

(jj) the board of county commissioners of Dickinson county, for the purposes of K.S.A. 12-187(b)(35), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed

pursuant to this section, plus 0.25%;

(kk) *the board of county commissioners of Rawlins county, for the purposes of K.S.A. 12-187(b)(36), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus up to 1%;*

(ll) *the board of county commissioners of Marshall county, for the purposes of K.S.A. 12-187(b)(37), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus up to 1%; and*

(mm) *the board of county commissioners of Neosho county, for the purposes of K.S.A. 12-187(b)(38), and amendments thereto, may fix such rate at a percentage that is equal to the sum of the rate otherwise allowed pursuant to this section, plus 0.5%.*

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. The director of taxation shall confirm that all provisions of law applicable to the authorization of local sales tax have been followed prior to causing the collection. If the director of taxation discovers that a city or county did not comply with any provision of law applicable to the authorization of a local sales tax after collection has commenced, the director shall immediately notify the city or county and cease collection of such sales tax until such noncompliance is remedied. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury, except that all moneys collected by the director of taxation pursuant to the authority granted in K.S.A.

12-187(b)(22), and amendments thereto, shall be credited to the Wilson county capital improvements fund. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

Revenue that is received from the imposition of a local retailers' sales tax that exceeds the amount of revenue required to pay the costs of a special project for which such revenue was pledged shall be credited to the city or county general fund, as the case requires.

The director of taxation shall provide, upon request by a city or county clerk or treasurer or finance officer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number. Such report shall be made available to the clerk or treasurer or finance officer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class A misdemeanor, and such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute violations of this paragraph.

Sec. 5. K.S.A. 2023 Supp. 12-192 is hereby amended to read as follows: 12-192. (a) Except as otherwise provided by subsection (b), (d) or (h), all revenue received by the director of taxation from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner:

(1) $\frac{1}{2}$ of all revenue received by the director of taxation shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county

in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year; and

(2) $\frac{1}{2}$ of all revenue received by the director of taxation from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county.

All revenue apportioned to a county shall be paid to its county treasurer and shall be credited to the general fund of the county.

(b) (1) In lieu of the apportionment formula provided in subsection (a), all revenue received by the director of taxation from a countywide retailers' sales tax imposed within Johnson county at the rate of 0.75%, 1% or 1.25% after July 1, 2007, shall be apportioned among the county and each city located in such county in the following manner:

(A) The revenue received from the first 0.5% rate of tax shall be apportioned in the manner prescribed by subsection (a); and

(B) the revenue received from the rate of tax exceeding 0.5% shall be apportioned as follows:

(i) $\frac{1}{4}$ shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year;

(ii) $\frac{1}{4}$ shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county; and

(iii) $\frac{1}{2}$ shall be retained by the county for its sole use and benefit.

(2) In lieu of the apportionment formula provided in subsection (a), all money received by the director of taxation from a countywide sales tax imposed within Montgomery county pursuant to the election held on November 8, 1994, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged. All revenue apportioned and paid from the imposition of such tax to the treasurer of any city prior to the effective date of this act shall be remitted to the county treasurer and expended only for the purpose for which the revenue received from the tax was pledged.

(3) In lieu of the apportionment formula provided in subsection (a), on and after the effective date of this act, all moneys received by the director of taxation from a countywide retailers' sales tax imposed within Phillips county pursuant to the election held on September 20, 2005, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(c) (1) Except as otherwise provided by paragraph (2) of this subsection, for purposes of subsections (a) and (b), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

(2) For the purposes of subsections (a) and (b), any ad valorem property tax levied on property located in a city in Johnson county for the purpose of providing fire protection service in such city shall be included within the term "total tangible property tax levies" for such city regardless of its applicability to all tangible property located within each such city. If the tax is levied by a district which extends across city boundaries, for purposes of this computation, the amount of such levy shall be apportioned among each city in which such district extends in the proportion that such tax levied within each city bears to the total tax levied by the district.

(d) (1) All revenue received from a countywide retailers' sales tax imposed pursuant to K.S.A. 12-187(b)(2), (3)(C), (3)(F), (3)(G), (3)(I), (6), (7), (8), (9), (12), (14), (15), (16), (17), (18), (19), (20), (22), (23), (25), (27), (28), (29), (30), (31), (32), (33), (34) ~~and~~ (35), (36), (37) ~~and~~ (38), and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(2) Except as otherwise provided in K.S.A. 12-187(b)(5), and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to K.S.A. 12-187(b)(5), and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(3) All revenue received from a countywide retailers' sales tax imposed pursuant to K.S.A. 12-187(b)(26), and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged unless the question of imposing a countywide retailers' sales tax authorized by K.S.A. 12-187(b)(26), and amendments thereto, includes the apportionment of revenue prescribed in subsection (a).

(e) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof and deposited in the general fund of the city. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax, as an alternative to depositing the same in the general fund, may be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax.

(f) Prior to March 1 of each year, the secretary of revenue shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.

(g) Prior to December 31 of each year, the clerk of every county imposing a countywide retailers' sales tax shall provide such information deemed necessary by the secretary of revenue to apportion and remit revenue to the counties and cities pursuant to this section.

(h) The provisions of subsections (a) and (b) for the apportionment of countywide retailers' sales tax shall not apply to any revenues received pursuant to a county or countywide retailers' sales tax levied or collected under K.S.A. 74-8929, and amendments thereto. All such revenue collected under K.S.A. 74-8929, and amendments thereto, shall be deposited into the redevelopment bond fund established by K.S.A. 74-8927, and amendments thereto, for the period of time set forth in K.S.A. 74-8927, and amendments thereto.

Sec. 6. K.S.A. 2023 Supp. 74-2433f is hereby amended to read as follows: 74-2433f. (a) There shall be a division of the state board of tax appeals known as the small claims and expedited hearings division. Hearing officers appointed by the chief hearing officer shall have authority to hear and decide cases heard in the small claims and expedited hearings division.

(b) The small claims and expedited hearings division shall have jurisdiction over hearing and deciding applications for the refund of protested taxes under the provisions of K.S.A. 79-2005, and amendments thereto, and hearing and deciding appeals from decisions rendered pursuant to the provisions of K.S.A. 79-1448, and amendments thereto, and of article 16 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, with regard to single-family residential property. The filing of an appeal with the small claims and expedited hearings division shall be a prerequisite for filing an appeal with the state board of tax appeals for appeals involving single-family residential property.

(c) At the election of the taxpayer, the small claims and expedited hearings division shall have jurisdiction over: (1) Any appeal of a decision,

finding, order or ruling of the director of taxation, except an appeal, finding, order or ruling relating to an assessment issued pursuant to K.S.A. 79-5201 et seq., and amendments thereto, in which the amount of tax in controversy does not exceed \$15,000; (2) hearing and deciding applications for the refund of protested taxes under the provisions of K.S.A. 79-2005, and amendments thereto, where the value of the property, other than property devoted to agricultural use, is less than \$3,000,000 as reflected on the valuation notice; and (3) hearing and deciding appeals from decisions rendered pursuant to the provisions of K.S.A. 79-1448, and amendments thereto, and of article 16 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, other than those relating to land devoted to agricultural use, wherein the value of the property is less than \$3,000,000 as reflected on the valuation notice.

(d) In accordance with the provisions of K.S.A. 74-2438, and amendments thereto, any party may elect to appeal any application or decision referenced in subsection (b) to the state board of tax appeals. Except as provided in subsection (b) regarding single-family residential property, the filing of an appeal with the small claims and expedited hearings division shall not be a prerequisite for filing an appeal with the state board of tax appeals under this section. Final decisions of the small claims and expedited hearings division may be appealed to the state board of tax appeals. An appeal of a decision of the small claims and expedited hearings division to the state board of tax appeals shall be de novo. The county bears the burden of proof in any appeal filed by the county pursuant to this section. With regard to any matter properly submitted to the board relating to the determination of valuation of property for taxation purposes pursuant to this subsection, the board shall not increase the appraised valuation of the property to an amount greater than the final determination of appraised value by the county appraiser from which the taxpayer appealed to the small claims and expedited hearings division.

(e) A taxpayer shall commence a proceeding in the small claims and expedited hearings division by filing a notice of appeal in the form prescribed by the rules of the state board of tax appeals which shall state the nature of the taxpayer's claim. The notice of appeal may be signed by the taxpayer, any person with an executed declaration of representative form from the property valuation division of the department of revenue or any person authorized to represent the taxpayer in subsection (f). Notice of appeal shall be provided to the appropriate unit of government named in the notice of appeal by the taxpayer. In any valuation appeal or tax protest commenced pursuant to articles 14 and 20 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, ~~the hearing shall be conducted in the county where the property is located or a county adjacent thereto. In~~ or any appeal from a final determination by the secretary of

revenue, the hearing ~~shall~~ *may* be conducted ~~in the county in which the taxpayer resides or a county adjacent thereto~~ *by teleconference or video conference as directed by the chief hearing officer or a designee.*

(f) The hearing in the small claims and expedited hearings division shall be informal. The hearing officer may hear any testimony and receive any evidence the hearing officer deems necessary or desirable for a just determination of the case. A hearing officer shall have the authority to administer oaths in all matters before the hearing officer. All testimony shall be given under oath. A party may appear personally or may be represented by an attorney, a certified public accountant, a certified general appraiser, a tax representative or agent, a member of the taxpayer's immediate family or an authorized employee of the taxpayer. A county or unified government may be represented by the county appraiser, designee of the county appraiser, county attorney or counselor or other representatives so designated. No transcript of the proceedings shall be kept.

(g) The hearing in the small claims and expedited hearings division shall be conducted within 60 days after the appeal is filed in the small claims and expedited hearings division unless such time period is waived by the taxpayer. A decision shall be rendered by the hearing officer within 30 days after the hearing is concluded and, in cases arising from appeals described by subsections (b) and (c)(2) and (3), shall be accompanied by a written explanation of the reasoning upon which such decision is based. Documents provided by a taxpayer or county or district appraiser shall be returned to the taxpayer or the county or district appraiser by the hearing officer and shall not become a part of the board's permanent records. Documents provided to the hearing officer shall be confidential and may not be disclosed, except as otherwise specifically provided.

(h) With regard to any matter properly submitted to the division relating to the determination of valuation of property for taxation purposes, it shall be the duty of the county appraiser to initiate the production of evidence to demonstrate, by a preponderance of the evidence, the validity and correctness of such determination. No presumption shall exist in favor of the county appraiser with respect to the validity and correctness of such determination. With regard to leased commercial and industrial property, the burden of proof shall be on the taxpayer unless the taxpayer has furnished the county or district appraiser, within 30 calendar days following the informal meeting required by K.S.A. 79-1448, and amendments thereto, or within 30 calendar days following the informal meeting required by K.S.A. 79-2005, and amendments thereto, a complete income and expense statement for the property for the three years next preceding the year of appeal. Such income and expense statement shall be in such format that is regularly maintained by the taxpayer in the ordinary course of the taxpayer's business. If the taxpayer submits a single property

appraisal with an effective date of January 1 of the year appealed, the burden of proof shall return to the county appraiser. With regard to any matter properly submitted to the division relating to the determination of valuation of property for taxation purposes, the hearing officer shall not increase the appraised valuation of the property to an amount greater than the final determination of appraised value by the county appraiser from which the taxpayer appealed.

Sec. 7. K.S.A. 79-257 is hereby amended to read as follows: 79-257. The following described property, to the extent herein specified, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

(a) All electric generation facilities described in ~~subsection (e) of K.S.A. 66-104(e)~~, and amendments thereto.

(b) The provisions of subsection (a) shall apply:

(1) Except as provided in paragraph (2), from and after commencement of construction of such property and for the 12 taxable years immediately following the taxable year in which construction of such property is completed; or

(2) for peak load plants, from and after commencement of construction of such property and for the six taxable years immediately following the taxable year in which construction of such property is completed.

(c) All pollution control devices purchased for or constructed or installed at electric generation facilities described in ~~subsection (e) of K.S.A. 66-104(e)~~, and amendments thereto.

(d) The provisions of subsection (c) shall apply:

(1) Except as provided in paragraph (2), from and after purchase or commencement of construction or installation of such property and for the 12 taxable years immediately following the taxable year in which such property is purchased or construction or installation of such property is completed; or

(2) for a peak load plant, from and after purchase or commencement of construction or installation of such property and for the six taxable years immediately following the taxable year in which such property is purchased or construction or installation of such property is completed.

(e) The provisions of this section shall apply to all taxable years commencing after December 31, 2000, *but only to property for which the applicant filed an application for exemption pursuant to this section on or before December 31, 2024. No application for exemption pursuant to this section shall be filed after December 31, 2024.*

Sec. 8. K.S.A. 79-258 is hereby amended to read as follows: 79-258. The following described property, to the extent herein specified, shall be exempt from all property taxes levied under the laws of the state of Kansas:

(a) All electric generation facilities and additions to electric generation facilities described in ~~subsection (b)(2)(C) of K.S.A. 66-128(b)(2)(C)~~, and amendments thereto.

(b) The provisions of subsection (a) shall apply: (1) Except as provided in paragraph (2), from and after commencement of construction of such property and for the 10 taxable years immediately following the taxable year in which construction of such property is completed; or (2) for a peak load plant, from and after commencement of construction of such peak load plant and for the four taxable years immediately following the taxable year in which construction of such property is completed.

(c) All pollution control devices purchased for or constructed or installed at electric generation facilities described in ~~subsection (b)(2)(C) of K.S.A. 66-128(b)(2)(C)~~, and amendments thereto.

(d) The provisions of subsection (c) shall apply:

(1) Except as provided in paragraph (2), from and after purchase or commencement of construction or installation of such property and for the 10 taxable years immediately following the taxable year in which such property is purchased or construction or installation of such property is completed; or

(2) for a peak load plant, from and after purchase or commencement of construction or installation of such property and for the four taxable years immediately following the taxable year in which such property is purchased or construction or installation of such property is completed.

(e) As used in this section, “peak load plant” means an electric generation facility used during maximum load periods.

(f) The provisions of this section shall apply to all taxable years commencing after December 31, 2000, *but only to property for which the applicant filed an application for exemption pursuant to this section on or before December 31, 2024. No application for exemption pursuant to this section shall be filed after December 31, 2024.*

Sec. 9. K.S.A. 79-306 is hereby amended to read as follows: 79-306. On or before March 15 of each year, or the next following business day if such date falls on a day other than a regular business day, every person, association, company or corporation required by this act to list property shall make and personally sign a statement listing all tangible personal property which by this act such person is required to list, either as the owner thereof, or as parent, guardian, trustee, executor, administrator, receiver, accounting officer, partner or agent, as the case may be, and deliver the same to the county appraiser of the county where such property has its situs for the purpose of taxation. In addition to the foregoing requirements, any such statement prepared by a personal property tax rendition form preparer shall be certified as true and correct by such preparer's signature. *If a person has filed an initial statement listing property*

with the county appraiser pursuant to this section, no subsequent annual statement shall be required to be filed with the county appraiser regarding such property unless there is a change to report relating to the property previously listed or the statement.

Sec. 10. K.S.A. 79-332a is hereby amended to read as follows: 79-332a. (a) Any person, corporation or association owning oil and gas leases or engaged in operating for oil or gas who fails to make and file a statement of assessment on or before April 1 shall be subject to a penalty as follows:

(1) The appraiser shall, after having ascertained the assessed value of the property of such taxpayer, add ~~5%~~ 2% thereto as a penalty for late filing if the failure is not for more than one month, with an additional ~~5%~~ 2% for each additional month or fraction thereof during which such failure continues, not exceeding ~~25%~~ 10% in the aggregate.

(2) If the statement of assessment is filed more than one year from April 1, the appraiser shall, after having ascertained the assessed value of the property of such taxpayer, add ~~50%~~ 12.5% thereto as a penalty for late filing. The county treasurer may not distribute any taxes assessed under this section and paid under protest by the taxpayer pursuant to K.S.A. 79-2005, and amendments thereto, until such time as the appeal is final.

(b) For good cause shown the county appraiser may extend the time in which to make and file such statement. Such request for extension of time shall be in writing and shall be received by the county appraiser prior to the due date of the statement of assessment.

(c) Whenever any person, corporation or association owning oil and gas leases or engaged in operating for oil or gas shall fail to make and deliver to the county appraiser of every county wherein the property to be assessed is located, a full and complete statement of assessment relative to such property as required by blank forms prepared or approved for the purpose by the director of property valuation to elicit the information necessary to fix the valuation of the property, the appraiser shall ascertain the assessed value of the property of such taxpayer, and shall add ~~50%~~ 12.5% thereto as a penalty for failing to file such statement.

(d) The state board of tax appeals shall have the authority to abate any penalty imposed under the provisions of this section and order the refund of the abated penalty, whenever excusable neglect on the part of the person, corporation or association required to make and file the statement of assessment is shown, or whenever the property for which a statement of assessment was not filed as required by law is repossessed, judicially or otherwise, by a secured creditor and such secured creditor pays the taxes and interest due.

Sec. 11. K.S.A. 79-1422 is hereby amended to read as follows: 79-1422. (a) Any person required to file a statement listing property for as-

assessment and taxation purposes under the provisions of this act who fails to make and file such statement on or before the date prescribed by K.S.A. 79-306, and amendments thereto, shall be subject to a penalty as follows:

The appraiser shall, after having ascertained the assessed value of the property of such taxpayer, add ~~5%~~ 2% thereto as a penalty for late filing if the failure is not for more than one month, with an additional ~~5%~~ 2% for each additional month or fraction thereof during which such failure continues, not exceeding ~~25%~~ 10% in the aggregate.

For good cause shown the appraiser ~~may~~ shall extend ~~the~~ a reasonable amount of time in which to make and file such statement. Such request for extension of time must be in writing and shall state just and adequate reasons on which the request ~~may~~ shall be granted. ~~The request must be received by the appraiser prior to the due date of the statement.~~ *For purposes of this section, on and after January 1, 2022, good cause for granting an extension of time in which to make and file a statement listing property for assessment and taxation purposes shall include, but not be limited to, the previous classification of the property as real property or as a fixture to real property. Such previous classification shall specifically include, but not be limited to, machinery and equipment used in the grain storage and processing industry, ethanol processing industry or other biofuels processing industry that had been previously classified as real property or fixtures to real property.*

(b) If, within one year following the date prescribed by K.S.A. 79-306, and amendments thereto, any person shall fail to make and file the statement listing property for assessment and taxation purposes or shall fail to make and file a full and complete statement listing property for such purposes, the appraiser shall proceed to ascertain the assessed value of the property of such taxpayer, and for this purpose the appraiser may examine under oath any person or persons whom the appraiser deems to have knowledge thereof. The appraiser shall, after having ascertained the assessed value of such property, add ~~50%~~ 12.5% thereto as a penalty for failure to file such statement or for failure to file a full and complete statement.

(c) ~~The state board of tax appeals or the county appraiser shall have the authority to~~ abate any penalty imposed under the provisions of this section and order the refund of the abated penalty, whenever excusable neglect on the part of the person required to make and file the statement listing property for assessment and taxation purposes is shown, or whenever the property for which a statement of assessment was not filed as required by law is repossessed, judicially or otherwise, by a secured creditor and such secured creditor pays the taxes and interest due. *For purposes of this section, on and after January 1, 2022, excusable neglect for the failure to make and file a statement listing property for assessment and taxation*

purposes shall include, but not be limited to, the previous classification of the property as real property or as a fixture to real property. Such previous classification shall specifically include, but not be limited to, machinery and equipment used in the grain storage and processing industry, ethanol processing industry or other biofuels processing industry that had been previously classified as real property or fixtures to real property.

Sec. 12. K.S.A. 79-1427a is hereby amended to read as follows: 79-1427a. (a) If, the county appraiser discovers, after the tax roll has been certified to the county clerk, that any tangible personal property subject to taxation has been omitted from the tax rolls, the county clerk shall place such property on the tax roll as an added tax, or if, after one year from the date prescribed by K.S.A. 79-306, and amendments thereto, for the listing of tangible personal property, the county appraiser discovers that any tangible personal property ~~which~~ *that* was subject to taxation in any year or years within two years next preceding January 1 of the calendar year in which it was discovered has not been listed or has been underreported for whatever reason, such property shall be deemed to have escaped taxation. In the case of property ~~which~~ *that* has not been listed, it shall be the duty of the county appraiser to list and appraise such property and, for an added tax, add penalties as prescribed in K.S.A. 79-1422, and amendments thereto, and ~~which~~ *that* shall be designated on the appraisal roll as an added appraisal for that year. In the case of property ~~which~~ *that* has escaped taxation, it shall be the duty of the county appraiser to list and appraise such property and add ~~50%~~ *12.5%* thereto as a penalty for escaping taxation for each such year during which such property was not listed, and it shall be designated on the appraisal roll as “escaped appraisal” for each such preceding year or years. In the case of property ~~which~~ *that* has been listed but underreported, it shall be the duty of the county appraiser to list and appraise the underreported portion of such property and add ~~50%~~ *12.5%* thereto as a penalty for escaping taxation for each such year during which such property was underreported, and it shall be designated on the appraisal roll as “escaped appraisal” for each such preceding year or years. The county clerk, upon receipt of the valuation for such property in either of the aforementioned cases, shall place such property on the tax rolls and compute the amount of tax due based upon the mill levy for the year or years in which such tax should have been levied, and shall certify such amount to the county treasurer as an added or escaped appraisal. The amount of such tax shall be due immediately and payable within 45 days after the issuance of an additional or escaped property tax bill by the county treasurer. The county treasurer may not distribute any taxes assessed under this section and paid under protest by the taxpayer pursuant to K.S.A. 79-2005, and amendments thereto, until such time as the appeal is final. No interest

shall be imposed unless the tax remains unpaid after such 45-day period. Taxes levied pursuant to this section ~~which~~ *that* remain unpaid after such 45-day period shall be deemed delinquent and the county treasurer shall collect and distribute such tax in the same manner as prescribed by law for the collection and distribution of other taxes levied upon property ~~which~~ *that* are delinquent. If the owner of such property is deceased, taxes charged as herein provided shall be levied against the estate of such deceased person for only two calendar years preceding death and shall be paid by the legal representative or representatives of such estate. In the event that such escaped appraisal is due to any willful or clerical error of the county appraiser, such property shall be appraised at its fair market value and no penalty shall be added.

(b) A taxpayer with a grievance as to any penalty applied pursuant to the provisions of this section, may appeal to the state board of tax appeals on forms prepared by the state board of tax appeals and provided by the county appraiser. The state board of tax appeals shall have the authority to abate any penalty imposed under the provisions of this section and order the refund of the abated penalty, whenever excusable neglect on the part of the person required to make and file the statement listing property for assessment and taxation purposes is shown, or whenever the property ~~which~~ *that* has been deemed to have escaped taxation is repossessed, judicially or otherwise, by a secured creditor and such creditor pays the taxes and interest due. No interest shall be assessed during the pendency of this appeal.

(c) The provisions of this section shall apply to any tangible personal property discovered during the calendar years 1982, 1983, 1984 and any year thereafter to have escaped appraisal and taxation during any such year or any year within two years next preceding any such year.

Sec. 13. K.S.A. 2023 Supp. 79-1476 is hereby amended to read as follows: 79-1476. (a) The director of property valuation is hereby directed and empowered to administer and supervise a statewide program of reappraisal of all real property located within the state. Except as otherwise authorized by K.S.A. 19-428, and amendments thereto, each county shall comprise a separate appraisal district under such program, and the county appraiser shall have the duty of reappraising all of the real property in the county pursuant to guidelines and timetables prescribed by the director of property valuation and of updating the same on an annual basis. In the case of multi-county appraisal districts, the district appraiser shall have the duty of reappraising all of the real property in each of the counties comprising the district pursuant to such guidelines and timetables and of updating the same on an annual basis. Commencing in 2000, every parcel of real property shall be actually viewed and inspected by the county or district appraiser once every six years.

~~Compilation of data for the initial preparation or updating of inventories for each parcel of real property and entry thereof into the state computer system as provided for in K.S.A. 79-1477, and amendments thereto, shall be completed not later than January 1, 1989. Whenever the director determines that reappraisal of all real property within a county is complete, notification thereof shall be given to the governor and to the state board of tax appeals.~~

(b) Valuations shall be established for each parcel of real property at its fair market value in money in accordance with the provisions of K.S.A. 79-503a, and amendments thereto.

~~In addition thereto,~~ (c) (1) Valuations shall be established for each parcel of land devoted to agricultural use upon the basis of the agricultural income or productivity attributable to the inherent capabilities of such land in its current usage under a degree of management reflecting median production levels in the manner hereinafter provided. A classification system for all land devoted to agricultural use shall be adopted by the director of property valuation using criteria established by the United States department of agriculture natural resources conservation service.

(A) For all taxable years commencing after December 31, 1989, all land devoted to agricultural use that is subject to the federal conservation reserve program shall be classified as cultivated dry land for the purpose of valuation for property tax purposes pursuant to this section, except that for all taxable years commencing after December 31, 2022, all land devoted to agricultural use that is subject to the federal grassland conservation reserve program (CRP grasslands) shall be classified as grassland for the purpose of valuation for property tax purposes pursuant to this section.

(B) For all taxable years commencing after December 31, 1999, all land devoted to agricultural use that is subject to the federal wetlands reserve program shall be classified as native grassland for the purpose of valuation for property tax purposes pursuant to this section.

(2) Productivity of land devoted to agricultural use shall be determined for all land classes within each county or homogeneous region based on an average of the eight calendar years immediately preceding the calendar year that immediately precedes the year of valuation, at a degree of management reflecting median production levels. The director of property valuation shall determine median production levels based on information available from state and federal crop and livestock reporting services, the natural resources conservation service, and any other sources of data that the director considers appropriate.

(d) The share of net income from land in the various land classes within each county or homogeneous region that is normally received by the landlord shall be used as the basis for determining agricultural income for all land devoted to agricultural use except pasture or rangeland.

The net income normally received by the landlord from such land shall be determined by deducting expenses normally incurred by the landlord from the share of the gross income normally received by the landlord. The net rental income normally received by the landlord from pasture or rangeland within each county or homogeneous region shall be used as the basis for determining agricultural income from such land. The net rental income from pasture and rangeland that is normally received by the landlord shall be determined by deducting expenses normally incurred from the gross income normally received by the landlord. Commodity prices, crop yields and pasture and rangeland rental rates and expenses shall be based on an average of the eight calendar years immediately preceding the calendar year that immediately precedes the year of valuation. Net income for every land class within each county or homogeneous region shall be capitalized at a rate determined to be the sum of the contract rate of interest on new federal land bank loans in Kansas on July 1 of each year averaged over a five-year period that includes the five years immediately preceding the calendar year which immediately precedes the year of valuation, plus a percentage not less than 0.75% nor more than 2.75%, as determined by the director of property valuation, except that the capitalization rate calculated for property tax year 2003, and all such years thereafter, shall not be less than 11% nor more than 12%.

(e) ~~Based on the foregoing procedures provided in this section,~~ the director of property valuation shall make an annual determination of the value of land within each of the various classes of land devoted to agricultural use within each county or homogeneous region and furnish the same to the several county appraisers who shall classify such land according to its current usage and apply the value applicable to such class of land according to the valuation schedules prepared and adopted by the director of property valuation under the provisions of this section.

(f) It is the intent of the legislature that appraisal judgment and appraisal standards be followed and incorporated throughout the process of data collection and analysis and establishment of values pursuant to this section.

~~For the purpose of the foregoing provisions of (g) As used in this section, the phrase:~~

(1) (A) ~~“Land devoted to agricultural use” shall mean~~ *means and include includes* land, regardless of whether it is located in the unincorporated area of the county or within the corporate limits of a city, that is devoted to the production of plants, animals or horticultural products, including, but not limited to: Forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; and nursery, floral, ornamental and greenhouse products.

(B) “Land devoted to agricultural use” ~~shall include~~ *includes* land:

(i) Established as a controlled shooting area pursuant to K.S.A. 32-943, and amendments thereto, which shall be deemed to be land devoted to agricultural use. ~~“Land devoted to agricultural use” shall include land;~~

(ii) that is utilized by zoos that hold a valid class C exhibitor license issued by the United States department of agriculture. ~~“Land devoted to agricultural use” shall include land; and~~

(iii) *for all taxable years commencing after December 31, 2020, that is otherwise devoted to the production of plants, animals or horticultural products that is incidentally used for agritourism activity utilized as part of a registered agritourism activity at a registered agritourism location by a registered agritourism operator pursuant to K.S.A. 32-1432, and amendments thereto, including, but not limited to, all land and buildings, whether permanent or temporary, that are utilized for such agritourism activity. For purposes of this clause, the selling of any items, products, services or merchandise associated with the registered agritourism activity by a registered agritourism operator that includes, but is not limited to, point of sales from either land or buildings, shall not change the classification of the agricultural land or buildings as a result of such sales. For purposes of this section,*

(2) “Agritourism activity” means any activity that allows members of the general public, for recreational, entertainment or educational purposes, to view or enjoy rural activities, including, but not limited to, farming activities, ranching activities or historic, cultural or natural attractions. An activity may be an “agrifourism activity” whether or not the participant pays to participate in the activity. An activity is not an “agrifourism activity” if the participant is paid to participate in the activity.

(h) If a parcel has land devoted to agricultural purposes and land used for suburban residential acreages, rural home sites or farm home sites, the county appraiser shall determine the amount of the parcel used for agricultural purposes and value and assess it accordingly as land devoted to agricultural purposes. The county appraiser shall then determine the amount of the remaining land used for such other purposes and value and assess that land according to its use.

(i) The term “expenses” ~~shall mean~~ *means* those expenses typically incurred in producing the plants, animals and horticultural products described above, including management fees, production costs, maintenance and depreciation of fences, irrigation wells, irrigation laterals and real estate taxes, ~~but the term shall.~~ “Expenses” does not include those expenses incurred in providing temporary or permanent buildings used in the production of such plants, animals and horticultural products.

(j) The provisions of this ~~act~~ *section* shall not be construed to conflict with any other provisions of law relating to the appraisal of tangible

property for taxation purposes including the equalization processes of the county and state board of tax appeals.

Sec. 14. K.S.A. 79-1496 is hereby amended to read as follows: 79-1496. Within 60 days after the date the notice of informal meeting results or final determination is mailed to the taxpayer pursuant to K.S.A. 79-1448, and amendments thereto, any taxpayer aggrieved by the final determination of the county appraiser, who has not filed an appeal with the board of tax appeals pursuant to K.S.A. 74-2433f, 79-1448, 79-1609 or 79-1611, and amendments thereto, may file with the county appraiser a third-party fee simple appraisal performed by a Kansas certified general real property appraiser that reflects the value of the property as of January 1 for the same tax year being appealed. *For determinations and appeals relating to residential property pursuant to this section, a taxpayer may file with the county appraiser a third-party fee simple appraisal performed by either a Kansas certified residential real property appraiser or a Kansas certified general real property appraiser that reflects the value of the property as of January 1 for the same tax year being appealed.* Within 15 days after receipt of the appraisal, the county appraiser shall review and consider such appraisal in the determination of valuation or classification of the taxpayer's property and mail a supplemental notice of final determination. If the final determination is not in favor of the taxpayer then the county appraiser shall notify the taxpayer that the county is required to perform its own, or commission a fee simple single property appraisal. The county appraiser shall then have 90 days to furnish that appraisal along with a new supplemental notice of determination and if not in favor of the taxpayer include an explanation of the reasons the county appraiser did not rely upon the taxpayer's fee simple single property appraisal. Whenever a taxpayer submits a fee simple single property appraisal the burden of proof shall be on the county appraiser to dispute the value of that appraisal. Any taxpayer aggrieved by the final determination of the county appraiser may appeal to the state board of tax appeals as provided in K.S.A. 79-1609, and amendments thereto, within 30 days subsequent to the date of mailing of the supplemental notice of final determination.

Sec. 15. K.S.A. 2023 Supp. 79-2988 is hereby amended to read as follows: 79-2988. (a) On or before June 15 each year, the county clerk shall calculate the revenue neutral rate for each taxing subdivision and include such revenue neutral rate on the notice of the estimated assessed valuation provided to each taxing subdivision for budget purposes. The director of accounts and reports shall modify the prescribed budget information form to show the revenue neutral rate.

(b) *Except as otherwise provided in this section*, no tax rate in excess of the revenue neutral rate shall be levied by the governing body of any

taxing subdivision unless a resolution or ordinance has been approved by the governing body according to the following procedure:

(1) At least 10 days in advance of the public hearing, the governing body shall publish notice of its proposed intent to exceed the revenue neutral rate by publishing notice:

(A) On the website of the governing body, if the governing body maintains a website; and

(B) in a weekly or daily newspaper of the county having a general circulation therein. The notice shall include, but not be limited to, its proposed tax rate, its revenue neutral rate and the date, time and location of the public hearing.

(2) On or before July 20, the governing body shall notify the county clerk of its proposed intent to exceed the revenue neutral rate and provide the date, time and location of the public hearing and its proposed tax rate. For all tax years commencing after December 31, 2021, the county clerk shall notify each taxpayer with property in the taxing subdivision, by mail directed to the taxpayer's last known address, of the proposed intent to exceed the revenue neutral rate at least 10 days in advance of the public hearing. Alternatively, the county clerk may transmit the notice to the taxpayer by electronic means at least 10 days in advance of the public hearing, if such taxpayer and county clerk have consented in writing to service by electronic means. *The county clerk is not required to send a notice to a property owner of property that is exempt from ad valorem taxation.* The county clerk shall consolidate the required information for all taxing subdivisions relevant to the taxpayer's property on one notice. The notice shall be in a format prescribed by the director of accounts and reports. The notice shall include, but not be limited to:

(A) ~~The revenue neutral rate of each taxing subdivision relevant to the taxpayer's property;~~

(B) ~~the proposed property tax revenue needed to fund the proposed budget of the taxing subdivision, if the taxing subdivision notified the county clerk of its proposed intent to exceed its revenue neutral rate;~~

(C) ~~the proposed tax rate based upon the proposed budget and the current year's total assessed valuation of the taxing subdivision, if the taxing subdivision notified the county clerk of its proposed intent to exceed its revenue neutral rate;~~

(D) ~~the percentage by which the proposed tax rate exceeds the revenue neutral rate;~~

(E) ~~the tax rate and property tax of each taxing subdivision on the taxpayer's property from the previous year's tax statement;~~

(F) ~~the appraised value and assessed value of the taxpayer's property for the current year;~~

~~(G) the estimates of the tax for the current tax year on the taxpayer's property based on the revenue neutral rate of each taxing subdivision and any proposed tax rates that exceed the revenue neutral rates;~~

~~(H) the difference between the estimates of tax based on the proposed tax rate and the revenue neutral rate on the taxpayer's property described in subparagraph (C) for any taxing subdivision that has a proposed tax rate that exceeds its revenue neutral rate; and~~

~~(I) the date, time and location of the public hearing of the taxing subdivision, if the taxing subdivision notified the county clerk of its proposed intent to exceed its revenue neutral rate~~*The following heading:*

"NOTICE OF PROPOSED PROPERTY TAX INCREASE AND PUBLIC HEARINGS

*[Current year] [County name] County Revenue Neutral Rate Notice
This is NOT a bill. Do not remit payment."*;

(B) the following statement:

"This notice contains estimates of the tax on your property and proposed property tax increases. THE ACTUAL TAX ON YOUR PROPERTY MAY INCREASE OR DECREASE FROM THESE ESTIMATES. Governing bodies of taxing subdivisions must vote in order to exceed the Revenue Neutral Rate to increase the total property taxes collected. Governing bodies will vote at public hearings at the dates, times and locations listed. Taxpayers may attend and comment at the hearings. Property tax statements will be issued after mill rates are finalized and taxes are calculated.";

(C) the appraised value and assessed value of the taxpayer's property for the current year and the previous year;

(D) the amount of property tax of each taxing subdivision on the taxpayer's property from the previous year's tax statement in a column titled: "[Previous year] Tax";

(E) the estimated amount of property tax for the current year of each taxing subdivision on the taxpayer's property based on the revenue neutral rate of each taxing subdivision in a column titled: "[Current year] Tax at Revenue Neutral Rate";

(F) the estimated amount of property tax for the current year of each taxing subdivision on the taxpayer's property based on either: (i) The revenue neutral rate for a taxing subdivision that does not intend to exceed its revenue neutral rate; or (ii) the proposed tax rate provided by the taxing subdivision, if the taxing subdivision notified the county clerk of its proposed intent to exceed its revenue neutral rate in a column titled: "[Current year] Maximum Tax";

(G) the difference between the amount of the current year's maximum tax and the previous year's tax, reflected in dollars and a percentage, for each taxing subdivision in a column titled: "[Current year] Maximum Tax Exceeding [Previous year] Tax";

(H) *the date, time and location of the public hearing of each taxing subdivision that notified the county clerk of its proposed intent to exceed its revenue neutral rate in a column titled: “Date, Time and Location of Public Hearing”; and*

(I) *for each taxing subdivision public hearing listed pursuant to subparagraph (H), the difference between the current year’s maximum tax and the estimated amount of property tax based on the revenue neutral rate of such taxing subdivision in a column titled: “[Current year] Maximum Tax Exceeding Tax at Revenue Neutral Rate”.*

Although the state of Kansas is not a taxing subdivision for purposes of this section, the notice shall include ~~a statement of the statutory mill levies imposed by the state~~ *the previous year’s tax amount* and the estimate of the tax for the current year on the taxpayer’s property based on ~~such the statutory mill levies.~~

(3) The public hearing to consider exceeding the revenue neutral rate shall be held not sooner than August 20 and not later than September 20. The governing body shall provide interested taxpayers desiring to be heard an opportunity to present oral testimony within reasonable time limits and without unreasonable restriction on the number of individuals allowed to make public comment. The public hearing may be conducted in conjunction with the proposed budget hearing pursuant to K.S.A. 79-2929, and amendments thereto, if the governing body otherwise complies with all requirements of this section. Nothing in this section shall be construed to prohibit additional public hearings that provide additional opportunities to present testimony or public comment prior to the public hearing required by this section.

(4) A majority vote of the governing body, by the adoption of a resolution or ordinance to approve exceeding the revenue neutral rate, shall be required prior to adoption of a proposed budget that will result in a tax rate in excess of the revenue neutral rate. Such vote of the governing body shall be conducted at the public hearing *and on the same day as the commencement of the public hearing* after the governing body has heard from interested taxpayers and shall be a roll call vote. If the governing body approves exceeding the revenue neutral rate, the governing body shall not adopt a budget that results in a tax rate in excess of its proposed tax rate as stated in the notice provided pursuant to this section. A copy of the resolution or ordinance to approve exceeding the revenue neutral rate and a certified copy of any roll call vote reporting, at a minimum, the name and vote of each member of the governing body related to exceeding the revenue neutral rate, whether approved or not, shall be included with the adopted budget, budget certificate and other budget forms filed with the county clerk and the director of accounts and reports and shall be published on the website of the department of administration.

(c) (1) Any governing body subject to the provisions of this section that does not comply with subsection (b) shall refund to taxpayers any property taxes over-collected based on the amount of the levy that was in excess of the revenue neutral rate.

(2) Any taxpayer of the taxing subdivision that is the subject of the complaint or such taxpayer's duly authorized representative may file a complaint with the state board of tax appeals by filing a written complaint, on a form prescribed by the board, that contains the facts that the complaining party believes show that a governing body of a taxing subdivision did not comply with the provisions of subsection (b) and that a reduction or refund of taxes is appropriate. The complaining party shall provide a copy of such complaint to the governing body of the taxing subdivision making the levy that is the subject of the complaint. Notwithstanding K.S.A. 74-2438a, and amendments thereto, no filing fee shall be charged by the executive director of the state board of tax appeals for a complaint filed pursuant to this paragraph. The governing body of the taxing subdivision making the levy that is the subject of the complaint shall be a party to the proceeding. Notice of any summary proceeding or hearing shall be served upon such governing body, the county clerk, the director of accounts and reports and the complaining party. It shall be the duty of the governing body to initiate the production of evidence to demonstrate, by a preponderance of the evidence, the validity of such levy. If upon a summary proceeding or hearing, it shall be made to appear to the satisfaction of the board that the governing body of the taxing subdivision did not comply with subsection (b), the state board of tax appeals shall order such governing body to refund to taxpayers the amount of property taxes over collected or reduce the taxes levied, if uncollected. The provisions of this paragraph shall not be construed as prohibiting any other remedies available under the law.

(d) On and after January 1, 2022, in the event that the 20 mills levied by a school district pursuant to K.S.A. 72-5142, and amendments thereto, increases the property tax revenue generated for the purpose of calculating the revenue neutral rate from the previous tax year and such amount of increase in revenue generated from the 20 mills is the only reason the school district would exceed the total property tax revenue from the prior year, the school district shall be deemed to not have exceeded the revenue neutral rate in levying a tax rate in excess of the revenue neutral rate to take into account the increase in revenue from only the 20 mills.

(e) (1) Notwithstanding any other provision of law to the contrary, if the governing body of a taxing subdivision must conduct a public hearing to approve exceeding the revenue neutral rate under this section, the governing body of the taxing subdivision shall certify, on or before October 1, to the proper county clerk the amount of ad valorem tax to be levied.

(2) If a governing body of a taxing subdivision did not comply with the provisions of subsection (b) and certifies to the county clerk an amount of ad valorem tax to be levied that would result in a tax rate in excess of its revenue neutral rate, the county clerk shall reduce the ad valorem tax to be levied to the amount resulting from such taxing subdivision's revenue neutral rate.

(f) As used in this section:

(1) "Taxing subdivision" means any political subdivision of the state that levies an ad valorem tax on property.

(2) "Revenue neutral rate" means the tax rate for the current tax year that would generate the same property tax revenue as levied the previous tax year using the current tax year's total assessed valuation. To calculate the revenue neutral rate, the county clerk shall divide the property tax revenue for such taxing subdivision levied for the previous tax year by the total of all taxable assessed valuation in such taxing subdivision for the current tax year, and then multiply the quotient by 1,000 to express the rate in mills. The revenue neutral rate shall be expressed to the third decimal place.

(g) In the event that a county clerk incurred costs of printing and postage that were not reimbursed pursuant to K.S.A. 2023 Supp. 79-2989, and amendments thereto, such county clerk may seek reimbursement from all taxing subdivisions required to send the notice. Such costs shall be shared proportionately by all taxing subdivisions that were included on the same notice based on the total property tax levied by each taxing subdivision. Payment of such costs shall be due to the county clerk by December 31.

(h) The department of administration or the director of accounts and reports shall make copies of adopted budgets, budget certificates, other budget documents and revenue neutral rate documents available to the public on the department of administration's website on a permanently accessible web page that may be accessed via a conspicuous link to that web page placed on the front page of the department's website. The department of administration or the director of accounts and reports shall also make the following information for each tax year available on such website:

- (1) A list of taxing subdivisions by county;
- (2) whether each taxing subdivision conducted a hearing to consider exceeding its revenue neutral rate;
- (3) the revenue neutral rate of each taxing subdivision;
- (4) the tax rate resulting from the adopted budget of each taxing subdivision; and
- (5) the percent change between the revenue neutral rate and the tax rate for each taxing subdivision.

(i) Notwithstanding any provisions to the contrary, in the event any governing body does not comply with the provisions of subsection (b) because such governing body did not intend to exceed its revenue neutral rate but the final taxable assessed valuation of such taxing subdivision used to calculate the actual tax levy is less than the estimated assessed valuation used to calculate the revenue neutral rate, such governing body shall be permitted to levy a tax rate that generates the same amount of property tax revenue as levied the previous year or less.

Sec. 16. K.S.A. 2023 Supp. 79-2989 is hereby amended to read as follows: 79-2989. (a) For calendar years ~~2022 and~~ 2023 and 2024, if a county clerk has printing or postage costs pursuant to K.S.A. 2023 Supp. 79-2988, and amendments thereto, the county clerk shall notify and provide documentation of such costs to the secretary of revenue. The secretary of revenue shall certify the amount of moneys attributable to such costs and shall transmit a copy of such certification to the director of accounts and reports. Upon such receipt of such certification, the director of accounts and reports shall transfer an amount of moneys equal to such certified amount from the state general fund to the taxpayer notification costs fund of the department of revenue. The secretary of revenue shall transmit a copy of each such certification to the director of legislative research and the director of the budget.

(b) There is hereby established in the state treasury the taxpayer notification costs fund that shall be administered by the secretary of revenue. All expenditures from the taxpayer notification costs fund shall be for the purpose of paying county printing and postage costs pursuant to K.S.A. 2023 Supp. 79-2988, and amendments thereto. All expenditures from such fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of revenue or the secretary's designee.

Sec. 17. K.S.A. 79-32,107 is hereby amended to read as follows: 79-32,107. (a) All penalties and interest prescribed by K.S.A. 79-3228, and amendments thereto, for noncompliance with the income tax laws of Kansas shall be applicable for noncompliance with the provisions of the Kansas withholding and declaration of estimated tax act relating to withholding tax which shall be enforced in the same manner as the Kansas income tax act. A penalty at the same rate per annum prescribed by ~~subsection (b) of~~ K.S.A. 79-2968(b), and amendments thereto, for interest upon delinquent or unpaid taxes shall be applied and added to a taxpayer's amount of underpayment of estimated tax due from the date the estimated tax payment was due until the same is paid or until the 15th day of the fourth month following the close of the taxable year for which such estimated tax is a credit, whichever date is earlier, but such penalty shall not be added if the total amount thereof does not exceed \$1. For purposes

of this subsection, the amount of underpayment of estimated tax shall be the excess of the amount of the installment which would be required to be paid if the estimated tax were equal to 90% of the tax shown on the return for the taxable year or, if no return was filed, 90% of the tax for such year, over the amount, if any, of the installment paid on or before the last date prescribed for payment. Amounts due from any employer on account of withholding or from any taxpayer for estimated tax may be collected by the director in the manner provided for the collection of state income tax in K.S.A. 79-3235, and amendments thereto. For purposes of this subsection, "underpayment of tax" means the difference between the amount of tax actually paid and the amount of tax which would have been required to be paid to avoid penalty pursuant to subsection (b) or (c).

(b) No penalty or interest shall be imposed upon any individual with respect to any underpayment of any installment if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the least:

(1) The tax shown on the return of the individual for the preceding taxable year, if a return showing a liability for tax was filed by the individual for the preceding taxable year;

(2) zero if no return was required to be filed or if the tax liability on the individual's return was less than \$200 for the preceding taxable year;

(3) an amount equal to $66\frac{2}{3}\%$, in the case of individuals referred to in ~~subsection (b) of K.S.A. 79-32,102(b)~~, and amendments thereto, and 90%, in the case of all other individuals, of the tax for the taxable year computed by placing on an annualized basis, pursuant to rules and regulations adopted by the secretary of revenue, the taxable income for the months in the taxable year ending before the month in which the installment is required to be made.

(c) No penalty or interest shall be imposed upon any corporation with respect to any underpayment of any installment of estimated tax if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the least:

(1) The tax shown on the return of the corporation for the preceding taxable year, if a return showing a liability for tax was filed by the corporation for the preceding taxable year, or zero if no return was required to be filed, or if the tax liability on the corporation's return was less than \$500 for the preceding taxable year; or

(2) (A) an amount equal to 90% of the tax for the taxable year computed by placing on an annualized basis the taxable income:

(i) For the first three months of the taxable year, in the case of the installment required to be paid in the fourth month;

(ii) for the first three months or for the first five months of the taxable year, in the case of the installment required to be paid in the sixth month;

(iii) for the first six months or for the first eight months of the taxable year in the case of the installment required to be paid in the ninth month; and

(iv) for the first nine months or for the first 11 months of the taxable year, in the case of the installment required to be paid in the 12th month of the taxable year.

(B) For purposes of this ~~subsection~~ paragraph (2), the taxable income shall be placed on an annualized basis by:

(i) Multiplying by 12 the taxable income referred to in ~~subsection (2)(A)~~, subparagraph (A); and

(ii) dividing the resulting amount by the number of months in the taxable year (three, five, six, eight, nine, or 11, as the case may be) referred to in ~~subsection (2)(A)~~ subparagraph (A).

(d) If the employer, in violation of the provisions of this act, fails to deduct and withhold under this chapter, and thereafter the tax against which such withholding may be credited is paid, the amount otherwise required to be deducted and withheld shall not be collected from the employer. This subsection shall in no case relieve the employer from liability for any penalties or additions to the tax otherwise applicable in respect of such failure to deduct and withhold.

(e) Any person required to collect, truthfully account for, and pay over any tax imposed by this act, who willfully fails to collect such tax, or truthfully account for and pay over such tax, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof, shall in addition to the other penalties of this section be liable to a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over. As used in this section, “willfully” has the same meaning as such term has for federal tax purposes in 26 U.S.C. § 6672.

(f) (1) In case of failure by any employer required by ~~subsection (b) of K.S.A. 79-3298(b)~~, and amendments thereto, to remit any amount of withheld taxes by the date prescribed therefor, unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be imposed upon such person a penalty of ~~15% of the amount of the underpayment~~:

(A) *2% of the amount of the underpayment if remitted within one to five days;*

(B) *5% of the amount of the underpayment if remitted within six to 15 days;*

(C) *10% of the amount of the underpayment if remitted after 15 days;*
and

(D) *15% of the amount of the underpayment if remitted after 15 days and the department has issued a notice to the person regarding the underpayment but the amount of the underpayment was not remitted within 10 days of issuance of the notice.*

(2) For purposes of this subsection, the term “underpayment” means the excess of the amount of the tax required to be withheld and remitted over the amount, if any, remitted on or before the date prescribed therefor. The failure to remit for any withholding period shall be deemed not to continue beyond the last date prescribed for filing the annual return as required by ~~subsection (d) of K.S.A. 79-3298(d)~~, and amendments thereto. Penalty and interest as prescribed by K.S.A. 79-3228, and amendments thereto, shall not begin to accrue under subsection (a) ~~of this section~~ on the amount of any such underpayment until the due date of the annual return for the calendar year in which such failure to remit occurs.

(g) Whenever the secretary or the secretary’s designee determines that the failure of the taxpayer to comply with the provisions of subsections (a), (e), ~~or (f) of this section~~ was due to reasonable causes, the secretary or the secretary’s designee may waive or reduce any of ~~said such~~ penalties and may reduce the interest rate to the underpayment rate prescribed and determined for the applicable period under section 6621 of the federal internal revenue code as in effect on January 1, 1994, upon making a record of the reasons therefor.

Sec. 18. K.S.A. 2023 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual’s federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes

imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction, except that the federal net operating loss deduction shall not be added to an individual's federal adjusted gross income for tax years beginning after December 31, 2016.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments thereto.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,204, and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203, and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 75-643, and amendments thereto, if, at the time of contribution

to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xv) or if such amounts are not already included in the federal adjusted gross income.

(xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to subsection (c)(xiii), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,221, and amendments thereto.

(xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.

(xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.

(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 79-32,256, and amendments thereto.

(xviii) For taxable years commencing after December 31, 2006, the amount of any ad valorem or property taxes and assessments paid to a state other than Kansas or local government located in a state other than Kansas by a taxpayer who resides in a state other than Kansas, when the law of such state does not allow a resident of Kansas who earns income in such other state to claim a deduction for ad valorem or property taxes or assessments paid to a political subdivision of the state of Kansas in determining taxable income for income tax purposes in such other state, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xix) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Loss from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) loss from rental real estate, royalties, partnerships, S corporations, except those with wholly owned subsidiaries subject to the Kansas privilege tax, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) farm loss as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent deducted or subtracted in determining the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011, and as revised thereafter by the internal revenue service.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for self-employment taxes under section 164(f) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer, to the extent the deduction is attributable to income reported on schedule C, E or F and on line 12, 17 or 18 of the taxpayer's form 1040 federal income tax return.

(xxi) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for pension, profit sharing, and annuity plans of self-employed individuals under section 62(a)(6) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for health insurance under section 162(l) of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any deduction for domestic production activities under section 199 of the federal internal revenue code as in effect on January 1, 2012, and amendments thereto, in determining the federal adjusted gross income of an individual taxpayer.

(xxiv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid for medical care of the

taxpayer or the taxpayer's spouse or dependents when such expenses were paid or incurred for an abortion, or for a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as an itemized deduction for federal income tax purposes.

(xxv) For taxable years commencing after December 31, 2013, that portion of the amount of any expenditure deduction claimed in determining federal adjusted gross income for expenses paid by a taxpayer for health care when such expenses were paid or incurred for abortion coverage, a health benefit plan, as defined in K.S.A. 65-6731, and amendments thereto, when such expenses were paid or incurred for abortion coverage or amounts contributed to health savings accounts for such taxpayer's employees for the purchase of an optional rider for coverage of abortion in accordance with K.S.A. 40-2,190, and amendments thereto, to the extent that such taxes and assessments are claimed as a deduction for federal income tax purposes.

(xxvi) For all taxable years beginning after December 31, 2016, the amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 72-4357, and amendments thereto, and is also claimed as an itemized deduction for federal income tax purposes.

(xxvii) For all taxable years commencing after December 31, 2020, the amount ~~deducted by reason of a~~ *of any interest expense paid or accrued in a previous taxable year but allowed as a deduction pursuant to section 163 of the federal internal revenue code in the current taxable year by reason of the carryforward of disallowed business interest pursuant to section 163(j) of the federal internal revenue code of 1986, as in effect on January 1, 2018. For purposes of this paragraph, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable pursuant to section 163 of the federal internal revenue code if the limitation pursuant to section 163(j) of the federal internal revenue code did not exist.*

(xxviii) For all taxable years beginning after December 31, 2021, the amount of any contributions to, or earnings from, a first-time home buyer savings account if distributions from the account were not used to pay for expenses or transactions authorized pursuant to K.S.A. 2023 Supp. 58-4904, and amendments thereto, or were not held for the minimum length of time required pursuant to K.S.A. 2023 Supp. 58-4904, and amendments thereto. Contributions to, or earnings from, such account shall also include any amount resulting from the account holder not designating a surviving payable on death beneficiary pursuant to K.S.A. 2023 Supp. 58-4904(e), and amendments thereto.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. §§ 228b(a) and 228c(a) (1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter

ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) *(1)* For taxable years beginning after December 31, ~~1976~~ 2021, the amount of ~~the any federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. § 280C(a).~~ For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. § 280C.

(2) For taxable years beginning after December 31, 2019, and ending before January 1, 2022, 50% of the amount of the federal employee retention credit disallowance under rules similar to the rules of 26 U.S.C. § 280C(a). The taxpayer shall be required to prove that such taxpayer previously filed Kansas income tax returns and paid Kansas income tax on the disallowed amount. Notwithstanding any other provision of law to the contrary, any claim for refund or amended return relating to this subparagraph shall be allowed to be filed on or before April 15, 2025, and no claim for refund or amended return shall be allowed or filed after April 15, 2025.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas venture capital, inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249, and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 74-50,201 et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation. For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of modification under this subsection shall exclude the portion of income or loss reported on schedule E and included on line 17 of the taxpayer's form 1040 federal individual income tax return.

(xv) For all taxable years beginning after December 31, 2017, the cumulative amounts not exceeding \$3,000, or \$6,000 for a married couple

filing a joint return, for each designated beneficiary that are contributed to: (1) A family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary; or (2) an achieving a better life experience (ABLE) account established under the Kansas ABLE savings program or a qualified ABLE program established and maintained by another state or agency or instrumentality thereof pursuant to section 529A of the internal revenue code of 1986, as amended, for the purpose of saving private funds to support an individual with a disability. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 75-643 and 75-652, and amendments thereto, and the provisions of such sections are hereby incorporated by reference for all purposes thereof.

(xvi) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xviii) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing

status is single, head of household, married filing separate or married filing jointly.

(xix) Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.

(xx) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of any: (1) Net profit from business as determined under the federal internal revenue code and reported from schedule C and on line 12 of the taxpayer's form 1040 federal individual income tax return; (2) net income, not including guaranteed payments as defined in section 707(c) of the federal internal revenue code and as reported to the taxpayer from federal schedule K-1, (form 1065-B), in box 9, code F or as reported to the taxpayer from federal schedule K-1, (form 1065) in box 4, from rental real estate, royalties, partnerships, S corporations, estates, trusts, residual interest in real estate mortgage investment conduits and net farm rental as determined under the federal internal revenue code and reported from schedule E and on line 17 of the taxpayer's form 1040 federal individual income tax return; and (3) net farm profit as determined under the federal internal revenue code and reported from schedule F and on line 18 of the taxpayer's form 1040 federal income tax return; all to the extent included in the taxpayer's federal adjusted gross income. For purposes of this subsection, references to the federal form 1040 and federal schedule C, schedule E, and schedule F, shall be to such form and schedules as they existed for tax year 2011 and as revised thereafter by the internal revenue service.

(xxi) For all taxable years beginning after December 31, 2013, amounts equal to the unreimbursed travel, lodging and medical expenditures directly incurred by a taxpayer while living, or a dependent of the taxpayer while living, for the donation of one or more human organs of the taxpayer, or a dependent of the taxpayer, to another person for human organ transplantation. The expenses may be claimed as a subtraction modification provided for in this section to the extent the expenses are not already subtracted from the taxpayer's federal adjusted gross income. In no circumstances shall the subtraction modification provided for in this section for any individual, or a dependent, exceed \$5,000. As used in this section, "human organ" means all or part of a liver, pancreas, kidney, intestine, lung or bone marrow. The provisions of this paragraph shall take effect on the day the secretary of revenue certifies to the director of the budget that the cost for the department of revenue of modifications to the automated tax system for the purpose of implementing this paragraph will not exceed \$20,000.

(xxii) For taxable years beginning after December 31, 2012, and ending before January 1, 2017, the amount of net gain from the sale of: (1) Cattle and horses, regardless of age, held by the taxpayer for draft, breed-

ing, dairy or sporting purposes, and held by such taxpayer for 24 months or more from the date of acquisition; and (2) other livestock, regardless of age, held by the taxpayer for draft, breeding, dairy or sporting purposes, and held by such taxpayer for 12 months or more from the date of acquisition. The subtraction from federal adjusted gross income shall be limited to the amount of the additions recognized under the provisions of subsection (b)(xix) attributable to the business in which the livestock sold had been used. As used in this paragraph, the term “livestock” shall not include poultry.

(xxiii) For all taxable years beginning after December 31, 2012, amounts received under either the Overland Park, Kansas police department retirement plan or the Overland Park, Kansas fire department retirement plan, both as established by the city of Overland Park, pursuant to the city’s home rule authority.

(xxiv) For taxable years beginning after December 31, 2013, and ending before January 1, 2017, the net gain from the sale from Christmas trees grown in Kansas and held by the taxpayer for six years or more.

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

(xxvi) (1) For all taxable years commencing after December 31, 2020, the amount of *any interest expense paid or accrued in the current taxable year* and disallowed as a deduction pursuant to section 163(j) of the federal internal revenue code of 1986, ~~as in effect on January 1, 2018.~~

(2) *For purposes of this paragraph, an interest expense is considered paid or accrued only in the first taxable year the deduction would have been allowable pursuant to section 163 of the federal internal revenue code if the limitation pursuant to section 163(j) of the federal internal revenue code did not exist.*

(3) *For tax year 2021, an amount equal to the sum of any interest expenses paid or accrued in tax years 2018, 2019 and 2020 less the sum of amounts allowed as a deduction pursuant to section 163 of the federal internal revenue code in tax years 2018, 2019 and 2020.*

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

(xxviii) For all taxable years beginning after December 31, 2021: (1) The amount contributed to a first-time home buyer savings account pursuant to K.S.A. 2023 Supp. 58-4903, and amendments thereto, in an amount not to exceed \$3,000 for an individual or \$6,000 for a married

couple filing a joint return; or (2) amounts received as income earned from assets in a first-time home buyer savings account.

(xxix) *For taxable years beginning after December 31, 2017, for an individual taxpayer who carried back federal net operating losses arising in a taxable year beginning after December 31, 2017, and before January 1, 2021, pursuant to section 172(b)(1) of the federal internal revenue code as amended by the coronavirus aid, relief, and economic security act (CARES act), the amount of such federal net operating loss carryback for each applicable year. If the amount of such federal net operating loss carryback exceeds the taxpayer's Kansas adjusted gross income for such taxable year, the amount thereof that exceeds such Kansas adjusted gross income may be carried forward as a subtraction modification in the following taxable year or years until the total amount of such federal net operating loss carryback has been deducted, except that no such unused amount shall be carried forward for deduction as a subtraction modification after the 20th taxable year following the taxable year of the net operating loss. Notwithstanding any other provision of law to the contrary, an extension of time shall be allowed for a claim for refund or amended return for tax years 2018, 2019 or 2020 limited to the application of the provisions of this paragraph and such claim for refund or amended return must be filed on or before April 15, 2025.*

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

Sec. 19. K.S.A. 2023 Supp. 79-32,212 is hereby amended to read as follows: 79-32,212. (a) For taxable years 2002 through ~~2024~~ 2029, there shall be allowed as a credit against the tax liability of a taxpayer imposed under the Kansas income tax act, an amount equal to 100% of the amount attributable to the retirement of indebtedness authorized by a single city port authority established before January 1, 2002. In no event shall the total amount of the credits allowed under this section exceed \$500,000 for any one fiscal year.

(b) Upon certification by the secretary of revenue of the amount of any such credit, the director of accounts and reports shall issue to such taxpayer a warrant for such amount which shall be deemed to be a capital contribution.

(c) For tax years 2013 through 2021, the income tax credit provided by this section shall only be available to taxpayers subject to the income

tax on corporations imposed pursuant to K.S.A. 79-32,110(c), and amendments thereto, and shall be applied only against such taxpayer's corporate income tax liability.

(d) For tax years 2022 through ~~2024~~ 2029, the income tax credit provided by this section shall be available to all taxpayers subject to the income tax imposed pursuant to K.S.A. 79-32,110, and amendments thereto, and shall be applied only against such taxpayer's income tax liability.

Sec. 20. K.S.A. 2023 Supp. 79-32,284 is hereby amended to read as follows: 79-32,284. (a) K.S.A. 2023 Supp. 79-32,284 through 79-32,289, and amendments thereto, shall be known and may be cited as the salt parity act.

(b) The legislature finds and declares that:

(1) The deductibility of state income taxes should be the same for C corporations, S corporations and partnerships; and

(2) *the purpose of the tax credit in K.S.A. 2023 Supp. 79-32,288, and amendments thereto, is to avoid double taxation of income on electing pass-through entity owners.*

(c) The provisions of this act shall be a part of and supplemental to the Kansas income tax act.

Sec. 21. K.S.A. 2023 Supp. 79-32,287 is hereby amended to read as follows: 79-32,287. (a) With respect to any taxable period for which it has made the election under K.S.A. 2023 Supp. 79-32,286, and amendments thereto, an electing pass-through entity shall be subject to a tax in an amount equal to ~~5.7% of the highest rate of tax for the applicable income tax year under K.S.A. 79-32,110(a), and amendments thereto, multiplied~~ by the sum of:

(1) ~~Each resident nonresident electing pass-through entity owner's pro rata or distributive share of the electing pass-through entity's income and each nonresident electing pass-through entity owner's distributive share of income attributable to the state, all as; and~~

(2) *each resident electing pass-through entity owner's pro rata or distributive share of the electing pass-through entity's income calculated as either: (A) The sum of income attributable to the state and income not attributable to the state; or (B) income attributable to the state. The electing pass-through entity must use the same method of calculation for all resident electing pass-through entity owners. The provisions of paragraphs (1) and (2) shall be determined pursuant to K.S.A. 79-32,130, 79-32,131, 79-32,133 and 79-32,139, and amendments thereto.*

(b) An electing pass-through entity shall be treated as a corporation under K.S.A. 79-32,101, and amendments thereto, with respect to the tax imposed under this act, except that K.S.A. 79-32,107, and amendments thereto, shall not apply during the first taxable period for which this act is applicable.

(c) Any credit allowed pursuant to article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, ~~except K.S.A. 79-32,111(a), and amendments thereto,~~ that is attributable to the activities of an electing pass-through entity in the taxable year shall be *passed through to and* claimed by the entity and not passed through to or claimed by the electing pass-through entity owner only for taxable periods when the election is allowed and made by an electing pass-through entity under K.S.A. 2023 Supp. 79-32,286, and amendments thereto. Notwithstanding any provision to the contrary in article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, any excess income tax credit, net operating loss or other modification may be carried forward on the electing pass-through entity's return but may only be utilized in a year in which the electing pass-through entity has made the election allowed in K.S.A. 2023 Supp. 79-32,286, and amendments thereto, except that any limitation specified in the specific section for an income tax credit, the net operating loss or any other modification shall apply to the electing pass-through entity. If in a taxable period subsequent to a period in which an election under K.S.A. 2023 Supp. 79-32,286, and amendments thereto, was made, an election under K.S.A. 2023 Supp. 79-32,286, and amendments thereto, is not allowed or not made by an electing pass-through entity, any excess income tax credits may be transferred to the electing pass-through entity owners. Any excess income tax credits shall be available to each electing pass-through owner in the same proportion and manner as would have applied without the election under K.S.A. 2023 Supp. 79-32,286, and amendments thereto, for the taxable period in which each respective income tax credit was generated. All other rights and obligations pertaining to the excess income tax credits shall be transferred to the electing pass-through entity owners.

(d) *Any modification to federal taxable income pursuant to K.S.A. 79-32,117 or 79-32,138, and amendments thereto, and any expensing deduction allowed pursuant to K.S.A. 79-32,143a, and amendments thereto, that is attributable to the activities of an electing pass-through entity in the taxable year shall be claimed on:*

- (1) *The electing pass-through entity's return; and*
- (2) *each electing pass-through entity owner's individual return, in the same proportion and manner as would have applied without the election under K.S.A. 2023 Supp. 79-32,286, and amendments thereto.*

(e) The provisions of article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, regarding the collection, administration and enforcement of tax shall be applicable to the tax due under this section, and notwithstanding the provisions of K.S.A. 79-32,129 and 79-32,139, and amendments thereto, an electing pass-through entity shall be a taxpayer.

(f) The provisions of this section shall apply to taxable years commencing on or after January 1, 2022.

Sec. 22. K.S.A. 79-257, 79-258, 79-306, 79-332a, 79-1422, 79-1427a, 79-1496 and 79-32,107 and K.S.A. 2023 Supp. 12-187, 12-189, 12-192, 74-2433f, 79-1476, 79-2988, 79-2989, 79-32,117, 79-32,212, 79-32,284 and 79-32,287 are hereby repealed.

Sec. 23. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 24, 2024.

CHAPTER 82

SENATE BILL No. 438

TO
Regents, state board of.....1

SEC.
.....1

AN ACT concerning education; making and concerning appropriations for the fiscal year ending June 30, 2025, for the state board of regents; establishing the Kansas blueprint for literacy and the literacy advisory committee; directing the state board of regents to appoint a director of literacy education and develop a comprehensive assessment system; requiring the state board of regents and the state board of education to collaborate on a literacy micro-credential and professional development; providing university presidents and deans of education oversight over postsecondary literacy courses; requiring a plan to establish centers of excellence in reading; requiring the state board of education to submit annual reports to the legislature on certain statistics of students who take the statewide assessments; establishing the Kansas education opportunity scholarship program to replace the Kansas ethnic minority scholarship program; removing limits on Kansas nursing service scholarship awards and modifying the interest rate terms and repayment obligations for such awards; abolishing the nursing service scholarship review committee; eliminating the requirement to subtract other aid from the state payment for the AO-K program; modifying financial limitations on Kansas hero's scholarship awards and broadening eligibility requirements for such awards; amending K.S.A. 74-3284, 74-3285, 74-3286, 74-3287, 74-3288, 74-3289, 74-3292, 74-3293, 74-3294, 74-3295, 74-3296, 74-3297 and 74-3298 and K.S.A. 2023 Supp. 72-5170, 74-32,267 and 75-4364 and repealing the existing sections; also repealing K.S.A. 74-3299.

WHEREAS, Kansas is experiencing unprecedented economic growth. By the year 2030, Kansas will add 54,000 new jobs, 80% of which will require a bachelor's degree or higher. At the same time, the state is at a crucial moment when a comprehensive approach to equipping Kansas educators with training in the science of reading, structured literacy and literacy screening and assessment tools is essential; and

WHEREAS, It is imperative that we leverage our strengths and ensure that we lead the nation in producing highly literate talent to lead our communities and state forward; and

WHEREAS, Making literacy a priority is without a doubt one of the most important and impactful investments that we can make to help families, support businesses and continue to advance economic prosperity for all Kansans.

Now, therefore:

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

New Section 1.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Kansas blueprint for literacy.....\$10,000,000

Provided, That expenditures shall be made by the above agency from such account in accordance with the Kansas blueprint for literacy: *Provided*

further, That on or before September 1, 2024, the executive officer of the state board of regents shall certify to the director of the budget that each of the following research educational institutions has implemented two three-credit hour applied application courses and included such courses within the approved graduation requirements to earn a degree in elementary education and has implemented a common performance-based assessment for such courses on or before August 2024: The university of Kansas, Kansas state university and Wichita state university: *Provided, however*, That if the executive officer does not certify that the university of Kansas, Kansas state university and Wichita state university have implemented such courses and assessment on or before August 2024, then on September 1, 2024, of the \$10,000,000 appropriated for the above agency from the state general fund in the Kansas blueprint for literacy account, the sum of \$1,000,000 per institution that did not implement such courses and assessment is hereby lapsed: *And provided further*, That on or before September 1, 2024, the executive officer shall certify to the director of the budget that each of the following regional educational institutions has implemented two three-credit hour applied application courses and included such courses within the approved graduation requirements to earn a degree in elementary education and has implemented a common performance-based assessment for such courses on or before August 2024: Emporia state university, Fort Hays state university and Pittsburg state university: *And provided, however*, That if the executive officer does not certify that Emporia state university, Fort Hays state university and Pittsburg state university have implemented such courses and assessment on or before August 2024, then on September 1, 2024, of the \$10,000,000 appropriated for the above agency from the state general fund in the Kansas blueprint for literacy account, the sum of \$500,000 per institution that did not implement such courses and assessment is hereby lapsed: *And provided, however*, That no expenditures shall be made by the above agency or any university from such account for the development of such courses or assessments: *And provided further*, That, at the same time as the executive officer transmits a copy of such certifications to the director of the budget, the executive officer shall transmit a copy of such certifications to the director of legislative research.

New Sec. 2. (a) Sections 2 through 8, and amendments thereto, shall be known and may be cited as the Kansas blueprint for literacy.

(b) Each provision of sections 2 through 8, and amendments thereto, that requires the expenditure of moneys shall be subject to legislative appropriations therefor.

(c) As used in sections 2 through 8, and amendments thereto:

(1) "In-service" means a licensed individual who is employed by a school district or accredited nonpublic school as a teacher.

- (2) “Postsecondary educational institution” means:
 - (A) A state educational institution as defined in K.S.A. 76-711, and amendments thereto;
 - (B) a municipal university; and
 - (C) any not-for-profit institution of postsecondary education that has its main campus or principal place of operation in Kansas, is operated independently and not controlled or administered by a state agency or subdivision of this state, maintains open enrollment and is accredited by a nationally recognized accrediting agency for higher education in the United States.
- (3) “Pre-service” means an individual who is receiving the education and training to become a licensed teacher but is not yet licensed.
- (4) “Science of reading” means the teaching of reading using evidence-based research that includes phonemic awareness, phonics, fluency, vocabulary and comprehension.
- (5) “Structured literacy” means the application of knowledge from the science of reading that teaches reading in an evidence-based and systematic way.

New Sec. 3. (a) There is hereby established a literacy advisory committee. The committee shall be composed of:

- (1) 15 voting members as follows:
 - (A) The director of literacy education, appointed pursuant to section 4, and amendments thereto, who shall serve as chairperson of the committee;
 - (B) one member appointed by the governor;
 - (C) one member of the house of representatives or a literacy expert appointed by the speaker of the house of representatives;
 - (D) one member of the house of representatives or a literacy expert appointed by the minority leader of the house of representatives;
 - (E) one member of the senate or a literacy expert appointed by the president of the senate;
 - (F) one member of the senate or a literacy expert appointed by the minority leader of the senate;
 - (G) one member appointed by and representing the Kansas national education association;
 - (H) one member appointed by and representing a school of education from Emporia state university, Fort Hays state university or Pittsburg state university;
 - (I) one member appointed by and representing a school of education from the university of Kansas, Kansas state university or Wichita state university;
 - (J) one member appointed by and representing Washburn university school of education;

(K) one member appointed by the Kansas association of community colleges to represent community colleges;

(L) one member appointed by the Kansas independent colleges association to represent a not-for-profit institution of postsecondary education school or college of education;

(M) one member appointed by the state board of education;

(N) one member of the state board of regents appointed by the state board of regents; and

(O) one member who is an English for speakers of other languages literacy expert appointed by the united school administrators of Kansas; and

(2) nonvoting members as follows:

(A) The commissioner of education or the commissioner's designee; and

(B) any number of members appointed by the director of literacy education pursuant to section 4, and amendments thereto.

(b) (1) Members shall be appointed on or before July 1, 2024.

(2) Except for the director of literacy education, voting members shall serve for a term of four years.

(3) Any vacancy in the membership of the committee shall be filled by appointment in the same manner prescribed by this section for the original appointment.

(4) A quorum of the committee shall be a majority of the voting members. All actions of the committee may be taken by a majority of the voting members present when there is a quorum.

(5) The committee may meet at any time and at any place within the state upon the call of the chairperson.

(6) If any member of the committee fails to attend three meetings of the committee within any 12-month period, such member's appointment shall terminate and a new member shall be appointed in the same manner prescribed by this section for the original appointment.

(c) The literacy advisory committee shall:

(1) Monitor progress of literacy training for in-service and pre-service teachers and literacy education of elementary and secondary students;

(2) designate best practices for literacy training for in-service and pre-service teachers and literacy education of elementary and secondary students;

(3) be responsible for the attainment of the transformational goal to have 100% of the Kansas special education, English for speakers of other languages and elementary teacher workforce achieve a micro-credential in the science of reading and structured literacy by 2030, leading to at least 50% of students in each of the grades three through eight achieving level 3 or above and at least 90% of students in each of the grades three through eight achieving level 2 or above on the English language arts state assessment by 2033;

(4) make recommendations to the director of literacy education;

(5) make recommendations to the state board of education, the state board of regents and the postsecondary educational institution presidents or chancellors on:

(A) Literacy training for in-service and pre-service teachers and literacy education of elementary and secondary students; and

(B) reading instruction methods based on the science of reading;

(6) make recommendations to the house of representatives standing committee on education and the senate standing committee on education on the implementation of the goals of the Kansas blueprint for literacy and any changes necessary to achieve such goals;

(7) (A) submit a progress report to the legislature on:

(i) English language arts state assessment scores for each grade level and all defined subgroups, including, but not limited to, English language learners, students receiving free meals pursuant to the national school lunch act, students in the custody of the secretary for children and families and race and ethnicity subgroups;

(ii) literacy training for in-service and pre-service teachers; and

(iii) the literacy advisory committee's goals and requirements provided in the Kansas blueprint for literacy;

(B) Such progress report shall be provided at the following times each calendar year:

(i) Once on or before February 1 to the senate committee on education and the house of representatives committee on education;

(ii) once on or before May 1 to the senate committee on education and the house of representatives committee on education; and

(iii) once on or before December 1 to any interim, special, or select committee, task force or commission that has membership that includes legislators, is related to education, has been approved by the legislative coordinating council and requests such report; and

(8) submit a plan to the state board of regents and the legislature, including the house of representatives standing committee on education and the senate standing committee on education, on the establishment of centers of excellence in reading pursuant to section 8, and amendments thereto, on or before January 1, 2025.

(d) The committee shall be subject to the Kansas open records act, K.S.A. 45-419 et seq., and amendments thereto, and the Kansas open meetings act, K.S.A. 75-4317 et seq., and amendments thereto. The committee shall publish each meeting agenda and any available meeting documents online prior to each scheduled meeting of the committee.

(e) (1) Legislative members of the committee and members appointed by a member of the legislature who attend meetings of the committee shall be paid for expenses, mileage and subsistence as provided in K.S.A. 75-3223(e), and amendments thereto.

(2) Members of the committee who are not members of the legislature may be paid for expenses, mileage and subsistence by the entity each such member was appointed by and represents.

(f) (1) The director of literacy education shall provide executive support to the committee.

(2) The staff of the state board of regents, office of revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the committee.

New Sec. 4. (a) On or before July 1, 2024, the executive officer of the state board of regents shall appoint a director of literacy education.

(b) The director of literacy education shall be an employee of the state board of regents in the unclassified service who serves at the pleasure of the state board of regents. The compensation of the director shall be determined by the executive officer of the state board of regents.

(c) The director of literacy education shall:

(1) Serve as chairperson of the literacy advisory committee established in section 3, and amendments thereto;

(2) implement and administer the Kansas blueprint for literacy;

(3) provide executive support to the literacy advisory committee;

(4) appoint nonvoting members of the literacy advisory committee as the director deems necessary;

(5) work with the state board of education and the state board of regents to ensure:

(A) Progress on the initiatives, objectives and desired outcomes in the Kansas blueprint for literacy;

(B) the development and utilization of the comprehensive assessment system; and

(C) state educational institutions and elementary and secondary schools are using tier I literacy methodologies;

(6) encourage independent institutions referred to in section 2(c)(2) (C), and amendments thereto, to use such tier I methodologies;

(7) establish a program to track the science of reading and structured literacy training progression of in-service and pre-service early childhood and elementary teachers, special education teachers and paraprofessionals, reading specialists and early childhood and elementary administrators for all school districts in the state;

(8) on or before January 15 of each year, prepare and present a report to the senate standing committee on education and the house of representatives standing committee on education, or any successor committees, on the implementation and administration of the Kansas blueprint for literacy, including, but not limited to, an implementation timeline, progress of initiatives, development and utilization of the comprehensive

assessment system, progress toward the goal established in section 3(c), and amendments thereto, use of tier I methodologies, outcomes and any proposed changes; and

(9) report to the house of representatives standing committee on education and the senate standing committee on education on or before January 31, 2025, on the progress of the state board of regents on utilization of the science of reading, elimination of discredited methodologies, use of universal screening measures and assessments in elementary and secondary schools in the state.

New Sec. 5. (a) Postsecondary educational institutions shall designate practices based on the science of reading through structured literacy as the official tier I literacy methodology and shall prohibit the use or teaching of any discredited methodologies, such as the three-cueing system.

(b) (1) The state board of regents, in collaboration with postsecondary educational institutions and research experts, shall establish a comprehensive reading and literacy assessment system with universal screening measures, diagnostic, formative and summative assessments to be used in teacher preparation programs in the state. Such assessment system shall allow teachers to adjust instruction to meet the specific needs of students, including with regard to reading difficulties and the remediation of reading and literacy skill gaps. The state board of regents shall make recommendations to the state board of education on such assessment system and ensure that such assessment system is available on or before May 1, 2025. Nothing in this paragraph shall be construed to include the English language arts statewide assessment.

(2) The state board of regents shall:

(A) Develop training modules for the assessments on or before July 1, 2025;

(B) support state board of education action to officially designate the science of reading as the official tier I literacy methodology;

(C) support elementary and secondary schools as necessary to eliminate any discredited methodologies;

(D) recommend literacy-specific universal screening measures and diagnostic, formative and summative assessments to the state board of education; and

(E) approve reading instruction methodologies recommended by the literacy advisory committee for state educational institutions.

(3) On and after July 1, 2025, no school district shall use any textbooks or instructional materials that utilize:

(A) The three-cueing system model of reading as the primary basis for teaching word recognition;

(B) visual memory as the primary basis for teaching word recognition; or

(C) the three-cueing system model of reading based on meaning, structure and syntax and visual cues, commonly known as MVS.

(c) The director of literacy education shall report to the house of representatives standing committee on education and the senate standing committee on education on or before January 31, 2025, on the progress of the state board of regents on utilization of the science of reading, elimination of discredited methodologies, use of universal screening measures and assessments in elementary and secondary schools in the state.

New Sec. 6. The state board of regents and the state board of education shall collaborate to:

(a) Jointly approve micro-credential requirements for in-service teachers or certification requirements for pre-service teachers at state educational institutions in the science of reading and structured literacy;

(b) develop or make accessible professional development programs and micro-credential courses for all in-service early childhood teachers, general education teachers and special education teachers at low or no cost to such teachers. Such programs and courses shall be delivered by national online learning programs or accredited Kansas postsecondary educational institutions;

(c) ensure all pre-service teacher preparation programs at state educational institutions are based on the science of reading and structured literacy;

(d) publish standards and course progressions to achieve transparency of Kansas reading education programs; and

(e) provide data for the program to the director of literacy education that tracks the science of reading and structured literacy training progression of in-service and pre-service early childhood and elementary teachers, special education teachers and paraprofessionals, reading specialists and early childhood and elementary administrators for all school districts in the state.

New Sec. 7. The president or chancellor, provost and dean of the college or school of education of each postsecondary educational institution shall jointly have oversight and supervision of undergraduate and graduate level reading and literacy courses at their respective institution and shall:

(a) Ensure explicit courses in the science of reading and structured literacy, including the five pillars of reading for all undergraduate early childhood and elementary teacher preparation programs at state educational institutions;

(b) appoint one representative from each postsecondary educational institution to conduct an annual systemwide analysis of the curriculum maps across all literacy courses. Such analysis shall include identifying clear evidence of instructional approaches and the core components of reading development;

- (c) present a report on such systemwide analysis and any results from such analysis to the literacy advisory committee;
- (d) design and implement two three-credit hour applied application courses that shall be included within the approved graduation requirements to earn a degree in elementary education on or before August 2024;
- (e) implement a common performance-based assessment for such courses to be used by all postsecondary educational institutions on or before August 2024;
- (f) assist in the development of a science of reading and structured literacy micro-credential for early childhood teachers, elementary education teachers, English for speakers of other languages teachers, reading specialists, special education teachers and paraprofessionals, early childhood and elementary administrators that focuses on research-based fundamentals of reading instruction; and
- (g) provide information, advice and recommendations to the literacy advisory committee.

New Sec. 8. The literacy advisory committee shall develop a plan to establish six regional centers of excellence in reading. The plan shall:

- (a) Require postsecondary educational institutions to collaborate with colleges or schools of education, the center for reading at Pittsburg state university and community-based literacy organizations;
- (b) include options that would allow centers for excellence in reading to be co-located in an existing building or school of a school district, postsecondary educational institution, community facility or other facility or building, as appropriate; and
- (c) require such centers to:
 - (1) Provide evaluation and identification of reading difficulties and reading disabilities, including, but not limited, dyslexia;
 - (2) collaborate with school districts to develop strategic literacy plans for individual students;
 - (3) collaborate with the state department of education, state board of regents and postsecondary educational institutions to support pre-service and in-service teacher training;
 - (4) support the professional development and training of school-based instructional coaches;
 - (5) pilot structured reading applied learning simulation laboratories for pre-service and in-service teachers;
 - (6) pilot a literacy education simulation training laboratory for pre-service elementary teachers as a controlled environment for the application of the science of reading;
 - (7) identify projected cost, staffing and budget impacts to develop, expand and sustain the centers for excellence and reading simulation laboratories; and

(8) make recommendations and provide progress reports to the literacy advisory committee.

Sec. 9. K.S.A. 2023 Supp. 72-5170 is hereby amended to read as follows: 72-5170. (a) (1) In order to accomplish the mission for Kansas education, the state board shall design and adopt a school district accreditation system based upon improvement in performance that equals or exceeds the educational goal set forth in K.S.A. 72-3218(c), and amendments thereto, and is measurable. The state board shall hold all school districts accountable through the Kansas education systems accreditation rules and regulations, or any successor accreditation system and accountability plan adopted by the state board. The state board also shall ensure that all school districts and the public schools operated by such districts have programs and initiatives in place for providing those educational capacities set forth in K.S.A. 72-3218(c), and amendments thereto. On or before January 15 of each year, the state board shall prepare and submit a report on the school district accreditation system to the governor and the legislature.

(2) The accountability measures established pursuant to paragraph (1) shall be applied both at the district level and at the school level. Such accountability measures shall be reported by the state board for each school district and each school. All reports prepared pursuant to this section shall be published in accordance with K.S.A. 2023 Supp. 72-1181, and amendments thereto.

(3) If a school district is not fully accredited and a corrective action plan is required by the state board, such corrective action plan, and any subsequent reports prepared by the state board regarding the progress of such school district in implementing and executing such corrective action plan, shall be published on the state department of education's internet website and such school district's internet website in accordance with K.S.A. 2023 Supp. 72-1181, and amendments thereto.

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

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

(c) (1) The state board shall provide for statewide assessments in the core academic areas of mathematics, science, reading, writing and social studies. The board shall ensure compatibility between the statewide assessments and the curriculum standards established pursuant to subsection (b). Such assessments shall be administered at three grade levels, as determined by the state board. The state board shall determine performance levels on the statewide assessments, the achievement of which represents high academic standards in the academic area at the grade level to which the assessment applies. The state board should specify high academic standards both for individual performance and school performance on the assessments.

(2) (A) *On or before January 15 of each year, the state board shall prepare and submit to the legislature a report on students who take the statewide assessments. Such report shall include:*

(i) *The number of students and such number expressed as a percentage of the total number of students who took the statewide assessments during the immediately preceding school year disaggregated by core academic area and by grade level; and*

(ii) *the percentage of students who took the statewide assessments in grade 10 who, two years after graduating from high school, obtained some postsecondary education disaggregated by statewide assessment achievement level.*

(B) *When such information becomes available, or as soon thereafter as practicable, the state board shall publish the information required for the report under subparagraph (A) on the website of the state department of education and incorporate such information in the performance accountability reports and longitudinal achievement reports required under K.S.A. 2023 Supp. 72-5178, and amendments thereto.*

(C) *The provisions of this paragraph shall expire on July 1, 2029.*

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

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

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

Sec. 10. K.S.A. 74-3284 is hereby amended to read as follows: 74-3284. (a) *K.S.A. 74-3284 through 74-3289, and amendments thereto, shall be known and may be cited as the Kansas education opportunity scholarship program act.*

(b) As used in this act:

~~(a)(1)~~ “~~Kansas-ethnic minority education opportunity~~ scholarship program” means a program under which the state, ~~in response to growing concerns over loss of talented ethnic minority students to institutions of postsecondary education in other states, the need to enhance the diversity of the student population at Kansas institutions of postsecondary education, and the barriers to ethnic minority student enrollment at Kansas institutions of postsecondary education and for the purpose of enabling and encouraging talented ethnic minority students to remain in Kansas for the attainment of educational goals and fulfillment of career aspirations,~~ provides financial assistance through the award of Kansas-ethnic minority education opportunity scholarships to Kansas-ethnic minority education opportunity scholars.

~~(b)(2)~~ “~~Kansas-ethnic minority education opportunity~~ scholarship” means a financial award *made* by this state under this act to a Kansas-ethnic minority education opportunity scholar.

~~(c)(3)~~ “~~Kansas-ethnic minority education opportunity~~ scholar” means a person who:

- ~~(1)(A)~~ (i) Is a resident of Kansas;
- ~~(2)~~ is a member of an ethnic minority group;
- ~~(3)(ii)~~ has been accepted for admission to or is enrolled full time in an educational program at an eligible institution;
- ~~(4)(iii)~~ has established financial need; and
- ~~(5)~~ has qualified for the award of a Kansas ethnic minority scholarship on the basis of having demonstrated educational ability, or who

(iv) *is a first generation student or has a parent who is employed in Kansas as a teacher or paraprofessional for any of the grades pre-K through 12; or*

(B) *has previously so qualified and remains qualified for the renewal of a Kansas-ethnic minority education opportunity scholarship on the basis of maintaining full-time enrollment in an educational program at an eligible institution, remaining in good standing; and making satisfactory progress toward completion of the requirements for the award of a degree or certificate of completion.*

~~(d)(4)~~ *“Eligible institution” means an institution of postsecondary education which maintains open enrollment, the main campus or principal place of operation of which is located in Kansas, and which qualifies as an eligible institution under the higher education act of 1965 (P.L. 89-329), as amended postsecondary educational institution, as defined in K.S.A. 74-3201b, and amendments thereto, or an accredited independent institution, as defined in K.S.A. 72-3222, and amendments thereto.*

(e) *“Ethnic minority group” means a group of persons categorized as: (1) American Indian or Alaskan Native; (2) Asian or Pacific Islander; (3) Black, non-Hispanic; or (4) Hispanic.*

(f) *“American Indian or Alaskan Native” means a person having origins in any of the original peoples of North America and who maintains cultural identification through tribal affiliation or community recognition.*

(g) *“Asian or Pacific Islander” means a person having origins in any of the original peoples of the far east, southeast Asia, the Indian sub-continent, or pacific islands. This includes, but not by way of limitation, persons from China, Japan, Korea, the Philippine Islands, Samoa, India and Vietnam.*

(h) *“Black, non-Hispanic” means a person having origins in any of the black racial groups of Africa (except those of Hispanic origin).*

(i) *“Hispanic” means a person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.*

~~(j)(5)~~ *“Financial need” means the difference between the available financial resources of a Kansas-ethnic minority education opportunity scholar and the scholar’s total anticipated expenses to attend an eligible institution. A scholar’s financial resources shall be determined on the basis of criteria provided under the federal methodology of need analysis. Financial need shall be determined annually.*

~~(k)(6)~~ *“First generation student” means an individual who does not have a parent or guardian who has completed a baccalaureate degree.*

(7) *“Semester” means one of two principal terms when there are only two principal terms in the academic year of an eligible institution whether or not there are other shorter terms during the same academic year of the eligible educational institution.*

(4)(8) “Term” means one of two or more substantially equivalent divisions of the academic year of an eligible institution.

~~(m)~~(9) “Program period” means the duration of the period of time, or any division thereof, required for completion of a vocational or technical education program ~~which is given in~~ at an eligible institution.

~~(n)~~ “Open enrollment” means the policy of an institution of postsecondary education which provides the opportunity of enrollment for any student who meets its academic and other reasonable enrollment requirements, without regard for race, gender, religion, creed, ethnicity or national origin.

Sec. 11. K.S.A. 74-3285 is hereby amended to read as follows: 74-3285. (a) In each academic year, to the extent that appropriations are available for the Kansas ~~ethnic minority education opportunity~~ scholarship program and in accordance with the provisions of this act, the state board of regents may select for designation as a Kansas ~~ethnic minority education opportunity~~ scholar and for the award of a Kansas ~~ethnic minority education opportunity~~ scholarship any person who is qualified for such designation and award ~~and. The state board of regents shall renew the scholarship of each Kansas ethnic minority education opportunity scholar who remains qualified for a scholarship.~~

(b) In selecting persons for designation as Kansas ~~ethnic minority education opportunity~~ scholars, the state board of regents shall provide, insofar as possible and on the basis of a formulated procedure, for equitable apportionment of Kansas ~~ethnic minority education opportunity~~ scholarships among the ~~ethnic minority groups~~. The procedure formulated by the board of regents shall take into account: ~~(1) the differences among applicants in level of financial need and availability of financial resources so that scholarships are targeted to those applicants having the greatest needs; (2) the proportion that the population of each ethnic minority group bears to the population of all ethnic minority groups in the state; and (3) the differences across ethnic minority groups in the proportion of members thereof who complete high school. Financial need shall be determined annually.~~

(c) An applicant who fails to be awarded a Kansas ~~ethnic minority education opportunity~~ scholarship shall not be disqualified from applying therefor in a later academic year so long as all requirements for eligibility to apply for such award are met.

(d) The award or renewal of a Kansas ~~ethnic minority education opportunity~~ scholarship shall be on an annual basis and shall be effective for one academic year unless otherwise terminated.

Sec. 12. K.S.A. 74-3286 is hereby amended to read as follows: 74-3286. (a) A Kansas ~~ethnic minority education opportunity~~ scholarship shall provide for payment to a Kansas ~~ethnic minority education opportu-~~

nity scholar of an amount in each academic year not to exceed an amount equal to 75% of the average amount of the total tuition and required fees of full-time, in-state students. A Kansas ~~ethnic minority~~ *education opportunity* scholar may receive a Kansas ~~ethnic minority~~ *education opportunity* scholarship for not more than eight semesters of undergraduate study or the equivalent thereof, except that a Kansas ~~ethnic minority~~ *education opportunity* scholar may receive a Kansas ~~ethnic minority~~ *education opportunity* scholarship for not more than an additional two semesters of study or the equivalent thereof when the requirements of the program in which the scholar is enrolled include the completion of a fifth year of study. The state board of regents shall determine the equivalent of a semester when any program period or all or part of the terms for which a Kansas ~~ethnic minority~~ *education opportunity* scholar is awarded a Kansas ~~ethnic minority~~ *education opportunity* scholarship are not semesters.

(b) A Kansas ~~ethnic minority~~ *education opportunity* scholar who is also eligible to receive a Kansas comprehensive grant or a state scholarship may be awarded such grant or scholarship, or both, in addition to a Kansas ~~ethnic minority~~ *education opportunity* scholarship. In no event shall the amount awarded to a Kansas ~~ethnic minority~~ *education opportunity* scholar under a Kansas ~~ethnic minority~~ *education opportunity* scholarship or the total of any amounts awarded thereunder and under a state scholarship or a Kansas comprehensive grant, or both, exceed an amount equal to the amount of the scholar's financial need for the period.

Sec. 13. K.S.A. 74-3287 is hereby amended to read as follows: 74-3287. The state board of regents shall adopt rules and regulations for administration of the provisions of this act and shall:

(a) Publicize the Kansas ~~ethnic minority~~ *education opportunity* scholarship program and the manner and method of qualifying for designation as a Kansas ~~ethnic minority~~ *education opportunity* scholar and for the award of a Kansas ~~ethnic minority~~ *education opportunity* scholarship;

(b) provide application forms;

(c) determine residence, as provided by law, of applicants for Kansas ~~ethnic minority~~ *education opportunity* scholarships;

(d) establish a system for identifying and categorizing members of ~~ethnic minority~~ groups;

(e) determine eligibility of applicants for Kansas ~~ethnic minority~~ *education opportunity* scholarships;

(f) determine the evidence deemed necessary to be submitted as proof of educational ability;

(g) designate Kansas ~~ethnic minority~~ *education opportunity* scholars;

(h) notify each person who qualifies for designation as a Kansas ~~ethnic minority~~ *education opportunity* scholar and for the award of a Kansas ~~ethnic minority~~ *education opportunity* scholarship or who remains qual-

ified as a Kansas-~~ethnic minority~~ *education opportunity* scholar for the renewal of a Kansas-~~ethnic minority~~ *education opportunity* scholarship;

(~~i~~)(h) approve and award or renew Kansas-~~ethnic minority~~ *education opportunity* scholarships;

(~~j~~)(i) determine the equivalent of a semester for the purpose of awarding Kansas-~~ethnic minority~~ *education opportunity* scholarships for any program period or term that is not a semester;

(~~k~~)(j) define ~~full-time~~ *full-time* enrollment;

(~~l~~)(k) provide for apportionment of Kansas-~~ethnic minority~~ *education opportunity* scholarships if appropriations therefor are insufficient for payment in full to all Kansas-~~ethnic minority~~ *education opportunity* scholars;

(~~m~~)(l) request any eligible institution to furnish any information relating to and necessary for administration of this act;

(~~n~~)(m) determine the average amount of tuition and fees required of full-time, in-state students for enrollment at the state educational institutions; and

(~~o~~)(n) evaluate the Kansas-~~ethnic minority~~ *education opportunity* scholarship program annually, and make a report thereon to the governor and legislature.

Sec. 14. K.S.A. 74-3288 is hereby amended to read as follows: 74-3288. In accordance with the rules and regulations of the state board of regents, each ~~person~~ *individual* who desires to be designated as a Kansas ~~ethnic minority~~ *education opportunity* scholar and to receive a Kansas ~~ethnic minority~~ *education opportunity* scholarship shall:

(a) Complete and file an application for a Kansas-~~ethnic minority~~ *education opportunity* scholarship;

(b) submit the evidence required as proof of educational ability; and

(c) report promptly any information requested relating to administration of this act.

Sec. 15. K.S.A. 74-3289 is hereby amended to read as follows: 74-3289. (a) Kansas-~~ethnic minority~~ *education opportunity* scholarships may be paid annually for two semesters or the equivalent thereof, and may be allocated equally between the semesters or the equivalent of semesters, or otherwise, as determined by the state board of regents. Kansas-~~ethnic minority~~ *education opportunity* scholarships shall be paid at a time or times to be determined by the state board of regents upon certification by an eligible institution that a Kansas-~~ethnic minority~~ *education opportunity* scholar is enrolled full time in an educational program. Payments of Kansas-~~ethnic minority~~ *education opportunity* scholarships shall be made upon vouchers approved by the administrative officer of the state board of regents designated by the state board and upon warrants of the director of accounts and reports. Payments of Kansas-~~ethnic minority~~ *education*

opportunity scholarships may be made by the issuance of a single warrant to each eligible institution ~~at which~~ *where* a Kansas ~~ethnic minority education opportunity~~ scholar is enrolled for the total amount of Kansas ~~ethnic minority education opportunity~~ scholarships for all Kansas ~~ethnic minority education opportunity~~ scholars enrolled at that institution. The director of accounts and reports shall cause such warrant to be delivered to the eligible institution ~~at which~~ *where* such scholar or scholars are enrolled. Upon receipt of such warrant, the eligible institution shall credit immediately the account of each Kansas ~~ethnic minority education opportunity~~ scholar enrolled at that institution by an amount specified by the board of regents for each such scholar.

(b) If a Kansas ~~ethnic minority education opportunity~~ scholar discontinues attendance before the end of any semester or equivalent thereof, after an eligible institution has received payment under this section, the eligible institution shall pay to the state:

(1) The entire amount ~~which~~ *that* such scholar would otherwise qualify to have refunded not to exceed the amount of the payment made under a Kansas ~~ethnic minority education opportunity~~ scholarship for the semester or equivalent thereof; or

(2) if a Kansas ~~ethnic minority education opportunity~~ scholar has received payments under any federal program of student assistance in the semester, the state's pro rata share of the entire amount ~~which~~ *that* such scholar would otherwise qualify to have refunded; not to exceed the amount of the payment made under a Kansas ~~ethnic minority education opportunity~~ scholarship for the semester or equivalent thereof.

(c) All amounts paid to the state by an eligible institution under subsection (b) shall be deposited in the state treasury and credited to the Kansas ~~ethnic minority education opportunity~~ scholarship discontinued attendance fund, ~~which~~. *The Kansas education opportunity scholarship discontinued attendance fund* is hereby created. All expenditures from the Kansas ~~ethnic minority education opportunity~~ scholarship discontinued attendance fund shall be for Kansas ~~ethnic minority education opportunity~~ scholarships.

Sec. 16. K.S.A. 74-3292 is hereby amended to read as follows: 74-3292. As used in this act:

(a) "~~Committee~~" means the nursing service scholarship review committee established under K.S.A. 74-3299, and amendments thereto.

(b) "~~Executive officer~~" means the chief executive officer of the state board of regents appointed under K.S.A. 74-3203a, and amendments thereto.

(c) "~~(b)~~ "Mental health or treatment facility" means:

(1) Any private treatment facility as ~~such term~~ is defined in K.S.A. 59-29b46, and amendments thereto;

(2) any public treatment facility as ~~such term~~ is defined in K.S.A. 59-29b46, and amendments thereto;

(3) any community mental health center organized pursuant to ~~the provisions of~~ K.S.A. 19-4001 through 19-4015, and amendments thereto, and licensed pursuant to K.S.A. 39-2001 et seq., and amendments thereto;

(4) any mental health clinic organized pursuant to ~~the provisions of~~ K.S.A. 65-211 through 65-215, and amendments thereto, and licensed pursuant to K.S.A. 39-2001 et seq., and amendments thereto;

(5) any psychiatric hospital, psychiatric residential treatment facility or residential care facility as such terms are defined in K.S.A. 39-2002, and amendments thereto;

(6) any hospital as defined in K.S.A. 65-425, and amendments thereto, ~~provided if:~~

(A) The hospital has a psychiatric unit; and

(B) the scholarship recipient is required to fulfill the nursing service scholarship's employment obligations as an employee in the psychiatric unit of the hospital; or

(7) Osawatomie state hospital, Rainbow mental health facility, Larned state hospital, Parsons state hospital and training center or the Kansas neurological institute.

~~(d) "Rural area" means any county of this state other than Douglas, Johnson, Sedgewick, Shawnee and Wyandotte counties.~~

~~(e)~~(c) "School of nursing" means a school within the state of Kansas ~~which that~~ is approved by the state board of nursing to grant an associate degree or a baccalaureate degree in professional nursing or a certificate of completion in practical nursing and is:

(1) Under the control and supervision of the state board of regents;

(2) a municipal university; or

(3) a not-for-profit independent institution of higher education that has its main campus or principal place of operation in Kansas, maintains open enrollment as ~~such term~~ is defined in K.S.A. 74-32,120, and amendments thereto, and is operated independently and not controlled or administered by the state or any agency or subdivision thereof.

~~(f)~~(d) "Sponsor" means *any of the following that is located in a rural opportunity zone as defined in K.S.A. 74-50,222, and amendments thereto:*

(1) *An adult care home licensed under the adult care home licensure act, ~~any~~ K.S.A. 39-923 et seq., and amendments thereto;*

(2) *a medical care facility licensed under K.S.A. 65-425 et seq., and amendments thereto, ~~any~~;*

(3) *a home health agency licensed under K.S.A. 65-5101 et seq., and amendments thereto, ~~any~~;*

- (4) a local health department as defined in K.S.A. 65-241, and amendments thereto, ~~any~~;
- (5) a mental health or treatment facility; and ~~any~~
- (6) a state agency ~~which~~ *that* employs licensed practical nurses or licensed professional nurses.

Sec. 17. K.S.A. 74-3293 is hereby amended to read as follows: 74-3293. (a) There is hereby established the nursing service scholarship program. A scholarship may be awarded under the nursing service scholarship program to any qualified nursing student enrolled in or admitted to a school of nursing in a course of instruction leading to licensure as a licensed professional nurse or licensed practical nurse. A nursing student shall not be required to be a resident of Kansas to qualify for a scholarship under the nursing service scholarship program. ~~The number of new scholarships awarded under the nursing service scholarship program in each year shall not exceed 250. Of this number, except as otherwise provided in this section, 100 scholarships shall be awarded to nursing students whose sponsors are located in rural areas and who are enrolled in a course of instruction leading to licensure as a registered professional nurse, 50 scholarships shall be awarded to nursing students enrolled in a course of instruction leading to licensure as a licensed practical nurse and the remaining 100 scholarships shall be awarded to any nursing students who have a sponsor and who are enrolled in a course of instruction leading to licensure as a registered professional nurse. If all scholarships authorized to be awarded under this section to nursing students whose sponsors are located in rural areas have not been awarded by a date established by the state board of regents, the scholarships which have not been awarded by that date may be awarded to nursing students who have a sponsor and who are otherwise qualified to be awarded a scholarship under the nursing service scholarship program. The determination of the individuals qualified for such scholarships shall be made by the executive officer after seeking advice from the committee. Within each scholarship category prescribed by this subsection, Scholarships shall be awarded on a priority basis to qualified applicants: (1) Whose sponsor is a mental health or treatment facility; and (2) who have the greatest financial need for such scholarships. To the extent practicable and consistent with the other provisions of this section, consideration shall be given to minority applicants.~~

(b) Scholarships awarded under the nursing service scholarship program shall be awarded for the length of the course of instruction leading to licensure as a licensed professional nurse or licensure as a licensed practical nurse *in which the student is enrolled in or admitted to* unless otherwise terminated before the expiration of such period of time. ~~Such scholarships shall provide to a nursing student:~~

(1) ~~If the nursing student is enrolled in a school of nursing operated by a state educational institution, an amount not to exceed 70% of the in-state tuition cost of attendance for an academic year at the school of nursing in which the nursing student is enrolled; or~~

~~(2) if the nursing student is enrolled in a school of nursing not operated by a state educational institution, the lesser of: (A) An amount not to exceed 70% of the in-state tuition cost of attendance for a year at the school of nursing in which the nursing student is enrolled; or (B) an amount not to exceed 70% of the average amount of the in-state tuition cost of attendance for a year at the schools of nursing operated by the state educational institutions.~~

~~(c) (1) Except as provided in paragraph (2), the amount of each scholarship shall be established annually by the executive officer and shall be financed equally by the sponsor of the nursing student and by the state of Kansas except if:~~

~~(1) The sponsor is located in a rural area or is a health care facility which has less than 100 beds, and is not a mental health or treatment facility pursuant to K.S.A. 74-3292(c)(1), (c)(5) or (c)(6), and amendments thereto, the total amount of the scholarship financed by such sponsor shall not exceed \$1,000 and the balance of such amount shall be paid by the state of Kansas; or~~

~~(2) the sponsor is a mental health or treatment facility pursuant to K.S.A. 74-3292(c)(2), (c)(3), (c)(4) or (c)(7), and amendments thereto, the amount of the scholarship shall be paid by the state and such sponsor shall not finance any amount of the scholarship.~~

~~(2) If the nursing student has a sponsor, then the amount of the scholarship for such nursing student shall not exceed the amount established under paragraph (1) multiplied by 125%.~~

Sec. 18. K.S.A. 74-3294 is hereby amended to read as follows: 74-3294. (a) An applicant for a scholarship under the nursing service scholarship program shall provide to the executive officer, on forms supplied by the executive officer, the following information:

- (1) The name and address of the applicant;
- (2) the name and address of the school of nursing in which the applicant is enrolled or to which the applicant has been admitted;
- (3) the name and address of the sponsor of the applicant and a verified copy of the agreement entered into by the applicant and the sponsor in accordance with the provisions of the nursing service scholarship program; and
- (4) any additional information ~~which~~ *that* may be required by the executive officer.

(b) As a condition to awarding a scholarship under the nursing service scholarship program, the executive officer and the applicant for a

scholarship shall enter into an agreement ~~which~~ *that* shall require that the scholarship recipient:

(1) Complete the required course of instruction and, *within six months after completion*, attain licensure with the Kansas state board of nursing as a licensed professional nurse or a licensed practical nurse;

(2) *complete the free application for federal student aid for each academic year for which scholarship funds are awarded under the agreement;*

(3) *within six months after attaining licensure*, engage in the full-time practice of nursing, or the equivalent to full-time practice, in the employment of the sponsor in accordance with the agreement entered into by the scholarship recipient and the sponsor *Kansas* and continue such full-time practice, or the equivalent to full-time practice, for the total amount of time required under the agreement, which shall be for a period of not less than the length of the course of instruction for which scholarship assistance was provided, or engage in the part-time practice of nursing in the employment of the sponsor in accordance with the agreement entered into by the scholarship recipient and the sponsor *Kansas* and continue such part-time practice for the total amount of time required under the agreement, which shall be for a period of time that is equivalent to full time, as determined by the state board of regents, multiplied by the length of the course of instruction for which scholarship assistance was provided. *If the scholarship recipient has a sponsorship agreement, then the scholarship recipient shall engage in the practice of nursing in the employment of such sponsor in accordance with such sponsorship agreement for the period of time required under this paragraph, except as provided in K.S.A. 74-3296, and amendments thereto;*

~~(3)(4) commence the full-time practice of nursing, or the equivalent to full-time practice, or the part-time practice of nursing, within six months after registration in accordance with the agreement entered into by the scholarship recipient and the sponsor, continue such practice for the total amount of time required under the agreement, and comply with such other terms and conditions as may be specified by such agreement;~~

~~(4)(5) maintain records and make reports to the executive officer as may be required by the executive officer to document the satisfaction of the obligations under the nursing service scholarship program and under agreements entered into with the sponsor pursuant thereto and with the sponsor, if any; and~~

~~(5)(6) upon failure to satisfy an agreement to engage in the full-time practice of nursing, or the equivalent to full-time practice, or the part-time practice of nursing, for the required period of time under any such agreement, the requirements of the agreement with the state board of regents, repay to the state and to the sponsor the amounts as provided in K.S.A. 74-3295, and amendments thereto.~~

~~(c) Upon the awarding of a scholarship under the nursing service scholarship program, the sponsor shall pay to the executive officer the amount of such scholarship to be financed by the sponsor, if any. Each such amount shall be deposited in the nursing service scholarship program fund in accordance with K.S.A. 74-3298, and amendments thereto.~~

~~(d) The sponsorship by a scholarship recipient may be transferred from one sponsor to another upon the agreement of the original sponsor; the scholarship recipient and the sponsor to which the sponsorship is to be transferred. The terms, conditions and obligations of the transferred agreement shall be substantially similar to the terms, conditions and obligations of the original agreement. No sponsorship shall be transferred unless the agreement transferring such sponsorship provides for service in a rural area or in a mental health or treatment facility and is approved by the executive officer as consistent with the provisions of the nursing service scholarship program and as consistent with any rules and regulations relating thereto adopted by the state board of regents in accordance with the provisions of K.S.A. 74-3297, and amendments thereto.~~

Sec. 19. K.S.A. 74-3295 is hereby amended to read as follows: 74-3295.

(a) Except as provided in K.S.A. 74-3296, and amendments thereto, upon the failure of any person to satisfy the obligation under any agreement entered into pursuant to the nursing service scholarship program, such person shall pay to the executive officer an amount equal to the total amount of money received by such person pursuant to such agreement ~~which that~~ was financed by the state of Kansas plus accrued interest at a rate ~~which is~~ equivalent to the interest rate applicable to loans made under the federal PLUS program at the time such person first entered into an agreement plus five percentage points and shall pay to the sponsor an amount equal to the total amount of money received by such person pursuant to such agreement ~~which was financed by the sponsor plus accrued interest at a rate which is equivalent to the interest rate applicable to loans made under the federal PLUS program at the time such person first entered into an agreement plus five percentage points~~ of 5% per annum. Interest shall begin to accrue on the date of the action or circumstances that cause such person to fail to satisfy the obligations of such agreement, as determined by the executive officer based upon the circumstances of each individual case. Installment payments of any such amounts may be made in accordance with the provisions of agreements entered into by the scholarship recipient and the sponsor or if no such provisions exist in such agreements, in accordance with rules and regulations of the state board of regents, ~~except that~~. Such installment payments shall commence six months after the date of the action or circumstances that cause the failure of the person to satisfy the obligations of such agreements, as determined by the executive officer based upon the circumstances of each individual case ~~on which interest begins to~~

accrue. Amounts paid under this section to the executive officer shall be deposited in the nursing service scholarship repayment fund in accordance with K.S.A. 74-3298, and amendments thereto.

(b) The state board of regents is authorized to turn any repayment account arising under the nursing service scholarship program over to a designated loan servicer or collection agency, the state not being involved other than to receive payments from the loan servicer or collection agency at the interest rate prescribed under this section.

Sec. 20. K.S.A. 74-3296 is hereby amended to read as follows: 74-3296. (a) (1) Except as otherwise specified in the agreement with the sponsor, an obligation under any agreement entered into under the nursing student scholarship program shall be postponed:

(1)(A) During any required period of active military service;
(2)(B) during any period of service as a part of volunteers in service to America (VISTA);

(3)(C) during any period of service in the peace corps;
(4)(D) during any period of service commitment to the United States public health service;

(5)(E) during any period of religious missionary work conducted by an organization exempt from tax under section 501(c)(3) of the federal internal revenue code as in effect on ~~December 31, 2000~~ *July 1, 2024*;

(6)(F) during any period of time the person obligated is unable because of temporary medical disability to practice nursing;

(7)(G) during any period of time the person obligated is enrolled and actively engaged on a full-time basis in a course of study leading to a degree in the field of nursing ~~which~~ *that* is higher than that attained formerly by the person obligated;

(8)(H) during any period of time *that* the person obligated is on job-protected leave under the federal family and medical leave act of 1993; or

(9)(I) during any period of time the state board of regents determines that the person obligated is unable because of special circumstances to practice nursing.

(2) Except for ~~clauses (6), (8) and (9)~~ *paragraphs (1)(F), (1)(H) and (1)(I)*, an obligation under any agreement entered into as provided in the nursing service scholarship program shall not be postponed more than five years from the time the obligation was to have been commenced under any such agreement.

(3) An obligation under any agreement entered into as provided in the nursing service scholarship program shall be postponed under ~~clause (6)~~ *paragraph (1)(F)* during the period of time the medical disability exists.

(4) An obligation under any agreement entered into as provided in the nursing service scholarship program shall be postponed under ~~clause~~

~~(8) paragraph (1)(H)~~ during the period of time the person obligated remains on FMLA leave.

(5) An obligation under any agreement entered into as provided in the nursing service scholarship program shall be postponed under ~~clause (9) paragraph (1)(I)~~ during the period of time the state board of regents determines that the special circumstances exist.

(6) The state board of regents shall adopt rules and regulations prescribing criteria or guidelines for determination of the existence of special circumstances causing an inability to satisfy an obligation under any agreement entered into as provided in the nursing service scholarship program, and shall determine the documentation required to prove the existence of such circumstances. Except for ~~clauses (1), (6), (8) and (9) paragraphs (1)(A), (1)(F), (1)(H) and (1)(I)~~, an obligation under any agreement entered into as provided in the nursing service scholarship program shall not be postponed unless the postponement is approved by the *scholarship recipient's* sponsor, *if any*, or is otherwise provided for in ~~the~~ an agreement with the sponsor.

(b) An obligation under any agreement entered into as provided in the nursing service scholarship program shall be satisfied *if*:

(1) ~~If~~ The obligation has been completed in accordance with the agreement;

(2) ~~if~~ the person obligated dies;

(3) ~~if~~, because of permanent physical disability, the person obligated is unable to satisfy the obligation;

(4) ~~if~~ the person obligated fails to satisfy the requirements for graduation from the school of nursing after making the best effort possible to do so; *and*

(5) ~~if~~ the person obligated fails to satisfy all requirements for a permanent license to practice nursing in Kansas or has been denied a license after applying for a license and making the best effort possible to obtain such license; ~~(6) if, because of bankruptcy, loss of licensure or certification or other failure in the operations of the sponsor, the sponsor cannot or will not employ the person obligated; or (7) if the sponsor releases the person obligated from employment with the sponsor and the person obligated otherwise completes the terms, conditions and obligations of the agreement by engaging in the practice of nursing in Kansas.~~

(c) (1) An obligation under any sponsorship agreement shall be satisfied *if*:

(A) *Because of bankruptcy, loss of licensure or certification or other failure in the operations of the sponsor, such sponsor cannot or will not employ the person obligated; or*

(B) *the sponsor releases the person obligated from employment with such sponsor.*

(2) *Notwithstanding the provisions of paragraph (1), the person obligated shall still be required to complete the terms, conditions and obligations of the agreement with the state board of regents by engaging in the practice of nursing in Kansas.*

Sec. 21. K.S.A. 74-3297 is hereby amended to read as follows: 74-3297. (a) ~~The state board of regents, after consultation with the committee, may adopt rules and regulations establishing minimum terms, conditions and obligations which shall be incorporated into the provisions of any agreement entered into between a sponsor and the recipient of a scholarship under the nursing service scholarship program. The terms, conditions and obligations shall be consistent with the provisions of law relating to the nursing service scholarship program. The terms, conditions and obligations so established shall include, but not be limited to, the terms of eligibility for financial assistance under the nursing service scholarship program, the amount of financial assistance to be offered, the length of employment with the sponsor required as a condition to the receipt of such financial assistance, the circumstances under which the employment obligation may be discharged or forgiven, the amount of money required to be repaid because of failure to satisfy the obligations under an agreement and the method of repayment and such other additional provisions as may be necessary to carry out the provisions of the nursing service scholarship program. The state board of regents, after consultation with the committee, shall adopt rules and regulations as necessary to administer the nursing service scholarship program.~~

(b) The state board of regents shall provide an annual written report on the nursing service scholarship program to the senate and house committees on education.

Sec. 22. K.S.A. 74-3298 is hereby amended to read as follows: 74-3298. (a) There is hereby created in the state treasury the nursing service scholarship program fund. The executive officer shall remit all moneys received from sponsors, ~~which are paid under K.S.A. 74-3294, and amendments thereto, pursuant to scholarship awards, or from a school of nursing, which~~ *that* are paid because of nonattendance or discontinued attendance by scholarship recipients, 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 nursing service scholarship program fund. All expenditures from the nursing service scholarship program fund shall be for scholarships awarded under the nursing service scholarship program ~~or refunds to sponsors~~ and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive officer or by a person designated by the executive officer.

(b) The nursing student scholarship discontinued attendance fund is hereby abolished. On the effective date of this act, the director of accounts and reports shall transfer all moneys remaining in the nursing student scholarship discontinued attendance fund to the nursing service scholarship program fund.

(c) There is hereby created in the state treasury the nursing service scholarship repayment fund. The executive officer shall remit all moneys received for amounts paid under K.S.A. 74-3295, and amendments thereto, 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 nursing service scholarship repayment fund. All expenditures from the nursing service scholarship repayment fund shall be for scholarships awarded under the nursing service scholarship program and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive officer or by a person designated by the executive officer.

Sec. 23. K.S.A. 2023 Supp. 74-32,267 is hereby amended to read as follows: 74-32,267. (a) There is hereby established the AO-K to work program. The provisions of this program shall apply to all adult education programs in the state.

(b) As used in this section:

(1) “AO-K” or “accelerating opportunity: Kansas” means a career pathways program model that assists students in obtaining a high school equivalency, becoming ready for transferable college-level courses and earning an industry credential.

(2) “Career readiness assessment” means an assessment approved by the state board of regents to measure foundational skills required for success in the workplace and workplace skills that affect job performance.

(3) “Career readiness certificate” means a certificate that uses a career readiness assessment approved by the state board of regents to document an individual’s skills in applied math, graphic literacy and workplace documents.

(4) “Community college” means a community college as defined in K.S.A. 71-701, and amendments thereto.

(5) “Industry recognized credential” means a credential recognized by multiple employers across an industry as determined by the state board of regents.

(6) “Kansas adult education program” means any educational institution or approved agency that receives adult education funding through the state board of regents; provides adult education or English language acquisition programs; serves Kansas adults aged 16 and over who are in need of basic skills for the workforce, community participation and family

life; and prepares adults for achieving industry recognized credentials and college certificates and degrees.

- (7) “Qualified student” means an individual who has:
- (A) Attained ~~the age of~~ 21 years *of age*;
 - (B) not been awarded a high school diploma;
 - (C) been accepted into a Kansas adult education program;
 - (D) demonstrated high school equivalency by meeting the criteria established by the state board of regents pursuant to this section; and
 - (E) declared an AO-K career pathway interest.
- (8) “Technical college” means a technical college ~~as such term is defined in K.S.A. 71-1802, and amendments thereto.~~

(c) The state board of regents shall award a Kansas high school equivalency credential to any qualified student who:

(1) Is recommended and approved to participate in a AO-K career pathway approved by the state board of regents for college credit;

(2) successfully completes an approved AO-K career pathway and receives the industry-recognized credential appropriate to the completed pathway;

(3) takes a career readiness assessment and earns a career readiness certificate at a level approved by the state board of regents; and

(4) satisfies any other requirements deemed necessary by the state board of regents.

(d) ~~(1) While participating in the~~ *enrolled in an AO-K to work* program, ~~qualified all~~ students shall be provided reasonable access to all available student resources of the adult education program, the participating technical or community college and the appropriate community partners, including, but not limited to, appropriate academic support, barrier mitigation, employment or career assistance, books, tools and personal materials required to participate in an AO-K career pathway program and industry examinations.

(2) Subject to appropriations, ~~financial assistance~~ *the amount of a state payment* for books, tools, personal materials and industry examinations shall be the aggregate amount of the cost of books, tools, personal materials and industry examinations for the career pathway program at the technical college or community college where such student is enrolled and receiving assistance ~~minus the aggregate amount of all other aid awarded to such student.~~ The amount of ~~financial assistance~~ *such payment* provided for each student shall not exceed \$500 *over the lifetime of the student.*

(e) Each application to the state board of regents for issuance or duplication of a Kansas high school equivalency credential shall be accompanied by a fee established by the state board of regents in an amount of not more than \$25. On or before June 1 of each year, the state board of regents shall determine the amount of revenue required to properly

administer the provisions of this section during the next ensuing fiscal year and shall establish the Kansas high school equivalency credentials processing fee for such year in the amount deemed necessary for such purposes. Such fee shall become effective on the succeeding July 1 of each year. The state board of regents shall remit all moneys received by or for it from Kansas high school equivalency credentials processing fees to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas high school equivalency credential processing fees fund, which fund is hereby established in the state treasury, and shall be used only for the payment of expenses connected with the processing, issuance, or duplication of Kansas high school equivalency credentials, and for the keeping of records by the state board of regents. All expenditures from the Kansas high school equivalency credential processing fees fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state board of regents or by a person or persons designated by the state board.

(f) The state board of regents may adopt rules and regulations to implement and administer the provisions of this act.

Sec. 24. K.S.A. 2023 Supp. 75-4364 is hereby amended to read as follows: 75-4364. (a) This section shall be known and may be cited as the Kansas hero's scholarship act.

(b) As used in this section:

(1) "Accident" means an undesigned, sudden and unexpected traumatic event, usually of an afflictive or unfortunate nature and often, but not necessarily, accompanied by a manifestation of force. An "accident" shall be identifiable by the time and place of occurrence, produce at the time symptoms of an injury and occur during a single work shift. The "accident" shall be the prevailing factor in causing the injury.

(2) "Covered person" means a public safety officer or Kansas resident in military service to whom this section applies.

(3) "Dependent" means: (A) A birth child, adopted child or stepchild; or (B) any child other than the foregoing who is actually dependent in whole or in part on the individual and who is related to such individual by marriage or consanguinity.

(4) "Emergency medical service provider" means the same as defined in K.S.A. 65-6112, and amendments thereto.

(5) "Fees" ~~mean~~ means those charges required by an institution to be paid by every student as a condition of enrollment. "Fees" ~~do~~ does not include all other charges associated with the student's academic program or living costs.

(6) “Firefighter” means a person who is: (A) Employed by any city, county, township or other political subdivision of the state and who is assigned to the fire department thereof and engaged in the fighting and extinguishment of fires and the protection of life and property therefrom; or (B) a volunteer member of a fire district, fire department or fire company.

(7) “Injured or disabled” means that the covered person, because of the injury or disability, has been rendered incapable of performing the duties of the following:

(A) The position being performed at the time the injury or disability was sustained; and

(B) any position that is at or above the pay level of the position the covered person was in at the time the injury or disability was sustained, if the covered person is a paid employee.

(8) “Injury” and “disability” mean any lesion or change in the physical structure of the body causing damage or harm thereto that is not transitory or minor. “Injury” and “disability” shall occur only by accident, intentional act of violence or repetitive trauma.

(9) (A) “Intentional act of violence” means one or a combination of the following:

(i) A deliberate act by a third party that results in inflicting harm on a covered person while such person is performing those duties; or

(ii) a deliberate act by a covered person in the reasonable performance of duties as a covered person that results in the infliction of harm on the covered person.

(B) An “intentional act of violence” shall be identifiable by the time and place of occurrence, produce at the time symptoms of an injury and occur during a single work shift. The “intentional act of violence” shall be the prevailing factor in causing the injury.

(C) “Intentional act of violence” does not include repetitive trauma in any form.

(10) “Kansas *postsecondary* educational institution” means and includes community colleges, the municipal university, state educational institutions, the institute of technology at Washburn university and technical colleges.

(11) “Law enforcement officer” means a person who by virtue of office or public employment is vested by law with a duty to maintain public order or to make arrests for violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes wardens, superintendents, directors, security personnel, officers and employees of adult and juvenile correctional institutions, jails or other institutions or facilities for the detention of persons accused or convicted of crime, while acting within the scope of their authority.

(12) “Military service” means any active service in any armed service of the United States and any active state or federal service in the Kansas army or air national guard.

(13) “Nature of the employment” means that, to the occupation, trade or employment in which the covered person was engaged, there is attached a particular and peculiar hazard of the injury or disability that distinguishes the performance of job duties from other occupations and employments and that creates a hazard of such injury or disability in excess of the hazard of the injury or disability in general.

(14) “Prisoner of war” means any person who was a resident of Kansas at the time the person entered service of the United States armed forces and who, while serving in the United States armed forces, has been declared to be a prisoner of war, as established by the United States secretary of defense, after January 1, 1960.

(15) “Public safety employee” means any employee of a law enforcement office, sheriff’s department, municipal fire department, volunteer and non-volunteer fire protection association, emergency medical services provider or correctional institution of the department of corrections.

(16) “Public safety officer” means a law enforcement officer, a firefighter, an emergency medical service provider or a public safety employee.

(17) (A) “Repetitive trauma” means the cause of an injury that occurs as a result of repetitive use, cumulative traumas or microtraumas. The repetitive nature of the injury shall be demonstrated by diagnostic or clinical tests. The “repetitive trauma” shall be the prevailing factor in causing the injury.

(B) For purposes of the educational benefit conferred by this section, “repetitive trauma” includes only an injury arising out of the performing of duties and resulting from the nature of the employment in which a covered person was engaged and that was actually contracted while so engaged. The injury shall appear to have had its origin in a special risk of the injury connected with the particular type of employment and to have resulted from that source as a reasonable consequence of the risk. Ordinary injuries of life and conditions to which the general public is or could be exposed outside of the particular employment, and hazards of injuries and conditions attending employment in general, shall not qualify as “repetitive trauma.”

(18) “Resident of Kansas” means a person who is a domiciliary resident as defined by K.S.A. 76-729, and amendments thereto.

(19) “Spouse” means the spouse of a public safety officer or member of the military service who has not remarried.

(20) “State board” means the state board of regents.

(c) (1) *Up to the aggregate limit for such financial assistance established for each academic year by the state board of regents based on the*

annual appropriated amounts for the reimbursements paid pursuant to subsection (d), every Kansas postsecondary educational institution shall provide for enrollment without charge of tuition or fees for:

(A) Any eligible dependent or spouse of a public safety officer who:
(i) Was injured or disabled while performing duties as a public safety officer; or

(ii) died as the result of injury sustained while performing duties as a public safety officer;

(B) any dependent or spouse of any resident of Kansas who:

(i) ~~Died or was injured or disabled on or after September 11, 2001, while, and as a result of,~~ serving in military service;

(ii) *sustained a service-connected injury or disability that rendered the servicemember incapable of continuing such servicemember's military service;* or

~~(ii)(iii)~~ (iii) is entitled to compensation *from the United States department of veterans affairs* for a service-connected disability of at least 80% ~~because of a public statute administered by the department of veterans affairs or a military department as a result of injuries or accidents sustained in combat after September 11, 2001;~~ and

(C) any prisoner of war.

(2) Any such dependent or spouse and any prisoner of war shall be eligible for enrollment at a Kansas *postsecondary* educational institution without charge of tuition or fees for not to exceed 10 semesters of undergraduate instruction, or the equivalent thereof, at all such institutions.

(d) Subject to appropriations thereafter, any Kansas *postsecondary* educational institution, at which enrollment, without charge of tuition or fees, of a prisoner of war or a dependent or spouse is provided for under subsection ~~(b)~~ (c), may file a claim with the state board for reimbursement of the amount of such tuition and fees. ~~In any fiscal year, such reimbursement shall not exceed a total of \$500,000.~~ The state board shall include in its budget estimates pursuant to K.S.A. 75-3717, and amendments thereto, a request for appropriations to cover tuition and fee claims pursuant to this section. The state board shall be responsible for payment of reimbursements to Kansas *postsecondary* educational institutions upon certification by each such institution of the amount of reimbursement to which *such institution* is entitled. Payments to Kansas *postsecondary* educational institutions shall be made upon vouchers approved by the state board, *or the state board's designee*, and upon warrants of the director of accounts and reports. Payments may be made by issuance of a single warrant to each Kansas *postsecondary* educational institution at which one or more eligible dependents or spouses or prisoners of war are enrolled for the total amount of tuition and fees not charged for enrollment at that institution. The director of accounts and reports shall cause such warrant to

be delivered to the Kansas *postsecondary* educational institution at which any such eligible dependents or spouses or prisoners of war are enrolled. If an eligible dependent or spouse or prisoner of war discontinues attendance before the end of any semester, after the Kansas *postsecondary* educational institution has received payment under this subsection, ~~the~~ *such* institution shall pay to the state the entire amount that such eligible dependent or spouse or prisoner of war would otherwise qualify to have refunded, not to exceed the amount of the payment made by the state in behalf of such dependent or spouse or prisoner of war for the semester. All amounts paid to the state by Kansas *postsecondary* educational institutions under this subsection shall be deposited in the state treasury and credited to the state general fund.

(e) The state board shall adopt rules and regulations for administration of the provisions of this section and shall determine the qualification of persons as dependents and spouses of public safety officers or United States military personnel and the eligibility of such persons for the benefits provided for under this section.

Sec. 25. K.S.A. 74-3284, 74-3285, 74-3286, 74-3287, 74-3288, 74-3289, 74-3292, 74-3293, 74-3294, 74-3295, 74-3296, 74-3297, 74-3298 and 74-3299 and K.S.A. 2023 Supp. 72-5170, 74-32,267 and 75-4364 are hereby repealed.

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

Approved April 24, 2024.

Published in the *Kansas Register* May 2, 2024.

CHAPTER 83

Substitute for HOUSE BILL No. 2570
(Amended by Chapter 100)

AN ACT concerning employment security law; relating to the definition of benefit year, temporary unemployment, wages subject to assessment for employer contributions, statewide average annual wage and statewide average weekly wage; referencing certain new definitions for purposes of the annual determination by the secretary of the maximum weekly benefit amount; requiring electronic filing of wage reports, contribution returns and payments and interest assessments for employers with 25 or more employees; establishing minimum qualifications for candidates for membership on the employment security board of review and initial review of such candidates by the director of unemployment; extending when the mandatory combination of rates and the establishment of a new account due to a business acquisition must occur from the beginning of the following quarter to the beginning of the following year; replacing and making certain changes to the schedules governing employer contribution rates; lowering the contribution rate for new employers and new employers engaged in the construction industry; removing obsolete language pertaining to the employment security interest assessment fund and abolishing such fund; requiring the secretary to create an audit process within the new unemployment insurance information technology system to permit employers to submit reports regarding work search, the my reemployment plan and claimants who do not provide notification or appear for scheduled interviews; providing for notices by the secretary to active employers regarding work search noncompliance reporting options; confirming the legislative coordinating council's authority to extend the new unemployment insurance information technology system's implementation date retroactively and as often as deemed appropriate by the council; requiring the secretary to notify the council of the need for an extension; authorizing the secretary to extend temporary unemployment when requested by employers engaged in certain industries; requiring the secretary to post on the secretary's website certain calculations and data, prepare an annual certification memorandum and publish contribution rate information and schedules; changing the timing of employer benefit charge notices from annually to quarterly; removing the exemption for benefit charges less than \$100; providing that school bus drivers employed by private contractors are eligible for workshare; allowing a calculated write off for negative account balance employers by the secretary of such employer's negative reserve account balance; providing that the secretary suspend state unemployment benefits for claimants who are receiving federal unemployment benefits; amending K.S.A. 44-704, 44-705, 44-706, 44-709, 44-710, 44-710b, 44-717, 44-757, 44-771, 44-772 and 44-774 and K.S.A. 2023 Supp. 44-703, 44-710a and 44-775 and repealing the existing sections.

WHEREAS, The amendments made to the employment security law by this act shall be known as the Kansas unemployment insurance state trust fund solvency, system integrity and tax credit preservation act of 2024.

Now, therefore:

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

Section 1. K.S.A. 2023 Supp. 44-703 is hereby amended to read as follows: 44-703. As used in this act, unless the context clearly requires otherwise:

(a) (1) "Annual payroll" means the total amount of wages paid or payable by an employer during the calendar year.

(2) “Average annual payroll” means the average of the annual payrolls of any employer for the last three calendar years immediately preceding the computation date as hereinafter defined if the employer has been continuously subject to contributions during those three calendar years and has paid some wages for employment during each of such years. In determining contribution rates for the calendar year, if an employer has not been continuously subject to contribution for the three calendar years immediately preceding the computation date but has paid wages subject to contributions during only the two calendar years immediately preceding the computation date, such employer’s “average annual payroll” shall be the average of the payrolls for those two calendar years.

(3) “Total wages” means the total amount of wages paid or payable by an employer during the calendar year, including that part of remuneration in excess of the limitation prescribed as provided in subsection (o)(1).

(b) “Base period” means the first four of the last five completed calendar quarters immediately preceding the first day of an individual’s benefit year, except that the base period in respect to combined wage claims means the base period as defined in the law of the paying state.

(1) If an individual lacks sufficient base period wages in order to establish a benefit year in the manner set forth above and satisfies the requirements of *subsection (hh) and K.S.A. 44-705(g) and K.S.A. 44-703(hh)*, and amendments thereto, the claimant shall have an alternative base period substituted for the current base period so as not to prevent establishment of a valid claim. For the purposes of this subsection, “alternative base period” means the last four completed quarters immediately preceding the date the qualifying injury occurred. In the event the wages in the alternative base period have been used on a prior claim, then they shall be excluded from the new alternative base period.

(2) For the purposes of this chapter, the term “base period” includes the alternative base period.

(c) (1) “Benefits” means the money payments payable to an individual, as provided in this act, with respect to such individual’s unemployment.

(2) “Regular benefits” means benefits payable to an individual under this act or under any other state law, including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85, other than extended benefits.

(d) “Benefit year” with respect to any individual, means the period beginning with the ~~first day~~ *Sunday* of the first week for which such individual files a valid claim for benefits, and such benefit year shall continue for one full year. In the case of a combined wage claim, the benefit year shall be the benefit year of the paying state. Following the termination of a benefit year, a subsequent benefit year shall commence on the ~~first day~~ *Sunday* of the first week with respect to which an individual next

files a claim for benefits. ~~When such filing occurs with respect to a week that overlaps the preceding benefit year, the subsequent benefit year shall commence on the first day immediately following the expiration date of the preceding benefit year.~~ Any claim for benefits made in accordance with K.S.A. 44-709(a), and amendments thereto, shall be deemed to be a “valid claim” for the purposes of this subsection if the individual has been paid wages for insured work as required under K.S.A. 44-705(e), and amendments thereto. ~~Whenever a week of unemployment overlaps two benefit years, such week shall, for the purpose of granting waiting period credit or benefit payment with respect thereto, be deemed to be a week of unemployment within that benefit year in which the greater part of such week occurs.~~

(e) “Commissioner” or “secretary” means the secretary of labor.

(f) (1) “Contributions” means the money payments to the state employment security fund that are required to be made by employers on account of employment under K.S.A. 44-710, and amendments thereto, and voluntary payments made by employers pursuant to such statute.

(2) “Payments in lieu of contributions” means the money payments to the state employment security fund from employers that are required to make or that elect to make such payments under K.S.A. 44-710(e), and amendments thereto.

(g) “Employing unit” means any individual or type of organization, including any partnership, association, limited liability company, agency or department of the state of Kansas and political subdivisions thereof, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign including nonprofit corporations, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representatives of a deceased person, that has in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit that maintains two or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this act. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this act, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of the employment.

(h) “Employer” means:

(1) (A) Any employing unit for which agricultural labor as defined in subsection (w) is performed and during any calendar quarter in either the current or preceding calendar year paid remuneration in cash of \$20,000 or more to individuals employed in agricultural labor or for some por-

tion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor 10 or more individuals, regardless of whether they were employed at the same moment of time.

(B) For the purpose of this subsection (h)(1), any individual who is a member of a crew furnished by a crew leader to perform services in agricultural labor for any other person shall be treated as an employee of such crew leader if:

(i) Such crew leader holds a valid certificate of registration under the federal migrant and seasonal agricultural workers protection act or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment or any other mechanized equipment, that is provided by such crew leader; and

(ii) such individual is not in the employment of such other person within the meaning of subsection (i).

(C) For the purpose of this subsection (h)(1), in the case of any individual who is furnished by a crew leader to perform services in agricultural labor for any other person and who is not treated as an employee of such crew leader:

(i) Such other person and not the crew leader shall be treated as the employer of such individual; and

(ii) such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader, either on the crew leader's own behalf or on behalf of such other person, for the services in agricultural labor performed for such other person.

(D) For the purposes of this subsection (h)(1) "crew leader" means an individual who:

(i) Furnishes individuals to perform services in agricultural labor for any other person;

(ii) pays, either on such individual's own behalf or on behalf of such other person, the individuals so furnished by such individual for the services in agricultural labor performed by them; and

(iii) has not entered into a written agreement with such other person under which such individual is designated as an employee of such other person.

(2) (A) Any employing unit that for calendar year 2007 and each calendar year thereafter: (i) In any calendar quarter in either the current or preceding calendar year paid for services in employment wages of \$1,500 or more; (ii) for some portion of a day in each of 20 different calendar weeks, whether or not such weeks were consecutive, in either the current or preceding calendar year, had in employment at least one individual, whether or not the same individual was in employment in each such day;

or (iii) elects to have an unemployment tax account established at the time of initial registration in accordance with K.S.A. 44-711(c), and amendments thereto.

(B) Employment of individuals to perform domestic service or agricultural labor and wages paid for such service or labor shall not be considered in determining whether an employing unit meets the criteria of this subsection (h)(2).

(3) Any employing unit for which service is employment as defined in subsection (i)(3)(E).

(4) (A) Any employing unit, whether or not it is an employing unit under subsection (g), that acquires or in any manner succeeds to: (i) Substantially all of the employing enterprises, organization, trade or business; or (ii) substantially all the assets, of another employing unit that at the time of such acquisition was an employer subject to this act;

(B) any employing unit that is controlled substantially, either directly or indirectly by legally enforceable means or otherwise, by the same interest or interests, whether or not such interest or interests are an employing unit under subsection (g), acquires or in any manner succeeds to a portion of an employer's annual payroll, is less than 100% of such employer's annual payroll, and intends to continue the acquired portion as a going business.

(5) Any employing unit that paid cash remuneration of \$1,000 or more in any calendar quarter in the current or preceding calendar year to individuals employed in domestic service as defined in subsection (aa).

(6) Any employing unit that having become an employer under this subsection (h) has not, under K.S.A. 44-711(b), and amendments thereto, ceased to be an employer subject to this act.

(7) Any employing unit that has elected to become fully subject to this act in accordance with K.S.A. 44-711(c), and amendments thereto.

(8) Any employing unit not an employer by reason of any other paragraph of this subsection (h), for which within either the current or preceding calendar year services in employment are or were performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund; or that, as a condition for approval of this act for full tax credit against the tax imposed by the federal unemployment tax act, is required, pursuant to such act, to be an "employer" under this act.

(9) Any employing unit described in section 501(c)(3) of the federal internal revenue code of 1986 that is exempt from income tax under section 501(a) of the code that had four or more individuals in employment for some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or preceding cal-

endar year, regardless of whether they were employed at the same moment of time.

(i) “Employment” means:

(1) Subject to the other provisions of this subsection, service, including services in interstate commerce, performed by:

(A) Any active officer of a corporation; ~~or~~

(B) any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee subject to the provisions of subsection (i)(3)(D); or

(C) any individual other than an individual who is an employee under subsection (i)(1)(A) or subsection (i)(1)(B) above who performs services for remuneration for any person:

(i) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages, other than milk, or laundry or dry-cleaning services, for such individual’s principal; or

(ii) as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, a principal, except for side-line sales activities on behalf of some other person, of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

For purposes of subsection (i)(1)(C), the term “employment” includes services described in paragraphs (i) and (ii) above only if:

(a) The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

(b) the individual does not have a substantial investment in facilities used in connection with the performance of the services, other than in facilities for transportation; and

(c) the services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(2) The term “employment” includes an individual’s entire service within the United States, even though performed entirely outside this state if:

(A) The service is not localized in any state;

(B) the individual is one of a class of employees who are required to travel outside this state in performance of their duties; and

(C) the individual’s base of operations is in this state, or if there is no base of operations, then the place where service is directed or controlled is in this state.

(3) The term “employment” also includes:

(A) Services performed within this state but not covered by the provisions of subsection (i)(1) or subsection (i)(2) shall be deemed to be employment subject to this act if contributions are not required and paid with respect to such services under an unemployment compensation law of any other state or of the federal government.

(B) Services performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this act only if the individual performing such services is a resident of this state and the secretary approved the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this act.

(C) Services covered by an arrangement pursuant to K.S.A. 44-714(j), and amendments thereto, between the secretary and the agency charged with the administration of any other state or federal unemployment compensation law, pursuant to which all services performed by an individual for an employing unit are deemed to be performed entirely within this state, shall be deemed to be employment if the secretary has approved an election of the employing unit for whom such services are performed, pursuant to which the entire service of such individual during the period covered by such election is deemed to be insured work.

(D) Services performed by an individual for wages or under any contract of hire shall be deemed to be employment subject to this act if the business for which activities of the individual are performed retains not only the right to control the end result of the activities performed, but the manner and means by which the end result is accomplished.

(E) Services performed by an individual in the employ of a state or any instrumentality thereof, any political subdivision of a state or any instrumentality thereof, or in the employ of an Indian tribe, as defined pursuant to section 3306(u) of the federal unemployment tax act, any instrumentality of more than one of the foregoing or any instrumentality that is jointly owned by this state or a political subdivision thereof or Indian tribes and one or more other states or political subdivisions of this or other states, provided that such service is excluded from “employment” as defined in the federal unemployment tax act by reason of section 3306(c)(7) of that act and is not excluded from “employment” under subsection (i)(4)(A) of this section. For purposes of this section, the exclusions from employment in subsections (i)(4)(A) and (i)(4)(L) shall also be applicable to services performed in the employ of an Indian tribe.

(F) Services performed by an individual in the employ of a religious, charitable, educational or other organization that is excluded from the term “employment” as defined in the federal unemployment tax act solely

by reason of section 3306(c)(8) of that act, and is not excluded from employment under subsection (i)(4)(I) through (M).

(G) The term “employment” includes the services of an individual who is a citizen of the United States, performed outside the United States except in Canada, in the employ of an American employer, other than service that is deemed “employment” under the provisions of subsection (i)(2) or subsection (i)(3) or the parallel provisions of another state’s law, if:

(i) The employer’s principal place of business in the United States is located in this state; or

(ii) the employer has no place of business in the United States, but:

(a) The employer is an individual who is a resident of this state;

(b) the employer is a corporation which is organized under the laws of this state; or

(c) the employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any other state; or

(iii) none of the criteria of (i)(3)(G)(i) and (ii) are met but the employer has elected coverage in this state or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state.

(H) An “American employer,” for purposes of subsection (i)(3)(G), means a person who is:

(i) An individual who is a resident of the United States;

(ii) a partnership if $\frac{2}{3}$ or more of the partners are residents of the United States;

(iii) a trust, if all of the trustees are residents of the United States; or

(iv) a corporation organized under the laws of the United States or of any state.

(I) Notwithstanding subsection (i)(2), all services performed by an officer or member of the crew of an American vessel or American aircraft on or in connection with such vessel or aircraft, if the operating office, from which the operations of such vessel or aircraft operating within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled is within this state.

(J) Notwithstanding any other provisions of this subsection (i), services with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment compensation fund or that as a condition for full tax credit against the tax imposed by the federal unemployment tax act is required to be covered under this act.

(K) Domestic service in a private home, local college club or local chapter of a college fraternity or sorority performed for a person who paid cash remuneration of \$1,000 or more in any calendar quarter in the cur-

rent calendar year or the preceding calendar year to individuals employed in such domestic service.

(4) The term “employment” does not include: (A) Services performed in the employ of an employer specified in subsection (h)(3) if such service is performed by an individual in the exercise of duties:

- (i) As an elected official;
- (ii) as a member of a legislative body, or a member of the judiciary, of a state, political subdivision or of an Indian tribe;
- (iii) as a member of the state national guard or air national guard;
- (iv) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;
- (v) in a position that, under or pursuant to the laws of this state or tribal law, is designated as a major nontenured policymaking or advisory position or as a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week;

(B) services with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress;

(C) services performed by an individual in the employ of such individual’s son, daughter or spouse, and services performed by a child under the age of 21 years in the employ of such individual’s father or mother;

(D) services performed in the employ of the United States government or an instrumentality of the United States exempt under the constitution of the United States from the contributions imposed by this act, except that to the extent that the congress of the United States shall permit states to require any instrumentality of the United States to make payments into an unemployment fund under a state unemployment compensation law, all of the provisions of this act shall be applicable to such instrumentalities, and to services performed for such instrumentalities, in the same manner, to the same extent and on the same terms as to all other employers, employing units, individuals and services. If this state shall not be certified for any year by the federal security agency under section 3304(c) of the federal internal revenue code of 1986, the payments required of such instrumentalities with respect to such year shall be refunded by the secretary from the fund in the same manner and within the same period as is provided in K.S.A. 44-717(h), and amendments thereto, with respect to contributions erroneously collected;

(E) services covered by an arrangement between the secretary and the agency charged with the administration of any other state or federal unemployment compensation law pursuant to which all services performed by an individual for an employing unit during the period covered by such employing unit’s duly approved election, are deemed to be performed entirely within the jurisdiction of such other state or federal agency;

(F) services performed by an individual under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(G) services performed by an individual for an employing unit as an insurance agent or as an insurance solicitor, if all such service performed by such individual for such employing unit is performed for remuneration solely by way of commission;

(H) services performed in any calendar quarter in the employ of any organization exempt from income tax under section 501(a) of the federal internal revenue code of 1986, other than an organization described in section 401(a) or under section 521 of such code, if the remuneration for such service is less than \$50. In construing the application of the term “employment,” if services performed during $\frac{1}{2}$ or more of any pay period by an individual for the person employing such individual constitute employment, all the services of such individual for such period shall be deemed to be employment; but if the services performed during more than $\frac{1}{2}$ of any such pay period by an individual for the person employing such individual do not constitute employment, then none of the services of such individual for such period shall be deemed to be employment. As used in this subsection (i)(4)(H) the term “pay period” means a period, of not more than 31 consecutive days, for which a payment of remuneration is ordinarily made to the individual by the person employing such individual. This subsection (i)(4)(H) shall not be applicable with respect to services with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of congress;

(I) services performed in the employ of a church or convention or association of churches, or an organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches;

(J) services performed by a duly ordained, commissioned, or licensed minister of a church in the exercise of such individual’s ministry or by a member of a religious order in the exercise of duties required by such order;

(K) services performed in a facility conducted for the purpose of carrying out a program of:

(i) Rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury; or

(ii) providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work;

(L) services performed as part of an employment work-relief or work-training program assisted or financed in whole or in part by any fed-

eral agency or an agency of a state or political subdivision thereof or of an Indian tribe, by an individual receiving such work relief or work training;

(M) services performed by an inmate of a custodial or correctional institution;

(N) services performed, in the employ of a school, college, or university, if such service is performed by a student who is enrolled and is regularly attending classes at such school, college or university;

(O) services performed by an individual who is enrolled at a nonprofit or public educational institution that normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, that combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subsection (i)(4)(O) shall not apply to service performed in a program established for or on behalf of an employer or group of employers;

(P) services performed in the employ of a hospital licensed, certified or approved by the secretary of health and environment, if such service is performed by a patient of the hospital;

(Q) services performed as a qualified real estate agent. As used in this subsection (i)(4)(Q) the term “qualified real estate agent” means any individual who is licensed by the Kansas real estate commission as a salesperson under the real estate brokers’ and salespersons’ license act and for whom:

(i) Substantially all of the remuneration, whether or not paid in cash, for the services performed by such individual as a real estate salesperson is directly related to sales or other output, including the performance of services, rather than to the number of hours worked; and

(ii) the services performed by the individual are performed pursuant to a written contract between such individual and the person for whom the services are performed and such contract provides that the individual will not be treated as an employee with respect to such services for state tax purposes;

(R) services performed for an employer by an extra in connection with any phase of motion picture or television production or television commercials for less than 14 days during any calendar year. As used in this subsection, the term “extra” means an individual who pantomimes in the background, adds atmosphere to the set and performs such actions without speaking and “employer” shall not include any employer that is a governmental entity or any employer described in section 501(c)(3) of the federal internal revenue code of 1986 that is exempt from income taxation under section 501(a) of the code;

(S) services performed by an oil and gas contract pumper. As used in this subsection (i)(4)(S), “oil and gas contract pumper” means a person performing pumping and other services on one or more oil or gas leases, or on both oil and gas leases, relating to the operation and maintenance of such oil and gas leases, on a contractual basis for the operators of such oil and gas leases and “services” shall not include services performed for a governmental entity or any organization described in section 501(c)(3) of the federal internal revenue code of 1986 that is exempt from income taxation under section 501(a) of the code;

(T) service not in the course of the employer’s trade or business performed in any calendar quarter by an employee, unless the cash remuneration paid for such service is \$200 or more and such service is performed by an individual who is regularly employed by such employer to perform such service. For purposes of this paragraph, an individual shall be deemed to be regularly employed by an employer during a calendar quarter only if:

(i) On each of some 24 days during such quarter such individual performs for such employer for some portion of the day service not in the course of the employer’s trade or business; or

(ii) such individual was regularly employed, as determined under subparagraph (i), by such employer in the performance of such service during the preceding calendar quarter.

Such excluded service shall not include any services performed for an employer that is a governmental entity or any employer described in section 501(c)(3) of the federal internal revenue code of 1986 that is exempt from income taxation under section 501(a) of the code;

(U) service which is performed by any person who is a member of a limited liability company and that is performed as a member or manager of that limited liability company; and

(V) services performed as a qualified direct seller. The term “direct seller” means any person if:

(i) Such person:

(a) Is engaged in the trade or business of selling or soliciting the sale of consumer products to any buyer on a buy-sell basis or a deposit-commission basis for resale, by the buyer or any other person, in the home or otherwise rather than in a permanent retail establishment; or

(b) is engaged in the trade or business of selling or soliciting the sale of consumer products in the home or otherwise than in a permanent retail establishment;

(ii) substantially all the remuneration whether or not paid in cash for the performance of the services described in subparagraph (i) is directly related to sales or other output including the performance of services rather than to the number of hours worked;

(iii) the services performed by the person are performed pursuant to a written contract between such person and the person for whom the services are performed and such contract provides that the person will not be treated as an employee for federal and state tax purposes;

(iv) for purposes of this act, a sale or a sale resulting exclusively from a solicitation made by telephone, mail, or other telecommunications method, or other nonpersonal method does not satisfy the requirements of this subsection;

(W) services performed as an election official or election worker, if the amount of remuneration received by the individual during the calendar year for services as an election official or election worker is less than \$1,000;

(X) services performed by agricultural workers who are aliens admitted to the United States to perform labor pursuant to section 1101(a)(15)(H)(ii)(a) of the immigration and nationality act;

(Y) services performed by an owner-operator of a motor vehicle that is leased or contracted to a licensed motor carrier with the services of a driver and is not treated under the terms of the lease agreement or contract with the licensed motor carrier as an employee for purposes of the federal insurance contribution act, 26 U.S.C. § 3101 et seq., the federal social security act, 42 U.S.C. § 301 et seq., the federal unemployment tax act, 26 U.S.C. § 3301 et seq., and the federal statutes prescribing income tax withholding at the source, 26 U.S.C. § 3401 et seq. Employees or agents of the owner-operator shall not be considered employees of the licensed motor carrier for purposes of employment security taxation or compensation. As used in this subsection (Y), the following definitions apply: (i) “Motor vehicle” means any automobile, truck-trailer, semitrailer, tractor, motor bus or any other self-propelled or motor-driven vehicle used upon any of the public highways of Kansas for the purpose of transporting persons or property; (ii) “licensed motor carrier” means any person, firm, corporation or other business entity that holds a certificate of convenience and necessity or a certificate of public service from the state corporation commission or is required to register motor carrier equipment pursuant to 49 U.S.C. § 14504; and (iii) “owner-operator” means a person, firm, corporation or other business entity that is the owner of a single motor vehicle that is driven exclusively by the owner under a lease agreement or contract with a licensed motor carrier; and

(Z) services performed by a petroleum landman on a contractual basis. As used in this subparagraph, “petroleum landman” means an individual performing services on a contractual basis who is not an individual who is an active officer of a corporation as described in subsection (i)(1)(A) that may include:

(i) Negotiating for the acquisition or divestiture of mineral rights;

(ii) negotiating business agreements that provide exploration for or development of minerals;

(iii) determining ownership in minerals through the research of public and private records;

(iv) reviewing the status of title, curing title defects, providing title due diligence and otherwise reducing title risk associated with ownership in minerals or the acquisition and divestiture of mineral properties;

(v) managing rights or obligations derived from ownership of interests in minerals; or

(vi) unitizing or pooling of interests in minerals. For purposes of this subparagraph, “minerals” includes oil, natural gas or petroleum. “Services” does not include services performed for a governmental entity or any organization described in section 501(c)(3) of the federal internal revenue code of 1986, or a federally recognized Indian tribe that is exempt from income taxation under section 501(a) of the code.

(j) “Employment office” means any office operated by this state and maintained by the secretary of labor for the purpose of assisting persons to become employed.

(k) “Fund” means the employment security fund established by this act, to which all contributions and reimbursement payments required and from which all benefits provided under this act shall be paid and including all money received from the federal government as reimbursements pursuant to section 204 of the federal-state extended compensation act of 1970, and amendments thereto.

(l) “State” includes, in addition to the states of the United States of America, any dependency of the United States, the Commonwealth of Puerto Rico, the District of Columbia and the Virgin Islands.

(m) “Unemployment.” An individual shall be deemed “unemployed” with respect to any week during which such individual performs no services and with respect to which no wages are payable to such individual, or with respect to any week of less than full-time work if the wages payable to such individual with respect to such week are less than such individual’s weekly benefit amount.

(n) “Employment security administration fund” means the fund established by this act, from which administrative expenses under this act shall be paid.

(o) “Wages” means all compensation for services, including commissions, bonuses, back pay and the cash value of all remuneration, including benefits, paid in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash, shall be estimated and determined in accordance with rules and regulations prescribed by the secretary. Compensation payable to an individual that has not been actually received by that individual within 21 days after the end of the

pay period in which the compensation was earned shall be considered to have been paid on the 21st day after the end of that pay period. Effective January 1, 1986, gratuities, including tips received from persons other than the employing unit, shall be considered wages when reported in writing to the employer by the employee. Employees must furnish a written statement to the employer, reporting all tips received if they total \$20 or more for a calendar month whether the tips are received directly from a person other than the employer or are paid over to the employee by the employer. This includes amounts designated as tips by a customer who uses a credit card to pay the bill. Notwithstanding the other provisions of this subsection (o), wages paid in back pay awards or settlements shall be allocated to the week or weeks and reported in the manner as specified in the award or agreement, or, in the absence of such specificity in the award or agreement, such wages shall be allocated to the week or weeks in which such wages, in the judgment of the secretary, would have been paid. The term “wages” shall not include:

(1) *For calendar years 2016 through 2025*, that part of the remuneration that has been paid in a calendar year to an individual by an employer or such employer’s predecessor in excess of ~~\$3,000 for all calendar years prior to 1972, in excess of \$4,200 for the calendar years 1972 to 1977, inclusive, in excess of \$6,000 for calendar years 1978 to 1982, inclusive, in excess of \$7,000 for the calendar year 1983, in excess of \$8,000 for the calendar years 1984 to 2014, inclusive, and in excess of \$12,000 with respect to employment during calendar year 2015, and in excess of \$14,000 with respect to all calendar years thereafter,~~ except that if the definition of the term “wages” as contained in the federal unemployment tax act is amended to include remuneration paid to an individual by an employer under the federal act in excess of ~~\$8,000 for the calendar years 1984-2014, inclusive, and in excess of \$12,000 with respect to employment during calendar year 2015, and in excess of \$14,000 with respect to all calendar years thereafter~~ *employment during calendar years 2016 through 2025*, wages shall include remuneration paid in a calendar year to an individual by an employer subject to this act or such employer’s predecessor with respect to employment during any calendar year up to an amount equal to the dollar limitation specified in the federal unemployment tax act. For the purposes of this subsection (o)(1), the term “employment” shall include service constituting employment under any employment security law of another state or of the federal government;

(2)(A) *For the calendar year as set forth below, except as provided by subparagraph (B), for contributing rated employers assigned rate groups 0-N11, that part of the remuneration that has been paid in a calendar year to an individual by an employer or such employer’s predecessor in excess of the specified percentage of the statewide average annual wage paid to*

employees in insured work during the previous calendar year and rounded to the nearest multiple of \$100:

- (i) *Calendar years 2026 through 2027, 25%;*
- (ii) *calendar year 2028, 30%;*
- (iii) *calendar year 2029, 35%;*
- (iv) *calendar years 2030 through 2031, 40%; and*
- (v) *calendar year 2032 and all ensuing calendar years thereafter:*
 - (a) *40%, except as provided in subclause (b); and*
 - (b) *45% if any combination of employer rate schedules G through M, as provided in K.S.A. 44-710a(a)(4)(C), and amendments thereto, is in effect for any five consecutive preceding calendar years occurring after calendar year 2031. The specified percentage of 45% shall then remain in effect for all ensuing calendar years thereafter notwithstanding any changes to the employer rate schedules in effect during such ensuing calendar years.*

(B) *If the definition of the term “wages” as contained in the federal unemployment tax act is amended to include the remuneration paid to an individual by an employer under the federal act in excess of the amount calculated pursuant to subparagraph (A), then with respect to employment during all calendar years thereafter, wages shall include the remuneration paid in a calendar year to an individual by an employer subject to this act or such employer’s predecessor with respect to employment during any calendar year up to an amount equal to the dollar limitation specified in the federal unemployment tax act.*

(C) *For purposes of subparagraphs (A) and (B):*

(i) *“Employment” includes service constituting employment under any employment security law of another state or of the federal government; and*

(ii) *“statewide average annual wage” means the statewide average annual wage as defined by subsection (jj) and computed by the secretary on July 1 each year, as provided by K.S.A. 44-704, and amendments thereto;*

~~(2)~~(3) *the amount of any payment, including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment, made to, or on behalf of, an employee or any of such employee’s dependents under a plan or system established by an employer that makes provisions for employees generally, for a class or classes of employees or for such employees or a class or classes of employees and their dependents, on account of:*

(A) *Sickness or accident disability, except in the case of any payment made to an employee or such employee’s dependents, this subparagraph shall exclude from the term “wages” only payments that are received under a workers compensation law. Any third party that makes a payment included as wages by reason of this subparagraph-~~(2)~~(A) shall be treated as the employer with respect to such wages; ~~or~~*

(B) medical and hospitalization expenses in connection with sickness or accident disability; or

(C) death;

~~(3)~~(4) any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an employee after the expiration of six calendar months following the last calendar month in which the employee worked for such employer;

~~(4)~~(5) any payment made to, or on behalf of, an employee or such employee's beneficiary:

(A) From or to a trust described in section 401(a) of the federal internal revenue code of 1986 that is exempt from tax under section 501(a) of the federal internal revenue code of 1986 at the time of such payment unless such payment is made to an employee of the trust as remuneration for services rendered as such employee and not as a beneficiary of the trust;

(B) under or to an annuity plan that, at the time of such payment, is a plan described in section 403(a) of the federal internal revenue code of 1986;

(C) under a simplified employee pension as defined in section 408(k)(1) of the federal internal revenue code of 1986, other than any contribution described in section 408(k)(6) of the federal internal revenue code of 1986;

(D) under or to an annuity contract described in section 403(b) of the federal internal revenue code of 1986, other than a payment for the purchase of such contract that was made by reason of a salary reduction agreement whether evidenced by a written instrument or otherwise;

(E) under or to an exempt governmental deferred compensation plan as defined in section 3121(v)(3) of the federal internal revenue code of 1986;

(F) to supplement pension benefits under a plan or trust described in any of the foregoing provisions of this subparagraph to take into account some portion or all of the increase in the cost of living, as determined by the secretary of labor, since retirement but only if such supplemental payments are under a plan that is treated as a welfare plan under section 3(2)(B)(ii) of the federal employee retirement income security act of 1974; or

(G) under a cafeteria plan within the meaning of section 125 of the federal internal revenue code of 1986;

~~(5)~~(6) the payment by an employing unit, without deduction from the remuneration of the employee, of the tax imposed upon an employee under section 3101 of the federal internal revenue code of 1986 with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor;

~~(6)~~(7) remuneration paid in any medium other than cash to an employee for service not in the course of the employer's trade or business;

~~(7)~~(8) remuneration paid to or on behalf of an employee if and to the extent that at the time of the payment of such remuneration it is reasonable to believe that a corresponding deduction is allowable under section 217 of the federal internal revenue code of 1986 relating to moving expenses;

~~(8)~~(9) any payment or series of payments by an employer to an employee or any of such employee's dependents that is paid:

(A) Upon or after the termination of an employee's employment relationship because of (i) death or (ii) retirement for disability; and

(B) under a plan established by the employer that makes provisions for employees generally, a class or classes of employees or for such employees or a class or classes of employees and their dependents, other than any such payment or series of payments that would have been paid if the employee's employment relationship had not been so terminated;

~~(9)~~(10) remuneration for agricultural labor paid in any medium other than cash;

~~(10)~~(11) any payment made, or benefit furnished, to or for the benefit of an employee if at the time of such payment or such furnishing it is reasonable to believe that the employee will be able to exclude such payment or benefit from income under section 129 of the federal internal revenue code of 1986 that relates to dependent care assistance programs;

~~(11)~~(12) the value of any meals or lodging furnished by or on behalf of the employer if at the time of such furnishing it is reasonable to believe that the employee will be able to exclude such items from income under section 119 of the federal internal revenue code of 1986;

~~(12)~~(13) any payment made by an employer to a survivor or the estate of a former employee after the calendar year in which such employee died;

~~(13)~~(14) any benefit provided to or on behalf of an employee if at the time such benefit is provided it is reasonable to believe that the employee will be able to exclude such benefit from income under section 74(c), 117 or 132 of the federal internal revenue code of 1986;

~~(14)~~(15) any payment made, or benefit furnished, to or for the benefit of an employee, if at the time of such payment or such furnishing it is reasonable to believe that the employee will be able to exclude such payment or benefit from income under section 127 of the federal internal revenue code of 1986 relating to educational assistance to the employee; or

~~(15)~~(16) any payment made to or for the benefit of an employee if at the time of such payment it is reasonable to believe that the employee will be able to exclude such payment from income under section 106(d) of the federal internal revenue code of 1986 relating to health savings accounts.

Nothing in any paragraph of subsection (o), other than paragraph ~~paragraphs~~ (1) and (2), shall exclude from the term “wages”: (1) Any employer contribution under a qualified cash or deferred arrangement, as defined in section 401(k) of the federal internal revenue code of 1986, to the extent that such contribution is not included in gross income by reason of section 402(a)(8) of the federal internal revenue code of 1986; or (2) any amount treated as an employer contribution under section 414(h)(2) of the federal internal revenue code of 1986.

Any amount deferred under a nonqualified deferred compensation plan shall be taken into account for purposes of this section as of the later of when the services are performed or when there is no substantial risk of forfeiture of the rights to such amount. Any amount taken into account as wages by reason of this paragraph, and the income attributable thereto, shall not thereafter be treated as wages for purposes of this section. For purposes of this paragraph, the term “nonqualified deferred compensation plan” means any plan or other arrangement for deferral of compensation other than a plan described in subsection ~~(o)(4)~~ (o)(5).

(p) “Week” means such period or periods of seven consecutive calendar days, as the secretary may by rules and regulations prescribe.

(q) “Calendar quarter” means the period of three consecutive calendar months ending March 31, June 30, September 30 or December 31, or the equivalent thereof as the secretary may by rules and regulations prescribe.

(r) “Insured work” means employment for employers.

(s) “Approved training” means any vocational training course or course in basic education skills, including a job training program authorized under the federal workforce investment act of 1998, approved by the secretary or a person or persons designated by the secretary.

(t) “American vessel” or “American aircraft” means any vessel or aircraft documented or numbered or otherwise registered under the laws of the United States; and any vessel or aircraft that is neither documented or numbered or otherwise registered under the laws of the United States nor documented under the laws of any foreign country, if its crew performs service solely for one or more citizens or residents of the United States or corporations organized under the laws of the United States or of any state.

(u) “Institution of higher education,” for the purposes of this section, means an educational institution that:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) is legally authorized in this state to provide a program of education beyond high school;

(3) provides an educational program for which it awards a bachelor's or higher degree, or provides a program that is acceptable for full credit toward such a degree, a program of postgraduate or postdoctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation; and

(4) is a public or other nonprofit institution.

Notwithstanding any of the foregoing provisions of this subsection (u), all colleges and universities in this state are institutions of higher education for purposes of this section, except that no college, university, junior college or other postsecondary school or institution that is operated by the federal government or any agency thereof shall be an institution of higher education for purposes of the employment security law.

(v) "Educational institution" means any institution of higher education, as defined in subsection (u), or any institution, except private for profit institutions, in which participants, trainees or students are offered an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes or abilities from, by or under the guidance of an instructor or teacher and that is approved, licensed or issued a permit to operate as a school by the state department of education or other government agency that is authorized within the state to approve, license or issue a permit for the operation of a school or to an Indian tribe in the operation of an educational institution. The courses of study or training that an educational institution offers may be academic, technical, trade or preparation for gainful employment in a recognized occupation.

(w) (1) "Agricultural labor" means any remunerated service:

(A) On a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife.

(B) In the employ of the owner or tenant or other operator of a farm, in connection with the operating, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

(C) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section (15)(g) of the agricultural marketing act, as amended, 46 Stat. 1500, sec. 3; 12 U.S.C. § 1141j, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes.

(D) (i) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than $\frac{1}{2}$ of the commodity with respect to which such service is performed;

(ii) in the employ of a group of operators of farms, or a cooperative organization of which such operators are members, in the performance of services described in paragraph (i), but only if such operators produced more than $\frac{1}{2}$ of the commodity with respect to which such service is performed;

(iii) the provisions of paragraphs (i) and (ii) shall not be deemed to be applicable with respect to services performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

(E) On a farm operated for profit if such service is not in the course of the employer's trade or business.

(2) "Agricultural labor" does not include services performed prior to January 1, 1980, by an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214(c) and 101(a)(15)(H) of the federal immigration and nationality act.

(3) As used in this subsection, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(4) For the purpose of this section, if an employing unit does not maintain sufficient records to separate agricultural labor from other employment, all services performed during any pay period by an individual for the person employing such individual shall be deemed to be agricultural labor if services performed during $\frac{1}{2}$ or more of such pay period constitute agricultural labor; but if the services performed during more than $\frac{1}{2}$ of any such pay period by an individual for the person employing such individual do not constitute agricultural labor, then none of the services of such individual for such period shall be deemed to be agricultural labor. As used in this subsection, the term "pay period" means a period of not more than 31 consecutive days for which a payment of remuneration is ordinarily made to the individual by the person employing such individual.

(x) "Reimbursing employer" means any employer who makes payments in lieu of contributions to the employment security fund as provided in K.S.A. 44-710(e), and amendments thereto.

(y) "Contributing employer" means any employer other than a reimbursing employer or rated governmental employer.

(z) “Wage combining plan” means a uniform national arrangement approved by the United States secretary of labor in consultation with the state unemployment compensation agencies and in which this state shall participate, whereby wages earned in one or more states are transferred to another state, called the “paying state,” and combined with wages in the paying state, if any, for the payment of benefits under the laws of the paying state and as provided by an arrangement so approved by the United States secretary of labor.

(aa) “Domestic service” means any services for a person in the operation and maintenance of a private household, local college club or local chapter of a college fraternity or sorority, as distinguished from service as an employee in the pursuit of an employer’s trade, occupation, profession, enterprise or vocation.

(bb) “Rated governmental employer” means any governmental entity that elects to make payments as provided by K.S.A. 44-710d, and amendments thereto.

(cc) “Benefit cost payments” means payments made to the employment security fund by a governmental entity electing to become a rated governmental employer.

(dd) “Successor employer” means any employer, as described in subsection (h), that acquires or in any manner succeeds to: (1) Substantially all of the employing enterprises, organization, trade or business of another employer; or (2) substantially all the assets of another employer.

(ee) “Predecessor employer” means an employer, as described in subsection (h), who has previously operated a business or portion of a business with employment to which another employer has succeeded.

(ff) “Lessor employing unit” means any independently established business entity that engages in the business of providing leased employees to a client lessee.

(gg) “Client lessee” means any individual, organization, partnership, corporation or other legal entity leasing employees from a lessor employing unit.

(hh) “Qualifying injury” means a personal injury by accident arising out of and in the course of employment within the coverage of the Kansas workers compensation act, K.S.A. 44-501 et seq., and amendments.

(ii) “Temporary unemployment,” “temporarily unemployed” or “temporary layoff” means that the individual has been laid off due to lack of work by an employing unit for which the individual has most recently worked full time and for which the individual reasonably expects to resume full-time work at a future date within eight weeks, and that the individual’s employment with the employing unit, although temporarily suspended, has not been terminated. Except as otherwise provided by K.S.A. 44-775(a)(3), and amendments thereto, “temporary unemploy-

ment” shall not exceed eight consecutive weeks. An extension of additional weeks of temporary unemployment at the request of an employer for an individual may be granted by the secretary as provided by K.S.A. 44-775(a)(3), and amendments thereto. The maximum amount of temporary unemployment for an individual in a benefit year, including any extension granted by the secretary, shall be as provided by K.S.A. 44-775(a)(3), and amendments thereto.

(jj) “Statewide average annual wage” or “SAAW” means the quotient, obtained by dividing gross wages by average monthly covered employment for the same determination period, rounded to the nearest cent.

(kk) “Statewide average weekly wage” or “SAWW” means the quotient, obtained by dividing the statewide average annual wage by 52, rounded to the nearest cent.

Sec. 2. K.S.A. 44-704 is hereby amended to read as follows: 44-704. (a) *Payment of benefits.* All benefits provided herein shall be payable from the fund. All benefits shall be paid through the secretary of labor, in accordance with such rules and regulations as the secretary may adopt. Benefits based on service in employment defined in K.S.A. 44-703(i)(3)(E) and (i)(3)(F), and amendments thereto, shall be payable in the same amount, on the same terms and subject to the same conditions as compensation payable on the basis of other service subject to this act except as provided in K.S.A. 44-705(e) and 44-711(e), and amendments thereto.

(b) *Determined weekly benefit amount.* An individual’s determined weekly benefit amount shall be an amount equal to 4.25% of the individual’s total wages for insured work paid during that calendar quarter of the individual’s base period that such total wages were highest, subject to the following limitations:

(1) If an individual’s determined weekly benefit amount is less than the minimum weekly benefit amount, it shall be raised to such minimum weekly benefit amount;

(2) if the individual’s determined weekly benefit amount is more than the maximum weekly benefit amount, it shall be reduced to the maximum weekly benefit amount; and

(3) if the individual’s determined weekly benefit amount is not a multiple of \$1, it shall be reduced to the next lower multiple of \$1.

(c) *Maximum weekly benefit amount.* (1) For initial claims effective prior to July 1, 2015, the maximum weekly benefit amount shall be determined as follows: On July 1 of each year, the secretary shall determine the maximum weekly benefit amount by computing 60% of the average weekly wages paid to employees in insured work during the previous calendar year and shall, prior to that date, announce the maximum weekly benefit amount so determined, by publication in the Kansas register. Such computation shall be made by dividing the gross wages reported as paid for

insured work during the previous calendar year by the product of the average of mid-month employment during such calendar year multiplied by 52. The maximum weekly benefit amount so determined and announced for the twelve-month period shall apply only to those claims filed in that period qualifying for maximum payment under the foregoing formula. All claims qualifying for payment at the maximum weekly benefit amount shall be paid at the maximum weekly benefit amount in effect when the benefit year to which the claim relates was first established, notwithstanding a change in the maximum benefit amount for a subsequent twelve-month period. If the computed maximum weekly benefit amount is not a multiple of \$1, then the computed maximum weekly benefit amount shall be reduced to the next lower multiple of \$1.

(2)—For initial claims effective on or after July 1, 2015 2024, the maximum weekly benefit amount shall be determined as follows: On July 1 of each year, the secretary shall determine the maximum weekly benefit amount by computing 55% of the *statewide* average weekly wages paid to employees in insured work during the previous calendar year; but not to be less than \$474, and shall, prior to that date, announce the maximum weekly benefit amount so determined by publication in the Kansas register. Such computation of the *statewide average weekly wage* shall be made by dividing the ~~gross wages reported as paid for insured work during the previous calendar year by the product of the average of mid-month employment during such calendar year multiplied~~ *statewide average annual wage, as defined in K.S.A. 44-703(jj), and amendments thereto, determined for the period of the previous calendar year, by 52, as set forth by K.S.A. 44-703(kk), and amendments thereto.* The maximum weekly benefit amount so determined and announced for the 12-month period shall apply only to those claims filed in that period qualifying for maximum payment under the foregoing formula. All claims qualifying for payment at the maximum weekly benefit amount shall be paid at the maximum weekly benefit amount in effect when the benefit year to which the claim relates was first established, notwithstanding a change in the maximum benefit amount for a subsequent 12-month period. If the computed maximum weekly benefit amount is not a multiple of \$1, then the computed maximum weekly benefit amount shall be reduced to the next lower multiple of \$1.

(d) *Minimum weekly benefit amount.* The minimum weekly benefit amount payable to any individual shall be 25% of the maximum weekly benefit amount effective as of the beginning of the individual's benefit year. If the minimum weekly benefit amount is not a multiple of \$1 it shall be reduced to the next lower multiple of \$1. The minimum weekly benefit amount shall apply through the benefit year, notwithstanding a change in the minimum weekly benefit amount.

(e) All claims qualifying for payment at the maximum weekly benefit amount shall be paid at the maximum weekly benefit amount in effect when the benefit year to which the claim relates was first established, notwithstanding a subsequent change in the maximum weekly benefit amount.

(f) *Weekly benefit payable.* Each eligible individual who is unemployed with respect to any week, except as to final payment, shall be paid with respect to such week a benefit in an amount equal to such individual's determined weekly benefit amount, less that part of the wage, if any, payable to such individual with respect to such week that is in excess of the amount that is equal to 25% of such individual's determined weekly benefit amount, and if the resulting amount is not a multiple of \$1, it shall be reduced to the next lower multiple of \$1.

(1) For the purposes of this section, remuneration received under the following circumstances shall be construed as wages:

(A) Vacation or holiday pay that was attributable to a week that the individual claimed benefits; and

(B) severance pay, if paid as scheduled, and all other employment benefits within the employer's control, as defined in subsection (f)(3), if continued as though the severance had not occurred, except as set out in subsection (f)(2)(C).

(2) For the purposes of this section, remuneration received under the following circumstances shall not be construed as wages:

(A) Remuneration received for services performed on a public assistance work project;

(B) severance pay, in lieu of notice, under the provisions of public law 100-379, the federal worker adjustment and retraining notification act, 29 U.S.C. §§ 2101 through 2109;

(C) all other severance pay, separation pay, bonuses, wages in lieu of notice or remuneration of a similar nature that is payable after the severance of the employment relationship, except as set out in subsection (f)(1)(B); and

(D) moneys received as federal social security payments.

(3) For the purposes of this subsection, "employment benefits within the employer's control" means benefits offered by the employer to employees that are employee benefit plans as defined by section 3 of the federal employee retirement income security act of 1974, as amended, 29 U.S.C. § 1002, and that the employer has the option to continue to provide to the employee after the last day that the employee worked for that employer.

(g) *Duration of benefits.* Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to whichever is the lesser of 26 times such individual's weekly benefit amount, or

$\frac{1}{3}$ of such individual's wages for insured work paid during such individual's base period. Such total amount of benefits, if not a multiple of \$1, shall be reduced to the next lower multiple of \$1.

(h) For the purposes of this section, wages shall be counted as "wages for insured work" for benefit purposes with respect to any benefit year only if such benefit year begins subsequent to the date when the employing unit by whom such wages were paid has satisfied the conditions of K.S.A. 44-703(h), and amendments thereto, with respect to becoming an employer.

(i) Notwithstanding any other provisions of this section to the contrary, any benefit otherwise payable for any week shall be reduced by the amount of any separation, termination, severance or other similar payment paid to a claimant at the time of or after the claimant's separation from employment during the benefit year.

(1) If any payment pursuant to this subsection is paid with respect to a month, then the amount deemed to be received with respect to any week during such month shall be computed by multiplying such monthly amount by 12 and dividing the product by 52. If there is no designation of the period with respect to which payments to an individual are made under this section, then an amount equal to such individual's normal weekly wage shall be attributed to and deemed paid with respect to the first and each succeeding week following payment of the separation pay to the individual until such amount so paid is exhausted.

(2) If benefits for any week, when reduced as provided in this subsection, result in an amount that is not a multiple of \$1, such benefits shall be rounded to the next lower multiple of \$1.

(3) Notwithstanding the reemployment provisions of K.S.A. 44-705(e), and amendments thereto, any individual whose benefit amount is completely reduced under this subsection for 52 or more weeks shall, upon exhaustion of the separation pay, be entitled to a new benefit year based upon entitlement from the base period of the claim that was reduced.

~~(j) Except as provided in subsection (k), for weeks commencing on and after January 1, 2014, and ending before September 5, 2021, if at the beginning of the benefit year, the three month seasonally adjusted average unemployment rate for the state of Kansas is: (1) Less than 4.5%, a claimant shall be eligible for a maximum of 16 weeks of benefits; (2) at least 4.5% but less than 6%, a claimant shall be eligible for a maximum of 20 weeks of benefits; or (3) at least 6%, a claimant shall be eligible for a maximum of 26 weeks of benefits.~~

~~(k) On and after the effective date of this act, a claimant shall be eligible for a maximum of 26 weeks of benefits. A claimant who filed a new claim on or after January 1, 2020, and before the effective date of this act shall be eligible for a maximum of 26 weeks of benefits including the~~

number of weeks of benefits received after January 1, 2020, and before the effective date of this act. This subsection shall not apply to initial claims effective on and after September 5, 2021.

(4)(1) For weeks commencing on and after September 5, 2021, if at the beginning of the benefit year, the three-month seasonally adjusted average unemployment rate for the state of Kansas is: (1) Less than 5%, a claimant shall be eligible for a maximum of 16 weeks of benefits; (2) at least 5% but less than 6%, a claimant shall be eligible for a maximum of 20 weeks of benefits; or (3) at least 6%, a claimant shall be eligible for a maximum of 26 weeks of benefits.

(2) *The maximum number of weeks of benefits allowed in a benefit year pursuant to paragraph (1) shall apply to the combined total of any weeks of traditional and temporary unemployment in such benefit year.*

~~(m)~~(k) Upon the secretary of labor's receipt of notification that the claimant has become employed, the secretary shall notify the secretary of the department for children and families in order that the secretary for children and families may determine the claimant's eligibility for state or federal benefits provided or facilitated by the department for children and families. The department of labor and the department for children and families shall enter into a memorandum of understanding that shall provide for the transfer of information as provided in this subsection.

Sec. 3. K.S.A. 44-705 is hereby amended to read as follows: 44-705. Except as provided by K.S.A. 44-757, and amendments thereto, an unemployed individual shall be eligible to receive benefits with respect to any week only if the secretary, or a person or persons designated by the secretary, finds that:

(a) The claimant has registered for work at and thereafter continued to report at an employment office in accordance with rules and regulations adopted by the secretary, except that, subject to the provisions of K.S.A. 44-704(a), and amendments thereto, the secretary may adopt rules and regulations that waive or alter either or both of the requirements of this subsection.

(b) The claimant has made a claim for benefits with respect to such week in accordance with rules and regulations adopted by the secretary.

(c) (1) The claimant is able to perform the duties of such claimant's customary occupation or the duties of other occupations that the claimant is reasonably fitted by training or experience, and is available for work, as demonstrated by the claimant's pursuit of the full course of action most reasonably calculated to result in the claimant's reemployment except that, notwithstanding any other provisions of this section, an unemployed claimant otherwise eligible for benefits shall not become ineligible for benefits:

(A) Because of the claimant's enrollment in and satisfactory pursuit of approved training, including training approved under section 236(a)(1) of the trade act of 1974;

(B) solely because such individual is seeking only part-time employment if the individual is available for a number of hours per week that are comparable to the individual's part-time work experience in the base period; or

(C) because a claimant is not actively seeking work:

(i) During a state of disaster emergency proclaimed by the governor pursuant to K.S.A. 48-924 and 48-925, and amendments thereto;

(ii) in response to the spread of the public health emergency of COVID-19; and

(iii) the state's temporary waiver of the work search requirement under the employment security law for such claimant is in compliance with the families first coronavirus response act, public law 116-127.

(2) The secretary shall develop and implement procedures to address claimants who refuse to return to suitable work or refuse to accept an offer of suitable work without good cause. Such procedures shall include the receipt and processing of job refusal reports from employers, the evaluation of such reports in consideration of the claimant's work history and skills and suitability of the offered employment and guidelines for a determination of whether the claimant shall remain eligible for unemployment benefits or has failed to meet the work search requirements of this subsection or the requirements of K.S.A. 44-706(c), and amendments thereto. In determining whether the employment offered is suitable, the secretary's considerations shall include whether the employment offers wages comparable to the claimant's recent employment and work duties that correspond to the claimant's education level and previous work experience. The secretary shall also consider whether the employment offers wages of at least the amount of the claimant's maximum weekly benefits.

(3) To facilitate the requirements of paragraph (2), the secretary shall provide readily accessible means for employers to notify the department when a claimant refuses to return to work or refuses an offer of employment, including by telephone, email or an online web portal. *The secretary shall create or cause to be created in the new unemployment insurance information technology system as provided by K.S.A. 44-772, and amendments thereto, an audit process for employers to submit reports regarding activities related to the work search requirement or to the my reemployment plan, established by K.S.A. 44-775, and amendments thereto, and applicants that accept interview appointments but do not participate or notify the interviewing employer of their inability to participate in the scheduled interview. The secretary shall not be required to implement such audit process prior to January 1, 2026.* Nothing in this subsection

shall be construed as to require an employer to ~~report~~ *notify the department of such job refusals or such failures to appear for a scheduled interview without notifying the interviewing employer* to the department.

(4) At the time of receipt of notice from an employer pursuant to paragraph (3), the secretary shall, within 10 business days of receipt of such notice from the employer, provide a notice to the claimant who has refused to return to work or to accept an offer of suitable work without good cause. The method of providing the notice to the claimant shall be consistent with other correspondence from the department to the claimant and may include mail, telephone, email or through an online web portal. The notice shall, at minimum, include the following information:

(A) A summary of state employment security law regarding a claimant's duties to return to work or accept suitable work;

(B) a statement that the claimant has been or may be disqualified and the claimant's right to collect benefits has been or may be terminated for refusal to return to work or accept suitable work without good cause, as provided by this subsection and K.S.A. 44-706(c), and amendments thereto;

(C) an explanation of what constitutes suitable work under the employment security law; and

(D) instructions for contesting a denial of a claim if the denial is based upon a report by an employer that the claimant has refused to return to work or has refused to accept an offer of suitable work.

(5) *The secretary shall include notices to all active employers regarding work search noncompliance reporting options provided in paragraph (3) in the department of labor's annual summary of benefit charges pursuant to K.S.A. 44-710b(d), and amendments thereto, and in the rate notices to employers pursuant to K.S.A. 44-710b(a), and amendments thereto. The secretary shall not be required to implement such notice requirements prior to the completion of the new unemployment insurance information technology system, as provided by K.S.A. 44-772, and amendments thereto.*

~~(5)~~(6) For the purposes of this subsection, an inmate of a custodial or correctional institution shall be deemed to be unavailable for work and not eligible to receive unemployment compensation while incarcerated.

(d) (1) Except as provided further, the claimant has been unemployed for a waiting period of one week or the claimant is unemployed and has satisfied the requirement for a waiting period of one week under the shared work unemployment compensation program as provided in K.S.A. 44-757(k)(4), and amendments thereto, and that period of one week, in either case, occurs within the benefit year that includes the week for which the claimant is claiming benefits. No week shall be counted as a week of unemployment for the purposes of this subsection:

(A) If benefits have been paid for such week;
(B) if the individual fails to meet with the other eligibility requirements of this section; or
(C) if an individual is seeking unemployment benefits under the unemployment compensation law of any other state or of the United States, except that if the appropriate agency of such state or of the United States finally determines that the claimant is not entitled to unemployment benefits under such other law, this subparagraph shall not apply.

(2) (A) The waiting week requirement of paragraph (1) shall not apply to:

(i) New claims by claimants who become unemployed as a result of an employer terminating business operations within this state, declaring bankruptcy or initiating a work force reduction pursuant to public law 100-379, the federal worker adjustment and retraining notification act, 29 U.S.C. §§ 2101 through 2109, as amended; or

(ii) new claims filed on or after April 5, 2020, through December 26, 2020, in accordance with the families first coronavirus response act, public law 116-127 and the federal CARES act, public law 116-136.

(B) The secretary shall adopt rules and regulations to administer the provisions of this paragraph.

(3) If the waiting week requirement of paragraph (1) applies, a claimant shall become eligible to receive compensation for the waiting period of one week, pursuant to paragraph (1), upon completion of three weeks of unemployment consecutive to such waiting period. This paragraph shall not apply to initial claims effective on and after April 1, 2021.

(e) For benefit years established on and after the effective date of this act, the claimant has been paid total wages for insured work in the claimant's base period of not less than 30 times the claimant's weekly benefit amount and has been paid wages in more than one quarter of the claimant's base period, except that the wage credits of an individual earned during the period commencing with the end of a prior base period and ending on the date that such individual filed a valid initial claim shall not be available for benefit purposes in a subsequent benefit year unless, in addition thereto, such individual has returned to work and subsequently earned wages for insured work in an amount equal to at least eight times the claimant's current weekly benefit amount.

(f) The claimant participates in reemployment services, such as job search assistance services, if the individual has been determined to be likely to exhaust regular benefits and needs reemployment services pursuant to a profiling system established by the secretary, unless the secretary determines that: (1) The individual has completed such services; or (2) there is justifiable cause for the claimant's failure to participate in such services.

(g) The claimant is returning to work after a qualifying injury and has been paid total wages for insured work in the claimant's alternative base period of not less than 30 times the claimant's weekly benefit amount and has been paid wages in more than one quarter of the claimant's alternative base period if:

(1) The claimant has filed for benefits within four weeks of being released to return to work by a licensed and practicing health care provider;

(2) the claimant files for benefits within 24 months of the date the qualifying injury occurred; and

(3) the claimant attempted to return to work with the employer where the qualifying injury occurred, but the individual's regular work or comparable and suitable work was not available.

Sec. 4. K.S.A. 44-706 is hereby amended to read as follows: 44-706. The secretary shall examine whether an individual has separated from employment for each week claimed. The secretary shall apply the provisions of this section to the individual's most recent employment prior to the week claimed. An individual shall be disqualified for benefits:

(a) If the individual left work voluntarily without good cause attributable to the work or the employer, subject to the other provisions of this subsection. For purposes of this subsection, "good cause" is cause of such gravity that would impel a reasonable, not supersensitive, individual exercising ordinary common sense to leave employment. Good cause requires a showing of good faith of the individual leaving work, including the presence of a genuine desire to work. Failure to return to work after expiration of approved personal or medical leave, or both, shall be considered a voluntary resignation. After a temporary job assignment, failure of an individual to affirmatively request an additional assignment on the next succeeding workday, if required by the employment agreement, after completion of a given work assignment, shall constitute leaving work voluntarily. The disqualification shall begin the day following the separation and shall continue until after the individual has become reemployed and has had earnings from insured work of at least three times the individual's weekly benefit amount. An individual shall not be disqualified under this subsection if:

(1) The individual was forced to leave work because of illness or injury upon the advice of a licensed and practicing health care provider and, upon learning of the necessity for absence, immediately notified the employer thereof, or the employer consented to the absence, and after recovery from the illness or injury, when recovery was certified by a practicing health care provider, the individual returned to the employer and offered to perform services and the individual's regular work or comparable and suitable work was not available. As used in this paragraph "health care provider" means any person licensed by the proper licensing author-

ity of any state to engage in the practice of medicine and surgery, osteopathy, chiropractic, dentistry, optometry, podiatry or psychology;

(2) the individual left temporary work to return to the regular employer;

(3) the individual left work to enlist in the armed forces of the United States, but was rejected or delayed from entry;

(4) the spouse of an individual who is a member of the armed forces of the United States who left work because of the voluntary or involuntary transfer of the individual's spouse from one job to another job, which is for the same employer or for a different employer, at a geographic location which makes it unreasonable for the individual to continue work at the individual's job. For the purposes of this provision the term "armed forces" means active duty in the army, navy, marine corps, air force, coast guard or any branch of the military reserves of the United States;

(5) the individual left work because of hazardous working conditions; in determining whether or not working conditions are hazardous for an individual, the degree of risk involved to the individual's health, safety and morals, the individual's physical fitness and prior training and the working conditions of workers engaged in the same or similar work for the same and other employers in the locality shall be considered; as used in this paragraph, "hazardous working conditions" means working conditions that could result in a danger to the physical or mental well-being of the individual; each determination as to whether hazardous working conditions exist shall include, but shall not be limited to, a consideration of: (A) The safety measures used or the lack thereof; and (B) the condition of equipment or lack of proper equipment; no work shall be considered hazardous if the working conditions surrounding the individual's work are the same or substantially the same as the working conditions generally prevailing among individuals performing the same or similar work for other employers engaged in the same or similar type of activity;

(6) the individual left work to enter training approved under section 236(a)(1) of the federal trade act of 1974, provided the work left is not of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the federal trade act of 1974, and wages for such work are not less than 80% of the individual's average weekly wage as determined for the purposes of the federal trade act of 1974;

(7) the individual left work because of unwelcome harassment of the individual by the employer or another employee of which the employing unit had knowledge and that would impel the average worker to give up such worker's employment;

(8) the individual left work to accept better work; each determination as to whether or not the work accepted is better work shall include, but

shall not be limited to, consideration of: (A) The rate of pay, the hours of work and the probable permanency of the work left as compared to the work accepted; (B) the cost to the individual of getting to the work left in comparison to the cost of getting to the work accepted; and (C) the distance from the individual's place of residence to the work accepted in comparison to the distance from the individual's residence to the work left;

(9) the individual left work as a result of being instructed or requested by the employer, a supervisor or a fellow employee to perform a service or commit an act in the scope of official job duties which is in violation of an ordinance or statute;

(10) the individual left work because of a substantial violation of the work agreement by the employing unit and, before the individual left, the individual had exhausted all remedies provided in such agreement for the settlement of disputes before terminating. For the purposes of this paragraph, a demotion based on performance does not constitute a violation of the work agreement;

(11) after making reasonable efforts to preserve the work, the individual left work due to a personal emergency of such nature and compelling urgency that it would be contrary to good conscience to impose a disqualification; or

(12) (A) the individual left work due to circumstances resulting from domestic violence, including:

(i) The individual's reasonable fear of future domestic violence at or en route to or from the individual's place of employment;

(ii) the individual's need to relocate to another geographic area in order to avoid future domestic violence;

(iii) the individual's need to address the physical, psychological and legal impacts of domestic violence;

(iv) the individual's need to leave employment as a condition of receiving services or shelter from an agency which provides support services or shelter to victims of domestic violence; or

(v) the individual's reasonable belief that termination of employment is necessary to avoid other situations which may cause domestic violence and to provide for the future safety of the individual or the individual's family.

(B) An individual may prove the existence of domestic violence by providing one of the following:

(i) A restraining order or other documentation of equitable relief by a court of competent jurisdiction;

(ii) a police record documenting the abuse;

(iii) documentation that the abuser has been convicted of one or more of the offenses enumerated in articles 34 and 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54 or 55 of

chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6422, and amendments thereto, where the victim was a family or household member;

(iv) medical documentation of the abuse;

(v) a statement provided by a counselor, social worker, health care provider, clergy, shelter worker, legal advocate, domestic violence or sexual assault advocate or other professional who has assisted the individual in dealing with the effects of abuse on the individual or the individual's family; or

(vi) a sworn statement from the individual attesting to the abuse.

(C) No evidence of domestic violence experienced by an individual, including the individual's statement and corroborating evidence, shall be disclosed by the department of labor unless consent for disclosure is given by the individual.

(b) If the individual has been discharged or suspended for misconduct connected with the individual's work. The disqualification shall begin the day following the separation and shall continue until after the individual becomes reemployed and in cases where the disqualification is due to discharge for misconduct has had earnings from insured work of at least three times the individual's determined weekly benefit amount, except that if an individual is discharged for gross misconduct connected with the individual's work, such individual shall be disqualified for benefits until such individual again becomes employed and has had earnings from insured work of at least eight times such individual's determined weekly benefit amount. In addition, all wage credits attributable to the employment from which the individual was discharged for gross misconduct connected with the individual's work shall be canceled. No such cancellation of wage credits shall affect prior payments made as a result of a prior separation.

(1) For the purposes of this subsection, "misconduct" is defined as a violation of a duty or obligation reasonably owed the employer as a condition of employment including, but not limited to, a violation of a company rule, including a safety rule, if: (A) The individual knew or should have known about the rule; (B) the rule was lawful and reasonably related to the job; and (C) the rule was fairly and consistently enforced.

(2) (A) Failure of the employee to notify the employer of an absence and an individual's leaving work prior to the end of such individual's assigned work period without permission shall be considered prima facie evidence of a violation of a duty or obligation reasonably owed the employer as a condition of employment.

(B) For the purposes of this subsection, misconduct shall include, but not be limited to, violation of the employer's reasonable attendance expectations if the facts show:

(i) The individual was absent or tardy without good cause;

(ii) the individual had knowledge of the employer's attendance expectation; and

(iii) the employer gave notice to the individual that future absence or tardiness may or will result in discharge.

(C) For the purposes of this subsection, if an employee disputes being absent or tardy without good cause, the employee shall present evidence that a majority of the employee's absences or tardiness were for good cause. If the employee alleges that the employee's repeated absences or tardiness were the result of health related issues, such evidence shall include documentation from a licensed and practicing health care provider as defined in subsection (a)(1).

(3) (A) The term "gross misconduct" as used in this subsection shall be construed to mean conduct evincing extreme, willful or wanton misconduct as defined by this subsection. Gross misconduct shall include, but not be limited to: (i) Theft; (ii) fraud; (iii) intentional damage to property; (iv) intentional infliction of personal injury; or (v) any conduct that constitutes a felony.

(B) For the purposes of this subsection, the following shall be conclusive evidence of gross misconduct:

(i) The use of alcoholic liquor, cereal malt beverage or a nonprescribed controlled substance by an individual while working;

(ii) the impairment caused by alcoholic liquor, cereal malt beverage or a nonprescribed controlled substance by an individual while working;

(iii) a positive breath alcohol test or a positive chemical test, provided:

(a) The test was either:

(1) Required by law and was administered pursuant to the drug free workplace act, 41 U.S.C. § 701 et seq.;

(2) administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment;

(3) requested pursuant to a written policy of the employer of which the employee had knowledge and was a required condition of employment;

(4) required by law and the test constituted a required condition of employment for the individual's job; or

(5) there was reasonable suspicion to believe that the individual used, had possession of, or was impaired by alcoholic liquor, cereal malt beverage or a nonprescribed controlled substance while working;

(b) the test sample was collected either:

(1) As prescribed by the drug free workplace act, 41 U.S.C. § 701 et seq.;

(2) as prescribed by an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment;

(3) as prescribed by the written policy of the employer of which the employee had knowledge and which constituted a required condition of employment;

(4) as prescribed by a test which was required by law and which constituted a required condition of employment for the individual's job; or

(5) at a time contemporaneous with the events establishing probable cause;

(c) the collecting and labeling of a chemical test sample was performed by a licensed health care professional or any other individual certified pursuant to paragraph (b)(3)(A)(iii)(f) or authorized to collect or label test samples by federal or state law, or a federal or state rule or regulation having the force or effect of law, including law enforcement personnel;

(d) the chemical test was performed by a laboratory approved by the United States department of health and human services or licensed by the department of health and environment, except that a blood sample may be tested for alcohol content by a laboratory commonly used for that purpose by state law enforcement agencies;

(e) the chemical test was confirmed by gas chromatography, gas chromatography-mass spectroscopy or other comparably reliable analytical method, except that no such confirmation is required for a blood alcohol sample or a breath alcohol test;

(f) the breath alcohol test was administered by an individual trained to perform breath tests, the breath testing instrument used was certified and operated strictly according to a description provided by the manufacturers and the reliability of the instrument performance was assured by testing with alcohol standards; and

(g) the foundation evidence establishes, beyond a reasonable doubt, that the test results were from the sample taken from the individual;

(iv) an individual's refusal to submit to a chemical test or breath alcohol test, provided:

(a) The test meets the standards of the drug free workplace act, 41 U.S.C. § 701 et seq.;

(b) the test was administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment;

(c) the test was otherwise required by law and the test constituted a required condition of employment for the individual's job;

(d) the test was requested pursuant to a written policy of the employer of which the employee had knowledge and was a required condition of employment; or

(e) there was reasonable suspicion to believe that the individual used, possessed or was impaired by alcoholic liquor, cereal malt beverage or a nonprescribed controlled substance while working;

- (v) an individual's dilution or other tampering of a chemical test.
- (C) For purposes of this subsection:
 - (i) "Alcohol concentration" means the number of grams of alcohol per 210 liters of breath;
 - (ii) "alcoholic liquor" means the same as provided in K.S.A. 41-102, and amendments thereto;
 - (iii) "cereal malt beverage" means the same as provided in K.S.A. 41-2701, and amendments thereto;
 - (iv) "chemical test" includes, but is not limited to, tests of urine, blood or saliva;
 - (v) "controlled substance" means the same as provided in K.S.A. 21-5701, and amendments thereto;
 - (vi) "required by law" means required by a federal or state law, a federal or state rule or regulation having the force and effect of law, a county resolution or municipal ordinance, or a policy relating to public safety adopted in an open meeting by the governing body of any special district or other local governmental entity;
 - (vii) "positive breath test" means a test result showing an alcohol concentration of 0.04 or greater, or the levels listed in 49 C.F.R. part 40, if applicable, unless the test was administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment, in which case "positive chemical test" shall mean a test result showing an alcohol concentration at or above the levels provided for in the assistance or treatment program;
 - (viii) "positive chemical test" means a chemical result showing a concentration at or above the levels listed in K.S.A. 44-501, and amendments thereto, or 49 C.F.R. part 40, as applicable, for the drugs or abuse listed therein, unless the test was administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment, in which case "positive chemical test" means a chemical result showing a concentration at or above the levels provided for in the assistance or treatment program.
- (4) An individual shall not be disqualified under this subsection if the individual is discharged under the following circumstances:
 - (A) The employer discharged the individual after learning the individual was seeking other work or when the individual gave notice of future intent to quit, except that the individual shall be disqualified after the time at which such individual intended to quit and any individual who commits misconduct after such individual gives notice to such individual's intent to quit shall be disqualified;
 - (B) the individual was making a good-faith effort to do the assigned work but was discharged due to:

- (i) Inefficiency;
- (ii) unsatisfactory performance due to inability, incapacity or lack of training or experience;
- (iii) isolated instances of ordinary negligence or inadvertence;
- (iv) ~~good faith~~ *good faith* errors in judgment or discretion; or
- (v) unsatisfactory work or conduct due to circumstances beyond the individual's control; or

(C) the individual's refusal to perform work in excess of the contract of hire.

(c) If the individual has failed, without good cause, to either apply for suitable work when so directed by the employment office of the secretary of labor, or to accept suitable work when offered to the individual by the employment office, the secretary of labor, or an employer, such disqualification shall begin with the week in which such failure occurred and shall continue until the individual becomes reemployed and has had earnings from insured work of at least three times such individual's determined weekly benefit amount. In determining whether or not any work is suitable for an individual, the secretary of labor, or a person or persons designated by the secretary, shall consider the degree of risk involved to health, safety and morals, physical fitness and prior training, experience and prior earnings, length of unemployment and prospects for securing local work in the individual's customary occupation or work for which the individual is reasonably fitted by training or experience, and the distance of the available work from the individual's residence. Notwithstanding any other provisions of this act, an otherwise eligible individual shall not be disqualified for refusing an offer of suitable employment, or failing to apply for suitable employment when notified by an employment office, or for leaving the individual's most recent work accepted during approved training, including training approved under section 236(a)(1) of the trade act of 1974, if the acceptance of or applying for suitable employment or continuing such work would require the individual to terminate approved training and no work shall be deemed suitable and benefits shall not be denied under this act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (1) If the position offered is vacant due directly to a strike, lockout or other labor dispute; (2) if the remuneration, hours or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (3) if as a condition of being employed, the individual would be required to join or to resign from or refrain from joining any labor organization; and (4) if the individual left employment as a result of domestic violence, and the position offered does not reasonably accommodate the individual's physical, psychological, safety, or legal needs relating to such domestic violence.

(d) For any week with respect to which the secretary of labor, or a person or persons designated by the secretary, finds that the individual's unemployment is due to a stoppage of work which exists because of a labor dispute or there would have been a work stoppage had normal operations not been maintained with other personnel previously and currently employed by the same employer at the factory, establishment or other premises at which the individual is or was last employed, except that this subsection (d) shall not apply if it is shown to the satisfaction of the secretary of labor, or a person or persons designated by the secretary, that: (1) The individual is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and (2) the individual does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs any of whom are participating in or financing or directly interested in the dispute. If in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purpose of this subsection be deemed to be a separate factory, establishment or other premises. For the purposes of this subsection, failure or refusal to cross a picket line or refusal for any reason during the continuance of such labor dispute to accept the individual's available and customary work at the factory, establishment or other premises where the individual is or was last employed shall be considered as participation and interest in the labor dispute.

(e) For any week with respect to which or a part of which the individual has received or is seeking unemployment benefits under the unemployment compensation law of any other state or of the United States, except that if the appropriate agency of such other state or the United States finally determines that the individual is not entitled to such unemployment benefits, this disqualification shall not apply.

(f) For any week with respect to which the individual is entitled to receive any unemployment allowance or compensation granted by the United States under an act of congress to ex-service men and women in recognition of former service with the military or naval services of the United States.

(g) If the individual, or another in such individual's behalf with the knowledge of the individual, has knowingly made a false statement or representation, or has knowingly failed to disclose a material fact to obtain or increase benefits under this act or any other unemployment compensation law administered by the secretary of labor, unless the individual has repaid the full amount of the overpayment as determined by the secretary or the secretary's designee, including, but not limited to, the total amount

of money erroneously paid as benefits or unlawfully obtained, interest, penalties and any other costs or fees provided by law. If the individual has made such repayment, the individual shall be disqualified for a period of one year for the first occurrence or five years for any subsequent occurrence, beginning with the first day following the date the department of labor confirmed the individual has successfully repaid the full amount of the overpayment. In addition to the penalties set forth in K.S.A. 44-719, and amendments thereto, an individual who has knowingly made a false statement or representation or who has knowingly failed to disclose a material fact to obtain or increase benefits under this act or any other unemployment compensation law administered by the secretary of labor shall be liable for a penalty in the amount equal to 25% of the amount of benefits unlawfully received. Notwithstanding any other provision of law, such penalty shall be deposited into the employment security trust fund. No person who is a victim of identity theft shall be subject to the provisions of this subsection. The secretary shall investigate all cases of an alleged false statement or representation or failure to disclose a material fact to ensure no victim of identity theft is disqualified, required to repay or subject to any penalty as provided by this subsection as a result of identity theft.

(h) For any week with respect to which the individual is receiving compensation for temporary total disability or permanent total disability under the workmen's compensation law of any state or under a similar law of the United States.

(i) For any week of unemployment on the basis of service in an instructional, research or principal administrative capacity for an educational institution as defined in K.S.A. 44-703(v), and amendments thereto, if such week begins during the period between two successive academic years or terms or, when an agreement provides instead for a similar period between two regular but not successive terms during such period or during a period of paid sabbatical leave provided for in the individual's contract, if the individual performs such services in the first of such academic years or terms and there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms.

(j) For any week of unemployment on the basis of service in any capacity other than service in an instructional, research, or administrative capacity in an educational institution, as defined in K.S.A. 44-703(v), and amendments thereto, if such week begins during the period between two successive academic years or terms if the individual performs such services in the first of such academic years or terms and there is a reasonable assurance that the individual will perform such services in the second of such academic years or terms, except that if benefits are denied to the individual under this subsection and the individual was not offered an op-

portunity to perform such services for the educational institution for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which benefits were denied solely by reason of this subsection.

(k) For any week of unemployment on the basis of service in any capacity for an educational institution as defined in K.S.A. 44-703(v), and amendments thereto, if such week begins during an established and customary vacation period or holiday recess, if the individual performs services in the period immediately before such vacation period or holiday recess and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(l) For any week of unemployment on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, if such week begins during the period between two successive sport seasons or similar period if such individual performed services in the first of such seasons or similar periods and there is a reasonable assurance that such individual will perform such services in the later of such seasons or similar periods.

(m) For any week on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed, including an alien who was lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) of the federal immigration and nationality act. Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits. In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of such individual's alien status shall be made except upon a preponderance of the evidence.

(n) For any week in which an individual is receiving a governmental or other pension, retirement or retired pay, annuity or other similar periodic payment under a plan maintained by a base period employer and to which the entire contributions were provided by such employer, except that: (1) If the entire contributions to such plan were provided by the base period employer but such individual's weekly benefit amount exceeds such governmental or other pension, retirement or retired pay, annuity or other similar periodic payment attributable to such week, the weekly benefit amount payable to the individual shall be reduced, but

not below zero, by an amount equal to the amount of such pension, retirement or retired pay, annuity or other similar periodic payment which is attributable to such week; or (2) if only a portion of contributions to such plan were provided by the base period employer, the weekly benefit amount payable to such individual for such week shall be reduced, but not below zero, by the prorated weekly amount of the pension, retirement or retired pay, annuity or other similar periodic payment after deduction of that portion of the pension, retirement or retired pay, annuity or other similar periodic payment that is directly attributable to the percentage of the contributions made to the plan by such individual; or (3) if the entire contributions to the plan were provided by such individual, or by the individual and an employer, or any person or organization, who is not a base period employer, no reduction in the weekly benefit amount payable to the individual for such week shall be made under this subsection; or (4) whatever portion of contributions to such plan were provided by the base period employer, if the services performed for the employer by such individual during the base period, or remuneration received for the services, did not affect the individual's eligibility for, or increased the amount of, such pension, retirement or retired pay, annuity or other similar periodic payment, no reduction in the weekly benefit amount payable to the individual for such week shall be made under this subsection. No reduction shall be made for payments made under the social security act or railroad retirement act of 1974.

(o) For any week of unemployment on the basis of services performed in any capacity and under any of the circumstances described in subsection (i), (j) or (k) that an individual performed in an educational institution while in the employ of an educational service agency. For the purposes of this subsection, the term "educational service agency" means a governmental agency or entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions.

(p) For any week of unemployment on the basis of service as a school bus or other motor vehicle driver employed by a private contractor to transport pupils, students and school personnel to or from school-related functions or activities for an educational institution, as defined in K.S.A. 44-703(v), and amendments thereto, if such week begins during the period between two successive academic years or during a similar period between two regular terms, whether or not successive, if the individual has a contract or contracts, or a reasonable assurance thereof, to perform services in any such capacity with a private contractor for any educational institution for both such academic years or both such terms. An individual shall not be disqualified for benefits as provided in this subsection for any week of unemployment:

(1) *That the individual is a participating employee in a short-term compensation program established pursuant to K.S.A. 44-757, and amendments thereto; or*

(2) on the basis of service as a bus or other motor vehicle driver employed by a private contractor to transport persons to or from nonschool-related functions or activities.

(q) For any week of unemployment on the basis of services performed by the individual in any capacity and under any of the circumstances described in subsection (i), (j), (k) or (o) which are provided to or on behalf of an educational institution, as defined in K.S.A. 44-703(v), and amendments thereto, while the individual is in the employ of an employer which is a governmental entity, Indian tribe or any employer described in section 501(c)(3) of the federal internal revenue code of 1986 which is exempt from income under section 501(a) of the code.

(r) For any week in which an individual is registered at and attending an established school, training facility or other educational institution, or is on vacation during or between two successive academic years or terms. An individual shall not be disqualified for benefits as provided in this subsection provided:

(1) The individual was engaged in full-time employment concurrent with the individual's school attendance;

(2) the individual is attending approved training as defined in K.S.A. 44-703(s), and amendments thereto; or

(3) the individual is attending evening, weekend or limited day time classes, which would not affect availability for work, and is otherwise eligible under K.S.A. 44-705(c), and amendments thereto.

(s) For any week with respect to which an individual is receiving or has received remuneration in the form of a back pay award or settlement. The remuneration shall be allocated to the week or weeks in the manner as specified in the award or agreement, or in the absence of such specificity in the award or agreement, such remuneration shall be allocated to the week or weeks in which such remuneration, in the judgment of the secretary, would have been paid.

(1) For any such weeks that an individual receives remuneration in the form of a back pay award or settlement, an overpayment will be established in the amount of unemployment benefits paid and shall be collected from the claimant.

(2) If an employer chooses to withhold from a back pay award or settlement, amounts paid to a claimant while they claimed unemployment benefits, such employer shall pay the department the amount withheld. With respect to such amount, the secretary shall have available all of the collection remedies authorized or provided in K.S.A. 44-717, and amendments thereto.

(t) (1) Any applicant for or recipient of unemployment benefits who tests positive for unlawful use of a controlled substance or controlled substance analog shall be required to complete a substance abuse treatment program approved by the secretary of labor, secretary of commerce or secretary for children and families, and a job skills program approved by the secretary of labor, secretary of commerce or the secretary for children and families. Subject to applicable federal laws, any applicant for or recipient of unemployment benefits who fails to complete or refuses to participate in the substance abuse treatment program or job skills program as required under this subsection shall be ineligible to receive unemployment benefits until completion of such substance abuse treatment and job skills programs. Upon completion of both substance abuse treatment and job skills programs, such applicant for or recipient of unemployment benefits may be subject to periodic drug screening, as determined by the secretary of labor. Upon a second positive test for unlawful use of a controlled substance or controlled substance analog, an applicant for or recipient of unemployment benefits shall be ordered to complete again a substance abuse treatment program and job skills program, and shall be terminated from unemployment benefits for a period of 12 months, or until such applicant for or recipient of unemployment benefits completes both substance abuse treatment and job skills programs, whichever is later. Upon a third positive test for unlawful use of a controlled substance or controlled substance analog, an applicant for or a recipient of unemployment benefits shall be terminated from receiving unemployment benefits, subject to applicable federal law.

(2) Any individual who has been discharged or refused employment for failing a preemployment drug screen required by an employer may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any such individual who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening.

(u) If the individual was found not to have a disqualifying adjudication or conviction under K.S.A. 39-970 or 65-5117, and amendments thereto, was hired and then was subsequently convicted of a disqualifying felony under K.S.A. 39-970 or 65-5117, and amendments thereto, and discharged pursuant to K.S.A. 39-970 or 65-5117, and amendments thereto. The disqualification shall begin the day following the separation and shall continue until after the individual becomes reemployed and has had earnings from insured work of at least three times the individual's determined weekly benefit amount.

(v) Notwithstanding the provisions of any subsection, an individual shall not be disqualified for such week of part-time employment in a substitute capacity for an educational institution if such individual's most re-

cent employment prior to the individual's benefit year begin date was for a non-educational institution and such individual demonstrates application for work in such individual's customary occupation or for work for which the individual is reasonably fitted by training or experience.

Sec. 5. K.S.A. 44-709 is hereby amended to read as follows: 44-709. (a) *Filing.* Claims for benefits shall be made in accordance with rules and regulations adopted by the secretary. The secretary shall furnish a copy of such rules and regulations to any individual requesting them. Each employer shall: (1) Post and maintain printed statements furnished by the secretary without cost to the employer in places readily accessible to individuals in the service of the employer; and (2) provide any other notification to individuals in the service of the employer as required by the secretary pursuant to the families first coronavirus response act, public law 116-127.

(b) *Determination.* (1) Except as otherwise provided in this paragraph, a representative designated by the secretary, and hereinafter referred to as an examiner, shall promptly examine the claim and, on the basis of the facts found by the examiner, shall determine whether or not the claim is valid. If the examiner determines that the claim is valid, the examiner shall determine the first day of the benefit year, the weekly benefit amount and the total amount of benefits payable with respect to the benefit year. If the claim is determined to be valid, the examiner shall send a notice to the last employing unit who shall respond within 10 days by providing the examiner all requested information including all information required for a decision under K.S.A. 44-706, and amendments thereto. The information may be submitted by the employing unit in person at an employment office of the secretary or by mail, by telefacsimile machine or by electronic mail. If the required information is not submitted or postmarked within a response time limit of 10 days after the examiner's notice was sent, the employing unit shall be deemed to have waived its standing as a party to the proceedings arising from the claim and shall be barred from protesting any subsequent decisions about the claim by the secretary, a referee, the employment security board of review or any court, except that the employing unit's response time limit may be waived or extended by the examiner or upon appeal, if timely response was impossible due to excusable neglect. In any case in which the payment or denial of benefits will be determined by the provisions of K.S.A. 44-706(d), and amendments thereto, the examiner shall promptly transmit the claim to a special examiner designated by the secretary to make a determination on the claim after the investigation as the special examiner deems necessary. The parties shall be promptly notified of the special examiner's decision and any party aggrieved by the decision may appeal to the referee as provided in subsection (c). The claimant and the

claimant's most recent employing unit shall be promptly notified of the examiner's or special examiner's decision.

(2) The examiner may for good cause reconsider the examiner's decision and shall promptly notify the claimant and the most recent employing unit of the claimant, that the decision of the examiner is to be reconsidered, except that no reconsideration shall be made after the termination of the benefit year.

(3) Notwithstanding the provisions of any other statute, a decision of an examiner or special examiner shall be final unless the claimant or the most recent employing unit of the claimant files an appeal from the decision as provided in subsection (c), except that the time limit for appeal may be waived or extended by the referee or board of review if a timely response was impossible due to excusable neglect. The appeal must be filed within 16 calendar days after the mailing of notice to the last known addresses of the claimant and employing unit or, if notice is not by mail, within 16 calendar days after the delivery of the notice to the parties.

(c) *Appeals.* Unless the appeal is withdrawn, a referee, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the examiner or special examiner. The parties shall be duly notified of the referee's decision, together with the reasons for the decision. The decision shall be final, notwithstanding the provisions of any other statute, unless a further appeal to the employment security board of review is filed within 16 calendar days after the mailing of the decision to the parties' last known addresses or, if notice is not by mail, within 16 calendar days after the delivery of the decision, except that the time limit for appeal may be waived or extended by the referee or board of review if a timely response was impossible due to excusable neglect.

(d) *Referees.* The secretary shall appoint, in accordance with K.S.A. 44-714(c), and amendments thereto, one or more referees to hear and decide disputed claims.

(e) *Time, computation and extension.* In computing the period of time for an employing unit response or for appeals under this section from the examiner's or the special examiner's determination or from the referee's decision, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday or legal holiday.

(f) *Board of review.* There is hereby created an employment security board of review, hereinafter referred to as the board.

(1) (A) Except as provided in subparagraph (B), the board shall consist of three members. Each member of the board shall be appointed for

a term of four years as provided in this subsection. Not more than two members of the board shall belong to the same political party.

(B) ~~On the effective date of this act,~~ The board shall consist of six members. The six-member board shall consist of the following: (i) Three members appointed under subparagraph (A); and (ii) three members appointed for a term that shall expire upon the expiration of this subparagraph. Each member of the board appointed under subparagraph (B)(ii) shall be appointed as provided in this subsection. Not more than four members of the six-member board shall belong to the same political party. The provisions of this subparagraph shall expire on June 30, 2024.

(2) (A) When a vacancy on the employment security board of review occurs, the workers compensation and employment security boards nominating committee established under K.S.A. 44-551, and amendments thereto, shall convene and submit a *qualified* nominee to the governor for appointment to each vacancy on the employment security board of review, subject to confirmation by the senate as provided by K.S.A. 75-4315b, and amendments thereto. *Minimum qualifications for qualified candidates for appointment to the employment security board of review, in order of priority, shall be:*

(i) *At least eight years direct experience with human resources processes, policies, guidelines or employee relations;*

(ii) *at least three years direct experience with employment security laws and processes; and*

(iii) *knowledge of unemployment and labor laws.*

(B) *Applications for employment security board of review positions shall be submitted to the director of unemployment. The director shall determine if an applicant meets the qualifications for an employment security review board member as prescribed in paragraph (A). Qualified applicants for a position of employment security review board member shall be submitted by the director to the workers compensation and employment security boards nominating committee for consideration. The workers compensation and employment security boards nominating committee shall nominate a candidate for consideration by the governor.*

(C) The governor shall either: ~~(A)~~ accept and submit to the senate for confirmation the person nominated by the nominating committee; or ~~(B)~~ reject the nomination and request the nominating committee to nominate another person for that position. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed to the employment security board of review, whose appointment is subject to confirmation by the senate, shall exercise any power, duty or function as a member until confirmed by the senate.

(3) No member of the employment security board of review shall serve more than two consecutive terms. This paragraph shall not apply

to members of the board appointed under subsection (f)(1)(B)(ii). The service of a board member appointed under subsection (f)(1)(B)(ii) shall not constitute a term as contemplated in this paragraph.

(4) Each member of the employment security board shall serve until a successor has been appointed and confirmed. Any vacancy in the membership of the board occurring prior to expiration of a term shall be filled by appointment for the unexpired term in the same manner as provided for original appointment of the member.

(5) Each member of the employment security board of review shall be entitled to receive as compensation for the member's services at the rate of \$15,000 per year, together with the member's travel and other necessary expenses actually incurred in the performance of the member's official duties in accordance with rules and regulations adopted by the secretary. Members' compensation and expenses shall be paid from the employment security administration fund.

(6) The employment security board of review shall organize annually by the election of a chairperson from among its members. The chairperson shall serve in that capacity for a term of one year and until a successor is elected. For the purpose of hearing and determining cases, the board members may sit in panels. A board panel shall consist of three members with not more than two members belonging to the same political party. The chairperson may sit as a member of a panel and shall preside over such panel. When the chairperson is not a member of a hearing panel, the chairperson shall appoint a member of the panel to preside. The board or board panel shall meet on the first Monday of each month or on the call of the chairperson or any two members of the board at the place designated. The secretary of labor shall appoint an executive secretary of the board and the executive secretary or the executive secretary's designee shall attend the meetings of the board and board panels.

(7) The employment security board of review or board panel, on its own motion, may affirm, modify or set aside any decision of a referee on the basis of the evidence previously submitted in the case; may direct the taking of additional evidence; or may permit any of the parties to initiate further appeal before it. The board or board panel shall permit such further appeal by any of the parties interested in a decision of a referee that overrules or modifies the decision of an examiner. The board or board panel may remove to itself the proceedings on any claim pending before a referee. Any proceedings so removed to the board or board panel shall be heard in accordance with the requirements of subsection (c). The board or board panel shall promptly notify the interested parties of its findings and decision.

(8) A simple majority of the members of the employment security board of review or board panel shall constitute a quorum and no action

of the board or board panel shall be valid unless it has the concurrence of a majority of its members. A vacancy on the board shall not impair the right of a quorum to exercise all the rights and perform all the duties of the board.

(g) *Procedure.* The manner that disputed claims are presented, the reports on claims required from the claimant and from employers and the conduct of hearings and appeals shall be in accordance with rules of procedure prescribed by the employment security board of review for determining the rights of the parties, whether or not such rules conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings and decisions in connection with a disputed claim. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed. In the performance of its official duties, the board or board panel shall have access to all of the records that pertain to the disputed claim and are in the custody of the secretary of labor and shall receive the assistance of the secretary upon request.

(h) *Witness fees.* Witnesses subpoenaed pursuant to this section shall be allowed fees and necessary travel expenses at rates fixed by the board. Such fees and expenses shall be deemed a part of the expense of administering this act.

(i) *Review of board action.* Any action of the employment security board of review including that of a board panel, may not be reconsidered after the mailing of the decision. An action of the board or board panel shall become final unless a petition for review in accordance with the Kansas judicial review act is filed within 16 calendar days after the date of the mailing of the decision. If an appeal has not been filed within 16 calendar days of the date of the mailing of the decision, the decision becomes final. No bond shall be required for commencing an action for such review. In addition to those persons having standing pursuant to K.S.A. 77-611, and amendments thereto, the examiner shall have standing to obtain judicial review of an action of such board or board panel. The review proceeding, and the questions of law certified, shall be heard in a summary manner and shall be given precedence over all other civil cases except cases arising under the workers compensation act.

(j) Any finding of fact or law, judgment, determination, conclusion or final order made by the employment security board of review or board panel or any examiner, special examiner, referee or other person with authority to make findings of fact or law pursuant to the employment security law is not admissible or binding in any separate or subsequent action or proceeding, between a person and a present or previous employer brought before an arbitrator, court or judge of the state or the United

States, regardless of whether the prior action was between the same or related parties or involved the same facts.

(k) In any proceeding or hearing conducted under this section, a party to the proceeding or hearing may appear before a referee or the employment security board of review or board panel either personally or by means of a designated representative to present evidence and to state the position of the party. Hearings may be conducted in person, by telephone or other means of electronic communication. The hearing shall be conducted by telephone or other means of electronic communication if none of the parties requests an in-person hearing. If a party requests an in-person hearing, the referee or board or board panel shall have the discretion to deny the request in the absence of good cause shown for the request by the requesting party. If a request for an in-person hearing is granted, the referee or board or board panel shall have the discretion to require all parties to appear in person or allow the party not requesting an in-person hearing to appear by telephone or other means of electronic communication. The notice of hearing shall include notice to the parties of their right to request an in-person hearing and instructions on how to make the request.

Sec. 6. K.S.A. 44-710 is hereby amended to read as follows: 44-710. (a) *Payment.* Contributions shall accrue and become payable by each contributing employer for each calendar year that the contributing employer is subject to the employment security law with respect to wages paid for employment. Such contributions shall become due and be paid by each contributing employer to the secretary for the employment security fund in accordance with such rules and regulations as the secretary may adopt and shall not be deducted, in whole or in part, from the wages of individuals in such employer's employ. In the payment of any contributions, a fractional part of \$.01 shall be disregarded unless it amounts to \$.005 or more, in which case it shall be increased to \$.01. Should contributions for any calendar quarter be less than \$5, no payment shall be required.

(b) *Rates and base of contributions.* (1) Except as provided in paragraph (2), each contributing employer shall pay contributions on wages paid by the contributing employer during each calendar year with respect to employment as provided in K.S.A. 44-710a, and amendments thereto. ~~Except that, notwithstanding the federal law requiring the secretary of labor to annually recalculate the contribution rate, for calendar years 2010, 2011, 2012, 2013 and 2014, the secretary shall charge each contributing employer in rate groups 1 through 32 the contribution rate in the 2010 original tax rate computation table, with contributing employers in rate groups 33 through 51 being capped at a 5.4% contribution rate. For calendar year 2021, unemployment tax rates for eligible employers shall be limited to the standard rate schedule in K.S.A. 44-710a, and amendments thereto. Therefore, no additional solvency adjustment shall be applied.~~

(2) (A) If the congress of the United States either amends or repeals the Wagner-Peyser act, the federal unemployment tax act, the federal social security act, or subtitle C of chapter 23 of the federal internal revenue code of 1986, or any act or acts supplemental to or in lieu thereof, or any part or parts of any such law, or if any such law, or any part or parts thereof, are held invalid with the effect that appropriations of funds by congress and grants thereof to the state of Kansas for the payment of costs of administration of the employment security law are no longer available for such purposes; or (B) if employers in Kansas subject to the payment of tax under the federal unemployment tax act are granted full credit against such tax for contributions or taxes paid to the secretary of labor, then, and in either such case, beginning with the year that the unavailability of federal appropriations and grants for such purpose occurs or that such change in liability for payment of such federal tax occurs and for each year thereafter, the rate of contributions of each contributing employer shall be equal to the total of 0.5% and the rate of contributions as determined for such contributing employer under K.S.A. 44-710a, and amendments thereto. The amount of contributions that each contributing employer becomes liable to pay under this paragraph ~~(2)~~ over the amount of contributions that such contributing employer would be otherwise liable to pay shall be credited to the employment security administration fund to be disbursed and paid out under the same conditions and for the same purposes as other moneys are authorized to be paid from the employment security administration fund, except that, if the secretary determines that as of the first day of January of any year there is an excess in the employment security administration fund over the amount required to be disbursed during such year, an amount equal to such excess as determined by the secretary shall be transferred to the employment security fund.

(c) *Charging of benefit payments.* (1) The secretary shall maintain a separate account for each contributing employer, and shall credit the contributing employer's account with all the contributions paid on the contributing employer's own behalf. Nothing in the employment security law shall be construed to grant any employer or individuals in such employer's service prior claims or rights to the amounts paid by such employer into the employment security fund either on such employer's own behalf or on behalf of such individuals. Benefits paid shall be charged against the accounts of each base period employer in the proportion that the base period wages paid to an eligible individual by each such employer bears to the total wages in the base period. Benefits shall be charged to contributing employers' accounts and rated governmental employers' accounts upon the basis of benefits paid during each ~~twelve month period ending on the computation date~~ calendar quarter.

(2) (A) Benefits paid in benefit years established by valid new claims shall not be charged to the account of a contributing employer or rated governmental employer who is a base period employer if the examiner finds that claimant was separated from the claimant's most recent employment with such employer under any of the following conditions: (i) Discharged for misconduct or gross misconduct connected with the individual's work; (ii) leaving work voluntarily without good cause attributable to the claimant's work or the employer; or (iii) discharged from an employer directly impacted by COVID-19 in accordance with the families first coronavirus response act, public law 116-127.

(B) Where base period wage credits of a contributing employer or rated governmental employer represent part-time employment and the claimant continues in that part-time employment with that employer during the period for which benefits are paid, then that employer's account shall not be charged with any part of the benefits paid if the employer provides the secretary with information as required by rules and regulations. For the purposes of this ~~subsection (e)(2)(B)~~ *subparagraph*, "part-time employment" means any employment when an individual works less than full-time because the individual's services are not required for the customary, scheduled full-time hours prevailing at the work place or the individual does not customarily work the regularly scheduled full-time hours due to personal choice or circumstances.

(C) No contributing employer or rated governmental employer's account shall be charged with any extended benefits paid in accordance with the employment security law, except for weeks of unemployment beginning after December 31, 1978, all contributing governmental employers and governmental rated employers shall be charged an amount equal to all extended benefits paid.

~~(D) No contributing employer, rated governmental employer or reimbursing employer's account shall be charged for any additional benefits paid during the period July 1, 2003 through June 30, 2004.~~

~~(E)~~ No contributing employer or rated governmental employer's account will be charged for benefits paid a claimant while pursuing an approved training course as defined in K.S.A. 44-703(s), and amendments thereto.

~~(F)~~ (E) No contributing employer or rated governmental employer's account shall be charged with respect to the benefits paid to any individual whose base period wages include wages for services not covered by the employment security law prior to January 1, 1978, to the extent that the employment security fund is reimbursed for such benefits pursuant to section 121 of public law 94-566-, 90 Stat. 2673).

~~(G)~~ (F) With respect to weeks of unemployment beginning after December 31, 1977, wages for insured work shall include wages paid for previously uncovered services. For the purposes of this ~~subsection (e)(2)~~

~~(G)~~ *subparagraph*, the term “previously uncovered services” means services that were not covered employment, at any time during the one-year period ending December 31, 1975, except to the extent that assistance under title II of the federal emergency jobs and unemployment assistance act of 1974 was paid on the basis of such services, and that:

(i) Are agricultural labor as defined in K.S.A. 44-703(w), and amendments thereto, or domestic service as defined in K.S.A. 44-703(aa), and amendments thereto;

(ii) are services performed by an employee of this state or a political subdivision thereof, as provided in K.S.A. 44-703(i)(3)(E), and amendments thereto; or

(iii) are services performed by an employee of a nonprofit educational institution that is not an institution of higher education.

~~(H) No contributing employer or rated governmental employer's account shall be charged with respect to their pro-rata share of benefit charges if such charges are of \$100 or less.~~

~~(4)~~(G) Contributing employers, rated governmental employers and reimbursing employers shall be held harmless for and shall not be required to reimburse the state for claims or benefits paid that have been reported by the employer to the secretary and determined by the secretary as fraudulent or as an improper payment, unless the secretary determines the claims are not fraudulent or improper as provided by K.S.A. 44-710b(b)(2)(A), and amendments thereto. The time limitation for disputing a claim or an appeal of a claim as provided by this section, or by any other provision of the employment security law, shall not apply to identifications of fraud reported to the secretary for claims or benefits paid during the period beginning on March 15, 2020, through December 31, 2022. Contributing employers, rated governmental employers and reimbursing employers shall be refunded or credited, in the discretion of the employer, as provided by K.S.A. 44-710b, and amendments thereto, for any claims or benefits paid that have been reported as fraudulent.

(3) An employer's account shall not be relieved of charges relating to a payment that was made erroneously if the secretary determines that:

(A) The erroneous payment was made because the employer, or the agent of the employer, was at fault for failing to respond timely or adequately to a written request from the secretary for information relating to the claim for unemployment compensation; and

(B) the employer or agent has established a pattern of failing to respond timely or adequately to requests for information.

(C) For purposes of this paragraph:

(i) “Erroneous payment” means a payment that but for the failure by the employer or the employer's agent with respect to the claim for unemployment compensation, would not have been made; and

(ii) “pattern of failure” means repeated documented failure on the part of the employer or the agent of the employer to respond, taking into consideration the number of instances of failure in relation to the total volume of requests. An employer or employer’s agent failing to respond as described in ~~(c)(3)(A)~~ *subparagraph (A)* shall not be determined to have engaged in a “pattern of failure” if the number of such failures during the year prior to such request is fewer than two, or less than 2%, of such requests, whichever is greater.

(D) Determinations of the secretary prohibiting the relief of charges pursuant to this section shall be subject to appeal or protest as other determinations of the agency with respect to the charging of employer accounts.

~~(E) This paragraph shall apply to erroneous payments established on and after the effective date of this act.~~

(4) The examiner shall notify any base period employer whose account will be charged with benefits paid following the filing of a valid new claim and a determination by the examiner based on all information relating to the claim contained in the records of the division of employment security. Such notice shall become final and benefits charged to the base period employer’s account in accordance with the claim unless within 10 calendar days from the date the notice was sent, the base period employer requests in writing that the examiner reconsider the determination and furnishes any required information in accordance with the secretary’s rules and regulations. In a similar manner, a notice of an additional claim followed by the first payment of benefits with respect to the benefit year, filed by an individual during a benefit year after a period in such year during which such individual was employed, shall be given to any base period employer of the individual who has requested such a notice within 10 calendar days from the date the notice of the valid new claim was sent to such base period employer. For purposes of this ~~subsection (c)(3)~~ *paragraph*, if the required information is not submitted or postmarked within a response time limit of 10 days after the base period employer notice was sent, the base period employer shall be deemed to have waived its standing as a party to the proceedings arising from the claim and shall be barred from protesting any subsequent decisions about the claim by the secretary, a referee, the board of review or any court, except that the base period employer’s response time limit may be waived or extended by the examiner or upon appeal, if timely response was impossible due to excusable neglect. The examiner shall notify the employer of the reconsidered determination, which shall be subject to appeal or further reconsideration, in accordance with the provisions of K.S.A. 44-709, and amendments thereto.

(5) *Time, computation and extension.* In computing the period of time for a base period employer response or appeals under this section from

the examiner's or the special examiner's determination or from the referee's decision, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday or legal holiday.

(d) *Pooled fund.* All contributions and payments in lieu of contributions and benefit cost payments to the employment security fund shall be pooled and available to pay benefits to any individual entitled thereto under the employment security law, regardless of the source of such contributions or payments in lieu of contributions or benefit cost payments.

(e) *Election to become reimbursing employer; payment in lieu of contributions.* (1) Any governmental entity, Indian tribes or tribal units, (subdivisions, subsidiaries or business enterprises wholly owned by such Indian tribes), for which services are performed as described in K.S.A. 44-703(i)(3)(E), and amendments thereto, or any nonprofit organization or group of nonprofit organizations described in section 501(c)(3) of the federal internal revenue code of 1986 that is exempt from income tax under section 501(a) of such code, that becomes subject to the employment security law may elect to become a reimbursing employer under this ~~subsection (e)(1)~~ paragraph and agree to pay the secretary for the employment security fund an amount equal to the amount of regular benefits and $\frac{1}{2}$ of the extended benefits paid that are attributable to service in the employ of such reimbursing employer, except that each reimbursing governmental employer, Indian tribes or tribal units shall pay an amount equal to the amount of regular benefits and extended benefits paid for weeks of unemployment beginning after December 31, 1978, for governmental employers and December 21, 2000, for Indian tribes or tribal units to individuals for weeks of unemployment that begin during the effective period of such election.

(A) Any employer identified in this ~~subsection (e)(1)~~ paragraph may elect to become a reimbursing employer for a period encompassing not less than four complete calendar years if such employer files with the secretary a written notice of such election within the 30-day period immediately following January 1 of any calendar year or within the 30-day period immediately following the date when a determination of subjectivity to the employment security law is issued, whichever occurs later.

(B) Any employer that makes an election to become a reimbursing employer in accordance with subparagraph (A) will continue to be liable for payments in lieu of contributions until such employer files with the secretary a written notice terminating its election not later than 30 days prior to the beginning of the calendar year for which such termination shall first be effective.

(C) Any employer identified in this ~~subsection (e)(1)~~ *paragraph* that has remained a contributing employer and has been paying contributions under the employment security law for a period subsequent to January 1, 1972, may change to a reimbursing employer by filing with the secretary not later than 30 days prior to the beginning of any calendar year a written notice of election to become a reimbursing employer. Such election shall not be terminable by the employer for four complete calendar years.

(D) The secretary may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after January 1 of the year such election is received.

(E) The secretary, in accordance with such rules and regulations as the secretary may adopt, shall notify each employer identified in ~~subsection (e)(1)~~ *this paragraph* of any determination that the secretary may make of its status as an employer and of the effective date of any election that it makes to become a reimbursing employer and of any termination of such election. Such determinations shall be subject to reconsideration, appeal and review in accordance with the provisions of K.S.A. 44-710b, and amendments thereto.

(2) *Reimbursement reports and payments.* Payments in lieu of contributions shall be made in accordance with the provisions of subparagraph (A) by all reimbursing employers except the state of Kansas. Each reimbursing employer shall report total wages paid during each calendar quarter by filing quarterly wage reports with the secretary that shall be filed by the last day of the month following the close of each calendar quarter. Wage reports are deemed filed as of the date they are placed in the United States mail.

(A) At the end of each calendar quarter, or at the end of any other period as determined by the secretary, the secretary shall bill each reimbursing employer, except the state of Kansas: (i) An amount to be paid that is equal to the full amount of regular benefits plus $\frac{1}{2}$ of the amount of extended benefits paid during such quarter or other prescribed period that is attributable to service in the employ of such reimbursing employer; and (ii) for weeks of unemployment beginning after December 31, 1978, each reimbursing governmental employer and December 21, 2000, for Indian tribes or tribal units shall be certified an amount to be paid that is equal to the full amount of regular benefits and extended benefits paid during such quarter or other prescribed period that is attributable to service in the employ of such reimbursing governmental employer.

(B) Payment of any bill rendered under subparagraph (A) shall be made not later than 30 days after such bill was mailed to the last known address of the reimbursing employer, or otherwise was delivered to such

reimbursing employer, unless there has been an application for review and redetermination in accordance with subparagraph (D).

(C) Payments made by any reimbursing employer under the provisions of ~~this subsection (e)(2)~~ *paragraph* shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of such employer.

(D) The amount due specified in any bill from the secretary shall be conclusive on the reimbursing employer, unless, not later than 15 days after the bill was mailed to the last known address of such employer, or was otherwise delivered to such employer, the reimbursing employer files an application for redetermination in accordance with K.S.A. 44-710b, and amendments thereto.

(E) (i) Past due payments of amounts certified by the secretary under this section shall be subject to the same interest, penalties and actions required by K.S.A. 44-717, and amendments thereto. ~~(1)~~

(ii) If any nonprofit organization or group of nonprofit organizations described in section 501(c)(3) of the federal internal revenue code of 1986 or governmental reimbursing employer is delinquent in making payments of amounts certified by the secretary under this section, the secretary may terminate such employer's election to make payments in lieu of contributions as of the beginning of the next calendar year and such termination shall be effective for such next calendar year and the calendar year thereafter so that the termination is effective for two complete calendar years. ~~(2)~~

(iii) Failure of ~~the~~ *an* Indian tribe or tribal unit to make required payments, including assessment of interest and penalty within 90 days of receipt of ~~the~~ *a bill will* *shall* cause the Indian tribe to lose the option to make payments in lieu of contributions as described pursuant to paragraph (e)(1) for the following tax year unless payment in full is received before contribution rates for the next tax year are calculated. ~~(3)~~ Any Indian tribe that loses the option to make payments in lieu of contributions due to late payment or nonpayment, as described in *this* paragraph ~~(2)~~, shall have such option reinstated, if after a period of one year, all contributions have been made on time and no contributions, payments in lieu of contributions for benefits paid, penalties or interest remain outstanding.

(F) Failure of the Indian tribe or any tribal unit thereof to make required payments, including assessments of interest and penalties, after all collection activities deemed necessary by the secretary have been exhausted, will cause services performed by such tribe to not be treated as employment for purposes of K.S.A. 44-703(i)(3)(E), and amendments thereto. If an Indian tribe fails to make payments required under this section, including assessments of interest and penalties, within 90 days of a final notice of delinquency, the secretary shall immediately notify the

United States internal revenue service and the United States department of labor. The secretary may determine that any Indian tribe that loses coverage pursuant to this paragraph may have services performed on behalf of such tribe again deemed “employment” if all contributions, payments in lieu of contributions, penalties and interest have been paid.

(G) In the discretion of the secretary, any employer who elects to become liable for payments in lieu of contributions and any nonprofit organization or group of nonprofit organizations described in section 501(c)(3) of the federal internal revenue code of 1986 or governmental reimbursing employer or Indian tribe or tribal unit who is delinquent in filing reports or in making payments of amounts certified by the secretary under this section shall be required within 60 days after the effective date of such election, in the case of an eligible employer so electing, or after the date of notification to the delinquent employer under this ~~subsection (e)(2)(C)~~ *subparagraph*, in the case of a delinquent employer, to execute and file with the secretary a surety bond, except that the employer may elect, in lieu of a surety bond, to deposit with the secretary money or securities as approved by the secretary or to purchase and deliver to an escrow agent a certificate of deposit to guarantee payment. The amount of the bond, deposit or escrow agreement required by this ~~subsection (e)(2)(C)~~ shall not exceed 5.4% of the organization’s taxable wages paid for employment by the eligible employer during the four calendar quarters immediately preceding the effective date of the election or the date of notification, in the case of a delinquent employer. If the employer did not pay wages in each of such four calendar quarters, the amount of the bond or deposit shall be as determined by the secretary. Upon the failure of an employer to comply with *the provisions of this ~~subsection (e)(2)(C)~~ subparagraph* within the time limits imposed or to maintain the required bond or deposit, the secretary may terminate the election of such eligible employer or delinquent employer, as the case may be, to make payments in lieu of contributions, and such termination shall be effective for the current and next calendar year.

(H) The state of Kansas shall make reimbursement payments quarterly at a fiscal year rate that shall be based upon: (i) The available balance in the state’s reimbursing account as of December 31 of each calendar year; (ii) the historical unemployment experience of all covered state agencies during prior years; (iii) the estimate of total covered wages to be paid during the ensuing calendar year; (iv) the applicable fiscal year rate of the claims processing and auditing fee under K.S.A. 75-3798, and amendments thereto; and (v) actuarial and other information furnished to the secretary by the secretary of administration. In accordance with K.S.A. 75-3798, and amendments thereto, the claims processing and auditing fees charged to state agencies shall be deducted from the amounts

collected for the reimbursement payments under this paragraph~~(H)~~ prior to making the quarterly reimbursement payments for the state of Kansas. The fiscal year rate shall be expressed as a percentage of covered total wages and shall be the same for all covered state agencies. The fiscal year rate for each fiscal year will be certified in writing by the secretary to the secretary of administration on July 15 of each year and such certified rate shall become effective on the July 1 immediately following the date of certification. A detailed listing of benefit charges applicable to the state's reimbursing account shall be furnished quarterly by the secretary to the secretary of administration and the total amount of charges deducted from previous reimbursing payments made by the state. On January 1 of each year, if it is determined that benefit charges exceed the amount of prior reimbursing payments, an upward adjustment shall be made therefor in the fiscal year rate to be certified on the ensuing July 15. If total payments exceed benefit charges, all or part of the excess may be refunded, at the discretion of the secretary, from the fund or retained in the fund as part of the payments that may be required for the next fiscal year.

(3) *Allocation of benefit costs.* The reimbursing account of each reimbursing employer shall be charged the full amount of regular benefits and $\frac{1}{2}$ of the amount of extended benefits paid except that each reimbursing governmental employer's account shall be charged the full amount of regular benefits and extended benefits paid for weeks of unemployment beginning after December 31, 1978, to individuals whose entire base period wage credits are from such employer. When benefits received by an individual are based upon base period wage credits from more than one employer then the reimbursing employer's or reimbursing governmental employer's account shall be charged in the same ratio as base period wage credits from such employer bear to the individual's total base period wage credits. Notwithstanding any other provision of the employment security law, no reimbursing employer's or reimbursing governmental employer's account shall be charged for payments of extended benefits that are wholly reimbursed to the state by the federal government. ~~Payments of unemployment compensation that are wholly reimbursed to the reimbursing employer by the federal government shall be charged for the purpose of such reimbursement under the federal CARES act, public law 116-136.~~

(A) *Proportionate allocation (when fewer than all reimbursing base period employers are liable).* If benefits paid to an individual are based on wages paid by one or more reimbursing employers and on wages paid by one or more contributing employers or rated governmental employers, the amount of benefits payable by each reimbursing employer shall be an amount that bears the same ratio to the total benefits paid to the individual as the total base period wages paid to the individual by such employer

bears to the total base period wages paid to the individual by all of such individual's base period employers.

(B) *Proportionate allocation* ~~(when all base period employers are reimbursing employers)~~. If benefits paid to an individual are based on wages paid by two or more reimbursing employers, the amount of benefits payable by each such employer shall be an amount that bears the same ratio to the total benefits paid to the individual as the total base period wages paid to the individual by such employer bear to the total base period wages paid to the individual by all of such individual's base period employers.

(4) *Group accounts*. Two or more reimbursing employers may file a joint application to the secretary for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employment of such reimbursing employers. Each such application shall identify and authorize a group representative to act as the group's agent for the purposes of this paragraph. Upon approval of the application, the secretary shall establish a group account for such employers effective as of the beginning of the calendar quarter in which the secretary receives the application and shall notify the group's representative of the effective date of the account. Such account shall remain in effect for not less than four years and thereafter such account shall remain in effect until terminated at the discretion of the secretary or upon application by the group. Upon establishment of the account, each member of the group shall be liable for payments in lieu of contributions with respect to each calendar quarter in the amount that bears the same ratio to the total benefits paid in such quarter that are attributable to service performed in the employ of all members of the group as the total wages paid for service in employment by such member in such quarter bear to the total wages paid during such quarter for service performed in the employ of all members of the group. The secretary shall adopt such rules and regulations as the secretary deems necessary with respect to applications for establishment, maintenance and termination of group accounts that are authorized by this paragraph, for addition of new members to, and withdrawal of active members from such accounts, and for the determination of the amounts that are payable under this paragraph by members of the group and the time and manner of such payments.

Sec. 7. K.S.A. 2023 Supp. 44-710a is hereby amended to read as follows: 44-710a. (a) *Classification of employers by the secretary*. The term "employer" as used in this section refers to contributing employers. The secretary shall classify employers in accordance with their actual experience in the payment of contributions on their own behalf and with respect to benefits charged against their accounts with a view of fixing such contribution rates as will reflect such experience. If, as of the date such classification of employers is made, the secretary finds that any employ-

ing unit has failed to file any report required in connection therewith, or has filed a report which the secretary finds incorrect or insufficient, the secretary shall make an estimate of the information required from such employing unit on the basis of the best evidence reasonably available to the secretary at the time, and notify the employing unit thereof by mail addressed to its last known address. Unless such employing unit shall file the report or a corrected or sufficient report as the case may be, within 15 days after the mailing of such notice, the secretary shall compute such employing unit's rate of contributions on the basis of such estimates, and the rate as so determined shall be subject to increase but not to reduction on the basis of subsequently ascertained information. The secretary shall determine the contribution rate of each employer in accordance with the requirements of this section.

(1) *New employers.* (A) No employer will be eligible for a rate computation until there have been 24 consecutive calendar months immediately preceding the computation date throughout which benefits could have been charged against such employer's account.

(B) (i) (a) Each employer who is not eligible for a rate contribution shall pay contributions equal to ~~2.7%~~ 1.75% of wages paid during each calendar year with regard to employment, except such employers engaged in the construction industry shall pay a rate equal to ~~6%~~ 5.55%.

(b) (1) An employer who was not doing business in Kansas prior to July 1, 2014, shall be eligible for either the new employer rate under subsection (a)(1)(B)(i)(a) or the rate associated with the reserve ratio such employer experienced in the state which such employer was formerly located, but in no event less than 1% if such:

(A) Employer has been in operation in the other state or states for at least the three years immediately preceding the date such employer becomes a liable employer in Kansas;

(B) employer provides the authenticated account history from information accumulated from operations of such employer in the other state or all the other states necessary to compute a current Kansas rate; and

(C) employer's business operations established in Kansas are of the same nature, as defined by the North American industrial classification system, as conducted by such employer in the other state or states.

(2) The election authorized in subsection (a)(1)(B)(i)(b) of this section must be made in writing within 30 days after notice of Kansas liability. A rate in accordance with subsection (a)(1)(B)(i)(a) will be assigned unless a timely election has been made.

(3) If the election is made timely, the employer's account will receive the rate elected for the remainder of that rate year. The rate assigned for the next and subsequent years will be determined by the condition of the account on the computation date.

(ii) For purposes of this subsection (a), employers shall be classified by industrial activity in accordance with standard procedures as set forth in rules and regulations adopted by the secretary. Employers engaged in more than one type of industrial activity shall be classified by principal activity. All rates assigned will remain in effect for a complete calendar year. If the sale or acquisition of a new establishment would require reclassification of the employer to a different industry sector, the employer would be promptly notified, and the contribution rate applicable to the new industry sector would become effective the following January 1.

(C) “Computation date” means June 30 of each calendar year with respect to rates of contribution applicable to the calendar year beginning with the following January 1. In arriving at contribution rates for each calendar year, contributions paid on or before July 31 following the computation date for employment occurring on or prior to the computation date shall be considered for each contributing employer who has been subject to this act for a sufficient period of time to have such employer’s rate computed under this subsection (a).

(2) *Eligible employers.* (A) A reserve ratio shall be computed for each eligible employer by the following method: Total benefits charged to the employer’s account for all past years shall be deducted from all contributions paid by such employer for all such years. The balance, positive or negative, shall be divided by the employer’s average annual payroll, and the result shall constitute the employer reserve ratio.

(B) (i) Negative account balance employers, as defined in subsection (d), shall pay contributions at the rate referenced in subsection ~~(a)(4)(B)~~ ~~(a)(4)(C)~~.

(ii) (a) *Beginning on July 1, 2024, and annually thereafter, active negative rated employers shall be eligible for a calculated negative debt write-off and forgiveness amount as determined pursuant to this subclause. If on any computation date an employer’s account registers a negative reserve ratio less than or equal to -7.150%, a portion of benefit charges shall be conditionally forgiven and removed from the employer’s account in order to bring the employer’s account to a reserve ratio of -7.150%, and the employer shall be assigned to rate group N11, as set forth in subsection (a)(4)(C)(ii) for the next three calendar years.*

(b) *Negative rated employers affected by the conditional write-off provision pursuant to subclause (a) shall have the option to avoid a negative debt write-off and assignment to rate group N11 for the next three calendar years by submitting a voluntary contribution pursuant to subsection (c) equal to or greater than the amount necessary to establish their account reserve ratio to an amount equal to or greater than -7.149% for the next calendar year.*

(C) Eligible employers, other than negative account balance employers, who do not meet the average annual payroll requirements as stated in K.S.A. 44-703(a)(2), and amendments thereto, will be issued the maximum rate indicated by the maximum rate group of standard rate schedule—standard schedule—~~7 G~~ in subsection ~~(a)(4)(B)(ii)~~ *(a)(4)(C)(ii)* until such employer establishes a new period of 24 consecutive calendar months immediately preceding the computation date throughout which benefits could have been charged against such employer's account by resuming the payment of wages. Contribution rates effective for each calendar year thereafter shall be determined as prescribed below.

~~(D) If the amounts collected from negative account balance employers and paid into the employment security interest assessment fund for the purpose of paying interest due and owing on funds received from the federal unemployment account under title XII of the social security act are in excess of the amounts needed to pay interest due, the amounts in excess shall remain in the employment security interest assessment fund to be used to pay interest in future years. Whenever the secretary certifies all interest payments have been paid, any excess funds remaining in the employment security interest assessment fund shall be transferred to the employment security trust fund for the purpose of paying any remaining principal amount due for advances described in this section. In the event that the amount transferred from the employment security interest assessment fund exceeds such remaining amount of principal due, the balance shall be used for the purposes of the employment security trust fund.~~

(3) *Entering and expanding employer.* (A) The secretary, as a method of providing for a reduced rate of contributions to an employer shall verify the qualifications in this statute that bear a direct relation to unemployment risk for that employer.

(B) If, as of the computation date, an eligible, positive balance employer's reserve ratio is significantly affected due to an increase in the employer's taxable payroll of at least 100% and such increase is attributable to a growth in employment, and not to a change in the taxable wage base from the previous year, the secretary shall assign a reduced rate of contributions for a period of three years.

(i) Such reduced rate of contributions shall be the new employer rate described in subsection (a)(1)(B)(i)(a), or a rate based on the employer's demonstrated risk as reflected in the employer's reserve fund ratio history.

(ii) To be eligible for such reduced rate, the employer must maintain a positive account balance throughout the reduced-rate period and must have an increase in account balance for each year.

(4) (A) *Contribution Schedules.* For each rate year, the contribution schedule in effect shall be determined by the applicable fund control table and rate schedule table of subsection ~~(a)(4)(B)~~ *(a)(4)(C)*.

(B) *Published calculated maximum annual tax amounts per employee. The secretary shall publish corresponding contribution amount tables showing the calculated maximum annual cost to contributing rated employers per employee for each rate group. Such contribution amount tables shall be published on a publicly accessible website maintained by the secretary.*

(C) *Effective rates.* (i) Employer contribution rates to be effective for each calendar year shall be determined by the applicable rate schedule in clause (ii) and the fund control table for the rate year as specified contained in this clause. The average high cost multiple of the trust fund as of the computation date shall determine the contribution schedule in effect for the next rate year. For purposes of subsection ~~(a)(4)(B)(i)~~ ~~(a)(4)(C)(i)~~, the average high cost multiple is the reserve fund ratio divided by the average high benefit cost rate. The average high benefit cost rate shall be determined by averaging the three highest benefit cost rates over the last 20 years from the preceding fiscal year which ended June 30. The high benefit cost rate is defined by dividing total benefits paid in the fiscal year by total payrolls for covered employers in the fiscal year. The reserve fund ratio shall be determined by dividing total assets in the employment security fund provided for in K.S.A. 44-712(a), and amendments thereto, excluding all moneys credited to the account of this state pursuant to section 903 of the federal social security act, as amended, that have been appropriated by the legislature, whether or not withdrawn from the trust fund, and excluding contributions not yet paid on July 31, by total payrolls for contributing employers for the preceding fiscal year that ended on June 30.

Fund Control Table A		
For Rate Years 2016-2021		
Lower AHCM	Upper AHCM	Solvency Adjustment
Threshold	Threshold	to Rate per
		Standard Rate Schedule
1,000.00000	0.19999	1.60%
0.20000	0.44999	1.40%
0.45000	0.59999	1.20%
0.60000	0.74999	1.00%
0.75000	1.14999	0.00%
1.15000	1,000.00000	0.50%

Fund Control Table B					
For Rate Year 2022 and Ensuing Calendar Years					
KS SUTA Tax Rate	Lower AHCM	Upper AHCM	Solvency/Credit Adjustment to Maximum Standard Rate	Solvency/Credit Adjustment as a Multiplier to Standard, Earned Rate Group	Solvency/Credit Adjustment as a Total % to Employer's Standard, Earned Rate Group
Schedules	Threshold	Threshold			

	1	-1,000.00000	-0.0000	2.00%	0.05263%	26.32%
	2	0.00000	0.24999	1.80%	0.04737%	23.68%
Solvency	3	0.25000	0.44999	1.60%	0.04211%	21.05%
Schedules	4	0.45000	0.59999	1.40%	0.03684%	18.42%
(1-6)	5	0.60000	0.69999	1.20%	0.03158%	15.79%
	6	0.70000	0.74999	1.00%	0.02632%	13.16%
Standard						
Schedule	7	0.75000	1.24999	0.00%	0.00000%	0.00%
(7)						
	8	1.25000	1.29999	-1.00%	-0.02632%	-13.16%
Credit	9	1.30000	1.39999	-1.20%	-0.03158%	-15.79%
Schedules	10	1.40000	1.54999	-1.40%	-0.03684%	-18.42%
(8-13)	11	1.55000	1.74999	-1.60%	-0.04211%	-21.05%
	12	1.75000	1.99999	-1.80%	-0.04737%	-23.68%
	13	2.00000	1,000.00000	-2.00%	-0.05263%	-26.32%

*Fund Control Table A
For Rate Year 2025 and Ensuing Calendar Years*

KS SUTA Tax Rate Schedules	Lower AHCM Threshold	Upper AHCM Threshold		Solvency/Credit Adjustment	Proportional Solvency/Credit Adjustment
	M	-1,000.00000	-0.00001	2.00%	0.05128%
	L	0.00000	0.24999	1.70%	0.04359%
Solvency	K	0.25000	0.44999	1.40%	0.03590%
Schedules	J	0.45000	0.59999	1.10%	0.02821%
(H-M)	I	0.60000	0.69999	0.80%	0.02051%
	H	0.70000	0.74999	0.50%	0.01282%
Standard					
Schedule	G	0.75000	1.24999	0.00%	0.00000%
(G)					
	F	1.25000	1.29999	-0.50%	-0.01282%
Credit	E	1.30000	1.39999	-0.80%	-0.02051%
Schedules	D	1.40000	1.54999	-1.10%	-0.02821%
(A-F)	C	1.55000	1.74999	-1.40%	-0.03590%
	B	1.75000	1.99999	-1.70%	-0.04359%
	A	2.00000	1,000.00000	-2.00%	-0.05128%

(ii)-(a) Eligible employers shall be classified by rate group according to the standard rate schedule – standard rate schedule 7 G in this section clause, for that rate year. Except as provided in subclause (b), for rate years 2016 through 2021, the rate pursuant to the standard rate schedule as adjusted by fund control table A shall apply. Except as provided in subclause (b), For rate year 2022 2025 and ensuing calendar years, the rate pursuant to standard rate schedule 7 G, solvency schedules 1 H through 6 M or credit schedules 8 A through 13 F shall apply as provided by fund control table B to contributing employers.

(b) (1) In the event the full transfer of \$250,000,000 is not made as provided in K.S.A. 2022 Supp. 75-5745, and amendments thereto, to the employment security fund on or before July 15, 2021, all contributing em-

employers shall pay the rate as set forth in standard rate schedule—standard rate schedule 7 for the 2022 calendar year.

(2) ~~In the event the second transfer of up to \$250,000,000 is not made as provided in K.S.A. 2022 Supp. 75-5745, and amendments thereto, to the employment security fund on or before July 15, 2022, all contributing employers shall pay the rate as set forth in standard rate schedules—standard rate schedule 7 for the 2023 calendar year, unless it is determined by actual calculation pursuant to fund control table B that credit rate schedules (8-13) would apply based on the health of the unemployment insurance trust fund.~~

STANDARD RATE SCHEDULE -
STANDARD RATE SCHEDULE-7 G

Rate Group	Lower Reserve Ratio Limit	Upper Reserve Ratio Limit	Standard Rate
40	100.000	1,000,000.000	0.00%
1	18.590	1,000,000.00099.999	0.20% 0.05%
2	17.875	18.589	0.40% 0.10%
3	17.160	17.874	0.60% 0.15%
4	16.445	17.159	0.80% 0.25%
5	15.730	16.444	1.00% 0.35%
6	15.015	15.729	1.20% 0.45%
7	14.300	15.014	1.40% 0.55%
8	13.585	14.299	1.60% 0.70%
9	12.870	13.584	1.80% 0.85%
10	12.155	12.869	2.00% 1.00%
11	11.440	12.154	2.20% 1.15%
12	10.725	11.439	2.40% 1.35%
13	10.010	10.724	2.60% 1.55%
14	9.295	10.009	2.80% 1.75%
15	8.580	9.294	3.00% 1.95%
16	7.865	8.579	3.20% 2.20%
17	7.150	7.864	3.40% 2.45%
18	6.435	7.149	3.60% 2.70%
19	5.720	6.434	3.80% 2.95%
20	5.005	5.719	4.00% 3.25%
21	4.290	5.004	4.20% 3.55%
22	3.575	4.289	4.40% 3.85%
23	2.860	3.574	4.60% 4.15%
24	2.145	2.859	4.80% 4.50%
25	1.430	2.144	5.00% 4.85%
26	0.715	1.429	5.20%
27	0.000	0.714	5.40% 5.55%
N1	-0.714	-0.001	5.60% 5.85%
N2	-1.429	-0.715	5.80% 6.15%
N3	-2.144	-1.430	6.00% 6.45%
N4	-2.859	-2.145	6.20% 6.75%
N5	-3.574	-2.860	6.40% 7.00%
N6	-4.289	-3.575	6.60% 7.25%
N7	-5.004	-4.290	6.80% 7.50%
N8	-5.719	-5.005	7.00% 7.75%

N9	-6.434	-5.720	7.20%7.95%
N10	-7.149	-6.435	7.40%8.15%
N11	-1,000,000.000	-7.150	7.60%8.35%

SOLVENCY RATE SCHEDULES (1-6)

Rate Group	1	2	3	4	5	6
1	0.25%	0.25%	0.24%	0.24%	0.23%	0.23%
2	0.51%	0.49%	0.48%	0.47%	0.46%	0.45%
3	0.76%	0.74%	0.73%	0.71%	0.69%	0.68%
4	1.01%	0.99%	0.97%	0.95%	0.93%	0.91%
5	1.26%	1.24%	1.21%	1.18%	1.16%	1.13%
6	1.52%	1.48%	1.45%	1.42%	1.39%	1.36%
7	1.77%	1.73%	1.69%	1.66%	1.62%	1.58%
8	2.02%	1.98%	1.94%	1.89%	1.85%	1.81%
9	2.27%	2.23%	2.18%	2.13%	2.08%	2.04%
10	2.53%	2.47%	2.42%	2.37%	2.32%	2.26%
11	2.78%	2.72%	2.66%	2.61%	2.55%	2.49%
12	3.03%	2.97%	2.91%	2.84%	2.78%	2.72 %
13	3.28%	3.22%	3.15%	3.08%	3.01%	2.94%
14	3.54%	3.46%	3.39%	3.32%	3.24%	3.17%
15	3.79%	3.71%	3.63%	3.55%	3.47%	3.39%
16	4.04%	3.96%	3.87%	3.79%	3.71%	3.62%
17	4.29%	4.21%	4.12%	4.03%	3.94%	3.85%
18	4.55%	4.45%	4.36%	4.26%	4.17%	4.07%
19	4.80%	4.70%	4.60%	4.50%	4.40%	4.30%
20	5.05%	4.95%	4.84%	4.74%	4.63%	4.53%
21	5.31%	5.19%	5.08%	4.97%	4.86%	4.75%
22	5.56%	5.44%	5.33%	5.21%	5.09%	4.98%
23	5.81%	5.69%	5.57%	5.45%	5.33%	5.21%
24	6.06%	5.94%	5.81%	5.68%	5.56%	5.43%

25	6.32%	6.18%	6.05%	5.92%	5.79%	5.66%
26	6.57%	6.43%	6.29%	6.16%	6.02%	5.88%
27	6.82%	6.68%	6.54%	6.39%	6.25%	6.11%
N1	7.07%	6.93%	6.78%	6.63%	6.48%	6.34%
N2	7.33%	7.17%	7.02%	6.87%	6.72 %	6.56%
N3	7.58%	7.42%	7.26%	7.11%	6.95%	6.79%
N4	7.83%	7.67%	7.51%	7.34%	7.18%	7.02%
N5	8.08%	7.92%	7.75%	7.58%	7.41%	7.24%
N6	8.34%	8.16%	7.99%	7.82%	7.64%	7.47%
N7	8.59%	8.41%	8.23%	8.05%	7.87%	7.69%
N8	8.84%	8.66%	8.47%	8.29%	8.11%	7.92%
N9	9.09%	8.91%	8.72%	8.53%	8.34%	8.15%
N10	9.35%	9.15%	8.96%	8.76%	8.57%	8.37%
N11	9.60%	9.40%	9.20%	9.00%	8.80%	8.60%

CREDIT RATE SCHEDULES (8-13)

Rate Group	8	9	10	11	12	13
1	0.17%	0.17%	0.16%	0.16%	0.15%	0.15%
2	0.35%	0.34%	0.33%	0.32%	0.31%	0.29%
3	0.52%	0.51%	0.49%	0.47%	0.46%	0.44
4	0.69%	0.67%	0.65%	0.63%	0.61%	0.59%
5	0.87%	0.84%	0.82%	0.79%	0.76%	0.74%
6	1.04%	1.01%	0.98%	0.95%	0.92%	0.88%
7	1.22%	1.18%	1.14%	1.11%	1.07%	1.03%
8	1.39%	1.35%	1.31%	1.26%	1.22%	1.18%
9	1.56%	1.52%	1.47%	1.42%	1.37%	1.33%
10	1.74%	1.68%	1.63%	1.58%	1.53%	1.47%
11	1.91%	1.85%	1.79%	1.74%	1.68%	1.62%

12	2.08%	2.02%	1.96%	1.89%	1.83%	1.77%
13	2.26%	2.19%	2.12%	2.05%	1.98%	1.92%
14	2.43%	2.36%	2.28%	2.21%	2.14%	2.06%
15	2.61%	2.53%	2.45%	2.37%	2.29%	2.21%
16	2.78%	2.69%	2.61%	2.53%	2.44%	2.36%
17	2.95%	2.86%	2.77%	2.68%	2.59%	2.51%
18	3.13%	3.03%	2.94%	2.84%	2.75%	2.65%
19	3.30%	3.20%	3.10%	3.00%	2.90%	2.80%
20	3.47%	3.37%	3.26%	3.16%	3.05%	2.95%
21	3.65%	3.54%	3.43%	3.32%	3.21%	3.09%
22	3.82%	3.71%	3.59%	3.47%	3.36%	3.24%
23	3.99%	3.87%	3.75%	3.63%	3.51%	3.39%
24	4.17%	4.04%	3.92%	3.79%	3.66%	3.54%
25	4.34%	4.21%	4.08%	3.95%	3.82%	3.68%
26	4.52%	4.38%	4.24%	4.11%	3.97%	3.83%
27	4.69%	4.55%	4.41%	4.26%	4.12%	3.98%
N1	4.86%	4.72%	4.57%	4.42%	4.27%	4.13%
N2	5.04%	4.88%	4.73%	4.58%	4.43%	4.27%
N3	5.21%	5.05%	4.89%	4.74%	4.58%	4.42%
N4	5.38%	5.22%	5.06%	4.89%	4.73%	4.57%
N5	5.56%	5.39%	5.22%	5.05%	4.88%	4.72%
N6	5.73%	5.56%	5.38%	5.21%	5.04%	4.86%
N7	5.91%	5.73%	5.55%	5.37%	5.19%	5.01%
N8	6.08%	5.89%	5.71%	5.53%	5.34%	5.16%
N9	6.25%	6.06%	5.87%	5.68%	5.49%	5.31%
N10	6.43%	6.23%	6.04%	5.84%	5.65%	5.45%
N11	6.60%	6.40%	6.20%	6.00%	5.80%	5.60%

SOLVENCY RATE SCHEDULES (H-M)						
Rate Group	M	L	K	J	I	H
0	0.05%	0.04%	0.04%	0.03%	0.02%	0.01%
1	0.15%	0.14%	0.12%	0.11%	0.09%	0.08%
2	0.25%	0.23%	0.21%	0.18%	0.16%	0.14%
3	0.36%	0.32%	0.29%	0.26%	0.23%	0.20%
4	0.51%	0.47%	0.43%	0.39%	0.35%	0.31%
5	0.66%	0.61%	0.57%	0.52%	0.47%	0.43%
6	0.81%	0.76%	0.70%	0.65%	0.59%	0.54%
7	0.96%	0.90%	0.84%	0.78%	0.71%	0.65%
8	1.16%	1.09%	1.02%	0.95%	0.88%	0.82%
9	1.36%	1.29%	1.21%	1.13%	1.06%	0.98%
10	1.56%	1.48%	1.39%	1.31%	1.23%	1.14%
11	1.77%	1.67%	1.58%	1.49%	1.40%	1.30%
12	2.02%	1.92%	1.82%	1.72%	1.62%	1.52%
13	2.27%	2.16%	2.05%	1.94%	1.84%	1.73%
14	2.52%	2.40%	2.29%	2.17%	2.06%	1.94%
15	2.77%	2.65%	2.52%	2.40%	2.28%	2.16%
16	3.07%	2.94%	2.81%	2.68%	2.55%	2.42%
17	3.37%	3.23%	3.10%	2.96%	2.82%	2.68%
18	3.67%	3.53%	3.38%	3.24%	3.09%	2.94%
19	3.98%	3.82%	3.67%	3.51%	3.36%	3.21%
20	4.33%	4.17%	4.00%	3.84%	3.68%	3.52%
21	4.68%	4.51%	4.34%	4.17%	4.00%	3.83%
22	5.03%	4.85%	4.68%	4.50%	4.32%	4.14%
23	5.38%	5.20%	5.01%	4.83%	4.64%	4.46%
24	5.78%	5.59%	5.40%	5.21%	5.01%	4.82%
25	6.18%	5.98%	5.78%	5.58%	5.38%	5.18%
26	6.58%	6.38%	6.17%	5.96%	5.75%	5.55%
27	6.99%	6.77%	6.56%	6.34%	6.12%	5.91%
N1	7.34%	7.11%	6.89%	6.67%	6.44%	6.22%
N2	7.69%	7.46%	7.23%	7.00%	6.77%	6.53%
N3	8.04%	7.80%	7.56%	7.32%	7.09%	6.85%
N4	8.39%	8.14%	7.90%	7.65%	7.41%	7.16%
N5	8.69%	8.44%	8.18%	7.93%	7.68%	7.42%
N6	8.99%	8.73%	8.47%	8.21%	7.95%	7.69%
N7	9.29%	9.03%	8.76%	8.49%	8.22%	7.95%
N8	9.60%	9.32%	9.04%	8.77%	8.49%	8.21%
N9	9.85%	9.56%	9.28%	8.99%	8.71%	8.42%
N10	10.10%	9.81%	9.51%	9.22%	8.93%	8.64%
N11	10.35%	10.05%	9.75%	9.45%	9.15%	8.85%

CREDIT RATE SCHEDULES (A-F)						
Rate Group	F	E	D	C	B	A
0	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
1	0.02%	0.01%	0.00%	0.00%	0.00%	0.00%
2	0.06%	0.04%	0.02%	0.00%	0.00%	0.00%
3	0.10%	0.07%	0.04%	0.01%	0.00%	0.00%
4	0.19%	0.15%	0.11%	0.07%	0.03%	0.00%
5	0.27%	0.23%	0.18%	0.13%	0.09%	0.04%
6	0.36%	0.31%	0.25%	0.20%	0.14%	0.09%

7	0.45%	0.39%	0.32%	0.26%	0.20%	0.14%
8	0.58%	0.52%	0.45%	0.38%	0.31%	0.24%
9	0.72%	0.64%	0.57%	0.49%	0.41%	0.34%
10	0.86%	0.77%	0.69%	0.61%	0.52%	0.44%
11	1.00%	0.90%	0.81%	0.72%	0.63%	0.53%
12	1.18%	1.08%	0.98%	0.88%	0.78%	0.68%
13	1.37%	1.26%	1.16%	1.05%	0.94%	0.83%
14	1.56%	1.44%	1.33%	1.21%	1.10%	0.98%
15	1.74%	1.62%	1.50%	1.38%	1.25%	1.13%
16	1.98%	1.85%	1.72%	1.59%	1.46%	1.33%
17	2.22%	2.08%	1.94%	1.80%	1.67%	1.53%
18	2.46%	2.31%	2.16%	2.02%	1.87%	1.73%
19	2.69%	2.54%	2.39%	2.23%	2.08%	1.92%
20	2.98%	2.82%	2.66%	2.50%	2.33%	2.17%
21	3.27%	3.10%	2.93%	2.76%	2.59%	2.42%
22	3.56%	3.38%	3.20%	3.02%	2.85%	2.67%
23	3.84%	3.66%	3.47%	3.29%	3.10%	2.92%
24	4.18%	3.99%	3.79%	3.60%	3.41%	3.22%
25	4.52%	4.32%	4.12%	3.92%	3.72%	3.52%
26	4.85%	4.65%	4.44%	4.23%	4.02%	3.82%
27	5.19%	4.98%	4.76%	4.54%	4.33%	4.11%
N1	5.48%	5.26%	5.03%	4.81%	4.59%	4.36%
N2	5.77%	5.53%	5.30%	5.07%	4.84%	4.61%
N3	6.05%	5.81%	5.58%	5.34%	5.10%	4.86%
N4	6.34%	6.09%	5.85%	5.60%	5.36%	5.11%
N5	6.58%	6.32%	6.07%	5.82%	5.56%	5.31%
N6	6.81%	6.55%	6.29%	6.03%	5.77%	5.51%
N7	7.05%	6.78%	6.51%	6.24%	5.97%	5.71%
N8	7.29%	7.01%	6.73%	6.46%	6.18%	5.90%
N9	7.48%	7.19%	6.91%	6.62%	6.34%	6.05%
N10	7.66%	7.37%	7.08%	6.79%	6.49%	6.20%
N11	7.85%	7.55%	7.25%	6.95%	6.65%	6.35%

(iii) *Not less than 30 days prior to each calendar year, the secretary shall publish the effective contribution schedules for the previous four rate years and ensuing rate year on a publicly accessible website maintained by the secretary.*

(b) *Successor classification.* (1) (A) For the purposes of this subsection, whenever an employing unit, whether or not it is an “employing unit” within the meaning of K.S.A. 44-703(g), and amendments thereto, becomes an employer pursuant to K.S.A. 44-703(h)(4), and amendments thereto, or is an employer at the time of acquisition and meets the definition of a “successor employer” as defined by K.S.A. 44-703(dd), and amendments thereto, and thereafter transfers its trade or business, or any portion thereof, to another employer and, at the time of the transfer, there is substantially common ownership, management or control of the two employers, then the unemployment experience attributable to the transferred trade or business shall be transferred to the employer to whom such business is so transferred. These experience factors consist of all contributions paid, benefit experience and annual payrolls of the pre-

decessor employer. The transfer of some or all of an employer's workforce to another employer shall be considered a transfer of trade or business when, as the result of such transfer, the transferring employer no longer performs trade or business with respect to the transferred workforce, and such trade or business is performed by the employer to whom the workforce is transferred.

(B) If, following a transfer of experience under subparagraph (A), the secretary determines that a substantial purpose of the transfer or business was to obtain a reduced liability for contributions, then the experience rating accounts of the employers involved shall be combined into a single account and a single rate assigned to such account.

(2) A successor employer as defined by K.S.A. 44-703(h)(4) or (dd), and amendments thereto, may receive the experience rating factors of the predecessor employer if an application is made to the secretary or the secretary's designee in writing within 120 days of the date of the transfer.

(3) Whenever an employing unit, whether or not it is an "employing unit" within the meaning of K.S.A. 44-703(g), and amendments thereto, acquires or in any manner succeeds to a percentage of an employer's annual payroll which is less than 100% and intends to continue the acquired percentage as a going business, the employing unit may acquire the same percentage of the predecessor's experience factors if: (A) The predecessor employer and successor employing unit make an application in writing on the form prescribed by the secretary; (B) the application is submitted within 120 days of the date of the transfer; (C) the successor employing unit is or becomes an employer subject to this act immediately after the transfer; (D) the percentage of the experience rating factors transferred shall not be thereafter used in computing the contribution rate for the predecessor employer; and (E) the secretary finds that such transfer will not tend to defeat or obstruct the object and purposes of this act.

(4) (A) The rate of both employers in a full or partial successorship under paragraph (1) shall be recalculated and made effective on the first day of the next calendar-~~quarter~~ *year* following the date of transfer of trade or business.

(B) If a successor employer is determined to be qualified under paragraph (2) or (3) to receive the experience rating factors of the predecessor employer, the rate assigned to the successor employer for the remainder of the contributions year shall be determined by the following:

(i) If the acquiring employing unit was an employer subject to this act prior to the date of the transfer, the rate of contribution shall be the same as the contribution rate of the acquiring employer on the date of the transfer.

(ii) If the acquiring employing unit was not an employer subject to this act prior to the date of the transfer, the successor employer shall have

a newly computed rate for the remainder of the contribution year which shall be based on the transferred experience rating factors as they existed on the most recent computation date immediately preceding the date of acquisition. These experience rating factors consist of all contributions paid, benefit experience and annual payrolls.

(5) Whenever an employing unit is not an employer at the time it acquires the trade or business of an employer, the unemployment experience factors of the acquired business shall not be transferred to such employing unit if the secretary finds that such employing unit acquired the business solely or primarily for the purpose of obtaining a lower rate of contributions. Instead, such employing unit shall be assigned the applicable industry rate for a “new employer” as described in subsection (a)(1). In determining whether the business was acquired solely or primarily for the purpose of obtaining a lower rate of contributions, the secretary shall use objective factors which may include the cost of acquiring the business, whether the employer continued the business enterprise of the acquired business, how long such business enterprise was continued, or whether a substantial number of new employees were hired for performance of duties unrelated to the business activity conducted prior to acquisition.

(6) Whenever an employer’s account has been terminated as provided in K.S.A. 44-711(d) and (e), and amendments thereto, and the employer continues with employment to liquidate the business operations, that employer shall continue to be an “employer” subject to the employment security law as provided in K.S.A. 44-703(h)(8), and amendments thereto. The rate of contribution from the date of transfer to the end of the then current calendar year shall be the same as the contribution rate prior to the date of the transfer. At the completion of the then current calendar year, the rate of contribution shall be that of a “new employer” as described in subsection (a)(1).

(7) No rate computation will be permitted an employing unit succeeding to the experience of another employing unit pursuant to this section for any period subsequent to such succession except in accordance with rules and regulations adopted by the secretary. Any such regulations shall be consistent with federal requirements for additional credit allowance in section 3303 of the federal internal revenue code of 1986, and consistent with the provisions of this act.

(c) *Voluntary contributions.* Notwithstanding any other provision of the employment security law, any employer may make voluntary payments for the purpose of reducing or maintaining a reduced rate in addition to the contributions required under this section. Such voluntary payments may be made only during the ~~thirty-day~~ 90-day period immediately following the date of mailing of experience rating notices for a calendar year. All such voluntary contribution payments shall be paid prior to the expi-

ration of 120 days after the beginning of the year for which such rates are effective. The amount of voluntary contributions shall be credited to the employer's account as of the next preceding computation date and the employer's rate shall be computed accordingly. Under no circumstances shall voluntary payments be refunded in whole or in part.

(d) As used in this section, "negative account balance employer" means an eligible employer whose total benefits charged to such employer's account for all past years have exceeded all contributions paid by such employer for all such years.

~~(e) There is hereby established in the state treasury, separate and apart from all public moneys or funds of this state, an employment security interest assessment fund, which shall be administered by the secretary as provided in this act. Moneys in the employment security fund established by K.S.A. 44-712, and amendments thereto, and employment security interest assessment fund established by K.S.A. 44-710, and amendments thereto, shall not be invested in the pooled money investment portfolio established under K.S.A. 75-4234, and amendments thereto. Notwithstanding the provisions of K.S.A. 44-712(a), 44-716, 44-717 and 75-4234, and amendments thereto, or any like provision the secretary shall remit all moneys received from employers pursuant to the interest payment pursuant to law, 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 employment security interest assessment fund. All moneys in this fund which are received from employers pursuant to the interest payment assessments shall be expended solely for the purposes and in the amounts found by the secretary necessary to pay any principal and interest due and owing the United States department of labor resulting from any advancements made to the Kansas employment security fund pursuant to the provisions of title XII of the social security act (42 U.S.C. §§ 1321 to 1324) except as may be otherwise provided under subsection (a)(2)(D). Notwithstanding any provision of this section, all moneys received and credited to this fund shall remain part of the employment security interest assessment fund and shall be used only in accordance with the conditions specified.~~

(f) The secretary of labor shall annually prepare and submit a certification as to the solvency and adequacy of the amount credited to the state of Kansas' account in the federal employment security trust fund to the governor and the legislative coordinating council. The certification shall be submitted on or before December 1 of each calendar year and shall be for the 12-month period ending on June 30 of that calendar year. In arriving at the certification contributions paid on or before July 31 following the 12-month period ending date of June 30 shall be considered.

(f) On July 1, 2024, the director of accounts and reports shall transfer all moneys in the employment security interest assessment fund to the employment security trust fund. On July 1, 2024, all liabilities of the employment security interest assessment fund are hereby transferred to and imposed on the state general fund, and the employment security interest assessment fund is hereby abolished.

Sec. 8. K.S.A. 44-710b is hereby amended to read as follows: 44-710b. (a) *By the secretary of labor.* The secretary of labor shall promptly notify each contributing employer of its rate of contributions, each rated governmental employer of its benefit cost rate and each reimbursing employer of its benefit liability as determined for any calendar year pursuant to K.S.A. 44-710 and 44-710a, and amendments thereto, on or before November 30 of the calendar year immediately preceding the calendar year in which such rate takes effect. Such determination shall become conclusive and binding upon the employer unless, within 15 days after the mailing of notice thereof to the employer's last known address or in the absence of mailing, within 15 days after the delivery of such notice, the employer files an application for review and redetermination, setting forth the reasons therefor. If the secretary of labor grants such review, the employer shall be promptly notified thereof and shall be granted an opportunity for a fair hearing, but no employer shall have standing, in any proceeding involving the employer's rate of contributions or benefit liability, to contest the chargeability to the employer's account of any benefits paid in accordance with a determination, redetermination or decision pursuant to K.S.A. 44-710(c), and amendments thereto, except upon the ground that the services on the basis of which such benefits were found to be chargeable did not constitute services performed in employment for the employer and only in the event that the employer was not a party to such determination, redetermination or decision or to any other proceedings under this act in which the character of such services was determined. Any such hearing conducted pursuant to this section shall be heard in the county where the contributing employer maintains its principal place of business. The hearing officer shall render a decision concerning all matters at issue in the hearing within 90 days.

(b) (1) The secretary shall, without necessity of a request by an employer or a hearing, immediately and fully credit any contributing employer's, governmental rated employer's or reimbursing employer's account for any benefits paid upon a determination by the secretary that such benefits were an improper payment or paid to any person who received such benefits: (A) By fraud; or (B) in error where any conditions imposed by this act for the receipt of benefits were not fulfilled or where the recipient was not qualified to or disqualified from receiving such benefits.

(2) (A) Contributing employers, rated governmental employers and reimbursing employers shall be held harmless for and shall not be required

to reimburse the state for any benefits paid that have been identified by the employer and reported to and determined by the secretary as fraudulent or as an improper payment, unless the secretary determines that such benefits were received properly and not: (i) By fraud; or (ii) in error where any conditions imposed by this act for the receipt of benefits were not fulfilled or where the recipient was not qualified to or disqualified from receiving such benefits. Any such determination by the secretary shall be subject to appeal as provided by the employment security law.

(B) Reimbursing employers shall be refunded for reimbursements made to the state for any claims or benefits paid on or after March 15, 2020, that are or have been reported to the secretary and determined by the secretary as fraudulent. Amounts refunded shall become due, subject to appeal as provided by the employment security law, upon a determination by the secretary, as provided by subparagraph (A), that the benefits were paid properly and not by fraud or in error.

(C) For the time period of March 15, 2020, through December 31, 2022, identifications of fraud reported to the secretary pursuant to subparagraphs (A) and (B) shall not be subject to any time limitation for disputing a claim or for appeal pursuant to K.S.A. 44-710, and amendments thereto, or pursuant to any other provision of the employment security law.

(3) The secretary shall review all reimbursing employer accounts and shall apply credit for any benefits previously paid by fraud or in error, as provided by paragraph (1), that have been charged against a reimbursing employer's account and have not yet been recovered through normal recovery efforts.

(c) *Judicial review.* Any action of the secretary upon an employer's timely request for a review and redetermination of its rate of contributions or benefit liability, in accordance with subsection (a), is subject to review in accordance with the Kansas judicial review act. Any action for such review shall be heard in a summary manner and shall be given precedence over all other civil cases except cases arising under K.S.A. 44-709(i), and amendments thereto, and the workmen's compensation act.

(d) *Periodic notification of benefits charged.* The secretary of labor may provide by rules and regulations for periodic notification to employers of benefits paid and chargeable to their accounts or of the status of such accounts, and any such notification, in the absence of an application for redetermination filed in such manner and within such period as the secretary of labor may prescribe, shall become conclusive and binding upon the employer for all purposes. Such redeterminations, made after notice and opportunity for hearing, and the secretary's findings of facts in connection therewith may be introduced in any subsequent administrative or judicial proceedings involving the determination of the rate of

contributions of any employer for any calendar year and shall be entitled to the same finality as is provided in this subsection with respect to the findings of fact made by the secretary of labor in proceedings to redetermine the contribution rate of an employer. The review or any other proceedings relating thereto as provided for in this section may be heard by any duly authorized employee of the secretary of labor and such action shall have the same effect as if heard by the secretary.

(e) The secretary shall review the information reported by the United States department of labor pursuant to the payment integrity information act of 2019, public law 116-117, and any other relevant information available from the United States department of labor and any relevant information held by the department of labor available to the secretary regarding improper payment amounts for the state of Kansas for the period beginning on March 15, 2020, through December 31, 2022.

(f) Any federal unemployment insurance benefit program established as a result of COVID-19 or any pandemic shall not be continued after the ending date of the federal program through the use of Kansas state employment security fund contributions made by Kansas employers.

(g) *The secretary shall review benefit claims at the time a claim is made and as necessary to timely determine whether any claimant is eligible for unemployment benefits pursuant to any federal unemployment program. To the extent authorized under federal law, if an individual is eligible for an equal or greater weekly benefit amount under a federal unemployment program than the weekly benefit amount for which such individual is eligible under the employment security law, the secretary shall suspend the payment of state unemployment benefits to such individual while such individual is receiving the federal unemployment benefits. Such suspension of benefits shall terminate upon the individual's exhaustion of benefits available under the federal unemployment program. An individual shall not be eligible to receive the federal unemployment weekly benefit and the state unemployment weekly benefit during the same week. The provisions of this subsection shall not apply to any federal unemployment benefit that is paid in addition to the state weekly benefit amount.*

Sec. 9. K.S.A. 44-717 is hereby amended to read as follows: 44-717.

(a) (1) ~~Penalties on past-due reports, interest on past-due contributions, payments in lieu of contributions, and benefit cost payments-and interest assessments made under K.S.A. 44-710a, and amendments thereto.~~ Any employer or any officer or agent of an employer, who fails to file any wage report or contribution return by the last day of the month following the close of each calendar quarter to which they are related shall pay a penalty as provided by this subsection for each month or fraction of a month until the report or return is received by the secretary of labor ~~except that for calendar years 2010 and 2011 an employer or any officer or agent of the~~

employer shall have up to 90 days past the due date for any of the first three calendar quarters in a calendar year to pay such employer's contribution without being charged any interest, however, when the 90 day period has passed, the provisions of this section shall apply. The penalty for each month or fraction of a month shall be an amount equal to .05% of the total wages paid by the employer during the quarter, except that no penalty shall be less than \$25 nor more than \$200 for each such report or return not timely filed. Contributions, *and* benefit cost payments ~~and interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ unpaid by the last day of the month following the last calendar quarter to which they are related and payments in lieu of contributions unpaid 30 days after the mailing of the statement of benefit charges, shall bear interest at the rate of 1% per month or fraction of a month until payment is received by the secretary of labor ~~except that~~. An employing unit, ~~which is not theretofore that has not previously been~~ subject to this law and ~~which that~~ becomes an employer and does not refuse to make the reports, returns and contributions, payments in lieu of contributions and benefit cost payments required under this law, shall not be liable for such penalty or interest if the wage reports and contribution returns required are filed and the contributions, payments in lieu of contributions or benefit cost payments required are paid within 10 days following notification by the secretary of labor that a determination has been made fixing its status as an employer subject to this law. Upon written request and good cause shown, the secretary of labor may abate any penalty or interest or portion thereof provided for by this subsection. Interest amounting to less than \$5 shall be waived by the secretary of labor and shall not be collected. Penalties and interest collected pursuant to this subsection shall be paid into the special employment security fund. For all purposes under this section, amounts assessed as surcharges under subsection (j) or under K.S.A. 44-710a, and amendments thereto, shall be considered to be contributions and shall be subject to penalties and interest imposed under this section and to collection in the manner provided by this section. ~~For all purposes under this section, amounts assessed under K.S.A. 44-710a, and amendments thereto, shall be subject to penalties and interest imposed under this section and to collection in the manner provided in this section.~~ For purposes of this subsection, a wage report, a contribution return, a contribution, a payment in lieu of contribution, *or* a benefit cost payment ~~or an interest assessment made pursuant to K.S.A. 44-710a, and amendments thereto,~~ is deemed to be filed or paid as of the date it is placed in the United States mail.

(2) Notices of payment and reporting delinquency to Indian tribes or their tribal units shall include information that failure to make full payment within the prescribed time frame:

(i) Will cause the Indian tribe to be liable for taxes under FUTA;

(ii) will cause the Indian tribe to lose the option to make payments in lieu of contributions;

(iii) could cause the Indian tribe to be excepted from the definition of “employer,” as provided in ~~paragraph (h)(3) of K.S.A. 44-703(h)(3)~~, and amendments thereto, and services in the employ of the Indian tribe, as provided in ~~paragraph (i)(3)(E) of K.S.A. 44-703(i)(3)(E)~~, and amendments thereto, to be excepted from “employment.”

(b) *Collection.* (1) If, after due notice, any employer defaults in payment of any penalty, contributions, payments in lieu of contributions; ~~or benefit cost payments, interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ or interest thereon the amount due may be collected by civil action in the name of the secretary of labor and the employer adjudged in default shall pay the cost of such action. Civil actions brought under this section to collect *such* contributions, payments in lieu of contributions; ~~or benefit cost payments, interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ penalties; or interest thereon from an employer shall be heard by the district court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this act and cases arising under the workmen’s compensation act. All liability determinations of contributions due, payments in lieu of contributions; ~~or benefit cost payments and interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ due shall be made within a period of five years from the date such contributions, payments in lieu of contributions; ~~or benefit cost payments and interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ were due except such determinations may be made for any time when an employer has filed fraudulent reports with intent to evade liability.

(2) Any employing unit ~~which~~ *that* is not a resident of this state and ~~which~~ exercises the privilege of having one or more individuals perform service for it within this state and any resident employing unit ~~which~~ *that* exercises that privilege and thereafter ~~removes from~~ *leaves* this state, shall be deemed ~~thereby to appoint~~ *have appointed* the secretary of state as its agent and attorney for the acceptance of process in any civil action under this subsection. In instituting such an action against any such employing unit the secretary of labor shall cause such process or notice to be filed with the secretary of state and such service shall be sufficient service upon such employing unit and shall be of the same force and validity as if served upon ~~it~~ *the employing unit* personally within this state. The secretary of labor shall send notice immediately of the service of such process or notice, together with a copy thereof, by registered or certified mail, return

receipt requested, to such employing unit at its last-known address and such return receipt, the affidavit of compliance of the secretary of labor with the provisions of this section, and a copy of the notice of service, shall be appended to the original of the process filed in the court in which ~~where~~ such civil action is pending.

(3) The district courts of this state shall ~~entertain~~ *hear*, in the manner provided in subsections (b)(1) and (b)(2), actions to collect contributions, payments in lieu of contributions, ~~interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ *benefit cost payments* and other amounts owed including interest thereon for which liability has accrued under the employment security law of any other state or of the federal government.

(c) *Priorities under legal dissolutions or distributions.* In the event of any distribution of employer's assets pursuant to an order of any court under the laws of this state, including but not limited to any probate proceeding, interpleader, receivership, assignment for benefit of creditors, adjudicated insolvency, composition or similar proceedings, contributions payments in lieu of contributions or ~~interest assessments made under K.S.A. 44-710a, and amendments thereto~~ *benefit cost payments*, then or thereafter due shall be paid in full from the moneys which shall first come into the estate, prior to all other claims, except claims for wages of not more than \$250 to each claimant, earned within six months of the commencement of the proceedings. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, ~~under the federal bankruptcy act of 1898, as amended federal bankruptcy law,~~ contributions then or thereafter due shall be entitled to such priority as is provided ~~in that act~~ *by federal bankruptcy law* for taxes due any state of the United States.

(d) *Assessments.* If any employer fails to file a report or return required by the secretary of labor for the determination of contributions, ~~or~~ payments in lieu of contributions, or benefit cost payments, the secretary of labor may make such reports or returns or cause the same to be made, on the basis of such information as the secretary may be able to obtain and shall collect the contributions, payments in lieu of contributions or benefit cost payments as determined together with any interest due under this act. The secretary of labor shall immediately forward to the employer a copy of the assessment by registered or certified mail to the employer's address as it appears on the records of the agency, ~~and~~. Such assessment shall be final unless the employer protests such assessment and files a corrected report or return for the period covered by the assessment within 15 days after the mailing of the copy of assessment. Failure to receive such notice shall not invalidate the assessment. Notice in writing shall be presumed to have been given when deposited as certified or registered ~~matter~~ *mail* in

the United States mail, addressed to the person to be charged with notice at such person's address as it appears on the records of the agency.

(e) (1) *Lien.* If any employer or person who is liable to pay contributions, payments in lieu of contributions, ~~or benefit cost payments and interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ neglects or refuses to pay the same after demand, the amount, including interest and penalty, shall be a lien in favor of the state of Kansas, secretary of labor, upon all property and rights to property, whether real or personal, belonging to such employer or person. Such lien shall not be valid as against any mortgagee, pledgee, purchaser or judgment creditor until notice thereof has been filed by the secretary of labor in the office of register of deeds in any county in the state of Kansas, ~~in which~~ *where* such property is located, and when so filed shall be notice to all persons claiming an interest in the property of the employer or person against whom filed. The register of deeds shall enter such notices in the financing statement record and shall also record the same in full in miscellaneous record and index the same against the name of the delinquent employer. The register of deeds shall accept, file, and record such notice without prepayment of any fee, but lawful fees shall be added to the amount of such lien and collected when satisfaction is presented for entry. Such lien shall be satisfied of record upon the presentation of a certificate of discharge by the state of Kansas, secretary of labor. Nothing contained in this subsection shall be construed as an invalidation of any lien or notice filed in the name of the unemployment compensation division or the employment security division and such liens shall be and remain in full force and effect until satisfied as provided by this subsection.

(2) *Authority of secretary or authorized representative.* If any employer or person who is liable to pay any contributions, payments in lieu of contributions, ~~or benefit cost payments and interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ including interest and penalty, neglects or refuses to pay the same within 10 days after notice and demand therefor, the secretary or the secretary's authorized representative may collect such contributions, payments in lieu of contributions, ~~or benefit cost payments and interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ including interest and penalty, and such further amount as is sufficient to cover the expenses of the levy, by levy upon all property and rights to property ~~which that~~ belong to the employer or person or ~~which that~~ have a lien created thereon by this subsection for the payment of such contributions, payments in lieu of contributions, ~~or benefit cost payments and interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ including interest and penalty. As used in this subsection, "property" includes all real property and personal property, whether tangible or

intangible, except such property ~~which~~ *that* is exempt under K.S.A. 60-2301 et seq., and amendments thereto. Levy may be made upon the accrued salary or wages of any officer, employee or elected official of any state or local governmental entity which is subject to K.S.A. 60-723, and amendments thereto, by serving a notice of levy as provided in ~~subsection (d) of K.S.A. 60-304(d)~~, and amendments thereto. If the secretary or the secretary's authorized representative makes a finding that the collection of the amount of such contributions, payments in lieu of contributions, ~~or benefit cost payments and interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ including interest and penalty, is in jeopardy, notice and demand for immediate payment of such amount may be made by the secretary or the secretary's authorized representative ~~and~~. Upon *the* failure or refusal to pay such amount, immediate collection of such amount by levy shall be lawful without regard to the 10-day period provided in this subsection.

(3) *Seizure and sale of property.* The authority to levy granted under this subsection includes the power of seizure by any means. A levy shall extend only to property possessed and obligations existing at the time thereof. In any case in which the secretary or the secretary's authorized representative may levy upon property or rights to property, the secretary or the secretary's authorized representative may seize and sell such property or rights to property.

(4) *Successive seizures.* Whenever any property or right to property ~~upon which levy that~~ has been ~~made levied upon~~ under this subsection is not sufficient to satisfy the claim of the secretary ~~for which that~~ the levy is ~~was made for~~, the secretary or the secretary's authorized representative may proceed thereafter and as often as may be necessary, to levy ~~in like the same~~ manner upon any other property or rights to property ~~which that~~ belongs to the employer or person against whom such claim exists or upon which a lien is created by this subsection until the amount due from the employer or person, together with all expenses, is fully paid.

(f) *Warrant.* In addition or as an alternative to any other remedy provided by this section ~~and provided that, if no appeal or other proceeding for review permitted by this law shall then be~~ is pending and the time for taking ~~thereof shall have an appeal or other proceeding for review has~~ expired, the secretary of labor or an authorized representative of the secretary may issue a warrant certifying the amount of contributions, payments in lieu of contributions, benefit cost payments, interest or penalty, and the name of the employer liable for ~~same such amount~~ after giving 15 days prior notice. Upon request, service of final notices shall be made by the sheriff within the sheriff's county, by the sheriff's deputy or some person specially appointed by the secretary for that purpose, or by the secretary's designee. A person specially appointed by the secretary or the secretary's

designee to serve final notices may make service any place in the state. Final notices shall be served as follows:

(1) *Individual*. Service upon an individual, other than a minor or incapacitated person, shall be made by delivering a copy of the final notice to the individual personally or by leaving a copy at such individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, by leaving a copy at the business establishment of the employer with an officer or employee of the establishment; or by delivering a copy to an agent authorized by appointment or by law to receive service of process, ~~but~~. If the agent is ~~one~~ designated by a statute to receive service, such further notice as the statute requires shall *also* be given. If service as prescribed above cannot be made with due diligence, the secretary or the secretary's designee may order service to be made by leaving a copy of the final notice at the employer's dwelling house, usual place of abode or business establishment.

(2) *Corporations and partnerships*. Service upon a domestic or foreign corporation or upon a partnership or other unincorporated association, when by law it may be sued as such, shall be made by delivering a copy of the final notice to an officer, partner or resident managing or general agent thereof. *Delivery shall be accomplished* by leaving a copy at any business office of the employer with the person having charge thereof or by delivering a copy to any other agent authorized by appointment or required by law to receive service of process, if the agent is one authorized by law to receive service ~~and~~. If the law so requires, ~~by also mailing a copy shall be mailed to the employer.~~

(3) *Refusal to accept service*. In all cases when the person to be served, or an agent authorized by such person to accept service of petitions and summonses, ~~shall refuse~~ *refuses* to receive copies of the final notice, the offer of the duly authorized process server to deliver copies thereof and such refusal shall be sufficient service of such notice.

(4) *Proof of service*. (A) Every officer to whom a final notice or other process shall be delivered for service within or without the state, shall make return thereof in writing stating the time, place and manner of service ~~of such writ~~, and ~~shall sign~~ such officer's name to such return.

(B) If service of the notice is made by a person appointed by the secretary or the secretary's designee to make service, such person shall make an affidavit as to the time, place and manner of service thereof in a form prescribed by the secretary or the secretary's designee.

(5) *Time for return*. The officer or other person receiving a final notice shall make a return of service promptly and shall send such return to the secretary or the secretary's designee ~~in any event~~ within 10 days after the service is effected. If the final notice cannot be served it shall be returned to the secretary or the secretary's designee within 30 days after

the date of issue with a statement of the reason for ~~the such~~ failure to serve the same. The original return shall be attached to and filed with any warrant thereafter filed.

(6) *Service by mail.* (A) Upon direction of the secretary or the secretary's designee, service by mail may be effected by forwarding a copy of the notice to the employer by registered or certified mail to the employer's address as it appears on the records of the agency. A copy of the return receipt shall be attached to and filed with any warrant thereafter filed.

(B) The secretary of labor or an authorized representative of the secretary may file the warrant for record in the office of the clerk of the district court in the county in which the employer owing such contributions, payments in lieu of contributions, benefit cost payments, ~~interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ interest, or penalty has business property. The warrant shall certify the amount of contributions, payments in lieu of contributions, benefit cost payments, interest and penalty due, and the name of the employer liable for such amount. It shall be the duty of the clerk of the district court to file such warrant of record and enter the warrant in the records of the district court for judgment and decrees under the procedure prescribed for filing transcripts of judgment.

(C) ~~The clerk shall enter.~~ On the day the warrant is filed, *the clerk shall enter* the case on the appearance docket, ~~together with the amount and the time of filing the warrant.~~ From the time of filing such warrant, the amount of the contributions, payments in lieu of contributions, benefit cost payments, ~~interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ interest, and penalty, certified therein, shall have the force and effect of a judgment of the district court until the same is satisfied by the secretary of labor or an authorized representative or attorney for the secretary. Execution shall be issuable at the request of the secretary of labor, *or* an authorized representative or attorney for the secretary, ~~as is provided in the case of other judgments.~~

(D) Postjudgment procedures shall be the same as for judgments according to the code of civil procedure.

(E) Warrants shall be satisfied of record by payment to the clerk of the district court of the contributions, payments in lieu of contributions, benefit cost payments, ~~interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ penalty, interest to date, and court costs. Warrants may also be satisfied of record by payment to the clerk of the district court of all court costs accrued in the case and by filing a certificate by the secretary of labor, certifying that ~~the such~~ contributions, payments in lieu of contributions, benefit cost payments, ~~interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ interest and penalty have been paid.

(g) *Remedies cumulative.* The foregoing remedies shall be cumulative and no action taken shall be construed as an election on the part of the state or any of its officers to pursue any remedy or action under this section to the exclusion of any other remedy or action ~~for which provision is made.~~

(h) *Refunds.* If any individual, governmental entity or organization makes application for refund or adjustment of any amount paid as contributions, benefit cost payments, ~~interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ or interest under this law and the secretary of labor determines that such amount or any portion thereof was erroneously collected, except for amounts less than \$5, the secretary of labor shall allow such individual or organization to make an adjustment thereof, in connection with subsequent contribution payments, ~~or.~~ If such adjustment cannot be made the secretary of labor shall refund the amount, except for amounts less than \$5, from the employment security fund, except that all interest erroneously collected which has been paid into the special employment security fund shall be refunded out of the special employment security fund. No adjustment or refund shall be allowed with respect to a payment as contributions, ~~interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ *benefit cost payments* or interest unless an application therefor is made *by the individual, governmental entity or organization or the adjustment or refund is made on the initiative of the secretary* on or before whichever of the following dates is later: (1) One year from the date on which such payment was made; or (2) three years from the last day of the period with respect to which such payment was made. ~~For like cause and within the same period adjustment or refund may be so made on the secretary's own initiative.~~ The secretary of labor shall not be required to refund any contributions, payments in lieu of contributions or benefit cost payments based upon wages paid which have been used as base-period wages in a determination of a claimant's benefit rights when justifiable and correct payments have been made to the claimant as the result of such determination. ~~For all taxable years commencing after December 31, 1997, Interest at the rate prescribed in K.S.A. 79-2968, and amendments thereto, shall be allowed on a contribution or benefit cost payment which the secretary has determined was erroneously collected pursuant to this section.~~

(i) (1) *Cash deposit or bond.* If any contributing employer is delinquent in making payments under the employment security law during any two quarters of the most recent four-quarter period, the secretary or the secretary's authorized representative ~~shall have the discretionary power to~~ *may* require such contributing employer either to deposit cash or to file a bond with sufficient sureties to guarantee the payment of contributions, ~~interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ penalty and interest owed by such employer.

(2) The amount of such cash deposit or bond shall be not less than the largest total amount of contributions, ~~interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ penalty and interest reported by the employer in two of the four calendar quarters preceding any delinquency. Such cash deposit or bond shall be required until the employer has shown timely filing of *such* reports and payment of contributions ~~and interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ for four consecutive calendar quarters.

(3) Failure to file such cash deposit or bond shall subject the employer to a surcharge of 2.0% which shall be in addition to the rate of contributions assigned to the employer under K.S.A. 44-710a, and amendments thereto. Contributions paid as a result of this surcharge shall not be credited to the employer's experience rating account. This surcharge shall be effective during the next full calendar year after its imposition and during each full calendar year thereafter until the employer has filed the required cash deposit or bond or has shown timely filing of reports and payment of contributions for four consecutive calendar quarters.

(j) Any officer, major stockholder or other person who has charge of the affairs of an employer, ~~which that~~ is an employing unit described in section 501(c)(3) of the federal internal revenue code of 1954 or ~~which of an employer that~~ is any other corporate organization or association, or any member or manager of a limited liability company; or any public official, who willfully fails to pay the amount of contributions, payments in lieu of contributions, ~~or benefit cost payments and interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ required to be paid under the employment security law on the date on which such amount becomes delinquent, shall be personally liable for the total amount of ~~the such~~ contributions, payments in lieu of contributions, ~~or benefit cost payments and interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ and any penalties and interest due and unpaid by such employing unit. The secretary or the secretary's authorized representative may assess such person for the total amount of *such* contributions, payments in lieu of contributions, ~~or benefit cost payments and interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ and any penalties; and interest computed as due and owing. With respect to such persons and such amounts assessed, the secretary ~~shall have available all~~ *may use any* of the collection remedies authorized or provided by this section.

(k) *Electronic filing of wage report and contribution return and electronic payment of contributions, benefit cost payments; or reimbursing payments or interest assessments under K.S.A. 44-710a, and amendments thereto.* The following employers or ~~third party~~ *third-party* administrators shall file all wage reports and contribution returns and make payment

of contributions, benefit cost payments or reimbursing payments electronically as follows:

(1) Wage reports, contribution returns and payments due after June 30, 2008, for those employers with 250 or more employees or ~~third party~~ *third-party* administrators with 250 or more client employees at the time such filing or payment is first due;

(2) wage reports, contribution returns and payments due after June 30, 2009, for those employers with 100 or more employees or ~~third party~~ *third-party* administrators with 100 or more client employees at the time such filing or payment is first due; ~~and~~

(3) wage reports, contribution returns; ~~and~~ *and* payments ~~and interest assessments made pursuant to K.S.A. 44-710a, and amendments thereto,~~ due after June 30, 2010, for those employers with 50 or more employees and for those ~~third party~~ *third-party* administrators with 50 or more client employees at the time such filing or payment is first due; *and*

(4) *wage reports, contribution returns and payments due after June 30, 2024, for those employers with 25 or more employees and for those third-party administrators with 25 or more client employees at the time such filing or payment is first due.*

The requirements of this subsection may be waived by the secretary for an employer if the employer demonstrates a hardship in complying with this subsection.

Sec. 10. K.S.A. 44-757 is hereby amended to read as follows: 44-757. *Shared work unemployment compensation program.* (a) As used in this section:

(1) “Affected unit” means a specified department, shift or other unit of two or more employees that is designated by an employer to participate in a shared work plan.

(2) “Fringe benefit” means health insurance, a retirement benefit received under a pension plan, a paid vacation day, a paid holiday, sick leave, and any other analogous employee benefit that is provided by an employer.

(3) “Fund” has the meaning ascribed thereto by K.S.A. 44-703(k), and amendments thereto.

(4) “Normal weekly hours of work” means the lesser of 40 hours or the average obtained by dividing the total number of hours worked per week during the preceding twelve-week period by the number 12.

(5) “Participating employee” means an employee who works a reduced number of hours under a shared work plan initiated by their employer and approved by the secretary.

(6) “Participating employer” means an employer who has applied to and been approved by the secretary for a shared work plan that is in effect.

(7) “Secretary” means the secretary of labor or the secretary’s designee.

(8) “Shared work benefit” means an unemployment compensation benefit that is payable to an individual in an affected unit because the individual works reduced hours under an approved shared work plan.

(9) “Shared work plan” means a short-term compensation program.

(10) “Short-term compensation program” means a shared work plan program designed to provide an alternative to layoffs for employers experiencing a reduction in available work. A “short-term compensation program” preserves employees’ jobs and an employer’s trained workforce during times of lowered economic activity by allowing an employer to reduce hours of work for employees rather than laying off some employees while others continue to work full time. Under a “short-term compensation program,” employees experiencing a reduction in hours are allowed to collect a pro-rata share of their unemployment compensation benefits to replace a portion of the employee’s lost wages.

(b) The secretary shall establish a voluntary short-term compensation program as provided by this section. The secretary may adopt rules and regulations and establish procedures necessary to administer the short-term compensation program.

(c) The secretary shall create and manage an annual promotional campaign for the short-term compensation program to encourage and improve business participation. The promotional campaign shall include the following elements:

(A) Engagement in proactive educational communications with other state agencies and stakeholders, including the governor’s office, legislators, workforce investment boards, labor unions and local, regional or state chambers of commerce;

(B) a dedicated department of labor employee or team to efficiently and timely answer employer’s questions about the short-term compensation program;

(C) presentation materials that provide consistency of messaging about the benefits of using a short-term compensation program to provide stakeholders for distribution to employer groups, workforce investment boards or other interested parties;

(D) proactive engagement with employers experiencing economic stress or layoffs to share the benefits of the short-term compensation program and to ensure such employers are aware of the program; and

(E) an automated application, claims and weekly certification process for participating employers designed to facilitate participation, reduce an employer’s administrative burden and promote the use of the short-term compensation program.

(d) An employer who wishes to participate in the short-term compensation program must submit a written shared work plan to the secretary for the secretary’s approval. As a condition for approval, a participating

employer must agree to furnish the secretary with reports relating to the operation of the shared work plan as requested by the secretary. The employer shall monitor and evaluate the operation of the established shared work plan as requested by the secretary and shall report the findings to the secretary.

(e) The secretary may approve a shared work plan if:

(1) The shared work plan applies to and identifies a specific affected unit;

(2) the employees in the affected unit are identified by name and social security number;

(3) the shared work plan reduces the normal weekly hours of work for an employee, including regular part-time employees, in the affected unit by not less than 10% and not more than 50%;

(4) the shared work plan applies to at least 10% of the employees in the affected unit;

(5) the shared work plan describes the manner that the participating employer treats the fringe benefits of each employee in the affected unit and the employer certifies that if the employer provides health benefits and retirement benefits under a defined benefit plan, as defined in 26 U.S.C. § 414(j), or contributions under a defined contribution plan, as defined in 26 U.S.C. § 414(i), to any employee whose workweek is reduced under the program that such benefits will continue to be provided to employees participating in the short-term compensation program under the same terms and conditions as though the workweek of such employee had not been reduced or to the same extent as other employees not participating in the short-term compensation program;

(6) the employer certifies that the implementation of a shared work plan and the resulting reduction in work hours is in lieu of layoffs that would affect at least 10% of the employees in the affected unit and that would result in an equivalent reduction in work hours;

(7) the employer has filed all reports required to be filed under the employment security law for all past and current periods and has paid all contributions, benefit cost payments, or if a reimbursing employer has made all payments in lieu of contributions due for all past and current periods;

(8) (A) a contributing employer must be eligible for a rate computation under K.S.A. 44-710a(a)(2), and amendments thereto, and the contributing employer, as determined by the secretary, does not adversely impact the state's eligibility under section 2108 of the federal CARES act, public law 116-136;

(B) if section 2108 of the federal CARES act, public law 116-136, is no longer in effect, a contributing employer eligible for a rate computation under K.S.A. 44-710(a)(2), and amendments thereto, that is a nega-

tive account employer as defined by K.S.A. 44-710a(d), and amendments thereto, may only be approved for a shared work application if the negative account employer's most recent calculated reserve ratio has improved from the previous reporting year's reserve ratio;

(C) a rated governmental employer must be eligible for a rate computation under K.S.A. 44-710d(g), and amendments thereto;

(9) eligible employees may participate, as appropriate, in training, including without limitation, employer-sponsored training or worker training funded under the workforce investment act of 1998, to enhance job skills if such program has been approved by the state of Kansas;

(10) the employer includes a plan for giving advance notice, where feasible, to an employee whose workweek is to be reduced together with an estimate of the number of layoffs that would have occurred absent the ability to participate in shared work compensation and such other information as the secretary of labor determines is appropriate; and

(11) the terms of the employer's written plan and implementation are consistent with employer obligations under applicable federal and Kansas laws.

(f) If any of the employees who participate in a shared work plan under this section are covered by a collective bargaining agreement, the shared work plan must be approved in writing by the collective bargaining agent.

(g) A shared work plan may not be implemented to subsidize seasonal employers during the ~~off-season~~ off season. *This provision shall not be construed to apply to a shared work plan implemented for school bus drivers pursuant to K.S.A. 44-706(p), and amendments thereto.*

(h) The secretary shall approve or deny a shared work plan ~~no~~ not later than the 30th day after the day the shared work plan is received by the secretary. The secretary shall approve or deny a shared work plan in writing. If the secretary denies a shared work plan, the secretary shall notify the employer of the reasons for the denial.

(i) A shared work plan is effective on the date it is approved by the secretary, except for good cause a shared work plan may be effective at any time within a period of 14 days prior to the date such plan is approved by the secretary. The shared work plan expires on the last day of the 12th full calendar month after the effective date of the shared work plan.

(j) An employer may modify a shared work plan created under this section to meet changed conditions if the modification conforms to the basic provisions of the shared work plan as approved by the secretary. The employer must report the changes made to the shared work plan in writing to the secretary before implementing the changes. If the original shared work plan is substantially modified, the secretary shall reevaluate the shared work plan and may approve the modified shared work plan if it meets the requirements for approval under subsection (d). The ap-

proval of a modified shared work plan does not affect the expiration date originally set for that shared work plan. If substantial modifications cause the shared work plan to fail to meet the requirements for approval, the secretary shall deny approval to the modifications as provided by subsection (g).

(k) Notwithstanding any other provisions of the employment security law, an individual is unemployed and is eligible for shared work benefits in any week in which the individual, as an employee in an affected unit, works for less than the individual's normal weekly hours of work in accordance with an approved shared work plan in effect for that week. The secretary may not deny shared work benefits for any week to an otherwise eligible individual by reason of the application of any provision of the employment security law that relates to availability for work, active search for work or refusal to apply for or accept work with an employer other than the participating employer.

(l) An individual is eligible to receive shared work benefits with respect to any week in which the secretary finds that:

(1) The employee is determined to be eligible for unemployment compensation, except that while receiving shared work benefits, an employee shall not be required to meet work availability or work search requirements but shall be required to be available for the employee's normal work week;

(2) the individual is employed as a member of an affected unit subject to a shared work plan that was approved before the week in question and is in effect for that week;

(3) the individual is able to work and is available for additional hours of work or full-time work with the participating employer;

(4) the individual's normal weekly hours of work have been reduced by at least 10% but not more than 50%, with a corresponding reduction in wages; and

(5) the individual's normal weekly hours of work and wages have been reduced as described in subsection (k)(4) for a waiting period of one week that occurs within the period the shared work plan is in effect, which period includes the week for which the individual is claiming shared work benefits.

(m) The secretary shall pay an individual who is eligible for shared work benefits under this section a weekly shared work benefit amount equal to the individual's regular weekly benefit amount for a period of total unemployment multiplied by the nearest full percentage of reduction of the individual's hours as set forth in the employer's shared work plan. If the shared benefit amount is not a multiple of \$1, the secretary shall reduce the amount to the next lowest multiple of \$1. All shared work benefits under this section shall be payable from the fund.

(n) An individual may not receive shared work benefits and regular unemployment compensation benefits in an amount that exceeds the maximum total amount of benefits payable to that individual in a benefit year as provided by K.S.A. 44-704(g), and amendments thereto.

(o) An individual who has received all of the shared work benefits and regular unemployment compensation benefits available in a benefit year is an exhaustee under K.S.A. 44-704a and 44-704b, and amendments thereto, and is entitled to receive extended benefits under such statutes if the individual is otherwise eligible under such statutes.

(p) The secretary may terminate a shared work plan for good cause if the secretary determines that the shared work plan is not being executed according to the terms and intent of the short-term compensation program.

(q) Notwithstanding any other provisions of this section, an individual shall not be eligible to receive shared work benefits for more than 52 calendar weeks during the 12-month period of the shared work plan. No week shall be counted as a week for which an individual is eligible for shared work benefits for the purposes of this section unless the week occurs within the 12-month period of the shared work plan.

(r) ~~No shared work benefit payment shall be made under any shared work plan or this section for any week that commences before April 1, 1989.~~

(s) ~~This section shall be construed as a part of and supplemental to the employment security law.~~

Sec. 11. K.S.A. 44-771 is hereby amended to read as follows: 44-771.

(a) (1) There is hereby created the unemployment compensation modernization and improvement council. The council shall consist of 13 members appointed as follows:

(A) Three members who, on account of their vocation, employment or affiliations, may be classed as representative of employers, one of whom shall be selected by the governor, one by the speaker of the house of representatives and one by the president of the senate;

(B) three members who, on account of their vocation, employment or affiliation, may be classed as representative of employees, one of whom shall be selected by the governor, one by the speaker of the house of representatives and one by the president of the senate;

(C) the chairpersons of the standing committees of the senate and the house of representatives to which legislation pertaining to the employment security law is customarily referred, appointed by the president of the senate and the speaker of the house of representatives, respectively;

(D) two members of the senate, one of whom shall be a member of the majority party appointed by the president of the senate and one of whom shall be a member of the minority party appointed by the minority leader of the senate;

(E) two members of the house of representatives, one of whom shall be a member of the majority party appointed by the speaker of the house of representatives and one of whom shall be a member of the minority party appointed by the minority leader of the house of representatives; and

(F) the secretary of labor or a designee of the secretary who has administrative responsibilities with respect to the unemployment insurance compensation system of the department of labor.

(2) Legislative members shall serve during the legislative session in which they are appointed to the council and shall remain members of the legislature in order to retain membership on the council. Vacancies of legislative members during a term shall be filled in the same manner as the original appointment only for the unexpired part of the term. The appointing authority for the legislative member may remove the member, reappoint the member or substitute another appointee for the member at any time.

(3) The members of the council shall be appointed and the council shall hold its first meeting within 30 days of ~~the effective date of this act~~ *May 13, 2021*.

(b) ~~All non-legislative~~ *nonlegislative* members shall serve for ~~three~~ *six* years or until the council is dissolved, ~~whichever is shorter occurs first~~. Vacancies of ~~non-legislative~~ *nonlegislative* members shall be filled in the same manner as the original appointment only for the unexpired part of the term. The appointing authority for the member may remove the member, reappoint the member or substitute another appointee for the member at any time.

(c) The council shall be dissolved and the provisions of this section pertaining to the establishment, function and operation of the council shall no longer be in effect ~~on and after three years from the date of the council's first meeting~~ *December 31, 2026*.

(d) Each member of the council shall be entitled to receive compensation for the member's services, together with the member's travel and other necessary expenses actually incurred in the performance of the member's official duties, in accordance with policies adopted by the council. Members' compensation and expenses shall be paid from the employment security administration fund or any account of the state general fund of the department of labor, as designated by the secretary.

(e) The chairperson of the house of representatives standing committee on commerce, labor and economic development, or a successor committee to which legislation pertaining to employment security law is customarily referred, shall serve as the chairperson of the council when first organized and for the ensuing two years. The chairperson of the senate standing committee on commerce, or a successor committee to which

legislation pertaining to employment security law is customarily referred, shall serve as the chairperson of the council for the next two years, and thereafter the office of chairperson shall continue to alternate between the chambers as provided ~~herein~~ *in this subsection*.

(f) The council shall examine and recommend changes to the unemployment compensation system to include current limitations, new features and benefits, system enhancements and dynamic, accurate reporting for the benefit of both employers and individuals. The council shall also examine the process by which an individual files a claim for and receives benefits and any changes made to that process after the effective date of this section. The scope of the council's examinations and recommendations shall include, but not be limited to, the following:

(1) The technological infrastructure used to file and process claims and pay benefits and the experience of individuals and employers participating in the process;

(2) system improvements or upgrades that will maximize responsiveness for individuals and employers;

(3) methods for information and data sharing across agency systems related to unemployment compensation to maximize efficiency; and

(4) system improvements or upgrades relating to system integrity by reporting vulnerabilities and recommended system enhancements to include identity verification and protection, social security administration cross-match, systematic alien verification for entitlement, incarceration cross-matches, interstate connection network, internet protocol address and data mining and analytics to detect and prevent fraud. Such data mining and analytics shall include current and future recommendations by the United States department of labor and the national association of state workforce agencies, including suspicious actor repository, suspicious email domains, foreign IP addresses, multi-state cross-match, identity verification, fraud alert system, and other assets provided by the unemployment insurance integrity center.

(g) (1) The council shall conduct an audit that shall examine the effects on the department of labor and the unemployment insurance system of fraudulent claims and improper payments during the period of March 15, 2020, through March 31, 2022, and the response by the department of labor to such fraudulent claims and improper payments during that period. The council shall select an independent firm to conduct the audit. The auditor shall have access to all confidential documents. The scope of the audit shall include, but not be limited to, the amounts and nature of improper payments and fraudulent claims, fraud processes and methods and the possibility of recovery of any improper payments. The audit shall also include, but not be limited to, an evaluation that provides likelihood of a data breach being a contributing factor to any fraudulent

payments, improper network architecture allowing a potential breach to have occurred and a timeline of relevant events. The independent firm shall make a preliminary report to the council by May 1, 2022, and a final report by September 1, 2022, that shall be made publicly available by the council. The preliminary report should include, but not be limited to, an evaluation of systems with access to the payment and processing of claims, forensic endpoint images related to the claims and the external perimeter housing the claims systems, as well as an evaluation of the department of labor's response to claims. The council's report, and any subsequent report provided, shall also include information on the progress regarding the secretary's implementation of all program integrity elements and guidance issued by the United States department of labor and the national association of state workforce agencies as described in K.S.A. 44-772(e), and amendments thereto. Any confidential information shall be redacted and shall not be made public. The audit shall be paid for by the state, subject to appropriations therefor.

(2) The council may hold an executive session that shall not be public under the Kansas open meetings act for the purpose of hearing and discussing any confidential portions of the audit. The council shall follow the provisions of K.S.A. 75-4319, and amendments thereto, when conducting such an executive session.

(h) The council shall not examine the solvency of the unemployment compensation fund created by K.S.A. 44-710a, and amendments thereto, or changes that would either increase or reduce benefits paid from the fund.

(i) The staff of the legislative research department, the office of revisor of statutes and the division of legislative administrative services shall provide such assistance as may be requested by the chairperson.

(j) (1) The council shall only have access to records of the department of labor that are necessary for the administration and duties of the council. The council shall not have access to any confidential or personal identifying information. The council may request that the secretary of labor, department of labor employee or any private or public employer or employee with information of value to the council appear before the council and testify to matters within the council's purview.

(2) Not later than 14 days after the council's first meeting, the council shall issue an initial report that, at a minimum, describes the state of the process by which an individual files a claim for and receives benefits under the employment security law at the time the report is issued and planned improvements to the process. The council may address other matters within the council's purview in the report.

(3) The secretary of labor shall post all testimony and other relevant materials discussed, presented to or produced for the council on a publicly accessible website maintained by the secretary.

(k) The secretary of labor shall notify the chairperson of the council of any unauthorized third-party access to or acquisition of records maintained by the secretary that are necessary for the administration of the employment security law. The secretary shall provide the notice not more than five days after the secretary discovers or is notified of the unauthorized access or acquisition.

(l) The secretary of labor shall notify the members of the council of any substantial disruption in the process by which applications for determination of benefit rights and claims for benefits are filed with the secretary. The council shall, in cooperation with the secretary, adopt and periodically review a definition of substantial disruption for purposes of this subsection.

(m) (1) The secretary of labor shall, with the assistance of the council:

(A) Develop a written strategic staffing plan to be implemented whenever there is a substantial increase or a substantial decrease in the number of inquiries or claims for benefits and review the plan in accordance with the provisions of subsection (n);

(B) create, in a single place on the website maintained by the secretary, a list of all points of contact by which an applicant for or a recipient of unemployment compensation benefits or an employer may submit inquiries related to the employment security law; and

(C) adopt rules and regulations creating a uniform process through which an applicant for or a recipient of benefits under the employment security law or an employer may submit a complaint related to the service the applicant, recipient or employer received.

(2) In the written strategic staffing plan required under paragraph (1)(A), the secretary shall include an explanation of whether and in what manner the secretary will utilize:

(A) Department employees who do not ordinarily perform services related to unemployment compensation;

(B) employees employed by other state agencies; and

(C) employees provided by private entities.

(n) For purposes of subsection (m)(1)(A), the secretary of labor shall develop the initial written strategic staffing plan and provide such plan to the council, the president of the senate, the speaker of the house of representatives and the governor. The secretary shall review the plan at least once per year. If, after reviewing the plan, the secretary determines that the plan should be revised, the secretary shall revise the plan. After each review of the plan as provided under this subsection, the secretary shall provide the most recent version of the plan to the council, the president of the senate, the speaker of the house of representatives and the governor. The secretary shall post the most recent version of the plan on a publicly accessible website maintained by the secretary.

(o) The council may suggest rules and regulations for adoption by the secretary as necessary to implement the provisions of this section.

(p) The secretary of labor or the secretary's designee shall provide status reports on or before the 15th day and the last day of each month to the council. The reports shall include, but not be limited to, the status of the new unemployment information technology system upgrade timeline, progress, budget and the overall project status. At such time that the new system becomes operational, the reports shall include, but not be limited to, system performance and process updates.

(q) This section shall be a part of and supplemental to the employment security law.

Sec. 12. K.S.A. 44-772 is hereby amended to read as follows: 44-772.

(a) It is the intent of the legislature that, in order to accomplish the mission of collecting state employment security taxes, processing unemployment insurance benefit claims and paying benefits, the department of labor's information technology system shall be continually developed, customized, enhanced and upgraded. The purpose of this section is to ensure the state's unemployment insurance program is utilizing current technology and features to protect the sensitive data required in the unemployment insurance benefit and tax systems relating to program integrity, system efficiency and customer service experience.

(b) The legislature finds that, as a result of the vulnerabilities exposed in the legacy unemployment insurance system by the COVID-19 pandemic unemployment insurance crisis, a new system shall be fully designed, implemented and administered by the department of labor not later than December 31, 2022. The legislative coordinating council, upon consultation with the unemployment compensation modernization and improvement council established by K.S.A. 44-771, and amendments thereto, may extend the deadline to a date certain and may further extend the deadline to another date certain at any time as often as the legislative coordinating council deems appropriate. *The secretary of labor shall provide written notice to the legislative coordinating council and the unemployment compensation modernization and improvement council at least 30 days prior to the expiration of a deadline advising whether the secretary seeks an extension of the deadline and, if so, the basis therefor. The failure of the secretary to provide such notice shall not affect the authority of the legislative coordinating council to act as provided by this subsection. For purposes of this subsection, "consultation" means an appearance before or written statement provided to the legislative coordinating council by the chairperson of the unemployment compensation modernization and improvement council or the chairperson's designee. Any member of the unemployment compensation modernization and improvement council may also provide a written statement. A report to the legislative coordinating council by the*

unemployment compensation modernization and improvement council may be provided but shall not be required. If any deadline expires before the legislative coordinating council extends that deadline, the council may subsequently meet as soon as reasonably possible and may retroactively extend any deadline as otherwise provided by this subsection.

(c) The information technology system, technology and platform shall include, but not be limited to, any components as specified and defined by the unemployment compensation modernization and improvement council established by K.S.A. 44-771, and amendments thereto, in consultation with the secretary.

(d) The new system shall include, but not be limited to, any features and benefits as specified and defined by the unemployment compensation modernization and improvement council established by K.S.A. 44-771, and amendments thereto, in consultation with the secretary.

(e) The secretary shall implement and utilize all program integrity elements, as specified and defined by the unemployment compensation modernization and improvement council established by K.S.A. 44-771, and amendments thereto, in consultation with the secretary, including, but not limited to:

(1) Social security administration cross-matching for the purpose of validating social security numbers supplied by a claimant;

(2) checking of new hire records against the national directorate of new hires to verify eligibility;

(3) verification of immigration status or citizenship and confirmation of benefit applicant information through the systematic alien verification for entitlement program;

(4) comparison of applicant information to local, state and federal prison databases through incarceration cross-matches;

(5) detection of duplicate claims by applicants filed in other states or other unemployment insurance programs through utilization of the interstate connection network, interstate benefits cross-match, the state identification inquiry state claims and overpayment file and the interstate benefits 8606 application for overpayment recoveries for Kansas claims filed from a state other than Kansas;

(6) identification of internet protocol addresses linked to multiple claims or to claims filed outside of the United States; and

(7) use of data mining and data analytics to detect and prevent fraud when a claim is filed, and on an ongoing basis throughout the lifecycle of a claim, by using current and future functionalities to include suspicious actor repository, suspicious email domains, foreign internet protocol addresses, multi-state cross-match, identity verification, fraud alert systems and other assets provided by the unemployment insurance integrity center.

(f) If the unemployment compensation modernization and improvement council becomes inactive or is dissolved and the new information technology system modernization project has been completed, the secretary shall implement and utilize all new program integrity elements and guidance issued by the United States department of labor and the national association of state workforce agencies, including the integrity data hub, within 60 days of the issuance of any such guidance.

(g) The secretary, on a scheduled basis, shall cross check new and active unemployment insurance claims against the cross-check programs described in subsection (e). If the secretary receives information concerning an individual approved for benefits that indicates a change in circumstances that may affect eligibility, the secretary shall review the individual's case and act in accordance with the law.

(h) The department of labor shall have the authority to execute a memorandum of understanding with any department, agency or agency division for information required to be shared between agencies pursuant to the provisions of this section.

(i) The secretary of labor shall adopt rules and regulations necessary for the purposes of carrying out this section. Such rules and regulations shall be adopted ~~within 12 months of the effective date of this act~~ *by May 13, 2022*.

(j) The secretary of labor shall provide an annual status update and progress report regarding the requirements of this section to the unemployment compensation modernization and improvement council and the legislative coordinating council.

(k) This section shall be a part of and supplemental to the employment security law.

Sec. 13. K.S.A. 44-774 is hereby amended to read as follows: 44-774.

(a) The secretary of labor shall post trust fund computations and data as required by subsection (b) on a publicly accessible website maintained by the secretary as follows:

(1) The secretary shall post and maintain certified computations and data for each of the most recent 20 fiscal years ~~within 120 days of the effective date of this act~~; and

(2) for the fiscal year beginning on July 1, ~~2021~~ 2024, and each fiscal year thereafter, the secretary shall certify and post the trust fund computations and data for the fiscal year to the website on or before December 1 following the end of such fiscal year.

(b) The computations and data to be posted shall include:

(1) Distributions of taxable wages by experience factor for each state fiscal year including the following information:

(A) The rate group;

(B) the reserve ratio lower limit;

- (C) the number of accounts;
- (D) the taxable wages by fiscal year;
- (E) a summary of active positive eligible accounts with the number of accounts and fiscal year taxable wages;
- (F) a summary of active ineligible accounts with the number of accounts and fiscal year taxable wages;
- (G) a summary of active negative accounts with the number of accounts and fiscal year taxable wages; and
- (H) a summary of terminated and inactive accounts with the number of accounts and fiscal year taxable wages *including all*:
 - (i) *Terminated accounts with the number of accounts and fiscal year taxable wages; and*
 - (ii) *inactive accounts with the number of accounts and fiscal year taxable wages organized by regular rated, industry rated and negative rated accounts; and*
- (2) an average high cost benefit rate summary, including:
 - (A) The average high cost benefit rate currently in effect; and
 - (B) the benefit cost rate for the fiscal years used to calculate the average high benefit cost rate;
- (3) *the statewide wage data, including:*
 - (A) *Statewide average annual wage (SAAW) for the fiscal year; and*
 - (B) *statewide average weekly wage (SAWW) for the fiscal year.*
- (c) (1) *The secretary of labor shall prepare and submit an annual certification memorandum regarding computations and data for contributing negative rated employers assigned to rate groups N1 through N11.*
- (2) *Commencing in 2025 and each year thereafter, the secretary shall submit the certification memorandum on or before January 15 of each calendar year. The certification memorandum shall be for the 12-month period ending on June 30 of the preceding calendar year. In preparing the certification memorandum, the secretary shall consider contributions paid after such 12-month period ending on June 30 that are paid on or before the immediately following July 31.*
- (3) *The secretary shall submit the certification memorandum to the chairpersons, vice chairpersons and ranking minority members of the standing committees of the senate and the house of representatives to which legislation pertaining to the employment security law is customarily referred, the president of the senate, the speaker of the house of representatives, the governor and the legislative coordinating council.*
- (4) *The certification memorandum shall include for the current and most recent calculated three years:*
 - (A) *An employer identification number assigned to the employer by the secretary;*
 - (B) *NAICS code;*

- (C) *the employer's account balance by fiscal year;*
- (D) *the employer's taxable wages by fiscal year;*
- (E) *the employer's calculated reserve ratio by fiscal year;*
- (F) *the employer's taxable wage base by fiscal year;*
- (G) *the benefits charged to the employer by fiscal year;*
- (H) *if workshare was requested by the employer; and*
- (I) *if workshare was approved for the employer.*
- (5) *Commencing in 2028 and each year thereafter, the annual certification memorandum shall also include the total number, if any, of:*
 - (A) *Temporary unemployment weeks requested by the employer;*
 - (B) *temporary unemployment weeks approved for the employer;*
 - (C) *the claimants who requested temporary unemployment against the employer's account independently from any request for temporary unemployment by the employer; and*
 - (D) *the temporary unemployment weeks charged against the employer's account that were claimed independently from any request for temporary unemployment by the employer.*
- ~~(e)(d)~~ This section shall be a part of and supplemental to the employment security law.

Sec. 14. K.S.A. 2023 Supp. 44-775 is hereby amended to read as follows: 44-775. (a) (1) The secretary of labor and the secretary of commerce shall jointly establish and implement the my reemployment plan as provided in this section. For purposes of this section, "my reemployment plan" means a program jointly established and implemented by the Kansas department of labor and the Kansas department of commerce that provides enhanced reemployment services, including workforce services provided by the department of commerce, to Kansans receiving unemployment insurance benefits.

(2) The program shall be required for all claimants except claimants that are:

- (A) In the shared work program;
- (B) ~~in the trade adjustment assistance and trade readjustment assistance program, claimants on temporary layoff with a return-to-work date but such claimants shall only be excepted during any first 8 consecutive weeks of benefits, claimants that are;~~
- (C) ~~on temporary unemployment as defined in K.S.A. 44-703(ii), and amendments thereto;~~
- (D) ~~currently employed, claimants that are;~~
- (E) ~~current reemployment services and eligibility assessment participants, claimants that are;~~
- (F) active members in good standing of a placement union; or
- (G) claimants that are engaged in a training program. ~~The program shall be implemented on or before June 1, 2021.~~

~~(2)~~(3) (A) *The following shall apply to any request to the secretary for an extension of additional weeks of temporary unemployment, as defined by K.S.A. 44-703(ii), and amendments thereto, if permitted by subparagraph (C):*

(i) The request shall be made in writing by a rated contributing employer on behalf of an identified individual or individuals;

(ii) the request shall be submitted, with respect to each individual, for an increment of eight weeks of additional temporary unemployment allowed for the individual, if permitted by subparagraph (C); and

(iii) the rated contributing employer shall agree to provide the secretary with reports relating to the temporary unemployment extension request as the secretary may require.

(B) The secretary may approve one temporary unemployment extension request for an individual of eight weeks up to the maximum total number of weeks permitted, if permitted by subparagraph (C), if the secretary determines that the requesting employer has:

(i) Agreed to provide the secretary with all reports required as provided by subparagraph (A)(iii);

(ii) filed all reports required to be filed under the employment security law for all past and current periods; and

(iii) paid all contributions required to be paid under the employment security law.

(C) (i) Additional temporary unemployment benefits of eight weeks for an individual in a benefit year may be granted by the secretary if the requests for additional temporary unemployment are made by a requesting employer determined by the secretary to be primarily engaged in:

(a) Ready-mixed concrete production and distribution; or

(b) the construction of highways or elevated highways, streets, roads, airport runways, public sidewalks or bridges.

(ii) The total maximum amount of temporary unemployment for an individual in a benefit year, including any extension of additional temporary unemployment granted by the secretary, shall be limited to 16 weeks.

(4) The secretary of labor shall provide the secretary of commerce with the names and contact information of claimants that have claimed a third week of benefits in the current benefit year. The secretary of labor shall request the claimant to upload or create a complete resume in the Kansasworks workforce system, and complete a job search plan that includes a skills assessment component. The secretary of commerce shall offer and provide, when requested, assistance to the claimants in developing the documents or plan through collaboration by the secretary with the Kansasworks workforce system. The secretary of commerce may require claimants to participate in reemployment services. The claimant shall have 14 calendar days to respond to the secretary of commerce. The

secretary of commerce shall report any failure to respond by the claimant to the secretary of labor.

~~(3)~~(5) The secretary of labor shall share labor market information and current available job positions with the secretary of commerce. The secretary of labor may collaborate with Kansasworks or other state or federal agencies with job availability information in obtaining or sharing such information.

~~(4)~~(6) The secretary of commerce shall match open job positions with claimants based on skills, work history and job location that is a reasonable commute from the claimant's residence and communicate the match information to the claimant and to the employer. The secretary of labor and the secretary of commerce shall consider whether the claimant or a Kansas employer would benefit from the claimant's participation in a work skills training or retraining program as provided by subsection (b) and, if so, provide such information to the employer, if applicable, and the claimant. Claimants who fail to respond within 14 calendar days after contact by Kansasworks or the department of commerce shall be reported by the secretary of commerce to the secretary of labor.

~~(5)~~(7) The secretary of commerce and the secretary of labor shall monitor the result of job matches and share information regarding any claimant who did not attend an interview or did not accept a position that was a reasonable match for the claimant's work history and skills and was within a reasonable commute from the claimant's residence. The secretary of commerce shall contact the claimant and report the contact to the secretary of labor. The secretary of labor shall consider whether the claimant has failed to meet work search requirements and if the claimant should continue to receive benefits.

(b) The secretary of commerce shall refer claimants to a work skills training or retraining program as appropriate. The secretary of commerce shall seek to obtain or utilize any available federal funds for the program, and to the extent feasible, may make current work skills training and retraining programs available to claimants. The secretary of labor may allow claimants to participate in such a program offered by the secretary of commerce or by another state or federal agency in lieu of requiring the claimant to meet job search requirements and the requirements of the my reemployment plan until the number of allowed benefit weeks has expired. A claimant shall participate in such a program for not less than 25 hours per week. The secretary of commerce shall monitor those my reemployment plan claimants participating in training managed by the workforce centers to ensure compliance.

(c) Claimants who participate in the my reemployment plan or the work skills training or retraining program shall meet attendance or progress requirements established by the secretary of commerce to continue

eligibility for unemployment insurance benefits. Non-compliant claimants shall be reported by the secretary of commerce to the secretary of labor. The secretary of labor shall disqualify such claimants from further benefits within five business days of receiving the report, unless or until the claimant demonstrates compliance to the secretary of commerce, and shall communicate the disqualification and the reason for the disqualification to the claimant. The secretary of commerce shall report to the secretary of labor when the claimant has reestablished compliance. The secretary of labor may continue benefits or reinstate a claimant's eligibility for benefits upon a showing of good cause by the claimant for the failure to meet attendance or progress requirements or my reemployment plan participation requirements.

(d) The secretary of labor and the secretary of commerce shall provide an annual status update and progress report for the my reemployment plan to the standing committee on commerce, labor and economic development of the house of representatives and the standing committee on commerce of the senate during the first month of ~~the 2022 regular legislative session and the first month of each regular legislative session thereafter.~~

(e) This section shall be a part of and supplemental to the employment security law.

Sec. 15. K.S.A. 44-704, 44-705, 44-706, 44-709, 44-710, 44-710b, 44-717, 44-757, 44-771, 44-772 and 44-774 and K.S.A. 2023 Supp. 44-703, 44-710a and 44-775 are hereby repealed.

Sec. 16. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 24, 2024.

CHAPTER 84

HOUSE BILL No. 2760
(Amended by Chapters 100 and 104)

AN ACT concerning veterans and military; relating to the transfer of powers, duties and functions of the Kansas commission on veterans affairs office; establishing the Kansas office of veterans services; updating the veterans claims assistance program to include references to veterans affairs medical centers and cross-accreditation requirements; prescribing documentation requirements to determine eligibility for benefits derived from a service-connected disability; requiring that federal disability determinations be probative; prohibiting state agencies and municipalities from reconsidering a veteran's disability determination; modifying the definition of veteran and disabled veteran; clarifying disability evaluations for benefits granted to disabled veterans; clarifying the definition of armed forces; updating the definition of armed forces to include the space force; amending K.S.A. 8-160, 8-243, 8-1324, 21-6630, 39-923, 44-706, 48-3401, 65-1116, 65-1732, 65-2418, 73-201, 73-209, 73-210, 73-230, 73-1209, 73-1210a, 73-1211, 73-1217, 73-1218, 73-1222, 73-1223, 73-1225, 73-1231, 73-1232, 73-1233, 73-1234, 73-1235, 73-1236, 73-1238, 73-1239, 73-1241, 73-1242, 73-1243, 75-3370, 75-4362, 76-6b05, 76-1904, 76-1904a, 76-1906, 76-1908, 76-1927, 76-1928, 76-1929, 76-1931, 76-1932, 76-1935, 76-1935a, 76-1936, 76-1939, 76-1941, 76-1951, 76-1952, 76-1953, 76-1954, 76-1955, 76-1956, 76-1957, 76-1958 and 79-3221k and K.S.A. 2023 Supp. 32-934, 48-3407, 48-3408, 48-3601, 50-676, 65-6129, 74-2012, 75-3740, 77-440 and 79-4502 and repealing the existing sections; also repealing K.S.A. 73-1208d, 73-1208e and 73-1208f.

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

New Section 1. (a) The Kansas commission on veterans affairs office and the office of the director of the Kansas commission on veterans affairs office that were created by K.S.A. 73-1208e, and amendments thereto, are hereby abolished.

(b) All powers, duties and functions of the Kansas commission on veterans affairs office and the director of the Kansas commission on veterans affairs office under K.S.A. 73-1208e and 73-1208f, and amendments thereto, are hereby transferred and imposed upon the Kansas office of veterans services and the director of the Kansas office of veterans services.

(c) The Kansas commission on veterans affairs office, as established by K.S.A. 73-1208e, and amendments thereto, is hereby renamed the Kansas office of veterans services and the director of the Kansas commission on veterans affairs is renamed the director of the Kansas office of veterans services.

(d) Whenever the Kansas commission on veterans affairs office, or words of like effect, are referred to or designated by a statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the Kansas commission on veterans affairs office, such reference or designation shall be deemed to apply to the Kansas office of veterans services.

(e) Whenever the director of the Kansas commission on veterans affairs office, or words of like effect, are referred to or designated by a statute,

ute, contract or other document, and such reference or designation is in regard to any function, power or duty of the director of the Kansas commission on veterans affairs office, such reference or designation shall be deemed to apply to the director of the Kansas office of veterans services.

(f) All rules and regulations, orders and directives of the director of Kansas commission on veterans affairs office that are in effect on the effective date of this act shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the director of the Kansas office of veterans services until amended, revoked or nullified pursuant to law.

New Sec. 2. (a) There is hereby established within the executive branch of government the Kansas office of veterans services, which shall be administered under the direction and supervision of the director of the Kansas office of veterans services. The director of the Kansas office of veterans services, who shall be a veteran, shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as the director of the Kansas office of veterans services shall exercise any power, duty or function as director until confirmed by the senate. Except as otherwise provided by this section, the director of the Kansas office of veterans services shall be in the unclassified service under the Kansas civil service act, shall serve at the pleasure of the governor and shall receive an annual salary fixed by the governor.

(b) All budgeting, purchasing and related management functions of the Kansas office of veterans services, shall be administered under the direction and supervision of the director of the Kansas office of veterans services.

(c) All vouchers for expenditures from appropriations to or for the Kansas office of veterans services shall be approved by the director of the Kansas office of veterans services or a person or persons designated by the director for such purpose.

(d) The provisions of the Kansas governmental operations accountability law apply to the Kansas office of veterans services, and the office is subject to audit, review and evaluation under such law.

New Sec. 3. The Kansas office of veterans services shall be responsible for carrying out the general policies of the governor and the director of the Kansas office of veterans services by:

(a) Affording and furnishing to veterans, and relatives and dependents of such veterans, information, advice, direction and assistance through the coordination of programs and services in the fields of education, health, vocational guidance and placement, mental care and economic security; and

(b) managing, operating and controlling the Kansas soldiers' home and the Kansas veterans' home.

New Sec. 4. (a) As used in this section:

(1) "Service-connected disability" means, regarding disability or death, that such disability was incurred or aggravated, or that such death resulted from a disability incurred or aggravated, in the line of duty in the active military, naval, air or space service; and

(2) "veteran" means a person who served in the active military, naval, air or space service and was discharged or released therefrom under conditions other than dishonorable.

(b) No state agency or municipality, as defined in K.S.A. 12-105a, and amendments thereto, shall request or demand any other document or improvise an authentication procedure to determine eligibility for any benefit derived from a service-connected disability suffered by a Kansas veteran, except the following:

(1) A United States passport as defined in 22 C.F.R. 53.1;

(2) an unexpired real I.D. state driver's license as defined in 6 C.F.R. 37;

(3) a veterans health identity card issued by the United States department of veterans affairs;

(4) a veterans identification card issued under the authority of 38 U.S.C. § 5706;

(5) a common access card issued by the United States department of defense; or

(6) any department of defense identity cards listed in 32 C.F.R. 161(b).

New Sec. 5. (a) As used in this section:

(1) "Non-service-connected" means, regarding disability or death, that such disability was not incurred or aggravated, or that death did not result from a disability incurred or aggravated, in the line of duty in the active military, naval, air or space service.

(2) "Service-connected" means, regarding disability or death, that such disability was incurred or aggravated, or that death resulted from a disability incurred or aggravated, in the line of duty in the active military, naval, air or space service.

(3) "Veteran" means a person who served in the active military, naval, air or space service, including those groups and individuals listed under 38 C.F.R. 3.7, and who was discharged or released therefrom under conditions other than dishonorable.

(b) Findings of a service-connected disability or death by federal officials shall be probative. State agencies and municipalities, as defined in K.S.A. 12-105a, and amendments thereto, shall not:

(1) Request or demand a veteran's private health information for the purpose of determining eligibility for service-connected or non-service-connected disability benefits;

- (2) reconsider disability determinations made by:
 - (A) The secretary of the army, with respect to matters concerning the army;
 - (B) the secretary of the navy, with respect to matters concerning the navy and the marine corps;
 - (C) the secretary of the air force, with respect to matters concerning the air force or the space force;
 - (D) the secretary of homeland security, with respect to matters concerning the coast guard;
 - (E) the secretary of health and human services, with respect to matters concerning the public health service; and
 - (F) the secretary of commerce, with respect to matters concerning the national oceanic and atmospheric administration or its predecessor, the coast and geodetic survey;
- (3) reconsider the disability determinations made under the authority of a secretary defined in subsection (b)(2) or the secretary of veterans affairs; or
- (4) request or demand a veteran voluntarily seek a re-evaluation of such veteran's existing service-connected disability claim.
- (c) A veteran or such veteran's surviving family members may be asked to document such veteran's service-connected status regarding the disability or death of such veteran or service member with:
 - (1) A department of veterans affairs benefits summary letter with service-connected disability marked "yes";
 - (2) a military service physical evaluation board document, issued under the authority of 10 U.S.C. § 1222(a), with the finding of "unfit for duty"; or
 - (3) a posthumous purple heart decoration, a military posthumous award citation, military orders or official casualty notification correspondence from the department of defense.
- (d) A veteran's percentage of disability evaluation finding shall be disclosed by such veteran or such veteran's family members if germane to the Kansas statutory limitation in question.

Sec. 6. K.S.A. 8-160 is hereby amended to read as follows: 8-160. As used in this act, the term "disabled veteran" means a person who has:

- (a) Served in the armed forces of the United States and who is entitled to compensation for a service-connected disability of at least 50% and the laws administered by the veterans administration or who is entitled to compensation for the loss, or permanent loss of use, of one or both feet or one or both hands, or for permanent visual impairment of both eyes to a prescribed degree active military, naval, air or space service and who was discharged or released therefrom under an honorable discharge or a general discharge under honorable conditions;

(b) *received a disability that was incurred or aggravated in the line of duty in the active military, naval, air or space service; and*

(c) *has a service-connected evaluation percentage equal to or greater than 50%, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.*

Sec. 7. K.S.A. 8-243 is hereby amended to read as follows: 8-243. (a) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act the driver's license as applied for by the applicant. Such license shall bear the class or classes of motor vehicles ~~which~~ *that* the licensee is entitled to drive, a distinguishing number assigned to the licensee, the full legal name, date of birth, gender, address of principal residence and a brief description of the licensee, either: (1) A digital color image or photograph; or (2) a laser engraved photograph of the licensee, a facsimile of the signature of the licensee and the statement provided for in subsection (b). No driver's license shall be valid until it has been signed by the licensee. All drivers' licenses issued to persons under the age of 21 years shall be readily distinguishable from licenses issued to persons age 21 years or older. In addition, all drivers' licenses issued to persons under the age of 18 years shall also be readily distinguishable from licenses issued to persons age 18 years or older. The secretary of revenue shall implement a vertical format to make drivers' licenses issued to persons under the age of 21 more readily distinguishable. Except as otherwise provided, no driver's license issued by the division shall be valid until either: (1) A digital color image or photograph; or (2) a laser engraved photograph of such licensee has been taken and verified before being placed on the driver's license. The secretary of revenue shall prescribe a fee of not more than \$8 and upon the payment of such fee, the division shall cause either: (1) A digital color image or photograph; or (2) a laser engraved photograph of such applicant to be placed on the driver's license. Upon payment of such fee prescribed by the secretary of revenue, plus payment of the fee required by K.S.A. 8-246, and amendments thereto, for issuance of a new license, the division shall issue to such licensee a new license containing either: (1) A digital color image or photograph; or (2) a laser engraved photograph of such licensee. A driver's license ~~which~~ *that* does not contain the principal address as required may be issued to persons who are program participants pursuant to K.S.A. 75-455, and amendments thereto, upon payment of the fee required by K.S.A. 8-246, and amendments thereto. All Kansas drivers' licenses and identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication of the document for fraudulent purposes. The secretary of revenue shall incorporate common machine-readable technology into all Kansas drivers' licenses and identification cards.

(b) A Kansas driver's license issued to any person 16 years of age or older who indicated on the person's application that the person wished

to make a gift of all or any part of the body of the licensee in accordance with the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto, shall have the word “Donor” placed on the front of the licensee’s driver’s license.

(c) Any person who is deaf or hard of hearing may request that the division issue to such person a driver’s license which is readily distinguishable from drivers’ licenses issued to other drivers and upon such request the division shall issue such license. Drivers’ licenses issued to persons who are deaf or hard of hearing and under the age of 21 years shall be readily distinguishable from drivers’ licenses issued to persons who are deaf or hard of hearing and 21 years of age or older. Upon satisfaction of subsection (a), the division shall issue a receipt of application permitting the operation of a vehicle consistent with the requested class, if there are no other restrictions or limitations, pending the division’s verification of the information and production of a driver’s license.

(d) A driver’s license issued to a person required to be registered under K.S.A. 22-4901 et seq., and amendments thereto, shall be assigned a distinguishing number by the division which will readily indicate to law enforcement officers that such person is a registered offender. The division shall develop a numbering system to implement the provisions of this subsection.

(e) (1) Any person who is a veteran may request that the division issue to such person a driver’s license ~~which~~ *that* shall include the designation “VETERAN” displayed on the front of the driver’s license at a location to be determined by the secretary of revenue. In order to receive a license described in this subsection, the veteran ~~must~~ *shall* provide proof of the veteran’s military service and honorable discharge or general discharge under honorable conditions, including a copy of the veteran’s DD214 form *DD form 214, NGB form 22 or equivalent discharge document showing character of service as honorable or general under honorable conditions.*

(2) As used in this subsection, “veteran” means a person who:

~~(A) Has served in: The army, navy, marine corps, air force, coast guard, air or army national guard or any branch of the military reserves of the United States; and~~

~~(B) has been separated from the branch of service in which the person was honorably discharged or received a general discharge under honorable conditions served in the active military, naval, air or space service and who was discharged or released therefrom under an honorable discharge or a general discharge under honorable conditions.~~

(3) The director of vehicles may adopt any rules and regulations necessary to carry out the provisions of this subsection.

(f) (1) Any person who submits satisfactory proof to the director of vehicles, on a form provided by the director, that such person needs as-

sistance with cognition, including, but not limited to, persons with autism spectrum disorder, may request that the division issue to such person a driver's license, that shall note such impairment on the driver's license at a location to be determined by the secretary of revenue.

(2) Satisfactory proof that a person needs assistance with cognition shall include a statement from a person licensed to practice the healing arts in any state, an advanced practice registered nurse licensed under K.S.A. 65-1131, and amendments thereto, a licensed physician assistant or a person clinically licensed by the Kansas behavioral sciences regulatory board certifying that such person needs assistance with cognition.

Sec. 8. K.S.A. 8-1324 is hereby amended to read as follows: 8-1324.

(a) Any resident who does not hold a current valid Kansas driver's license may make application to the division of vehicles and be issued one identification card.

(b) (1) Each application for an identification card shall include a question asking if the applicant is willing to give such applicant's authorization to be listed as an organ, eye and tissue donor in the Kansas donor registry in accordance with the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto. The gift would become effective upon the death of the donor.

(2) For the purpose of obtaining an identification card, an applicant shall submit, with the application, proof of age, proof of identity and proof of lawful presence. An applicant shall submit with the application a photo identity document, except that a non-photo identity document is acceptable if it includes both the applicant's full legal name and date of birth, and documentation showing the applicant's name, the applicant's address of principal residence and the applicant's social security account number. The applicant's social security number shall remain confidential and shall not be disclosed, except as provided pursuant to K.S.A. 74-2014, and amendments thereto. If the applicant does not have a social security number, the applicant shall provide proof of lawful presence and Kansas residency. The division shall assign a distinguishing number to the identification card. Before issuing an identification card to a person, the division shall make reasonable efforts to verify with the issuing agency the issuance, validity and completeness of each document required to be presented by the applicant to prove age, identity and lawful presence.

(c) The division shall not issue an identification card to any person who fails to provide proof that the person is lawfully present in the United States. If an applicant provides evidence of lawful presence as set out in K.S.A. 8-240(b)(2)(E) through (2)(I), and amendments thereto, or is an alien lawfully admitted for temporary residence under K.S.A. 8-240(b)(2)(B), and amendments thereto, the division may only issue a temporary identification card to the person under the following conditions:

~~(A)(1)~~ A temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year;

~~(B)(2)~~ a temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date upon which it expires;

~~(C)(3)~~ no temporary identification card issued pursuant to this subparagraph shall be for a longer period of time than the time period permitted by K.S.A. 8-1325, and amendments thereto; and

~~(D)(4)~~ a temporary identification card issued pursuant to this subparagraph may be renewed, subject at the time of renewal, to the same requirements and conditions set forth in this subsection for the issuance of the original temporary identification card.

(d) The division shall not issue an identification card to any person who holds a current valid Kansas driver's license unless such driver's license has been physically surrendered pursuant to the provisions of K.S.A. 8-1002(e), and amendments thereto.

(e) The division shall refuse to issue an identification card to a person holding a driver's license or identification card issued by another state without confirmation that the person is terminating or has terminated the license or identification card.

(f) The parent or guardian of an applicant under 16 years of age shall sign the application for an identification card submitted by such applicant.

(g) (1) The division shall require payment of a fee of \$14 at the time application for an identification card is made, except that persons who are 65 or more years of age or who are handicapped, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of only \$10. In addition to the fees prescribed by this subsection, the division shall require payment of the photo fee established pursuant to K.S.A. 8-243, and amendments thereto, for the cost of the photograph to be placed on the identification card.

(2) The division shall not require or accept payment of application or photo fees under this subsection for any person 17 years of age or older for purposes of meeting the voter identification requirements of K.S.A. 25-2908, and amendments thereto. Such person shall:

(A) Swear under oath that such person desires an identification card in order to vote in an election in Kansas and that such person does not possess any of the forms of identification acceptable under K.S.A. 25-2908, and amendments thereto. The affidavit shall specifically list the acceptable forms of identification under K.S.A. 25-2908, and amendments thereto; and

(B) produce evidence that such person is registered to vote in Kansas.

(3) The secretary of revenue shall adopt rules and regulations in order to implement the provisions of paragraph (2).

(h) All Kansas identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication for fraudulent purposes.

(i) For the purposes of K.S.A. 8-1324 through 8-1328, and amendments thereto, a person shall be deemed to be a resident of the state if *the person*:

(1) ~~The person~~ Owns, leases or rents a place of domicile in this state;

(2) ~~the person~~ engages in a trade, business or profession in this state;

(3) ~~the person~~ is registered to vote in this state;

(4) ~~the person~~ enrolls the person's child in a school in this state; or

(5) ~~the person~~ registers the person's motor vehicle in this state.

(j) The division shall require that any person applying for an identification card submit to a mandatory facial image capture. The captured facial image shall be displayed on the front of the applicant's identification card by either:

(1) A digital color image or photograph; or

(2) a laser-engraved photograph of the licensee.

(k) (1) Any person who is a veteran may request that the division issue to such person a nondriver identification card ~~which~~ *that* shall include the designation "VETERAN" displayed on the front of the nondriver identification card at a location to be determined by the secretary of revenue. In order to receive a nondriver identification card described in this subsection, the veteran ~~must~~ *shall* provide ~~proof of the veteran's military service and honorable discharge or general discharge under honorable conditions, including a copy of the veteran's DD214 form DD form 214, NGB form 22 or equivalent discharge document showing character of service as honorable or general under honorable conditions.~~

(2) As used in this subsection, "veteran" means a person who:

~~(A) Has served in: The army, navy, marine corps, air force, coast guard, air or army national guard or any branch of the military reserves of the United States; and~~

~~(B) has been separated from the branch of service in which the person was honorably discharged or received a general discharge under honorable conditions served in the active military, naval, air or space service and who was discharged or released therefrom under an honorable discharge or a general discharge under honorable conditions.~~

(3) The director of vehicles may adopt any rules and regulations necessary to carry out the provisions of this subsection.

(l) The director of vehicles may issue a temporary identification card to an applicant who cannot provide valid documentary evidence as defined by subsection (c), if the applicant provides compelling evidence

proving current lawful presence. Any temporary identification card issued pursuant to this subparagraph shall be valid for one year.

(m) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act an identification card. Such identification card shall bear a distinguishing number assigned to the cardholder, the full legal name, date of birth, address of principal residence, a brief description of the cardholder, either:

(1) A digital color image or photograph; or

(2) a laser engraved photograph of the cardholder, and a facsimile of the signature of the cardholder. An identification card ~~which~~ *that* does not contain the address of principal residence of the cardholder as required may be issued to persons who are program participants pursuant to K.S.A. 75-455, and amendments thereto.

(n) An identification card issued to any person who indicated on the application that the person wished to make an anatomical gift in accordance with the revised uniform anatomical gift act, K.S.A. 65-3220 through 65-3244, and amendments thereto, shall have the word “Donor” placed on the front of the applicant’s identification card.

(o) (1) Any person who submits satisfactory proof to the director of vehicles, on a form provided by the director, that such person needs assistance with cognition, including, but not limited to, persons with autism spectrum disorder, may request that the division issue to such person a nondriver identification card, that shall note such impairment on the nondriver identification card at a location to be determined by the secretary of revenue.

(2) Satisfactory proof that a person needs assistance with cognition shall include a statement from a person licensed to practice the healing arts in any state, an advanced practice registered nurse licensed under K.S.A. 65-1131, and amendments thereto, a licensed physician assistant or a person clinically licensed by the Kansas behavioral sciences regulatory board certifying that such person needs assistance with cognition.

(p)-(1) The secretary of revenue shall permit an electronic online renewal of an identification card if the electronic online renewal applicant previously provided documentation of identity, lawful presence and residence to the division for electronic scanning. For purposes of this subsection, the division may rely on the division’s most recent, existing color digital image and signature image of the applicant for the nondriver’s identification card if the division has such images on file. The determination on whether an electronic online renewal application or equivalent of a nondriver’s identification card is permitted shall be made by the director of vehicles or the director’s designee. The division shall not renew a nondriver’s identification card through an electronic online or equivalent process if the identification card has been previously renewed through

an electronic online application in the immediately preceding card's expiration period. No renewal under this subsection shall be granted to any person who is a registered offender pursuant to K.S.A. 22-4901 et seq., and amendments thereto.

~~(2) Prior to February 1, 2023, the division shall report to the house of representatives and the senate committees on transportation regarding the online renewal process of this subsection and the effects of implementing such process.~~

Sec. 9. K.S.A. 21-6630 is hereby amended to read as follows: 21-6630. (a) Upon motion of the defendant at the time of conviction or prior to sentencing, a defendant convicted of a criminal offense may assert that such defendant committed such offense as a result of an injury, including major depressive disorder, polytrauma, post-traumatic stress disorder or traumatic brain injury, connected to service in a combat zone in the armed forces of the United States of America. The court shall hold a hearing to determine whether the defendant:

(1) Has served in the armed forces of the United States of America in a combat zone, as defined in section 112 of the federal internal revenue code of 1986. Proof of such service shall consist of a certification by the ~~executive~~ director of the ~~Kansas commission on veterans affairs~~ *office of veterans services* in accordance with K.S.A. 73-1209, and amendments thereto;

(2) suffers from injury; and

(3) such injury was connected to service in a combat zone in the armed forces of the United States of America.

(b) (1) Except as provided in subsection (b)(2), if the court determines that such defendant meets the criteria provided in subsection (a) and such defendant's current crime of conviction and criminal history fall within a presumptive nonprison category under the sentencing guidelines, the court may order such defendant to undergo inpatient or outpatient treatment from any treatment facility or program operated by the United States department of defense, the United States department of veterans affairs or the Kansas national guard, if the defendant is eligible for and consents to such treatment.

(2) If the court determines that such defendant meets the criteria provided in subsection (a), such defendant is ineligible for treatment pursuant to subsection (b)(1) and such defendant meets the requirements established in K.S.A. 21-6824, and amendments thereto, the provisions of K.S.A. 21-6824, and amendments thereto, shall apply.

(c) Nothing in this section shall be construed to limit the court's authority to:

(1) Order any other sanction pursuant to K.S.A. 21-6602 or 21-6604, and amendments thereto;

(2) order a mental examination pursuant to K.S.A. 22-3429, and amendments thereto;

(3) order commitment pursuant to K.S.A. 22-3430 et seq., and amendments thereto; or

(4) determine that a person is a mentally ill person subject to involuntary commitment for care and treatment as defined in K.S.A. 59-2946, and amendments thereto.

(d) As used in this section:

(1) “Major depressive disorder” and “post-traumatic stress disorder” mean the same as such terms are defined in the diagnostic and statistical manual of mental disorders, fifth edition (DSM-5, 2013), of the American psychiatric association and that occurred as a result of events during the defendant’s service in one or more combat zones.

(2) “Polytrauma” means injury to multiple body parts and organ systems that occurred as a result of events during the defendant’s service in one or more combat zones.

(3) “Traumatic brain injury” means injury to the brain caused by physical trauma that occurred as a result of events during the defendant’s service in one or more combat zones.

(e) This section shall be a part of and supplemental to the Kansas criminal code.

Sec. 10. K.S.A. 2023 Supp. 32-934 is hereby amended to read as follows: 32-934. (a) Subject to the provisions of K.S.A. 32-920, and amendments thereto, the secretary of wildlife and parks or the secretary’s designee shall issue, free of charge, a permanent license to hunt and fish to any person residing in the state who submits to the secretary satisfactory proof that the person is a disabled veteran. Any such person hunting or fishing in this state shall be subject to the provisions of all rules and regulations relating to hunting or fishing.

(b) As used in this section, “disabled veteran” means a person who:

(1) ~~Was a member of the armed services~~ *Served in the active military, naval, air or space service and who was discharged or released therefrom under conditions other than dishonorable;*

(2) ~~has separated from the armed services under honorable conditions~~ *received a disability that was incurred or aggravated in the line of duty in the active military, naval, air or space service; and*

(3) ~~has a disability certified by the Kansas commission on veterans affairs office as being service-connected and such service-connected disability is evaluation percentage equal to or greater than 30% pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.~~

Sec. 11. K.S.A. 39-923 is hereby amended to read as follows: 39-923.

(a) As used in this act:

(1) “Adult care home” means any nursing facility, nursing facility for

mental health, intermediate care facility for people with intellectual disability, assisted living facility, residential healthcare facility, home plus, boarding care home and adult day care facility; all of which are classifications of adult care homes and are required to be licensed by the secretary for aging and disability services.

(2) “Nursing facility” means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care to compensate for activities of daily living limitations.

(3) “Nursing facility for mental health” means any place or facility operating 24 hours a day, seven days a week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care and special mental health services to compensate for activities of daily living limitations.

(4) “Intermediate care facility for people with intellectual disability” means any place or facility operating 24 hours a day, seven days a week, caring for four or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments caused by intellectual disability or related conditions, need services to compensate for activities of daily living limitations.

(5) “Assisted living facility” means any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours a day, seven days a week, for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by this act. Generally, the skilled services provided in an assisted living facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(6) “Residential healthcare facility” means any place or facility, or a contiguous portion of a place or facility, caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes individual living units and provides or

coordinates personal care or supervised nursing care available on a 24-hour, seven-days-a-week basis for the support of resident independence. The provision of skilled nursing procedures to a resident in a residential healthcare facility is not prohibited by this act. Generally, the skilled services provided in a residential healthcare facility shall be provided on an intermittent or limited term basis, or if limited in scope, a regular basis.

(7) “Home plus” means any residence or facility caring for not more than 12 individuals not related within the third degree of relationship to the operator or owner by blood or marriage unless the resident in need of care is approved for placement by the secretary for children and families, and who, due to functional impairment, needs personal care and may need supervised nursing care to compensate for activities of daily living limitations. The level of care provided to residents shall be determined by preparation of the staff and rules and regulations developed by the Kansas department for aging and disability services. An adult care home may convert a portion of one wing of the facility to a not less than five-bed and not more than 12-bed home plus facility provided that the home plus facility remains separate from the adult care home, and each facility must remain contiguous. Any home plus that provides care for more than eight individuals after the effective date of this act shall adjust staffing personnel and resources as necessary to meet residents’ needs in order to maintain the current level of nursing care standards. Personnel of any home plus who provide services for residents with dementia shall be required to take annual dementia care training.

(8) “Boarding care home” means any place or facility operating 24 hours a day, seven days a week, caring for not more than 10 individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of activities of daily living but who are ambulatory and essentially capable of managing their own care and affairs.

(9) “Adult day care” means any place or facility operating less than 24 hours a day caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment, need supervision of or assistance with activities of daily living.

(10) “Place or facility” means a building or any one or more complete floors of a building, or any one or more complete wings of a building, or any one or more complete wings and one or more complete floors of a building, and the term “place or facility” may include multiple buildings.

(11) “Skilled nursing care” means services performed by or under the immediate supervision of a registered professional nurse and additional licensed nursing personnel. Skilled nursing includes administration of medications and treatments as prescribed by a licensed physician or den-

tist; and other nursing functions that require substantial nursing judgment and skill based on the knowledge and application of scientific principles.

(12) “Supervised nursing care” means services provided by or under the guidance of a licensed nurse with initial direction for nursing procedures and periodic inspection of the actual act of accomplishing the procedures; administration of medications and treatments as prescribed by a licensed physician or dentist and assistance of residents with the performance of activities of daily living.

(13) “Resident” means all individuals kept, cared for, treated, boarded or otherwise accommodated in any adult care home.

(14) “Person” means any individual, firm, partnership, corporation, company, association or joint-stock association, and the legal successor thereof.

(15) “Operate an adult care home” means to own, lease, sublease, establish, maintain, conduct the affairs of or manage an adult care home, except that for the purposes of this definition the word “own” and the word “lease” shall not include hospital districts, cities and counties that hold title to an adult care home purchased or constructed through the sale of bonds.

(16) “Licensing agency” means the secretary for aging and disability services.

(17) “Skilled nursing home” means a nursing facility.

(18) “Intermediate nursing care home” means a nursing facility.

(19) “Apartment” means a private unit that includes, but is not limited to, a toilet room with bathing facilities, a kitchen, sleeping, living and storage area and a lockable door.

(20) “Individual living unit” means a private unit that includes, but is not limited to, a toilet room with bathing facilities, sleeping, living and storage area and a lockable door.

(21) “Operator” means an individual registered pursuant to the operator registration act, K.S.A. 39-973 et seq., and amendments thereto, who may be appointed by a licensee to have the authority and responsibility to oversee an assisted living facility or residential healthcare facility with fewer than 61 residents, a home plus or adult day care facility.

(22) “Activities of daily living” means those personal, functional activities required by an individual for continued well-being, including, but not limited to, eating, nutrition, dressing, personal hygiene, mobility and toileting.

(23) “Personal care” means care provided by staff to assist an individual with, or to perform activities of daily living.

(24) “Functional impairment” means an individual has experienced a decline in physical, mental and psychosocial well-being and as a result, is unable to compensate for the effects of the decline.

(25) “Kitchen” means a food preparation area that includes a sink, refrigerator and a microwave oven or stove.

(26) ~~The term~~ “Intermediate personal care home” for purposes of those individuals applying for or receiving veterans’ benefits means residential healthcare facility.

(27) “Paid nutrition assistant” means an individual who is paid to feed residents of an adult care home, or who is used under an arrangement with another agency or organization, who is trained by a person meeting nurse aide instructor qualifications as prescribed by 42 C.F.R. § 483.152, 42 C.F.R. § 483.160 and 42 C.F.R. § 483.35(h), and who provides such assistance under the supervision of a registered professional or licensed practical nurse.

(28) “Medicaid program” means the Kansas program of medical assistance for which federal or state moneys, or any combination thereof, are expended, or any successor federal or state, or both, health insurance program or waiver granted thereunder.

(29) “Licensee” means any person or persons acting jointly or severally who are licensed by the secretary for aging and disability services pursuant to the adult care home licensure act, K.S.A. 39-923 et seq., and amendments thereto.

(30) “Insolvent” means that the adult care home, or any individual or entity that operates an adult care home or appears on the adult care home license, has stopped paying debts in the ordinary course of business or is unable to pay debts as they come due in the ordinary course of business.

(b) ~~The term~~ “Adult care home” does not include institutions operated by federal or state governments, except institutions operated by the director of the ~~Kansas commission on veterans affairs~~ *office of veterans services*, hospitals or institutions for the treatment and care of psychiatric patients, child care facilities, maternity centers, hotels, offices of physicians or hospices that are certified to participate in the medicare program under 42 C.F.R. § 418.1 et seq., and that provide services only to hospice patients, or centers approved by the centers for medicare and medicaid services as a program for all-inclusive care for the elderly (PACE) under 42 C.F.R. § 460 et seq., that provides services only to PACE participants.

(c) Nursing facilities in existence on the effective date of this act changing licensure categories to become residential healthcare facilities shall be required to provide private bathing facilities in a minimum of 20% of the individual living units.

(d) Facilities licensed under the adult care home licensure act on the day immediately preceding the effective date of this act shall continue to be licensed facilities until the annual renewal date of such license and may renew such license in the appropriate licensure category under the

adult care home licensure act subject to the payment of fees and other conditions and limitations of such act.

(e) Nursing facilities with less than 60 beds converting a portion of the facility to residential healthcare shall have the option of licensing for residential healthcare for less than six individuals but not less than 10% of the total bed count within a contiguous portion of the facility.

(f) The licensing agency may by rule and regulation change the name of the different classes of homes when necessary to avoid confusion in terminology and the agency may further amend, substitute, change and in a manner consistent with the definitions established in this section, further define and identify the specific acts and services that shall fall within the respective categories of facilities so long as the above categories for adult care homes are used as guidelines to define and identify the specific acts.

Sec. 12. K.S.A. 44-706 is hereby amended to read as follows: 44-706. The secretary shall examine whether an individual has separated from employment for each week claimed. The secretary shall apply the provisions of this section to the individual's most recent employment prior to the week claimed. An individual shall be disqualified for benefits:

(a) If the individual left work voluntarily without good cause attributable to the work or the employer, subject to the other provisions of this subsection. For purposes of this subsection, "good cause" is cause of such gravity that would impel a reasonable, not supersensitive, individual exercising ordinary common sense to leave employment. Good cause requires a showing of good faith of the individual leaving work, including the presence of a genuine desire to work. Failure to return to work after expiration of approved personal or medical leave, or both, shall be considered a voluntary resignation. After a temporary job assignment, failure of an individual to affirmatively request an additional assignment on the next succeeding workday, if required by the employment agreement, after completion of a given work assignment, shall constitute leaving work voluntarily. The disqualification shall begin the day following the separation and shall continue until after the individual has become reemployed and has had earnings from insured work of at least three times the individual's weekly benefit amount. An individual shall not be disqualified under this subsection if:

(1) The individual was forced to leave work because of illness or injury upon the advice of a licensed and practicing healthcare provider and, upon learning of the necessity for absence, immediately notified the employer thereof, or the employer consented to the absence, and after recovery from the illness or injury, when recovery was certified by a practicing health care provider, the individual returned to the employer and offered to perform services and the individual's regular work or comparable and suitable work was not available. As used in this paragraph "healthcare pro-

vider” means any person licensed by the proper licensing authority of any state to engage in the practice of medicine and surgery, osteopathy, chiropractic, dentistry, optometry, podiatry or psychology;

(2) the individual left temporary work to return to the regular employer;

(3) the individual left work to ~~enlist~~ *enter active service* in the armed forces of the United States, but was rejected or delayed from entry;

(4) The spouse of an individual who is a member of the armed forces of the United States who left work because of the voluntary or involuntary transfer of the individual's spouse from one job to another job, ~~which~~ *that* is for the same employer or for a different employer, at a geographic location ~~which~~ *that* makes it unreasonable for the individual to continue work at the individual's job. For the purposes of this provision the term “member of the armed forces” means ~~active duty~~ *a person performing active service* in the army, navy, marine corps, air force, *space force*, coast guard or any ~~branch~~ *component* of the military reserves of the United States;

(5) the individual left work because of hazardous working conditions; in determining whether or not working conditions are hazardous for an individual, the degree of risk involved to the individual's health, safety and morals, the individual's physical fitness and prior training and the working conditions of workers engaged in the same or similar work for the same and other employers in the locality shall be considered; as used in this paragraph, “hazardous working conditions” means working conditions that could result in a danger to the physical or mental well-being of the individual; each determination as to whether hazardous working conditions exist shall include, but shall not be limited to, a consideration of: (A) The safety measures used or the lack thereof; and (B) the condition of equipment or lack of proper equipment; no work shall be considered hazardous if the working conditions surrounding the individual's work are the same or substantially the same as the working conditions generally prevailing among individuals performing the same or similar work for other employers engaged in the same or similar type of activity;

(6) the individual left work to enter training approved under section 236(a)(1) of the federal trade act of 1974, provided the work left is not of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the federal trade act of 1974, and wages for such work are not less than 80% of the individual's average weekly wage as determined for the purposes of the federal trade act of 1974;

(7) the individual left work because of unwelcome harassment of the individual by the employer or another employee of which the employing unit had knowledge and that would impel the average worker to give up such worker's employment;

(8) the individual left work to accept better work; each determination as to whether or not the work accepted is better work shall include, but shall not be limited to, consideration of: (A) The rate of pay, the hours of work and the probable permanency of the work left as compared to the work accepted; (B) the cost to the individual of getting to the work left in comparison to the cost of getting to the work accepted; and (C) the distance from the individual's place of residence to the work accepted in comparison to the distance from the individual's residence to the work left;

(9) the individual left work as a result of being instructed or requested by the employer, a supervisor or a fellow employee to perform a service or commit an act in the scope of official job duties ~~which~~ *that* is in violation of an ordinance or statute;

(10) the individual left work because of a substantial violation of the work agreement by the employing unit and, before the individual left, the individual had exhausted all remedies provided in such agreement for the settlement of disputes before terminating. For the purposes of this paragraph, a demotion based on performance does not constitute a violation of the work agreement;

(11) after making reasonable efforts to preserve the work, the individual left work due to a personal emergency of such nature and compelling urgency that it would be contrary to good conscience to impose a disqualification; or

(12) (A) the individual left work due to circumstances resulting from domestic violence, including:

(i) The individual's reasonable fear of future domestic violence at or en route to or from the individual's place of employment;

(ii) the individual's need to relocate to another geographic area in order to avoid future domestic violence;

(iii) the individual's need to address the physical, psychological and legal impacts of domestic violence;

(iv) the individual's need to leave employment as a condition of receiving services or shelter from an agency ~~which~~ *that* provides support services or shelter to victims of domestic violence; or

(v) the individual's reasonable belief that termination of employment is necessary to avoid other situations ~~which~~ *that* may cause domestic violence and to provide for the future safety of the individual or the individual's family.

(B) An individual may prove the existence of domestic violence by providing one of the following:

(i) A restraining order or other documentation of equitable relief by a court of competent jurisdiction;

(ii) a police record documenting the abuse;

(iii) documentation that the abuser has been convicted of one or more of the offenses enumerated in articles 34 and 35 of chapter 21 of the Kansas Statutes Annotated, prior to their repeal, or articles 54 or 55 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6104, 21-6325, 21-6326 or 21-6418 through 21-6422, and amendments thereto, where the victim was a family or household member;

(iv) medical documentation of the abuse;

(v) a statement provided by a counselor, social worker, health care provider, clergy, shelter worker, legal advocate, domestic violence or sexual assault advocate or other professional who has assisted the individual in dealing with the effects of abuse on the individual or the individual's family; or

(vi) a sworn statement from the individual attesting to the abuse.

(C) No evidence of domestic violence experienced by an individual, including the individual's statement and corroborating evidence, shall be disclosed by the department of labor unless consent for disclosure is given by the individual.

(b) If the individual has been discharged or suspended for misconduct connected with the individual's work. The disqualification shall begin the day following the separation and shall continue until after the individual becomes reemployed and in cases where the disqualification is due to discharge for misconduct has had earnings from insured work of at least three times the individual's determined weekly benefit amount, except that if an individual is discharged for gross misconduct connected with the individual's work, such individual shall be disqualified for benefits until such individual again becomes employed and has had earnings from insured work of at least eight times such individual's determined weekly benefit amount. In addition, all wage credits attributable to the employment from which the individual was discharged for gross misconduct connected with the individual's work shall be canceled. No such cancellation of wage credits shall affect prior payments made as a result of a prior separation.

(1) ~~For the purposes of this~~ As used in this subsection, "misconduct" is defined as means a violation of a duty or obligation reasonably owed the employer as a condition of employment including, but not limited to, a violation of a company rule, including a safety rule, if: (A) The individual knew or should have known about the rule; (B) the rule was lawful and reasonably related to the job; and (C) the rule was fairly and consistently enforced.

(2) (A) Failure of the employee to notify the employer of an absence and an individual's leaving work prior to the end of such individual's assigned work period without permission shall be considered prima facie evidence of a violation of a duty or obligation reasonably owed the employer as a condition of employment.

(B) For the purposes of this subsection, misconduct shall include, but not be limited to, violation of the employer's reasonable attendance expectations if the facts show:

- (i) The individual was absent or tardy without good cause;
- (ii) the individual had knowledge of the employer's attendance expectation; and
- (iii) the employer gave notice to the individual that future absence or tardiness may or will result in discharge.

(C) For the purposes of this subsection, if an employee disputes being absent or tardy without good cause, the employee shall present evidence that a majority of the employee's absences or tardiness were for good cause. If the employee alleges that the employee's repeated absences or tardiness were the result of health related issues, such evidence shall include documentation from a licensed and practicing healthcare provider as defined in subsection (a)(1).

(3) (A) The term "gross misconduct" as used in this subsection shall be construed to mean conduct evincing extreme, willful or wanton misconduct as defined by this subsection. Gross misconduct shall include, but not be limited to: (i) Theft; (ii) fraud; (iii) intentional damage to property; (iv) intentional infliction of personal injury; or (v) any conduct that constitutes a felony.

(B) For the purposes of this subsection, the following shall be conclusive evidence of gross misconduct:

- (i) The use of alcoholic liquor, cereal malt beverage or a nonprescribed controlled substance by an individual while working;
- (ii) the impairment caused by alcoholic liquor, cereal malt beverage or a nonprescribed controlled substance by an individual while working;
- (iii) a positive breath alcohol test or a positive chemical test, ~~provided~~ *if*:

- (a) The test was either:
 - (1) Required by law and was administered pursuant to the drug free workplace act, 41 U.S.C. § 701 et seq.;
 - (2) administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment;
 - (3) requested pursuant to a written policy of the employer of which the employee had knowledge and was a required condition of employment;
 - (4) required by law and the test constituted a required condition of employment for the individual's job; or
 - (5) there was reasonable suspicion to believe that the individual used, had possession of, or was impaired by alcoholic liquor, cereal malt beverage or a nonprescribed controlled substance while working;
- (b) the test sample was collected either:

(1) As prescribed by the drug free workplace act, 41 U.S.C. § 701 et seq.;

(2) as prescribed by an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment;

(3) as prescribed by the written policy of the employer of which the employee had knowledge and ~~which~~ *that* constituted a required condition of employment;

(4) as prescribed by a test ~~which~~ *that* was required by law and which constituted a required condition of employment for the individual's job; or

(5) at a time contemporaneous with the events establishing probable cause;

(c) the collecting and labeling of a chemical test sample was performed by a licensed health care professional or any other individual certified pursuant to paragraph (b)(3)(A)(iii)(f) or authorized to collect or label test samples by federal or state law, or a federal or state rule or regulation having the force or effect of law, including law enforcement personnel;

(d) the chemical test was performed by a laboratory approved by the United States department of health and human services or licensed by the department of health and environment, except that a blood sample may be tested for alcohol content by a laboratory commonly used for that purpose by state law enforcement agencies;

(e) the chemical test was confirmed by gas chromatography, gas chromatography-mass spectroscopy or other comparably reliable analytical method, except that no such confirmation is required for a blood alcohol sample or a breath alcohol test;

(f) the breath alcohol test was administered by an individual trained to perform breath tests, the breath testing instrument used was certified and operated strictly according to a description provided by the manufacturers and the reliability of the instrument performance was assured by testing with alcohol standards; and

(g) the foundation evidence establishes, beyond a reasonable doubt, that the test results were from the sample taken from the individual;

(iv) an individual's refusal to submit to a chemical test or breath alcohol test, ~~provided if:~~

(a) The test meets the standards of the drug free workplace act, 41 U.S.C. § 701 et seq.;

(b) the test was administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment;

(c) the test was otherwise required by law and the test constituted a required condition of employment for the individual's job;

(d) the test was requested pursuant to a written policy of the employer of which the employee had knowledge and was a required condition of employment; or

(e) there was reasonable suspicion to believe that the individual used, possessed or was impaired by alcoholic liquor, cereal malt beverage or a nonprescribed controlled substance while working; *and*

(v) an individual's dilution or other tampering of a chemical test.

(C) For purposes of this subsection:

(i) "Alcohol concentration" means the number of grams of alcohol per 210 liters of breath;

(ii) "alcoholic liquor" means the same as ~~provided defined~~ in K.S.A. 41-102, and amendments thereto;

(iii) "cereal malt beverage" means the same as ~~provided defined~~ in K.S.A. 41-2701, and amendments thereto;

(iv) "chemical test" includes, but is not limited to, tests of urine, blood or saliva;

(v) "controlled substance" means the same as ~~provided defined~~ in K.S.A. 21-5701, and amendments thereto;

(vi) "required by law" means required by a federal or state law, a federal or state rule or regulation having the force and effect of law, a county resolution or municipal ordinance, or a policy relating to public safety adopted in an open meeting by the governing body of any special district or other local governmental entity;

(vii) "positive breath test" means a test result showing an alcohol concentration of 0.04 or greater, or the levels listed in 49 C.F.R. part 40, if applicable, unless the test was administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment, in which case "positive chemical test" ~~shall mean~~ means a test result showing an alcohol concentration at or above the levels provided for in the assistance or treatment program; *and*

(viii) "positive chemical test" means a chemical result showing a concentration at or above the levels listed in K.S.A. 44-501, and amendments thereto, or 49 C.F.R. part 40, as applicable, for the drugs or abuse listed therein, unless the test was administered as part of an employee assistance program or other drug or alcohol treatment program in which the employee was participating voluntarily or as a condition of further employment, in which case "positive chemical test" means a chemical result showing a concentration at or above the levels provided for in the assistance or treatment program.

(4) An individual shall not be disqualified under this subsection if the individual is discharged under the following circumstances:

(A) The employer discharged the individual after learning the individual was seeking other work or when the individual gave notice of future

intent to quit, except that the individual shall be disqualified after the time at which ~~that~~ such individual intended to quit and any individual who commits misconduct after such individual gives notice to such individual's intent to quit shall be disqualified;

(B) the individual was making a ~~good faith~~ *good faith* effort to do the assigned work but was discharged due to:

- (i) Inefficiency;
- (ii) unsatisfactory performance due to inability, incapacity or lack of training or experience;
- (iii) isolated instances of ordinary negligence or inadvertence;
- (iv) ~~good faith~~ *good faith* errors in judgment or discretion; or
- (v) unsatisfactory work or conduct due to circumstances beyond the individual's control; or

(C) the individual's refusal to perform work in excess of the contract of hire.

(c) If the individual has failed, without good cause, to either apply for suitable work when so directed by the employment office of the secretary of labor, or to accept suitable work when offered to the individual by the employment office, the secretary of labor, or an employer, such disqualification shall begin with the week in which such failure occurred and shall continue until the individual becomes reemployed and has had earnings from insured work of at least three times such individual's determined weekly benefit amount. In determining whether or not any work is suitable for an individual, the secretary of labor, or a person or persons designated by the secretary, shall consider the degree of risk involved to health, safety and morals, physical fitness and prior training, experience and prior earnings, length of unemployment and prospects for securing local work in the individual's customary occupation or work for which the individual is reasonably ~~fitted~~ *fit* by training or experience, and the distance of the available work from the individual's residence. Notwithstanding any other provisions of this act, an otherwise eligible individual shall not be disqualified for refusing an offer of suitable employment, or failing to apply for suitable employment when notified by an employment office, or for leaving the individual's most recent work accepted during approved training, including training approved under section 236(a)(1) of the trade act of 1974, if the acceptance of or applying for suitable employment or continuing such work would require the individual to terminate approved training and no work shall be deemed suitable and benefits shall not be denied under this act to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

(1) If the position offered is vacant due directly to a strike, lockout or other labor dispute;

(2) if the remuneration, hours or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

(3) if as a condition of being employed, the individual would be required to join or to resign from or refrain from joining any labor organization; and

(4) if the individual left employment as a result of domestic violence, and the position offered does not reasonably accommodate the individual's physical, psychological, safety, or legal needs relating to such domestic violence.

(d) For any week with respect to which the secretary of labor, or a person or persons designated by the secretary, finds that the individual's unemployment is due to a stoppage of work ~~which~~ *that* exists because of a labor dispute or there would have been a work stoppage had normal operations not been maintained with other personnel previously and currently employed by the same employer at the factory, establishment or other premises at which the individual is or was last employed, except that this subsection (d) shall not apply if it is shown to the satisfaction of the secretary of labor, or a person or persons designated by the secretary, that:

(1) The individual is not participating in or financing or directly interested in the labor dispute ~~which~~ *that* caused the stoppage of work; and

(2) the individual does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises ~~at which~~ *where* the stoppage occurs any of whom are participating in or financing or directly interested in the dispute. If in any case separate branches of work ~~which~~ *that* are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purpose of this subsection be deemed to be a separate factory, establishment or other premises. For the purposes of this subsection, failure or refusal to cross a picket line or refusal for any reason during the continuance of such labor dispute to accept the individual's available and customary work at the factory, establishment or other premises where the individual is or was last employed shall be considered as participation and interest in the labor dispute.

(e) For any week ~~with respect to which~~ or a part of *the week in which* the individual has received or is seeking unemployment benefits under the unemployment compensation law of any other state or of the United States, except that if the appropriate agency of such other state or the United States finally determines that the individual is not entitled to such unemployment benefits, this disqualification shall not apply.

(f) For any week ~~with respect to~~ *in which* the individual is entitled to receive any unemployment allowance or compensation granted by the

United States under an act of congress to ~~ex-service men and women former members of the armed forces~~ in recognition of former service with the military ~~or, naval, air or space~~ services of the United States.

(g) If the individual, or another in such individual's behalf with the knowledge of the individual, has knowingly made a false statement or representation, or has knowingly failed to disclose a material fact to obtain or increase benefits under this act or any other unemployment compensation law administered by the secretary of labor, unless the individual has repaid the full amount of the overpayment as determined by the secretary or the secretary's designee, including, but not limited to, the total amount of money erroneously paid as benefits or unlawfully obtained, interest, penalties and any other costs or fees provided by law. If the individual has made such repayment, the individual shall be disqualified for a period of one year for the first occurrence or five years for any subsequent occurrence, beginning with the first day following the date the department of labor confirmed the individual has successfully repaid the full amount of the overpayment. In addition to the penalties set forth in K.S.A. 44-719, and amendments thereto, an individual who has knowingly made a false statement or representation or who has knowingly failed to disclose a material fact to obtain or increase benefits under this act or any other unemployment compensation law administered by the secretary of labor shall be liable for a penalty in the amount equal to 25% of the amount of benefits unlawfully received. Notwithstanding any other provision of law, such penalty shall be deposited into the employment security trust fund. No person who is a victim of identity theft shall be subject to the provisions of this subsection. The secretary shall investigate all cases of an alleged false statement or representation or failure to disclose a material fact to ensure no victim of identity theft is disqualified, required to repay or subject to any penalty as provided by this subsection as a result of identity theft.

(h) For any week ~~with respect to~~ *in* which the individual is receiving compensation for temporary total disability or permanent total disability under the workmen's compensation law of any state or under a similar law of the United States.

(i) For any week of unemployment on the basis of service in an instructional, research or principal administrative capacity for an educational institution as defined in K.S.A. 44-703(v), and amendments thereto, if such week begins during the period between two successive academic years or terms or, when an agreement provides instead for a similar period between two regular but not successive terms during such period or during a period of paid sabbatical leave provided for in the individual's contract, if the individual performs such services in the first of such academic years or terms and there is a contract or a reasonable assurance that

such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms.

(j) For any week of unemployment on the basis of service in any capacity other than service in an instructional, research, or administrative capacity in an educational institution, as defined in K.S.A. 44-703(v), and amendments thereto, if such week begins during the period between two successive academic years or terms if the individual performs such services in the first of such academic years or terms and there is a reasonable assurance that the individual will perform such services in the second of such academic years or terms, except that if benefits are denied to the individual under this subsection and the individual was not offered an opportunity to perform such services for the educational institution for the second of such academic years or terms, such individual shall be entitled to a retroactive payment of benefits for each week for which the individual filed a timely claim for benefits and for which such benefits were denied solely by reason of this subsection.

(k) For any week of unemployment on the basis of service in any capacity for an educational institution as defined in K.S.A. 44-703(v), and amendments thereto, if such week begins during an established and customary vacation period or holiday recess, if the individual performs services in the period immediately before such vacation period or holiday recess and there is a reasonable assurance that such individual will perform such services in the period immediately following such vacation period or holiday recess.

(l) For any week of unemployment on the basis of any services, ~~substantially all of which consist~~ *consisting* of participating in sports or athletic events or training or preparing to so participate, if such week begins during the period between two successive sport seasons or similar period if such individual performed services in the first of such seasons or similar periods and there is a reasonable assurance that such individual will perform such services in the later of such seasons or similar periods.

(m) For any week on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed, including an alien who was lawfully present in the United States as a result of the application of the provisions of section 212(d)(5) of the federal immigration and nationality act. Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits. In the case of an individual whose application for benefits would otherwise be approved, no determination that

benefits to such individual are not payable because of such individual's alien status shall be made except upon a preponderance of the evidence.

(n) For any week in which an individual is receiving a governmental or other pension, retirement or retired pay, annuity or other similar periodic payment under a plan maintained by a base period employer and to which the entire contributions were provided by such employer, except that:

(1) If the entire contributions to such plan were provided by the base period employer but such individual's weekly benefit amount exceeds such governmental or other pension, retirement or retired pay, annuity or other similar periodic payment attributable to such week, the weekly benefit amount payable to the individual shall be reduced, but not below zero, by an amount equal to the amount of such pension, retirement or retired pay, annuity or other similar periodic payment ~~which~~ *that* is attributable to such week; or

(2) if only a portion of contributions to such plan were provided by the base period employer, the weekly benefit amount payable to such individual for such week shall be reduced, but not below zero, by the prorated weekly amount of the pension, retirement or retired pay, annuity or other similar periodic payment after deduction of that portion of the pension, retirement or retired pay, annuity or other similar periodic payment that is directly attributable to the percentage of the contributions made to the plan by such individual; or

(3) if the entire contributions to the plan were provided by such individual, or by the individual and an employer, or any person or organization, who is not a base period employer, no reduction in the weekly benefit amount payable to the individual for such week shall be made under this subsection; or

(4) whatever portion of contributions to such plan were provided by the base period employer, if the services performed for the employer by such individual during the base period, or remuneration received for the services, did not affect the individual's eligibility for, or increased the amount of, such pension, retirement or retired pay, annuity or other similar periodic payment, no reduction in the weekly benefit amount payable to the individual for such week shall be made under this subsection. No reduction shall be made for payments made under the social security act or railroad retirement act of 1974.

(o) For any week of unemployment on the basis of services performed in any capacity and under any of the circumstances described in subsection (i), (j) or (k) that an individual performed in an educational institution while in the employ of an educational service agency. For the purposes of this subsection, the term "educational service agency" means a governmental agency or entity ~~which~~ *that* is established and

operated exclusively for the purpose of providing such services to one or more educational institutions.

(p) For any week of unemployment on the basis of service as a school bus or other motor vehicle driver employed by a private contractor to transport pupils, students and school personnel to or from school-related functions or activities for an educational institution, as defined in K.S.A. 44-703(v), and amendments thereto, if such week begins during the period between two successive academic years or during a similar period between two regular terms, whether or not successive, if the individual has a contract or contracts, or a reasonable assurance thereof, to perform services in any such capacity with a private contractor for any educational institution for both such academic years or both such terms. An individual shall not be disqualified for benefits as provided in this subsection for any week of unemployment on the basis of service as a bus or other motor vehicle driver employed by a private contractor to transport persons to or from nonschool-related functions or activities.

(q) For any week of unemployment on the basis of services performed by the individual in any capacity and under any of the circumstances described in subsection (i), (j), (k) or (o) ~~which that~~ are provided to or on behalf of an educational institution, as defined in K.S.A. 44-703(v), and amendments thereto, while the individual is in the employ of an employer ~~which that~~ is a governmental entity, Indian tribe or any employer described in section 501(c)(3) of the federal internal revenue code of 1986 ~~which that~~ is exempt from income under section 501(a) of the code.

(r) For any week in which an individual is registered at and attending an established school, training facility or other educational institution, or is on vacation during or between two successive academic years or terms. An individual shall not be disqualified for benefits as provided in this subsection ~~provided if~~:

(1) The individual was engaged in full-time employment concurrent with the individual's school attendance;

(2) the individual is attending approved training as defined in K.S.A. 44-703(s), and amendments thereto; or

(3) the individual is attending evening, weekend or limited day time classes, ~~which that~~ would not affect availability for work, and is otherwise eligible under K.S.A. 44-705(c), and amendments thereto.

(s) For any week ~~with respect to in~~ which an individual is receiving or has received remuneration in the form of a back pay award or settlement. The remuneration shall be allocated to the week or weeks in the manner as specified in the award or agreement, or in the absence of such specificity in the award or agreement, such remuneration shall be allocated to the week or weeks ~~in for~~ which such remuneration, in the judgment of the secretary, would have been paid.

(1) For any such weeks that an individual receives remuneration in the form of a back pay award or settlement, an overpayment will be established in the amount of unemployment benefits paid and shall be collected from the claimant.

(2) If an employer chooses to withhold from a back pay award or settlement, amounts paid to a claimant while they claimed unemployment benefits, such employer shall pay the department the amount withheld. With respect to such amount, the secretary shall have available all of the collection remedies authorized or provided in K.S.A. 44-717, and amendments thereto.

(t) (1) Any applicant for or recipient of unemployment benefits who tests positive for unlawful use of a controlled substance or controlled substance analog shall be required to complete a substance abuse treatment program approved by the secretary of labor, secretary of commerce or secretary for children and families, and a job skills program approved by the secretary of labor, secretary of commerce or the secretary for children and families. Subject to applicable federal laws, any applicant for or recipient of unemployment benefits who fails to complete or refuses to participate in the substance abuse treatment program or job skills program as required under this subsection shall be ineligible to receive unemployment benefits until completion of such substance abuse treatment and job skills programs. Upon completion of both substance abuse treatment and job skills programs, such applicant for or recipient of unemployment benefits may be subject to periodic drug screening, as determined by the secretary of labor. Upon a second positive test for unlawful use of a controlled substance or controlled substance analog, an applicant for or recipient of unemployment benefits shall be ordered to complete again a substance abuse treatment program and job skills program, and shall be terminated from unemployment benefits for a period of 12 months, or until such applicant for or recipient of unemployment benefits completes both substance abuse treatment and job skills programs, whichever is later. Upon a third positive test for unlawful use of a controlled substance or controlled substance analog, an applicant for or a recipient of unemployment benefits shall be terminated from receiving unemployment benefits, subject to applicable federal law.

(2) Any individual who has been discharged or refused employment for failing a preemployment drug screen required by an employer may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any such individual who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening.

(u) If the individual was found not to have a disqualifying adjudication or conviction under K.S.A. 39-970 or 65-5117, and amendments thereto,

was hired and then was subsequently convicted of a disqualifying felony under K.S.A. 39-970 or 65-5117, and amendments thereto, and discharged pursuant to K.S.A. 39-970 or 65-5117, and amendments thereto. The disqualification shall begin the day following the separation and shall continue until after the individual becomes reemployed and has had earnings from insured work of at least three times the individual's determined weekly benefit amount.

(v) Notwithstanding the provisions of any subsection, an individual shall not be disqualified for such week of part-time employment in a substitute capacity for an educational institution if such individual's most recent employment prior to the individual's benefit year begin date was for a non-educational institution and such individual demonstrates application for work in such individual's customary occupation or for work for which the individual is reasonably ~~fitted~~ *fit* by training or experience.

Sec. 13. K.S.A. 48-3401 is hereby amended to read as follows: 48-3401. As used in K.S.A. 48-3401 through 48-3405 ~~of this act, and amendments thereto:~~

(a) ~~“Military”~~ *“Active service”* means *service on active duty performed by a licensee in who is a member of the army, navy, marine corps, air force, space force, air or army national guard of any of the several states and territories, Puerto Rico and the District of Columbia, coast guard or any branch component of the military reserves of the United States.*

(b) *“License”* means any permit, certificate, authority, privilege or registration whether temporary or permanent issued, granted or made by the state of Kansas or any officer, board, department or commission or agency thereof authorizing a person to engage in or practice an occupation or profession in this state.

(c) *“Licensee”* means a person who had, at the time of commencing a period of military service, a valid, existing license to engage in or practice an occupation or profession in this state. *“Licensee”* also means a person who, while ~~in military~~ *performing active service*, obtains a valid license to engage in or practice an occupation or profession in this state.

Sec. 14. K.S.A. 2023 Supp. 48-3407 is hereby amended to read as follows: 48-3407. (a) ~~For the purposes of~~ *As used in this section:*

(1) *“Applicant”* means a person who entered into ~~military~~ *active service* and separated from such ~~military~~ *active service* with an honorable discharge or a general discharge under honorable conditions;

(2) *“licensing body”* ~~has the meaning ascribed thereto~~ *means the same as defined in K.S.A. 74-146, and amendments thereto, except for licensing boards under K.S.A. 65-1116 and 65-6129, and amendments thereto; and*

(3) ~~“military”~~ *“active service”* means *service on active duty performed by a member of the army, navy, marine corps, air force, space force, air or army national guard of any* ~~state of the several states and territories,~~

Puerto Rico and the District of Columbia, coast guard or any ~~branch component~~ of the military reserves of the United States.

(b) (1) Notwithstanding any other provision of law, upon presentation of a completed application by an applicant with an honorable discharge for certification or licensure, a licensing body shall accept education, training or service completed in ~~military~~ *active* service by the applicant towards any educational requirements for certification or licensure in this state if the applicant demonstrates to the satisfaction of the licensing body that such education, training or service obtained is substantially equivalent to the existing educational requirements of such licensure or certification. No education, training or service shall count towards any examination requirements unless such licensing body has provided a waiver for such requirement. The licensing body may require the applicant to provide documentation of such education, training or service as deemed necessary by the licensing body to determine substantial equivalency.

(2) A licensing board under this section may accept education, training or service completed in ~~military~~ *active* service towards any educational requirements for certification or licensure in this state if an applicant was separated from ~~military service~~ *the armed forces* with a general discharge under honorable conditions.

(c) Each licensing body may adopt rules and regulations necessary to implement and carry out the provisions of this section.

(d) This section shall not apply to the practice of law or the regulation of attorneys pursuant to K.S.A. 7-103, and amendments thereto.

Sec. 15. K.S.A. 2023 Supp. 48-3408 is hereby amended to read as follows: 48-3408. (a) ~~For the purposes of~~ *As used in this section:*

(1) “Accreditation” ~~has the meaning ascribed thereto~~ *means the same as defined in K.S.A. 74-32,163, and amendments thereto;*

(2) “accredited educational institution” means an educational institution that has achieved and maintained accreditation;

(3) “applicant” means a person who entered into ~~military~~ *active* service and separated from such ~~military service~~ *the armed forces* under conditions other than dishonorable;

(4) “community college” means any community college established under the laws of this state;

(5) “distance education course” means a course consisting solely or primarily of instruction provided online or in other computer-assisted formats, or by correspondence, audiotape, videotape or other media;

(6) “educational institution” means any postsecondary educational institution, private postsecondary educational institution and out-of-state postsecondary educational institution;

(7) “institute of technology” or “Washburn institute of technology” means the institute of technology at Washburn university;

(8) “licensing body” ~~has the meaning ascribed thereto~~ *means the same as defined in K.S.A. 74-146, and amendments thereto;*

(9) “~~military~~ *active* service” *means service on active duty performed by a member of the army, navy, marine corps, air force, space force, air or army national guard of any state of the several states and territories, Puerto Rico and the District of Columbia, coast guard or any branch component of the military reserves of the United States;*

(10) “municipal university” means Washburn university of Topeka or any other municipal university established under the laws of this state;

(11) “out-of-state postsecondary educational institution” ~~has the meaning ascribed thereto~~ *means the same as defined in K.S.A. 74-32,163, and amendments thereto;*

(12) “postsecondary educational institution” means any state educational institution, municipal university, community college, technical college and institute of technology, and includes any entity resulting from the consolidation or affiliation of any two or more of such postsecondary educational institutions;

(13) “private postsecondary educational institution” ~~has the meaning ascribed thereto~~ *means the same as defined in K.S.A. 74-32,163, and amendments thereto;*

(14) “state educational institution” ~~means any state educational institution, the same as defined in K.S.A. 76-711, and amendments thereto;~~ and

(15) “technical college” means any technical college established under the laws of this state.

(b) Notwithstanding any other provision of law, a licensing body may authorize any educational requirements for certification or licensure in this state to be waived if an applicant provides satisfactory evidence of completion of a distance education course. To qualify for such a waiver, the distance education course must be:

(1) Provided by an accredited educational institution; and

(2) substantially equivalent to the educational standards required for certification or licensure in this state.

(c) Each licensing body may adopt rules and regulations necessary to implement and carry out the provisions of this section.

(d) This section shall not apply to the practice of law or the regulation of attorneys pursuant to K.S.A. 7-103, and amendments thereto.

Sec. 16. K.S.A. 2023 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 stationed in Kansas for at least 11 months during *active* service in the armed forces or had established residency in Kansas prior to *active* 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 stationed in Kansas for at least 11 months during such veteran's *period of active* service in the armed forces or had established residency in Kansas prior to *active* 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, *space force*, coast guard, Kansas army or air national guard or any ~~branch component~~ of the military reserves of the United States;

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

(3) "veteran" means a person who ~~has been separated from the armed forces and was honorably discharged or received a general discharge under honorable conditions~~ *served in the active military, naval, air or space service and who was discharged or released therefrom under an honorable discharge or a general discharge under honorable conditions*.

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

Sec. 17. K.S.A. 2023 Supp. 50-676 is hereby amended to read as follows: 50-676. As used in K.S.A. 50-676 through 50-679, and amendments thereto:

(a) "Elder person" means a person who is 60 years of age or older.

(b) "Disabled person" means a person who has physical or mental impairment, or both, that substantially limits one or more of such person's major life activities.

(c) "Immediate family member" means parent, child, stepchild or spouse.

(d) “Major life activities” includes functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(e) “~~Member of the military armed forces~~” means ~~a member of the armed forces or national guard on active duty or a member of an active reserve unit in the armed forces or national guard~~ *person performing active service in the army, navy, marine corps, air force, space force, coast guard or any component of the military reserves of the United States.*

(f) “Physical or mental impairment” means the following:

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

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

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

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

(g) “Protected consumer” means:

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

(h) “Substantially limits” means:

(1) Unable to perform a major life activity that the average person in the general population can perform; or

(2) significantly restricted as to the condition, manner or duration under which an individual can perform a particular major life activity as

compared to the condition, manner or duration under which the average person in the general population can perform that same major life activity. Minor temporary ailments or injuries shall not be considered physical or mental impairments that substantially limit a person's major life activities. Minor temporary ailments include, but are not limited to, colds, influenza or sprains or minor injuries.

(i) ~~"Veteran" means a person who has served in the armed forces of the United States and separated from the armed forces under honorable conditions active military, naval, air or space service and who was discharged or released therefrom under an honorable discharge or a general discharge under honorable conditions.~~

Sec. 18. K.S.A. 65-1116 is hereby amended to read as follows: 65-1116. (a) *Qualification*. An applicant for a license to practice as a licensed practical nurse shall:

(1) Have graduated from an approved school of practical nursing or professional nursing in the United States or its territories or from a school of practical nursing or professional nursing in a foreign country ~~which~~ *that* is approved by the board as defined in rules and regulations;

(2) have obtained other qualifications not in conflict with this act as the board may prescribe by rule and regulation; and

(3) file with the board a written application for a license.

(b) If the board finds in evaluating any applicant that such applicant is deficient in qualification or in the quality of such applicant's educational experience, the board may require such applicant to fulfill such remedial or other requirements as the board may prescribe.

(c) *License*. (1) The board shall issue a license to an applicant to practice as a practical nurse who has:

(A) Met the qualifications set forth in subsections (a) and (b);

(B) passed a written examination as prescribed by the board; and

(C) no disqualifying factors under K.S.A. 65-1120, and amendments thereto.

(2) The board may issue a license to practice nursing as a practical nurse to an applicant who has been duly licensed as a practical nurse by examination under the laws of another state or territory if, in the opinion of the board, the applicant meets the qualifications required of a practical nurse in this state. Verification of the applicant's licensure status shall be required from the original state of licensure.

(3) The board may authorize the educational requirement under subsection (a)(1) to be waived for an applicant who has attained a passing score on the national council licensure examination for practical nurses and provided evidence to the board of such applicant's practical nursing experience ~~with the military~~ *during a period of active service as a member of the armed forces*. To qualify for such a waiver, the applicant

~~must~~ *shall* have been a member *or is a current member* of the army, navy, marine corps, air force, *space force*, air or army national guard of any of the several states and territories, Puerto Rico and the District of Columbia, coast guard or any ~~branch~~ component of the military reserves of the United States, and separated from such ~~military~~ *period of active* service with an honorable discharge. *Current members of the armed forces are presumed to be serving honorably.* If such applicant was separated from such ~~military~~ *period of active* service with a general discharge under honorable conditions and meets the requirements of this paragraph, the board may authorize the educational requirements under subsection (a) (1) be waived.

(4) *Refresher course.* Notwithstanding the provisions of subsections (a) and (b), an applicant for a license to practice as a licensed practical nurse who has not been licensed to practice practical nursing for five years preceding application shall be required to successfully complete a refresher course as defined by the board.

(5) *Renewal license.* A licensed practical nurse licensed under this act shall be eligible for renewal licenses upon compliance with K.S.A. 65-1117, and amendments thereto.

(6) *Licensure examination within 24 months of graduation.* (A) Persons who do not take the licensure examination within 24 months after graduation shall petition the board for permission prior to taking the licensure examination. The board may require the applicant to submit and complete a plan of study prior to taking the licensure examination.

(B) Persons who are unsuccessful in passing the licensure examination within 24 months after graduation shall petition the board for permission prior to subsequent attempts. The board may require the applicant to submit and complete a plan of study prior to taking the licensure examination a subsequent time. The study plan shall contain subjects related to deficiencies identified on the failed examination profiles.

(7) An application for initial licensure or endorsement will be held awaiting completion of meeting qualifications for a time period specified in rules and regulations.

(d) *Title and abbreviation.* Any person who holds a license to practice as a licensed practical nurse in this state shall have the right to use the title, "licensed practical nurse," and the abbreviation, "L.P.N." No other person shall assume the title or use the abbreviation or any other words, letters, signs or figures to indicate that the person is a licensed practical nurse.

(e) *Temporary permit.* The board may issue a temporary permit to practice nursing as a licensed practical nurse for a period not to exceed 120 days. A temporary permit for 120 days may be issued to an applicant for licensure as a licensed practical nurse who is a graduate of a practical

school of nursing in a foreign country after verification of licensure in that foreign country and approval of educational credentials.

(f) *Exempt license.* The board may issue an exempt license to any licensee as defined in rules and regulations who makes written application for such license on a form provided by the board, who remits a fee as established pursuant to K.S.A. 65-1118, and amendments thereto, and who is not regularly engaged in the practice of practical nursing in Kansas but volunteers practical nursing service or is a charitable health care provider as defined by K.S.A. 75-6102, and amendments thereto. Each exempt licensee shall be subject to all provisions of the nurse practice act, except as otherwise provided in this subsection~~(f)~~. Each exempt license may be renewed biennially subject to the provisions of this section. The holder of the exempt license shall not be required to submit evidence of satisfactory completion of a program of continuing nursing education for renewal. To convert an exempt license to an active license, the exempt licensee shall meet all the requirements of subsection (c) or K.S.A. 65-1117, and amendments thereto. The board shall have authority to write rules and regulations to carry out the provisions of this section.

Sec. 19. K.S.A. 65-1732 is hereby amended to read as follows: 65-1732. (a) A funeral establishment, branch establishment or crematory which has possession of the cremated remains of a dead human body may dispose of the cremated remains, if:

(1) Such cremated remains have not been claimed for at least 90 days from the time of cremation;

(2) the funeral establishment, branch establishment or crematory has sent a notice by certified mail, return receipt requested, to the last known address of the authorizing agent as defined under K.S.A. 65-1760, and amendments thereto. Such notice shall state that such remains will be disposed of in accordance with the provisions of this section unless claimed within 30 days of the date such notice is sent; and

(3) the funeral establishment, branch establishment or crematory has not received any claim on the cremated remains for at least 30 days from the date that such notice was sent.

(b) Such disposal under subsection (a) shall include burial by placing the remains in a church or cemetery plot, scatter garden, pond; or columbarium; relinquishing possession of the cremated remains of veterans to the director of the Kansas commission of veterans affairs office, or the director's designee, or a national cemetery in accordance with the provisions of subsection (c); or otherwise disposing of the remains as provided by rule and regulation of the board of mortuary arts. Disposition may include the commingling of the cremated remains with other cremated remains and thus the cremated remains would not be recoverable.

(c) (1) A funeral establishment, branch establishment or crematory which has held in its possession cremated remains for more than 90 days from the date of cremation and has provided notice pursuant to subsection (a) and the cremated remains remain unclaimed may, in accordance with the provisions of this section, determine if such cremated remains are those of a veteran, and if so, may dispose of such remains as provided in this section.

(2) Notwithstanding any law or rules and regulations to the contrary, nothing in this section shall prevent a funeral establishment, branch establishment or crematory from sharing information with the United States department of veterans affairs or the ~~Kansas commission on veterans affairs~~ office of *veterans services* for the purpose of determining whether the cremated remains are those of a veteran. A funeral establishment, branch establishment, crematory, funeral director, assistant funeral director or crematory operator shall be discharged from any legal obligations or liability with regard to the releasing or sharing of information with such entities.

(3) Should a funeral establishment, branch establishment or crematory ascertain the cremated remains in its possession are those of a veteran and they are unclaimed cremated remains to be disposed of pursuant to provisions of subsection (a), the funeral establishment, branch establishment or crematory may relinquish possession of the cremated remains to the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services*, or the director's designee, or a national cemetery for disposition. Disposition shall be by placement of cremated remains in a tomb, mausoleum, crypt, niche in a columbarium or burial in a cemetery but shall not include the scattering of cremated remains.

(d) Nothing in this section shall require a funeral establishment, branch establishment or crematory to determine or seek others to determine that an individual's cremated remains are those of a veteran if the funeral establishment, branch establishment or crematory was informed by the person in control of the disposition that *such individual*:

- (1) ~~Such individual~~ Was not a veteran; or
- (2) ~~such individual~~ did not desire any funeral or burial-related services or ceremonies recognizing service as a veteran.

(e) The funeral establishment, branch establishment, crematory, funeral director, assistant funeral director or crematory operator, upon disposing of cremated remains in accordance with the provisions of this section, shall be held harmless for any costs or damages, except if there is gross negligence or willful misconduct, and shall be discharged from any legal obligation or liability concerning the cremated remains.

Sec. 20. K.S.A. 65-2418 is hereby amended to read as follows: 65-2418. (a) (1) The secretary shall fix and charge by rules and regulations the fees to be paid for certified copies or abstracts of certificates or for search

of the files for birth, death, fetal death, marriage or divorce records when no certified copy or abstract is made. Except as otherwise provided in this section, the secretary shall remit all moneys received by or for the secretary from fees, charges or penalties, under the uniform vital statistics act, and amendments thereto, 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 civil registration and health statistics fee fund created by K.S.A. 65-2418e, and amendments thereto.

(2) The secretary shall not charge any fee for a certified copy of a certificate or abstract or for a search of the files or records if the certificate, abstract or search is requested by a person who exhibits correspondence from the United States department of veterans affairs or the ~~Kansas commission on veterans affairs office~~ *which office of veterans services* that indicates that the person is applying for benefits from the United States department of veterans affairs and that such person needs the requested information to obtain such benefits, except that, for a second or subsequent certified copy of a certificate, abstract or search of the files requested by the person, the usual fee shall be charged. The secretary may provide by rules and regulations for exemptions from such fees.

(3) The secretary shall not charge or accept any fee for a certified copy of a birth certificate if the certificate is requested by any person who is 17 years of age or older for purposes of voting if the applicant lacks the identification required by K.S.A. 25-2908(h), and amendments thereto, or to meet the voter registration requirements of K.S.A. 25-2309, and amendments thereto. For voter registration purposes, an applicant for registration shall swear under oath: (1) That such person plans to register to vote in Kansas; and (2) that such person does not possess any of the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(l), and amendments thereto. The affidavit shall specifically list the documents that constitute evidence of United States citizenship under K.S.A. 25-2309(l), and amendments thereto. The secretary shall adopt rules and regulations in order to implement the provisions of this subsection.

(4) Upon receipt of any such remittance of a fee for a certified copy of a birth certificate or abstract, \$3 of each such fee for the first copy of a birth certificate or abstract and \$1 of each such fee for each additional copy of the same birth certificate or abstract requested at the same time 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 permanent families account of the family and children investment fund created by K.S.A. 38-1808, and amendments

thereto. The balance of the money received for a fee for a certified copy of a birth certificate or abstract 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 civil registration and health statistics fee fund created under this act.

(5) Upon receipt of any such remittance of a fee for a certified copy of a death certificate or abstract, \$4 of each such fee for the first certified copy of a death certificate or abstract and \$2 of each such fee for each additional copy of the same death certificate or abstract requested at the same time 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 district coroners fund created by K.S.A. 22a-245, and amendments thereto. The balance of the money received for a fee for a certified copy of a death certificate or abstract 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 civil registration and health statistics fee fund created by K.S.A. 65-2418e, and amendments thereto.

(b) Subject to K.S.A. 65-2415, and amendments thereto, the national office of vital statistics may be furnished copies or data it requires for national statistics. The state shall be reimbursed for the cost of furnishing the data. The data shall not be used for other than statistical purposes by the national office of vital statistics unless so authorized by the state registrar of vital statistics.

Sec. 21. K.S.A. 2023 Supp. 65-6129 is hereby amended to read as follows: 65-6129. (a) (1) Application for an emergency medical service provider certificate shall be made to the board. The board shall not grant an emergency medical service provider certificate unless the applicant meets the following requirements:

(A) (i) Has successfully completed coursework required by the rules and regulations adopted by the board;

(ii) has successfully completed coursework in another jurisdiction that is substantially equivalent to that required by the rules and regulations adopted by the board; or

(iii) has provided evidence that such applicant holds a current and active certification with the national registry of emergency medical technicians, completed emergency medical technician training as a member of the army, navy, marine corps, air force, *space force*, air or army national guard of *any of the several states and territories, Puerto Rico and the District of Columbia*, coast guard or any ~~branch~~ component of the

military reserves of the United States that is substantially equivalent to that required by the rules and regulations adopted by the board, and such applicant separated from such ~~military~~ *period of active service as a member of the armed forces* with an honorable discharge. *Applicants currently performing active service as a member of the armed forces are presumed to be serving honorably;*

(B) (i) has passed the examination required by the rules and regulations adopted by the board; or

(ii) has passed the certification or licensing examination in another jurisdiction that has been approved by the board; and

(C) has paid an application fee required by the rules and regulations adopted by the board.

(2) The board may grant an emergency medical service provider certificate to any applicant who meets the requirements under subsection (a)(1)(A)(iii) but was separated from such ~~military~~ *period of active service as a member of the armed forces* with a general discharge under honorable conditions.

(b) (1) The emergency medical services board may require an original applicant for certification as an emergency medical services provider to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the applicant and to determine whether the applicant has a record of criminal history in this state or another jurisdiction. The emergency medical services board is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The emergency medical services board may use the information obtained from fingerprinting and the applicant's criminal history for purposes of verifying the identification of the applicant and making the official determination of the qualifications and fitness of the applicant to be issued or to maintain a certificate.

(2) Local and state law enforcement officers and agencies shall assist the emergency medical services board in taking the fingerprints of applicants for license, registration, permit or certificate. The Kansas bureau of investigation shall release all records of adult convictions, nonconvictions or adjudications in this state and any other state or country to the emergency medical services board.

(3) The emergency medical services board may fix and collect a fee as may be required by the board in an amount equal to the cost of fingerprinting and the criminal history record check. The emergency medical services board shall remit all moneys received from the fees established by this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state

treasury to the credit of the emergency medical services criminal history and fingerprinting fund.

(4) There is hereby created in the state treasury the emergency medical services criminal history and fingerprinting fund. All moneys credited to the fund shall be used to pay the Kansas bureau of investigation for the processing of fingerprints and criminal history record checks for the emergency medical services board. The fund shall be administered by the emergency medical services board. All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the emergency medical services board or the chairperson's designee.

(c) The board shall not grant an initial advanced emergency medical technician certificate or paramedic certificate as a result of successful course completion in the state of Kansas, ~~unless~~ *except if* the applicant for such an initial certificate is certified as an emergency medical technician.

(d) An emergency medical service provider certificate shall expire on the date prescribed by the board. An emergency medical service provider certificate may be renewed for a period of two years upon payment of a fee as prescribed by rule and regulation of the board and upon presentation of satisfactory proof that the emergency medical service provider has successfully completed continuing education as prescribed by the board.

(e) All fees received pursuant to the provisions of this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the emergency medical services operating fund established by K.S.A. 65-6151, and amendments thereto.

(f) If a person who was previously certified as an emergency medical service provider applies for an emergency medical service provider's certificate after the certificate's expiration, the board may grant a certificate without the person completing an initial course of instruction or passing a certification examination if the person has completed education requirements and has paid a fee as specified in rules and regulations adopted by the board.

(g) The board shall adopt, through rules and regulations, a formal list of graduated sanctions for violations of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, that shall specify the number and severity of violations for the imposition of each level of sanction.

Sec. 22. K.S.A. 73-201 is hereby amended to read as follows: 73-201.

(a) As used in this act:

(1) "Veteran" means:

(A) Any person who entered the armed forces before October 15, 1976, and separated from the armed forces under honorable conditions, if such person served:

(i) On active duty during any war (the official dates for war service are April 6, 1917 through July 2, 1921, and December 7, 1941 through April 28, 1952);

(ii) during the period April 28, 1952 through July 1, 1955;

(iii) in any campaign or expedition for which a campaign badge or service medal has been authorized; or

(iv) for more than 180 consecutive days since January 31, 1955, but before October 15, 1976, excluding an initial period of active duty for training under the “six month” reserve or national guard program;

(B) any person who entered the armed forces on or after October 15, 1976, and separated from the armed forces under honorable conditions, if such person was awarded a service medal or campaign badge. A person who served in the active military, naval, air or space service and who was discharged or released therefrom under an honorable discharge or a general discharge under honorable conditions;

~~(C)~~(B) any person who separated from the armed forces under honorable conditions and has a disability certified by the United States department of veterans affairs as being service connected, has been issued the purple heart by the United States government or has been released from active service with a service connected disability who:

(1) Served in the active military, naval, air or space service and who was discharged therefrom under an honorable discharge or a general discharge under honorable conditions;

(2) received a disability that was incurred or aggravated in the line of duty in the active military, naval, air or space service; and

(3) has a disability certified by the Kansas commission on veterans affairs office as being service-connected, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.;

~~(D)~~(C) the spouse of a service-connected disabled veteran who has a 100% service connected disability as determined by the United States department of veteran affairs with a permanent and total combined service-connected evaluation percentage of 100%;

~~(E)~~(D) the unmarried surviving spouse of a veteran who died while, and as a result of, serving in armed forces in the line of duty in the active military, naval, air or space service; and

~~(F)~~(E) the spouse of a prisoner of war, as defined by K.S.A. 75-4364, and amendments thereto.

Notwithstanding the foregoing, the term “Veteran” shall preference in government employment shall not apply to any person who retired from the active military service with the pay grade of 04 or above unless the

person retired due to wounds received in combat or is a disabled veteran *with a service-connected disability evaluation rating equal to or greater than 10%, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.*

(2) “Competent” means a good faith determination that the person is likely to successfully meet the performance standards of the position based on what a reasonable person knowledgeable in the operation of the position would conclude from all information available at the time the ~~decision~~ *determination* is made. The basis for such determination shall include experience, training, education, licensure, certification ~~and/or~~ *and* other factors determined by the decision-making authority as appropriate to determine the applicant’s overall qualification and ability to successfully meet the performance standards of the position. The decision-making authority shall document such factors prior to the initiation of the selection process.

(3) “Disabled veteran” means a person who ~~has~~:

(A) ~~Served on in the active duty in the armed forces, has been separated therefrom under honorable conditions, and has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pension because of a public statute administered by the department of veterans affairs or a military department~~ *military, naval, air or space service and was discharged or released therefrom under an honorable discharge or a general discharge under honorable conditions;*

(B) *received a disability that was incurred or aggravated in the line of duty in the active military, naval, air or space service; and*

(C) *has a service-connected evaluation percentage, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.*

(b) In grateful recognition of the services, sacrifices and sufferings of veterans who served in the army, navy, air force, coast guard or marine corps of the United States in world war I and world war II, and of persons who have served with the armed forces of the United States during the military, naval and air operations in Korea, ~~Viet Nam~~ *Vietnam*, Iraq, Afghanistan or other places under the flags of the United States and the United Nations or under the flag of the United States alone, and have been honorably discharged therefrom, the provisions of this section are enacted.

(c) Veterans shall be preferred for initial employment and first promotion in the state government of Kansas, and in the counties and cities of this state, if competent to perform such services. Any veteran thus preferred shall not be disqualified from holding any position in such service on account of the veteran’s age or by reason of any physical or mental disability as long as such age or disability does not render the veteran incompetent to perform the duties of the position applied for. When any veteran

shall apply for appointment to any such position, place, or employment, the officer, board or person whose duty it is or may be to appoint a person to fill such *position, place or employment* shall, if the applicant be a veteran of good reputation, and can competently perform the duties of the position applied for by the veteran, consider the veteran for appointment to such position, place, or employment. Within 30 days of filling a position, eligible veterans who have applied and are not hired shall be notified by certified mail or personal service that they are not being hired. Such notice also shall advise the veteran of any administrative appeal available.

(d) The provisions of this act shall not be applicable to any persons classed as conscientious objectors. The provisions of this act shall not be controlling over the provisions of any statute, county resolution or city ordinance relating to retirement; or termination on the basis of age, of employees of the state or any county or city. Whenever under any statute, county resolution or city ordinance, retirement; or termination on the basis of age; of any employee is required at a certain age, or is optional with the employer at a certain age, ~~such provisions of~~ such statute, resolution or ordinance shall be controlling and shall not be limited by this section.

(e) (1) All notices of job openings, if any, and all applications for employment, if any, by the state and any city or county in this state shall state that the job is subject to a veteran's preference, how the preference works and how veterans may take advantage of the preference and post a written statement of:

- ~~(1)(A)~~ The qualifications for such position;
- ~~(2)(B)~~ any preferred qualifications of such position;
- ~~(3)(C)~~ performance standards for the position; and
- ~~(4)(D)~~ the process that will be used for selection.

(2) A veteran, ~~or a veteran's spouse or surviving spouse~~ who qualifies for the veteran's preference, desiring to use a veteran's preference shall provide the hiring authority with a copy of the veteran's ~~DD214 form or the DD214 form of the veteran~~ *DD form 214, DD form 1300, NGB form 22 or other official discharge document recognized by the department of veterans affairs* under which the spouse qualifies for the preference.

(f) Every employment center of the state and any city or county human resources department, if any, shall openly display documents that indicate that veterans are eligible for a preference in their initial employment and any first promotion within the employment of the governmental entity.

(g) Any veteran who alleges that a state agency, city or county has not provided the veterans preference as required by this act, after exhausting any available administrative remedy, may bring an action in the district court.

Sec. 23. K.S.A. 73-209 is hereby amended to read as follows: 73-209.

(a) On submission to the adjutant general of an original discharge or other

official record of military service of any soldier, sailor or marine of the United States, or of a copy of such discharge or official record of military service certified to by a city, county or state official as being a true copy of original document, the adjutant general shall place such record on file in the adjutant general's office. If original documents are submitted, the adjutant general shall cause true copies of such original documents to be made and shall file the copies in the adjutant general's office and the originals shall be returned to the person who submitted them.

(b) Upon request of a soldier, sailor or marine whose records of military service have been filed in the adjutant general's office, the adjutant general shall cause to be furnished a certificate of military service in accordance with such records. The adjutant general shall not charge any fee for the certificate if the certificate is requested by a person who exhibits correspondence from the United States veterans administration or the ~~Kansas commission on veterans affairs office~~ *office of veterans services* that indicates that ~~the~~ *such* person is applying for benefits from the United States veterans administration and that such person needs the certificate to obtain such benefits.

(c) The adjutant general shall transfer to the state archives of the Kansas state historical society for permanent retention any records of military service on file in the adjutant general's office, in accordance with the records retention and disposition schedule for such records approved by the state records board.

Sec. 24. K.S.A. 73-210 is hereby amended to read as follows: 73-210.

(a) No city, county or state official shall charge a fee for certifying to the correctness of a true copy of an original discharge or other official record of military service of any soldier, sailor or marine of the United States, except that:

~~(a)(1)~~ (1) The adjutant general may charge a fee unless the copy is requested by a person who exhibits correspondence from the United States veterans administration or the ~~Kansas commission on veterans affairs office~~ *office of veterans services* that indicates that ~~the~~ *such* person is applying for benefits from the United States veterans administration and that such person needs the copy to obtain such benefits; and

~~(b)(2)~~ (2) a register of deeds of a county may charge a fee for copies in excess of the number provided for by K.S.A. 73-210a, and amendments thereto.

Sec. 25. K.S.A. 73-230 is hereby amended to read as follows: 73-230.

(a) In awarding any contract for the performance of any job or service for which moneys appropriated are to be expended, the secretary of administration, or the secretary's designee, shall give a preference to disabled veteran businesses doing business as Kansas firms, corporations or individuals, or ~~which~~ *that* maintain Kansas offices or places of business and

shall have the goal of awarding at least 3% of all such contracts to disabled veteran businesses.

~~(b) On or before October 1, 2015, the secretary of administration shall file with the Kansas commission on veterans affairs a report of the number of contracts awarded to disabled veteran businesses during the fiscal year ending June 30, 2015, and the number of such businesses that responded to solicitations of bids or proposals issued by the department of administration during such fiscal year.~~

~~(e)(b)~~ As used in this section:

(1) “Disabled veteran” means a person who ~~has:~~

~~(A) Served in the armed forces of the United States and who is entitled to compensation for a service-connected disability, according to the laws administered by the veterans administration, or who is entitled to compensation for the loss, or permanent loss of use, of one or both feet or one or both hands, or for permanent visual impairment of both eyes to a prescribed degree active military, naval, air or space service and who was discharged or released therefrom under conditions other than dishonorable;~~

~~(B) received a disability that was incurred or aggravated in the line of duty in the active military, naval, air or space service;~~

~~(C) has a service-connected evaluation percentage equal to or greater than 30% pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.~~

(2) “Disabled veteran business” means a business: (A) Not less than 51% of which is owned by one or more disabled veterans or, in the case of a publicly owned business, not less than 51% of the stock of which is owned by one or more disabled veterans; and (B) the management and daily business operations of which are controlled by one or more disabled veterans.

Sec. 26. K.S.A. 73-1209 is hereby amended to read as follows: 73-1209. The director of the ~~Kansas commission on veterans affairs~~ office of veterans services, in accordance with general policies directed by the governor, shall:

(a) Collect data and information as to the facilities, benefits and services now or hereafter available to veterans, and relatives and dependents of such veterans, and furnish such information to veterans, and relatives and dependents of such veterans, and local service officers of veterans’ organizations.

(b) Prepare plans for a comprehensive statewide veterans’ service program.

(c) Coordinate the program of state agencies which may properly be utilized in the administration of various aspects of the problems of veterans, and relatives and dependents of veterans, such as the Kansas department for children and families, the department of labor, the state board of edu-

cation, the board of regents and any other state office, department or board furnishing service to veterans or relatives or dependents of such veterans.

(d) Provide a central contact between federal and state agencies dealing with the problems of veterans and relatives and dependents of such veterans.

(e) Maintain records of cases handled by the director which shall show at least the following information: (1) The name of the veteran; (2) the claim or case number of the veteran; and (3) the amount of monthly benefit received by the veteran, so as to facilitate the necessary interchange of case histories among state administrative agencies and provide a clearinghouse of information.

(f) Provide such services to veterans and relatives and dependents of such veterans as are not otherwise offered by federal agencies.

(g) Provide a central agency to which veterans, and relatives and dependents of such veterans, may turn for information and assistance.

(h) Provide and maintain such field services as shall be necessary to properly care for the needs of veterans, and relatives and dependents of such veterans, which shall not be operated in connection with the Kansas department for children and families.

(i) Provide certification of service of a veteran of the armed forces of the United States of America in a combat zone to any sentencing judge requesting such certification pursuant to K.S.A. 21-6630, and amendments thereto.

(j) Adopt, amend or revoke any rules and regulations necessary to carry out the provisions of article 12 of chapter 73 and article 19 of chapter 76 of the Kansas Statutes Annotated, and amendments thereto.

(k) Appoint and oversee the superintendents of the Kansas soldiers' home and Kansas veterans' home.

(l) Designate persons who shall be in charge of the member funds at the Kansas soldiers' home under K.S.A. 76-1935, and amendments thereto, and the Kansas veterans' home under K.S.A. 76-1956, and amendments thereto.

(m) Appoint and oversee the deputy director of veterans services pursuant to K.S.A. 73-1234, and amendments thereto.

(n) (1) Annually prepare and submit a written report to the house committee on veterans, military and homeland security and to the governor, providing the following:

(A) Any progress made by the ~~Kansas commission on veterans affairs~~ office of *veterans services* and its director in response to any recommendations provided to such office in the preceding fiscal year by the legislative division of post audit;

(B) information on the current financial control practices implemented by the ~~Kansas commission on veterans affairs~~ office of *veterans*

services for the Kansas soldiers' home and the Kansas veterans' home, including, but not limited to, the current policies and procedures at both facilities;

(C) information on the current residential care services provided for veterans in the Kansas soldiers' home and the Kansas veterans' home;

(D) recommendations for legislation necessary to ensure that the needs of the veterans in Kansas are met; and

(E) any other information deemed necessary.

(2) The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall submit the report on or before the first day of the legislative session in 2015, and each year thereafter.

Sec. 27. K.S.A. 73-1210a is hereby amended to read as follows: 73-1210a. (a) Except as otherwise provided by law, and subject to the Kansas civil service act, the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall appoint:

(1) Subordinate officers and employees, subject to the approval of the governor, as are necessary to enable the director to exercise or perform the functions, powers and duties pursuant to the provisions of article 12 of chapter 73 of the Kansas Statutes Annotated, and amendments thereto;

(2) the superintendent of the Kansas soldiers' home;

(3) the superintendent of the Kansas veterans' home; and

(4) the deputy director of veterans services pursuant to K.S.A. 73-1234, and amendments thereto.

(b) Upon the commencement of the interview process, every candidate for a position in the ~~Kansas commission on veterans affairs~~ office of *veterans services* that interviews claimants and provides information advice and counseling to veterans, surviving spouses, their dependents concerning compensation, pension, education, vocational rehabilitation, insurance, hospitalization, outpatient care, home loans, housing, tax exemptions, burial benefits and other benefits to which they may be entitled, or any other sensitive position, as determined by the director shall be given a written notice that a criminal history records check is required. The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall require such candidates to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the candidate and to determine whether the candidate has a record of criminal history in this state or another jurisdiction. The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* in taking and processing of fingerprints

of candidates. If the criminal history record information reveals any conviction of crimes of dishonesty or violence, such conviction may be used to disqualify a candidate for any position within the director of the Kansas ~~commission on veterans affairs~~ *office of veterans services*. If the criminal history record information is used to disqualify a candidate, the candidate shall be informed in writing of that decision.

(c) Persons employed by the Kansas soldiers' home and Kansas veterans' home shall be excluded from the provisions of subsection (b). No person who has been employed by the director of the ~~Kansas commission on veterans affairs~~ *office of veterans services* for five consecutive years immediately prior to the effective date of this act shall be subject to the provisions of subsection (b) while employed by the director of the Kansas ~~commission on veterans affairs~~ *office of veterans services*.

(d) (1) Except as otherwise provided by law, and subject to the Kansas civil service act, the director of the ~~Kansas commission on veterans affairs~~ *office of veterans services* shall appoint subordinate officers and employees, a superintendent of the Kansas soldiers' home and a superintendent of the Kansas veterans' home, as shall be necessary to enable the director of the ~~Kansas commission on veterans affairs~~ *office of veterans services* to exercise or perform its functions, powers and duties pursuant to the provisions of article 19 of chapter 76 of the Kansas Statutes Annotated, and amendments thereto.

(2) (A) All subordinate officers and employees shall be within the classified service under the Kansas civil service act, shall perform such duties and exercise such powers as the director of the ~~Kansas commission on veterans affairs~~ *office of veterans services* may prescribe and such duties and powers as are designated by law, and shall act for and exercise the powers of the the director of the ~~Kansas commission on veterans affairs~~ *office of veterans services*.

(B) The superintendent of the Kansas soldiers' home shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the director of the ~~Kansas commission on veterans affairs~~ *office of veterans services*, with the approval of the governor. The superintendent of the Kansas soldiers' home shall perform such duties and exercise such powers as the director may prescribe, and such duties and powers as are prescribed by law.

(C) The superintendent of the Kansas veterans' home shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the director of the ~~Kansas commission on veterans affairs~~ *office of veterans services*, with the approval of the governor. The superintendent of the Kansas veterans' home shall perform such duties and exercise such powers as the director may prescribe, and such duties and powers as are prescribed by law.

(e) Any veterans service representative appointed by the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall be an honorably discharged veteran or retired from the United States armed forces. No veterans service representative of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall take a power of attorney in the name of the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services*. Nothing in this act shall be construed to prohibit any such veterans service representative from assisting any veteran with any claim in which a power of attorney is not required.

For the purpose of this subsection, “veterans service representative” means any officer or employee appointed pursuant to this section whose primary duties include:

(1) Assisting veterans and their dependents in securing benefits from the federal government and the state of Kansas.

(2) Providing information and assistance to veterans and dependents in obtaining special services and benefits based on knowledge of federal and state laws, policies and regulations pertaining to veterans benefits and services.

(3) Providing assistance to veterans service organizations participating in the veterans claims assistance program.

~~(f) Nothing in this act shall be construed to affect the status, rights or benefits of any officer or employee of the Kansas commission on veterans affairs under K.S.A. 73-1208a, prior to its repeal, employed by such commission on July 1, 2014.~~

Sec. 28. K.S.A. 73-1211 is hereby amended to read as follows: 73-1211. All claims filed with the federal veterans’ administration by the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall be prosecuted by an accredited representative of one of the participating veterans’ organizations. No employee of any veterans’ organization shall participate in or receive any funds hereinafter appropriated or made available to the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* unless such employing veterans’ organization shall prosecute any and all claims to the federal veterans’ administration that are referred to them or their employees by the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services*.

Sec. 29. K.S.A. 73-1217 is hereby amended to read as follows: 73-1217. The board of trustees of every community college, the board of regents of Washburn university of Topeka, the governing board of every technical college and the governing body of every other institution of post-high school education which is supported by any state moneys shall provide for enrollment without charge of tuition or fees for any dependent of a prisoner of war or a person missing in action, so long as such dependent is eligible, but not to exceed 12 semesters of instruction or

the equivalent thereof at all such institutions for any person if the person started such instruction prior to July 1, 2005, or 10 semesters if the person started such instruction on or after July 1, 2005. Once a person qualifies as a dependent under the terms and provisions of this act, no occurrence, such as the return of the dependent's parent or such parent's reported death, shall disqualify the dependent from the provisions or benefits of this act. The state board of regents, the board of trustees of any community college, or the governing body of any other institution which grants tuition for fees without charge to a dependent under this act may file a claim with the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* for reimbursement of the amount of such tuition or fees. The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall administer this act and qualifications of persons as dependents shall be determined by such director. Such director may adopt rules and regulations making more specific the definitions herein contained and for the administration of this act.

Sec. 30. K.S.A. 73-1218 is hereby amended to read as follows: 73-1218. (a) The state board of regents, the board of trustees of every community college, the board of regents of Washburn university of Topeka, the governing board of every technical college and the governing body of every other institution of post-high school education which is supported by any state moneys shall provide for enrollment without charge of tuition or fees for any dependent of a person who died as the result of a service-connected disability suffered during the Vietnam conflict as a result of such conflict, so long as such dependent is eligible, but not to exceed 12 semesters of instruction or the equivalent thereof at all such institutions for any person. Once a person qualifies as a dependent under the terms and provisions of this act, no occurrence, such as the return of the dependent's father or mother, shall disqualify the dependent from the provisions or benefits of this act. The governing body of every institution of post-high school education which is supported by any state moneys and which grants tuition or fees without charge to a dependent under this act may file a claim with the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* for reimbursement of the amount of such tuition or fees. The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall administer this act and the qualification of persons as dependents shall be determined by such director. Such director may adopt rules and regulations making more specific the definition herein contained and for the administration of this act.

(b) *As used in this act, "dependent" as used in this act shall mean* any child born to, legally adopted by, or in the legal custody of a person who was a resident of the state of Kansas at the time such person entered service of the United States armed forces and who, while serving

in the ~~U.S.~~ *United States* armed forces in the geographical area of the Vietnam conflict, has been declared to be a person who died as the result of a service-connected disability suffered during the Vietnam conflict as a result of such conflict.

Sec. 31. K.S.A. 73-1222 is hereby amended to read as follows: 73-1222. As used in K.S.A. 73-1221 through 73-1231, and amendments thereto, unless the context clearly indicates otherwise:

(a) “Birth defect” means any physical or mental abnormality or condition, including any susceptibility to any illness or condition other than normal childhood illnesses or conditions.

(b) “Board” means the Persian Gulf War veterans health initiative board established by K.S.A. 73-1223, and amendments thereto.

(c) “Director” means the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services*.

(d) “Gulf War syndrome” means the wide range of physical and mental conditions, problems and illnesses that are connected with service in the armed forces of the United States during and in the area of operations of the Persian Gulf War.

(e) “Veteran” means a person who is a resident of Kansas who ~~was a member of the armed forces of the United States of America served in the active military, naval or air service and who served in such armed forces performed active service~~ in the area of operations of the Persian Gulf War during the Persian Gulf War or thereafter regardless of whether such person is still actively serving in the armed forces or reserve.

Sec. 32. K.S.A. 73-1223 is hereby amended to read as follows: 73-1223. (a) There is hereby established with the ~~Kansas commission on veterans affairs~~ office of *veterans services* an advisory board known to be the Persian Gulf War veterans health initiative board. The board shall be advisory to the director in the implementation and administration of this act.

(b) The board shall consist of nine members appointed as follows:

(1) At least three members shall be veterans. The director shall notify the state level unit of the disabled American veterans, the veterans of foreign wars of the United States and the American legion and request a list of three nominations of veterans from each such veterans’ organization. The governor shall appoint one veteran as a member from each list.

(2) One member shall be qualified from each of the medical specializations of epidemiology, toxicology and genetics. One member shall be qualified in one of the behavioral sciences in the specialty area of family dynamics. The director shall notify one or more professional societies or associations which represent the medical or behavioral science specialty area required and request a list of three nominations from that specialty area, of which the director shall appoint one member of the board from each list.

(3) Two legislators, one from each house, shall be appointed to the board with the speaker of the house of representatives and president of the senate each appointing a member. One legislator shall be a member of the democratic party and one legislator shall be a member of the republican party.

(c) ~~Within 90 days of the effective date of this act,~~ The governor, the director, the speaker of the house of representatives and the president of the senate shall appoint the initial members of the board. Of the initial appointments to the board by the governor, one shall be for a term of one year, one shall be for a term of two years and one shall be for a term ending three years after the date of the initial appointment. Of the initial appointments to the board by the director, two shall be for a term of one year, one shall be for a term of two years and one shall be for a term ending three years after the date of the initial appointment. After the initial appointments, terms of office of the members appointed by the governor or the director shall be for three years, but no person shall be appointed for more than two successive three-year terms. The term of office of each member appointed by the speaker of the house of representatives or the president of the senate shall end on the first day of the regular session of the legislature which commences in the first odd-numbered year occurring after the year such member was appointed.

(d) Each member of the board shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the board for any reason other than the expiration of a member's term of office, the governor, the director, speaker of the house of representatives or president of the senate shall appoint a successor of like qualifications to fill the unexpired term in accordance with this section. In the case of any vacancy occurring in the position of a board member who was appointed from a list of nominations submitted by a veterans' organization, the governor shall notify that veterans' organization of the vacant position and request a list of three nominations of veterans from which the governor shall appoint a successor to the board. In the case of any vacancy occurring in the position of a board member who is qualified in one of the specialty areas listed in subsection ~~(b)(3)~~ *(b)(2)* after the initial appointments, the director shall notify one or more professional societies or associations which represent the medical or behavioral science specialty required for the vacant position and request a list of three nominations from that specialty area from which the director shall appoint a successor to the board.

(e) Annually, the board shall elect a chairperson, ~~vice chairperson~~ *vice chairperson* and secretary from among its members and shall meet at least four times each year at the call of the chairperson.

(f) The members of the board attending meetings of the board or attending a subcommittee meeting thereof authorized by the board shall

receive no compensation for their services but shall be paid subsistence allowances, mileage and other expenses as provided in ~~subsections (b), (c) and (d) of K.S.A. 75-3223(b), (c) and (d),~~ and amendments thereto.

Sec. 33. K.S.A. 73-1225 is hereby amended to read as follows: 73-1225. There is hereby established with the ~~Kansas commission on veterans affairs~~ office of *veterans services* a full-time position dedicated to seeking and applying for grants and other moneys to fund activities under this act, to assist in the preparation and administration of surveys under this act, to promote programs and activities designed to assist persons affected by Gulf War syndrome to receive the help they need and to perform such other duties as the director may prescribe. ~~Within 90 days of the effective date of this act,~~ The director shall appoint a qualified individual to this position.

Sec. 34. K.S.A. 73-1231 is hereby amended to read as follows: 73-1231. There is hereby established in the state treasury the Persian Gulf War veterans health initiative fund which shall be administered by the director. All moneys received from any grants from federal or other nonstate sources, from contributions or from any other source for the purpose of financing the activities of the board or the development or administration of the surveys developed by the board under this act, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Persian Gulf War veterans health initiative fund. All expenditures from the Persian Gulf War veterans health initiative fund shall be for the purposes of financing the activities of the director for the implementation and administration, including the activities of the board and the development and administration of the surveys under this act, and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* or the director's designee.

Sec. 35. K.S.A. 73-1232 is hereby amended to read as follows: 73-1232. (a) The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* is hereby authorized to establish and maintain a state system of veterans cemeteries. For the purposes of such system, the director may request, accept and take title to any grants or bequests or other donations of moneys, other personal property, real property or other assistance from any person, firm, association or corporation or from any federal, state or local governmental agency or other governmental entity. The director may lease, purchase or otherwise acquire title to real property for the state system of veterans cemeteries. Subject to the provisions

of subsection (b), the director may enter into contracts for the purpose of establishing and maintaining the system of veterans cemeteries.

(b) The director shall not enter into any contracts pursuant to subsection (a) after the effective date of this act for the purpose of establishing and maintaining the system of veterans cemeteries unless funds in an amount equal to 100% of the costs of constructing the cemeteries in such system is provided by the federal government.

(c) No more than three applications shall be submitted to the veterans administration for the state veterans cemetery program grant after the effective date of this act. Nothing in this subsection shall be construed as applying to grants submitted prior to the effective date of this act.

Sec. 36. K.S.A. 73-1233 is hereby amended to read as follows: 73-1233. (a) As used in this section “memorial for veterans” means a capital improvement or other suitable memorial for Kansas veterans who served in the armed forces of the United States of America which is proposed to be located or is located at an institution, building or facility on state-owned property of the director of the ~~Kansas-commission-on-veterans-affairs~~ office of *veterans services* and may include trees, shrubs and other landscaping.

(b) In accordance with this section, the director of the ~~Kansas-commission-on-veterans-affairs~~ office of *veterans services* may initiate and conduct capital improvement projects to construct, reconstruct or repair or to maintain memorials for veterans. Each memorial for veterans shall be located at an institution, building or facility on state-owned property of the director of the ~~Kansas-commission-on-veterans-affairs~~ office of *veterans services* and shall become the property of Kansas upon completion and acceptance of the project by the secretary of administration and the director of the ~~Kansas-commission-on-veterans-affairs~~ office of *veterans services*. Except as otherwise provided by law or rules and regulations adopted under this section, each such capital improvement project for any such memorial for veterans shall be totally financed from private moneys received by the director of the ~~Kansas-commission-on-veterans-affairs~~ office of *veterans services* for such purpose. Prior to initiating a capital improvement project for any such memorial for veterans, the plans and specifications for the project shall be reviewed and shall receive prior approval by the secretary of administration. No such capital improvement project for any such memorial for veterans shall be approved or initiated by the director of the ~~Kansas-commission-on-veterans-affairs~~ office of *veterans services* without having first advised and consulted with the joint committee on state building construction.

(c) In accordance with the provisions of this act and the rules and regulations adopted thereunder, the director of the ~~Kansas-commission-on-veterans-affairs~~ office of *veterans services* may apply for, accept and

receive any private donation, gift, grant or bequest made to establish, modify or maintain memorials for veterans. The director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* shall administer and expend any such private donation, gift, grant or bequest in accordance with the terms or conditions imposed by the donor.

(d) The director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* shall develop and adopt rules and regulations prescribing guidelines, limitations and procedures for the approval of proposed memorials for veterans and for the acceptance of private donations, gifts, grants and bequests made for memorials for veterans. The rules and regulations prescribing such guidelines and procedures shall include:

(1) Procedures for the appointment by the director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* of an advisory committee to advise the director regarding memorials for veterans, which advisory committee shall include one or more members of the legislature representing each area where a memorial may be located pursuant to this section and such other persons selected by the director;

(2) guidelines for memorials for veterans to assure that each memorial for veterans is an appropriate tribute to Kansas veterans who served in the armed forces of the United States of America, is nonpartisan in nature and is in accord with nondiscrimination principles;

(3) guidelines and procedures to provide that the prior, express approval of the director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* has been obtained before:

(A) The name of the Kansas ~~commission on veterans affairs~~ office of *veterans services* or the name of the Kansas soldiers' home, the Kansas veterans' home or any other institution, building or facility under the jurisdiction of the director; or

(B) the name of the director or of any officer or employee of the Kansas ~~commission on veterans affairs~~ office of *veterans services* or of any such institution, building or facility, is used in connection with any fund-raising for any memorial for veterans;

(4) guidelines for appropriate recognition of donors for memorials for veterans, except that no memorial for veterans shall be named for any donor;

(5) procedures to provide that the design, plans and specifications for memorials for veterans are reviewed and approved by the secretary of administration to assure conformance with the requirements and guidelines applicable to state capital improvement projects; and

(6) limitations and other guidelines for the expenditure of moneys in benefit funds established under K.S.A. 75-3728e et seq., and amendments thereto, for the Kansas soldiers' home or the Kansas veterans' home for the establishment or maintenance of memorials for veterans.

(e) Members of the advisory committee established under this section shall receive no compensation or reimbursement for expenses incurred for their service on such advisory committees.

(f) There is hereby established in the state treasury the Kansas veterans memorials fund which shall be administered by the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services*. All moneys received from any private donation, gift, grant or bequest made for memorials for Kansas veterans who served in the armed forces of the United States of America 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 veterans memorials fund. All expenditures from the Kansas veterans memorials fund shall be for the purpose of financing capital improvement projects for the construction, reconstruction or repair or for the maintenance of memorials for veterans and shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* or the director's designee.

(g) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas veterans memorials fund interest earnings based on:

- (1) The average daily balance of moneys in the Kansas veterans memorials fund for the preceding month; and
- (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 37. K.S.A. 73-1234 is hereby amended to read as follows: 73-1234. (a) (1) The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall establish and administer a veterans claims assistance program in accordance with this section to improve the coordination of veterans benefits counseling in Kansas to maximize the effective and efficient use of taxpayer dollars and to ensure that every veteran is served and receives claims counseling and assistance.

(2) The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall establish and commence operations under the veterans claims assistance program in accordance with this section on or before August 1, 2006.

(3) ~~The director of the Kansas commission on veterans affairs~~ office of *veterans services* shall appoint the deputy director of veterans services, who shall be in the classified service under the Kansas civil service act. The deputy director of veterans services shall provide such services to assist the director of the ~~Kansas commission on veterans affairs~~ office of

veterans services for all veterans services, except for those services relating to the Kansas soldiers' home and the Kansas veterans' home.

(4)(3) No employee of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall act as an agent with power of attorney for any claimant.

(b) The veterans claims assistance program shall implement and administer annual service grants to eligible veterans service organizations pursuant to grant agreements entered into with the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* in accordance with this section. All grant agreements shall include any match requirements described in subsection (g). All service grants and grant agreements shall be subject to the provisions of appropriation acts.

(c) The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall adopt rules and regulations to implement and administer the veterans claims assistance program and the service grant program. The rules and regulations shall include:

- (1) The detailed requirements of the veterans claims assistance program and grant agreements;
- (2) the responsibilities of all parties to the grant agreements;
- (3) the duration of the grants;
- (4) any insurance or bonding requirements;
- (5) the format and frequency of progress and final reports;
- (6) the initial and continuing training requirements for veterans claims assistance representatives;
- (7) the provisions of a quality assurance program for the veterans claims assistance program and the services performed by veterans service organizations receiving grants under this section; and
- (8) any other information or requirements deemed necessary or appropriate by the director.

(d) All moneys provided to veterans service organizations through service grants shall be used only for salaries, wages, related employer contributions and personnel costs, and operating and capital outlay expenditures for training and equipment for veterans claims assistance representatives and necessary support and managerial staff.

(e) Training activities for veterans claims assistance representatives shall be the responsibility of the veterans service organization employing the veterans claims assistance representatives and shall be conducted by qualified ~~veterans claims assistance representatives~~ *trainers*.

(f) To receive a service grant under this section to perform services under the veterans claims assistance program, a veterans service organization shall satisfy the following eligibility requirements:

- (1) ~~The veterans service organization shall~~ Be congressionally chartered by the United States Congress;

(2) ~~the veterans service organization shall agree to cross-accredit the officers and employees of the director of the Kansas commission on veterans affairs office of veterans services who are veterans and who work in the veteran services program, as well as~~ *and* ~~veterans claims assistance representatives of other veterans service organizations who are performing services under the veterans claims assistance program, subject to the following:~~

(A) The person to be cross-accredited shall provide proof to the deputy director of veterans services that the person has successfully completed ~~the national association of county veterans service officers training federal department of veterans affairs office training, responsibility, involvement and preparation of claims (TRIP) course or equivalent, as determined by the deputy director of veterans services and that such person shall participate in a minimum of one annual training session as approved by the deputy director of veterans services as well as maintain the continuing education requirements of the cross-accrediting veterans service organization; and~~

(B) ~~the cross-accrediting veterans service organization has reserved the right to terminate the accreditation if the person fails to meet the continuing education requirement of the veterans service organization or participate in a minimum of one annual training session as approved by the deputy director of veterans services;~~

(3) ~~agree to participate in one-stop veterans service centers at:~~

(A) ~~The federal veterans administration regional office and each federal veterans administration medical center in Kansas department of veterans affairs regional office or the veterans affairs medical center in Wichita; and~~

(B) ~~each veterans affairs medical center in Topeka and Leavenworth as long as those facilities are in operation;~~

(4) ~~demonstrate the receipt of monetary or service support from its own organization for the veterans claims assistance program;~~

(5) ~~demonstrate the ability to comply with the requirements prescribed by this section or adopted by the director of the Kansas commission on veterans affairs office under this statute~~ *office of veterans services* ~~for accounting, service work activity and other satisfactory performance requirements and measures;~~

(6) ~~have established state headquarters in Kansas;~~

(7) ~~have staff present in the federal department of veterans administration affairs regional office or the veterans affairs medical center in Wichita and the United States department of each veterans affairs medical centers center located in Topeka and Leavenworth as long as those facilities are in operation;~~

(8) ~~have membership residency in at least 50% of the Kansas counties;~~

(9) have had an established office presence in the United States department of veterans affairs regional office in Kansas for at least the three most recent state fiscal years;

(10) have assisted in filing a minimum of 300 claims for veterans for which the veterans service organization has power of attorney in the ~~past~~ *most recent* 12-month period;

(11) agree to make no reference to membership eligibility on claims documentation and not solicit membership due to information received on claim forms;

(12) agree to cross-accredit service officers participating in the service grant program to include service officers of partnered veterans service organizations and the ~~Kansas commission on veterans affairs~~ *office of veterans services* staff ~~located in the federal veterans administration regional office and the United States department of veterans affairs medical centers in Leavenworth and Topeka;~~ and

(13) agree that ~~the~~ *such* veterans service organization shall continue to provide monetary support for the veterans claims assistance program pursuant to the requirements in subsection (g).

(g) Any monetary support provided under subsection (f)(13) shall be in a combination of monetary and non-monetary support, herein called “match.” The veterans claims assistance advisory board shall determine the percentage of the match as a percent of the amount of the service grant provided to the veterans service organization, and submit such determination to the director of the ~~Kansas commission on veterans affairs~~ *office of veterans services* for approval.

(h) Each veterans service organization receiving a service grant under this section shall file with the ~~Kansas commission on veterans affairs~~ *office of veterans services*, within 90 days after the end of the veterans service organization’s fiscal year, a detailed statement prepared by a certified public accountant which sets forth an accounting of all expenditures of moneys received under the service grant. Each veterans service organization receiving a service grant under this section shall apply for the grant funding on an annual basis, shall demonstrate satisfactory performance based on completion of minimum requirements during the preceding annual period and shall certify that all veterans service representatives funded with service grant moneys meet minimum training requirements to provide for core competencies.

(i) The director of the ~~Kansas commission on veterans affairs~~ *office of veterans services* shall develop and maintain a central database registry regarding claims outcome data received from veterans claims assistance representatives under the veterans claims assistance program.

Sec. 38. K.S.A. 73-1235 is hereby amended to read as follows: 73-1235. (a) There is hereby established with the ~~Kansas commission on vet-~~

~~erans affairs~~ office of *veterans services* an advisory board which shall be known as the VCAP advisory board. The advisory board shall advise the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* on all veterans services, including in the implementation and administration of the veterans claims assistance program.

(b) (1) The advisory board shall consist of at least seven members as follows:

(A) The deputy director of veterans services, who shall be a permanent member of the advisory board and shall serve as the chairperson of the advisory board.

(B) Each veterans service organization participating in the grant program shall appoint one member of the advisory board who shall be a veteran. The deputy director of veterans services shall notify the state level unit of each national veterans service organization which has an office in the federal department of veteran affairs regional office in Wichita, Kansas, and request written confirmation of the intent of the veterans service organization to participate in the veterans claims assistance program and to request an annual service grant.

(C) The governor shall appoint two members of the advisory board who shall be veterans. With regard to members appointed by the governor, any veterans service organization may submit a list of three names for consideration by the governor in making the appointment. The governor shall consider each such list if timely submitted and may appoint from among those listed.

(D) Two legislators, one from each house, shall be appointed to the advisory board with the speaker of the house of representatives and president of the senate each appointing a member. One legislator shall be a member of the democratic party and one legislator shall be a member of the republican party.

(2) If there are less than two veterans services organizations participating in the grant program under subsection (b)(1)(B), then the governor shall appoint the remaining members of the advisory board. Appointments under this paragraph shall not exceed two members.

(c) Within 90 days of the effective date of this act, The governor, the speaker of the house of representatives and the president of the senate shall appoint the initial members of the advisory board. Of the initial appointments to the advisory board by the governor, one shall be for a term of one year, one shall be for a term of two years and one shall be for a term ending three years after the date of the initial appointment. After the initial appointments, terms of office of the members appointed by the governor shall be for three years. The term of office of each member appointed by the speaker of the house of representatives or the president of the senate shall end on the first day of the regular session of the legislature

which commences in the first odd-numbered year occurring after the year such member was appointed.

(d) Each member of the advisory board, other than the deputy director of veterans services, shall serve until a successor is appointed and qualified. Whenever a vacancy occurs in the membership of the advisory board for any reason other than the expiration of a member's term of office, the governor, the speaker of the house of representatives or president of the senate shall appoint a successor of like qualifications to fill the unexpired term in accordance with this section. In the case of any vacancy occurring in the position of an advisory board member who was appointed from a list of nominations submitted by a veterans service organization, the governor shall notify that veterans service organization of the vacant position and request a list of three nominations of veterans from which the governor shall appoint a successor to the advisory board.

(e) Annually, the advisory board shall elect a ~~vice chairperson~~ *vice chairperson* and secretary from among its members and shall meet at least four times each year at the call of the chairperson.

(f) The members of the advisory board attending meetings of the advisory board or attending a subcommittee meeting thereof authorized by the advisory board shall receive no compensation for their services but shall be paid subsistence allowances, mileage and other expenses as provided in ~~subsections (b), (c) and (d) of K.S.A. 75-3223(b), (c) and (d)~~ and amendments thereto.

Sec. 39. K.S.A. 73-1236 is hereby amended to read as follows: 73-1236. The legislative budget committee shall annually study and review the veterans claims assistance program and the service grants program of the ~~Kansas commission on veterans affairs~~ *office of veterans services* under this act. The director of the ~~Kansas commission on veterans affairs~~ *office of veterans services* and each veterans service organization ~~which that~~ is receiving service grants under this section shall prepare and present annual reports of activities and expenditures under the veterans claims assistance program and the service grants program.

Sec. 40. K.S.A. 73-1238 is hereby amended to read as follows: 73-1238. There is hereby created within the ~~Kansas commission on veterans affairs~~ *office of veterans services*, the Vietnam war era medallion program. Every veteran who honorably served on active duty in the United States military service at any time beginning February 28, 1961, and ending May 7, 1975, shall be entitled to receive a Vietnam war era medallion, medal and a certificate of appreciation, provided that *such veteran*:

(a) ~~Such veteran~~ Is a legal resident of this state or was a legal resident of this state at the time the veteran entered or was discharged from military service or at the time of the veteran's death; and

(b) ~~such veteran~~ was honorably separated or discharged from military

service or is still in active service in an honorable status, or was in active service in an honorable status at the time of the veteran's death.

Sec. 41. K.S.A. 73-1239 is hereby amended to read as follows: 73-1239. The Vietnam war era medallion, medal and a certificate shall be awarded regardless of whether or not such veteran served within the United States or in a foreign country. The medallion, medal and the certificate shall be awarded regardless of whether or not such veteran was under ~~eighteen~~ 18 years of age at the time of ~~enlistment~~ *entry into active service*. For purposes of this ~~bill~~ *section*, “veteran” means ~~any a person defined as a veteran by the United States department of veterans’ affairs or its successor agency who served in the active military, naval, air or space service and who was discharged under conditions other than dishonorable.~~ The director of the ~~Kansas commission on veterans affairs~~ *office of veterans services* shall administer the program and ~~shall~~ adopt all rules and regulations necessary to administer the program. The agency shall determine as expeditiously as possible the persons who are entitled to a Vietnam war era medallion, medal and a certificate and distribute the medallions, medals and the certificates. Applications for the Vietnam war era medallion, medal and the certificate shall be filed with the director of the ~~Kansas commission on veterans affairs~~ *office at any time after January 1, 2010, office of veterans services* on forms prescribed and furnished by the director of the ~~Kansas commission on veterans affairs~~ *office of veterans services*. The deputy director of veteran services shall approve all applications that are in order, and shall cause a Vietnam war era medallion, medal and a certificate to be prepared for each approved veteran in the form approved by the director of the ~~Kansas commission on veterans affairs~~ *office of veterans services*. The deputy director of veteran services shall review applications for the Vietnam war era medallion, medal and a certificate to ensure recipients are enrolled for eligible federal benefits.

Sec. 42. K.S.A. 73-1241 is hereby amended to read as follows: 73-1241. If any spouse or eldest living survivor applies for the Vietnam war era medallion, medal and certificate or if any veteran dies after applying for a Vietnam war era medallion, medal and a certificate and such veteran would have been entitled to the Vietnam war era medallion, medal and the certificate, the director of the ~~Kansas commission on veterans affairs~~ *office of veterans services* shall give the Vietnam war era medallion, medal and the certificate to the spouse or eldest living survivor of the deceased veteran.

Sec. 43. K.S.A. 73-1242 is hereby amended to read as follows: 73-1242. If the director of ~~veteran~~ *the Kansas office of veterans services* disallows any veteran's claim to a Vietnam war era medallion, medal and a certificate, a statement of the reason for the disallowance shall be filed with the

application and notice of this disallowance shall be mailed to the applicant at the applicant's last known address. The director of the Kansas ~~commission on veterans affairs~~ *office of veterans services* shall approve the form of the Vietnam war era medallion, medal and the certificate. It is the intent of the legislature to create statewide involvement in the design of these symbols in recognition of this historic endeavor. The director of the Kansas ~~commission on veterans affairs~~ *office of veterans services* may solicit potential designs from elementary and secondary schools, veterans' groups, civic organizations or any other interested party, and may select the best design from among such solicited designs or may select another design.

Sec. 44. K.S.A. 73-1243 is hereby amended to read as follows: 73-1243. The "Vietnam war era veterans' recognition award fund" is hereby created in the state treasury, and shall consist of all gifts, donations and bequests to the fund. Moneys received shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Vietnam war era veterans' recognition award fund. The fund shall be administered by the director of the Kansas ~~commission on veterans affairs~~ *office of veterans services*. Moneys in the Vietnam war era veterans' recognition award fund shall not be transferred to the credit of the state general fund. On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the Vietnam war era veterans' recognition award fund interest earnings based on:

- (a) The average daily balance of moneys in the Vietnam war era veterans' recognition award fund for the preceding month; and
- (b) the net earnings rate of the pooled money investment portfolio for the preceding month. Moneys in the fund shall be used solely to promote the solicitation for designs for, aid in the manufacture of and aid in the distribution of the medallion, medal and the certificate.

Sec. 45. K.S.A. 2023 Supp. 74-2012 is hereby amended to read as follows: 74-2012. (a) (1) All motor vehicle records shall be subject to the provisions of the open records act, except as otherwise provided under the provisions of this section and by K.S.A. 65-2422d and 74-2022, and amendments thereto.

(2) Nothing in this section shall prevent the transmittal of motor vehicle records for the purpose of processing voter registration applications.

(3) ~~For the purpose of~~ *As used in this section,* "motor vehicle records" means any record that pertains to a motor vehicle drivers' license, motor vehicle certificate of title, motor vehicle registration or identification card issued by the division of vehicles.

(b) All motor vehicle records ~~which~~ *that* relate to the physical or mental condition of any person, have been expunged or are photographs or dig-

ital images maintained in connection with the issuance of drivers' licenses shall be confidential and shall not be disclosed except in accordance with a proper judicial order or as otherwise more specifically provided in this section or by other law. Photographs or digital images maintained by the division of vehicles in connection with the issuance of drivers' licenses may be disclosed to any federal, state or local agency, including any court or law enforcement agency, to assist such agency in carrying out the functions required of such governmental agency. In January of each year the division shall report to the house committee on veterans; *and* military ~~and homeland security~~ regarding the utilization of the provisions of this subsection. Motor vehicle records relating to diversion agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-2908, and amendments thereto, shall be confidential and shall not be disclosed except in accordance with a proper judicial order or by direct computer access to:

(1) A city, county or district attorney, for the purpose of determining a person's eligibility for diversion or to determine the proper charge for a violation of K.S.A. 8-2,144 or 8-1567, and amendments thereto, or any ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by those statutes;

(2) a municipal or district court, for the purpose of using the record in connection with any matter before the court;

(3) a law enforcement agency, for the purpose of supplying the record to a person authorized to obtain it under paragraph (1) or (2); or

(4) an employer when a person is required to retain a commercial driver's license due to the nature of such person's employment.

(c) Lists of persons' names and addresses contained in or derived from motor vehicle records shall not be sold, given or received for the purposes prohibited by K.S.A. 45-230, and amendments thereto, except that:

(1) The director of vehicles may provide to a requesting party, and a requesting party may receive, such a list and accompanying information from motor vehicle records upon written certification that the requesting party shall use the list solely for the purpose of:

(A) Assisting the selective service system in the maintenance of a list of persons 18 to 26 years of age in this state as required under the provisions of section 3 of the federal military selective service act;

(B) assisting businesses with the verification or reporting of information derived from the title and registration records of the division to prepare and assemble vehicle history reports, except that such vehicle history reports shall not include the names or addresses of any current or previous owners;

(C) assisting an employer or an employer's authorized agent in monitoring the driving record of the employees required to drive in the course of employment to ensure driver behavior, performance or safety;

(D) assisting the ~~Kansas commission on veterans affairs~~ office of *veterans services* in notifying veterans of the facilities, benefits and services available to veterans; or

(E) any other purpose authorized by the driver's privacy protection act, 18 U.S.C. § 2721, as it existed on January 1, 2018.

(2) Any law enforcement agency of this state which has access to motor vehicle records may furnish to a requesting party, and a requesting party may receive, such a list and accompanying information from such records upon written certification that the requesting party shall use the list solely for the purpose of assisting an insurer authorized to do business in this state, or the insurer's authorized agent, in processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy.

(d) If a law enforcement agency of this state furnishes information to a requesting party pursuant to subsection (c)(2), the law enforcement agency shall charge the fee prescribed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, for any copies furnished and may charge an additional fee to be retained by the law enforcement agency to cover its cost of providing such copies. The fee prescribed pursuant to K.S.A. 74-2022, and amendments thereto, shall be paid monthly to the secretary of revenue and upon receipt thereof shall be deposited in the state treasury to the credit of the electronic databases fee fund, except for the \$1 of the fee for each record required to be credited to the highway patrol training center fund under subsection (f).

(e) The secretary of revenue, the secretary's agents or employees, the director of vehicles or the director's agents or employees shall not be liable for damages caused by any negligent or wrongful act or omission of a law enforcement agency in furnishing any information obtained from motor vehicle records.

(f) A fee in an amount fixed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, of not less than \$2 for each full or partial motor vehicle record shall be charged by the division, except that the director may charge a lesser fee pursuant to a contract between the secretary of revenue and any person to whom the director is authorized to furnish information under subsection (c)(1), and such fee shall not be less than the cost of production or reproduction of any full or partial motor vehicle record requested. One dollar shall be credited to the highway patrol training center fund for each motor vehicle record provided by the division of vehicles, except for fees charged:

(1) Pursuant to a contract for motor vehicle records authorized by this subsection pertaining to motor vehicle titles or motor vehicle registrations; or

(2) for motor vehicle records authorized for disclosure pursuant to subsection (c)(1)(E) for the purposes of:

(A) Assisting an insurer authorized to do business in this state, or the insurer's authorized agent, in conducting antifraud activities; or

(B) assisting any federal, state or local agency, including any court or law enforcement agency, or any private person acting on behalf of such agencies, in carrying out the functions required of such governmental agency.

(g) The secretary of revenue may adopt such rules and regulations as are necessary to implement the provisions of this section.

Sec. 46. K.S.A. 75-3370 is hereby amended to read as follows: 75-3370. (a) The secretary for aging and disability services is hereby authorized to enter into an interagency agreement with the secretary of corrections and the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* transferring the charge, care, management and control of the Winfield state hospital and training center property to the department of corrections and the ~~Kansas commission on veterans affairs~~ office of *veterans services* in accordance with the current uses of the Winfield state hospital and training center property and as agreed upon by the secretary of corrections and the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services*.

(b) At such time as specific title descriptions to the portion of the Winfield state hospital and training center property that is transferred to the charge, care, management and control of the department of corrections and the portion of the Winfield state hospital and training center property that is transferred to the charge, care, management and control of the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* have been determined and are available, the secretary for aging and disability services shall convey, without compensation, title to such portions of the Winfield state hospital and training center property to the department of corrections and the ~~Kansas commission on veterans affairs~~ office of *veterans services*, respectively. The conveyance prescribed by this section shall not be subject to the provisions of K.S.A. 75-3043a, and amendments thereto.

(c) *As used in this section*, "Winfield state hospital and training center property" means the state-owned real estate, including any improvements thereon, which is located in the city of Winfield and Cowley county and which is described as follows:

(1) The Southwest Quarter of Section 14, Township 32 South, Range 4 East of the 6th P.M., Cowley County, Kansas;

(2) The Southeast Quarter of Section 15, Township 32 South, Range 4 East of the 6th P.M., Cowley County, Kansas, less Road Right of Way; and

(3) Part of the Northwest Quarter of Section 15, Township 32 South, Range 4 East of the 6th P.M., that lies East of the Centerline of Timber Creek, and described as follows: Commencing at the Northeast corner of

said Quarter Section; Thence West along the North line of said Quarter Section to the center of the Channel of Timber Creek; Thence Southerly down the center of the channel of said creek (following the meanderings thereof) to the South line of said Quarter Section; Thence East along the South line of said Quarter Section to the Southeast Corner of said Quarter Section; Thence North along the East line of said Quarter Section to the Point of Beginning.

Sec. 47. K.S.A. 2023 Supp. 75-3740 is hereby amended to read as follows: 75-3740. (a) Except as provided by K.S.A. 75-3740b, and amendments thereto, and subsections (b) and (k), all contracts and purchases made by or under the supervision of the director of purchases or any state agency for which competitive bids are required shall be awarded to the lowest responsible bidder, taking into consideration conformity with the specifications, terms of delivery, and other conditions imposed in the call for bids.

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

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

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

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

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

(3) in the case of bids for paper products specified in K.S.A. 75-3740b, and amendments thereto, the dollar amounts of the bids received from

two or more lowest responsible bidders are identical, the contract shall be awarded to the bidder whose bid is for those paper products containing the highest percentage of recycled materials.

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

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

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

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

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

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

and amendments thereto, and shall be open to public inspection at all reasonable times.

(g) As used in this section:

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

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

(B) employs at least 10% of its employees who are individuals with disabilities and reside in Kansas;

(C) offers to contribute at least 75% of the premium cost for individual health insurance coverage for each employee. The department of administration shall require a certification of these facts as a condition to the certified business being awarded a contract pursuant to subsection (b); and

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

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

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

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

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

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

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

(3) “physical or mental impairment” means:

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

(i) Neurological;

- (ii) musculoskeletal;
 - (iii) special sense organs;
 - (iv) respiratory, including speech organs;
 - (v) cardiovascular;
 - (vi) reproductive;
 - (vii) digestive;
 - (viii) genitourinary;
 - (ix) hemic and lymphatic;
 - (x) skin; or
 - (xi) endocrine; or
 - (B) any mental or psychological disorder, such as intellectual disability, organic brain syndrome, mental illness and specific learning disabilities.
- The term “Physical or mental impairment” includes, but is not limited to, orthopedic, visual, language and hearing disorders, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis and intellectual disability; and
- (4) “project architect” means the same as defined in K.S.A. 75-1251, and amendments thereto;
- (5) “disabled veteran” means a person ~~verified by the Kansas commission on veterans affairs office to have served in the armed forces of the United States and who is entitled to compensation for a service connected disability, according to the laws administered by the United States department of veterans affairs, or who is entitled to compensation for the loss, or permanent loss of use, of one or both feet or one or both hands, or for permanent visual impairment of both eyes to a prescribed degree who:~~
- (A) *Served in the active military, naval, air or space service and who was discharged or released therefrom under conditions other than dishonorable;*
 - (B) *received a disability that was incurred or aggravated in the line of duty in the active military, naval, air or space service; and*
 - (C) *has a service-connected evaluation percentage equal to or greater than 10% pursuant to 38 U.S.C. § 1101 et seq. 10 U.S.C. § 1201 et seq.; and*
- (6) “disabled veteran business” means a business certified annually by the department of administration that is a sole proprietorship, partnership, association or corporation domiciled in Kansas, or any corporation, even if a wholly owned subsidiary of a foreign corporation, and is ~~verified by the Kansas commission on veterans affairs office of veterans services that:~~
- (A) Not less than 51% *of such business* is owned by one or more disabled veterans or, in the case of a publicly owned business, not less than 51% of the stock is owned by one or more disabled veterans;
 - (B) the management and daily business operations *of such business* are controlled by one or more disabled veterans; and

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

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

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

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

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

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

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

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

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

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

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

(l) The secretary of administration shall certify that a business meets the requirements for a certified business as defined in subsection (g), and shall recertify such business as having met such requirements every three years thereafter.

Sec. 48. K.S.A. 75-4362 is hereby amended to read as follows: 75-4362. (a) The director of the division of personnel services of the department of administration shall have the authority to establish and im-

plement a drug screening program for persons taking office as governor, lieutenant governor, attorney general or members of the Kansas senate or house of representatives and for applicants for safety sensitive positions in state government, but no applicant for a safety sensitive position shall be required to submit to a test as a part of this program unless the applicant is first given a conditional offer of employment.

(b) The director also shall have the authority to establish and implement a drug screening program based upon a reasonable suspicion of illegal drug use by any person currently holding one of the following positions or offices:

- (1) The office of governor, lieutenant governor or attorney general;
- (2) members of the Kansas senate or house of representatives;
- (3) any safety sensitive position;
- (4) any position in an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, that is not a safety sensitive position;
- (5) any position in the Kansas state school for the blind, as established under K.S.A. 76-1101 et seq., and amendments thereto; or
- (6) any position in the Kansas state school for the deaf, as established under K.S.A. 76-1001 et seq., and amendments thereto.

(c) Any public announcement or advertisement soliciting applications for employment in a safety sensitive position in state government shall include a statement of the requirements of the drug screening program established under this section for applicants for and employees holding a safety sensitive position.

(d) Except for a person who has access to a secured biological laboratory in the office of laboratory services of the department of health and environment, no person shall be terminated solely due to positive results of a test administered as a part of a program authorized by this section if:

- (1) The employee has not previously had a valid positive test result; and
- (2) the employee undergoes a drug evaluation and successfully completes any education or treatment program recommended as a result of the evaluation. Nothing herein shall be construed as prohibiting demotions, suspensions or terminations pursuant to K.S.A. 75-2949e or 75-2949f, and amendments thereto.

(e) Except in hearings before the state civil service board regarding disciplinary action taken against the employee, the results of any test administered as a part of a program authorized by this section shall be confidential and shall not be disclosed publicly.

(f) The secretary of administration may adopt such rules and regulations as necessary to carry out the provisions of this section.

(g) "Safety sensitive positions" means the following:

- (1) All state law enforcement officers who are authorized to carry firearms;

- (2) all state corrections officers;
- (3) all state parole officers;
- (4) heads of state agencies who are appointed by the governor and employees on the governor's staff;
- (5) all employees with access to secure facilities of a correctional institution, as defined in K.S.A. 21-5914, and amendments thereto;
- (6) all employees of a juvenile correctional facility, as defined in K.S.A. 38-2302, and amendments thereto;
- (7) all employees within an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, who provide clinical, therapeutic or habilitative services to the clients and patients of those institutions;
- (8) all employees who have access to a secured biological laboratory in the office of laboratory services of the department of health and environment; and
- (9) all employees of the ~~Kansas commission on veterans affairs~~ office of *veterans services*.

Sec. 49. K.S.A. 76-6b05 is hereby amended to read as follows: 76-6b05. (a) All moneys received by the state treasurer under K.S.A. 76-6b04, and amendments thereto, shall be credited to the state institutions building fund, which is hereby created in the state treasury, to be used for the construction, reconstruction, equipment and repair of buildings and grounds at institutions specified in K.S.A. 76-6b04, and amendments thereto, and for payment of debt service on revenue bonds issued to finance such projects, all subject to appropriation by the legislature.

(b) Subject to any restrictions imposed by appropriation acts, the juvenile justice authority is authorized to pledge funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the juvenile justice authority specified by statute for the payment of debt service on revenue bonds issued for the purposes set forth in subsection (a). Subject to any restrictions imposed by appropriation acts, the juvenile justice authority is also authorized to pledge any funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the juvenile justice authority specified by statute as a priority for the payment of debt service on such revenue bonds. Neither the state or the juvenile justice authority shall have the power to pledge the faith and credit or taxing power of the state of Kansas for such purposes and any payment by the juvenile justice authority for such purposes shall be subject to and dependent on appropriations being made from time to time by the legislature. Any obligation of the juvenile justice authority for payment of debt service on revenue bonds and any such revenue bonds issued for the purposes set forth in subsection (a) shall not be considered

a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas.

(c) Subject to any restrictions imposed by appropriation acts, the Kansas department for aging and disability services is authorized to pledge funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the Kansas department for aging and disability services specified by statute for the payment of debt service on revenue bonds issued for a new state security hospital on the Larned state hospital grounds or any other capital improvement projects at any other institution or facility of the Kansas department for aging and disability services. Subject to any restrictions imposed by appropriation acts, the Kansas department for aging and disability services is also authorized to pledge any funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the Kansas department for aging and disability services specified by statute as a priority for the payment of debt service on such revenue bonds. Neither the state or the Kansas department for aging and disability services shall have the power to pledge the faith and credit or taxing power of the state of Kansas for such purposes and any payment by the Kansas department for aging and disability services for such purposes shall be subject to and dependent on appropriations being made from time to time by the legislature. Any obligation of the Kansas department for aging and disability services for payment of debt service on revenue bonds and any such revenue bonds issued for a new state security hospital on the Larned state hospital grounds or any other capital improvement projects at any other institution or facility of the Kansas department for aging and disability services shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas.

(d) Subject to any restrictions imposed by appropriation acts, the director of the ~~Kansas commission on veterans affairs~~ *office of veterans services* is authorized to pledge funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the ~~Kansas commission on veterans affairs~~ *office of veterans services* specified by statute for the payment of debt service on revenue bonds issued for veterans' home HVAC system replacement. Subject to any restrictions imposed by appropriation acts, the director of the ~~Kansas commission on veterans affairs~~ *office of veterans services* is also authorized to pledge any funds appropriated to it from the state institutions building fund or from any other source and transferred to a special revenue fund of the ~~Kansas commission on veterans affairs~~ *office of veterans services* specified by statute as a priority for the payment of debt service on such revenue bonds. Neither the state nor the director of the ~~Kansas commission on vet-~~

~~erans affairs~~ office of *veterans services* shall have the power to pledge the faith and credit or taxing power of the state of Kansas for such purposes and any payment by the ~~Kansas commission on veterans affairs~~ office of *veterans services* for such purposes shall be subject to and dependent on appropriations being made from time to time by the legislature. Any obligation of the ~~Kansas commission on veterans affairs~~ office of *veterans services* for payment of debt service on revenue bonds and any such revenue bonds issued for veterans' home HVAC system replacement shall not be considered a debt or obligation of the state for the purpose of section 6 of article 11 of the constitution of the state of Kansas.

Sec. 50. K.S.A. 76-1904 is hereby amended to read as follows: 76-1904. (a) The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall have full control of the Kansas soldiers' home, the property, effects, supervision and management thereof.

(b) A superintendent of the Kansas soldiers' home shall be appointed by the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* in accordance with K.S.A. 73-1210a, and amendments thereto.

Sec. 51. K.S.A. 76-1904a is hereby amended to read as follows: 76-1904a. The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall establish rates of charges to be made to members and patients of the Kansas soldiers' home. Such charges shall not exceed an amount equal to the per diem cost of care for the preceding year or the charge made against patients under K.S.A. 59-2006, and amendments thereto, whichever is the smaller. No action shall be commenced by the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* against a member or patient or the estate of a member or patient for the recovery of any such charges unless such action is commenced within five years after the date such charges are incurred. Such director may compromise and settle any claim for charges hereunder, and may, upon payment of a valuable consideration by the member or patient or his or her estate, discharge and release such member, patient or estate of any or all past liability incurred hereunder. Whenever the director shall negotiate a compromise agreement to settle any claim due or claim to be due from a member or a patient or his or her estate, no action shall thereafter be brought or claim made for any amounts due for charges incurred prior to the effective date of the agreement entered into, except for the amounts provided for in the agreement. Nothing in this act shall be deemed to extend the period specified in K.S.A. 59-2239, and amendments thereto, for the purposes therein specified.

Sec. 52. K.S.A. 76-1906 is hereby amended to read as follows: 76-1906. The superintendent of the Kansas soldiers' home shall remit all

moneys received by or for the superintendent under article 19 of chapter 76 of the Kansas Statutes Annotated, and amendments thereto, and all moneys received from the United States veterans administration for reimbursements for the care of residents 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 soldiers' home fee fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the ~~Kansas-commission on veterans affairs~~ *office of veterans services* or by a person or persons designated by the director.

Sec. 53. K.S.A. 76-1908 is hereby amended to read as follows: 76-1908.

(a) The following, subject to the rules and regulations that may be adopted by the director of the ~~Kansas-commission on veterans affairs~~ *office of veterans services* for the management and government of the Kansas soldiers' home, shall be eligible to admission to the Kansas soldiers' home:

(1) Any person who served in the active military service of the United States during any period of war, or who served in the active military service of the United States during peacetime and is entitled to veterans administration hospitalization or domiciliary care under title 38, United States code and veterans administration rules and regulations, and who has been discharged or relieved therefrom under conditions other than dishonorable, who may be disabled by disease, wounds, old age or otherwise disabled, and who, by reason of such disability, is incapacitated from earning a living.

(2) The widow, mother, widower, father or minor child of any person who qualified under ~~paragraph (1) of subsection (a)~~(1), if such widow, mother, widower, father or minor child is incapable of self-support because of physical disability.

(b) No person shall be admitted to the soldiers' home except upon application to the ~~Kansas-commission on veterans affairs~~ *office of veterans services* and approval of the application by the director. No applicant shall be admitted to the soldiers' home who has not been an actual resident of the state of Kansas for at least two years next preceding the date of application.

(c) No person shall be admitted to or retained in the soldiers' home who has been convicted of a felony, unless the director of the ~~Kansas-commission on veterans affairs~~ *office of veterans services* finds that such person has been adequately rehabilitated and is not dangerous to oneself or to the person or property of others.

(d) No child shall be admitted to or retained in the soldiers' home who is 16 years of age or over, unless such child is incapable of supporting oneself.

(e) No child properly a member of the home shall be discharged under 16 years of age.

(f) The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall have authority by resolution to discharge any member from the soldiers' home on a showing that the member has gained admittance into the soldiers' home by misrepresentation of the member's financial or physical condition, or a showing that the financial or physical condition of such member has been so altered since admittance so that the further maintenance of the member in the soldiers' home is not justified. No such member shall be discharged without notice and opportunity to be heard in accordance with the provisions of the Kansas administrative procedure act.

(g) The rules and regulations for admission of members to the Kansas soldiers' home *shall require that*:

(1) ~~Shall require that~~ A veteran who has no adequate means of support, and such members of the family as are dependent upon such person for support, shall be given priority over other applicants for admission; and

(2) ~~shall require that~~ an applicant for admission be given priority over patients transferred from state institutions under the provisions of K.S.A. 76-1936, and amendments thereto.

Sec. 54. K.S.A. 76-1927 is hereby amended to read as follows: 76-1927. The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall have the authority to establish rules and regulations for the management and operation of the Kansas soldiers' home and governing conduct and discipline of the members of and other persons in the Kansas soldiers' home. Such rules and regulations shall be filed with the secretary of state as provided by law.

Sec. 55. K.S.A. 76-1928 is hereby amended to read as follows: 76-1928. The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* or the superintendent of the Kansas soldiers' home shall enforce such rules and regulations and may furlough any member for violation of such rules.

Sec. 56. K.S.A. 76-1929 is hereby amended to read as follows: 76-1929. The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* may discharge any member who violates such rules and regulations, except that no member shall be discharged without notice to such member and a right to be heard concerning such charges in accordance with the provisions of the Kansas administrative procedure act.

Sec. 57. K.S.A. 76-1931 is hereby amended to read as follows: 76-1931. If any member of such soldiers' home shall refuse to vacate the premises upon receiving a furlough from the officers designated to en-

force the rules and regulations, such refusal shall constitute a forfeiture of such person's right to remain in the home and such member shall be ~~forthwith~~ *immediately* discharged by the director of the Kansas ~~commission on veterans affairs~~ office of *veterans services*.

Sec. 58. K.S.A. 76-1932 is hereby amended to read as follows: 76-1932. If any member shall refuse to vacate the premises upon being discharged by the director of the Kansas ~~commission on veterans affairs~~ office of *veterans services*, such member shall forfeit such member's right to subsistence and rations for the member and the member's dependents, if any, and the director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* shall institute legal proceedings to force such member to vacate the premises.

Sec. 59. K.S.A. 76-1935 is hereby amended to read as follows: 76-1935. The director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* shall designate a person at the Kansas soldiers' home who shall be in charge of the member funds at such soldiers' home. ~~The~~ *Such* person ~~so designated~~ shall have custody and charge of all moneys belonging to the members, or persons attending the Kansas soldiers' home, which are held for their use, benefit and burial. The director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* shall designate the bank or banks, in which such moneys shall be deposited.

Sec. 60. K.S.A. 76-1935a is hereby amended to read as follows: 76-1935a. (a) The custodian of the members and patients trust fund at the Kansas soldiers' home shall notify the director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* of any moneys which are under the custodian's charge belonging to members who have died intestate, without known heirs or designated beneficiaries for funds on deposit, and the director shall publish a notice for two consecutive weeks in the Kansas register which shall state the name of each deceased member, their last known home address and the amount of the deposit remaining in the account of such former member; and such notice shall further state that unless interested persons appear and file a legitimate claim within one year after the date of the last publication of such notice, such amount or amounts will be transferred to the general fees fund of the soldiers' home to help defray unrecovered costs connected with the maintenance and operation of the soldiers' home and for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services which are performed on behalf of such agency by other state agencies.

(b) Unless a party entitled thereto shall make claim within the time stated in the notice, the balance in any former member's fund as so published for which no claim is made as prescribed herein shall be transferred as ~~hereinabove~~ provided in *subsection (a)*. Thereafter, unless a claim is filed

with the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* within two years after such transfer is made, no claim may be made or filed for such former member's fund, except that a person under legal disability during the two-year period may file a claim within one year after removal of the disability. The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* is hereby authorized to make payments to claimants it shall determine are entitled thereto, if such claims otherwise comply with the terms of this act, and such payments shall be authorized from the general fees fund of the Kansas soldiers' home to which the former members funds were transferred.

Sec. 61. K.S.A. 76-1936 is hereby amended to read as follows: 76-1936. (a) The commissioner of community services and programs of the Kansas department for aging and disability services, with the approval of the secretary for aging and disability services and the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services*, may transfer patients in the state hospitals at Osawatomie and Larned and patients in the Rainbow mental health facility and the Parsons state hospital and training center who have served in the military or naval forces of the United States or whose husband, wife, father, son or daughter has served in the active military or naval service of the United States during any period of any war as defined in K.S.A. 76-1908, and amendments thereto, and who was discharged or relieved therefrom under conditions other than dishonorable, to the Kansas soldiers' home. No patient who is such a mentally ill person, *as defined in K.S.A. 59-2946, and amendments thereto*, in the opinion of the commissioner of ~~mental health and developmental disabilities state hospitals~~, that because of such patient's illness such patient is likely to injure themselves or others, shall be ~~so~~ transferred to such Kansas soldiers' home, and no such patient shall be ~~so~~ transferred if such transfer will deny admission to persons entitled to admission under K.S.A. 76-1908, and amendments thereto, and rules and regulations promulgated thereunder. Persons ~~so~~ transferred shall not be considered as members of the Kansas soldiers' home but shall be considered as patients therein.

(b) All of the laws, rules and regulations relating to patients in ~~the above specified state hospitals and mental health facility specified in subsection (a)~~ shall be applicable to such patients ~~so transferred insofar as the same can be made applicable under subsection (a)~~. Any patient ~~so~~ transferred who is found to be or shall become such a mentally ill person, *as defined in K.S.A. 59-2946, and amendments thereto*, in the opinion of the commissioner of ~~mental health and developmental disabilities state hospitals~~, that because of such patient's illness such patient is likely to injure themselves or others or who is determined to need additional psychiatric treatment, shall be retransferred by the superintendent of the Kansas soldiers' home, with the approval of the commissioner of ~~mental health and~~

~~developmental disabilities state hospitals~~ and the director of the Kansas ~~commission on veterans affairs~~ office of *veterans services*, to the institution from whence the patient was originally transferred.

Sec. 62. K.S.A. 76-1939 is hereby amended to read as follows: 76-1939. The ~~Kansas commission on veterans affairs~~ office of *veterans services* shall not engage in farming operations on the farm land which are part of the lands of the Kansas soldiers' home except that the ~~Kansas commission on veterans affairs~~ office of *veterans services* may engage in and permit vegetable gardening on a portion of such lands. All such farm lands not needed or used for vegetable gardening shall be rented or leased, for a period not to exceed five years, by the ~~Kansas commission on veterans affairs~~ office of *veterans services*, except that if the Kansas state university of agriculture and applied science shall request that such lands be rented or leased to it for agricultural experimental purposes, it shall be given preference when such lands are rented or leased. Any such rental or lease agreement shall not include any buildings or improvements other than irrigation pumps and facilities. All moneys derived from the lease or rental of such farm lands 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 soldiers' home and Mother Bickerdyke annex fee fund for the use of such soldiers' home.

Sec. 63. K.S.A. 76-1941 is hereby amended to read as follows: 76-1941. (a) The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* may enter into a written contract with any individual who is eligible for admission to the Kansas soldiers' home under K.S.A. 76-1908, and amendments thereto, to authorize the construction of a single-family dwelling for use as a home for such individual and such individual's family members on the real property of the Kansas soldiers' home in accordance with rules and regulations adopted by the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* under this section. Each such dwelling shall be constructed and maintained:

- (1) At the expense of the individual entering into a contract with the director under this section, including any required sewer, water and utility connections;

- (2) at a location on the real property of the Kansas soldiers' home approved in accordance with rules and regulations adopted by the director under this section; and

- (3) in accordance with the building design, construction and materials standards as authorized or prescribed by rules and regulations adopted by the director under this section.

- (b) The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall grant a life estate to each individual who en-

ters into a contract under this section and who constructs a dwelling at the Kansas soldiers' home in accordance with this section and the rules and regulations adopted by the director under this section. The life estate shall be for the dwelling and the tract of real property that the dwelling is constructed on, as specified in the contract entered into under this section, for the life of the individual and the lives of such individual's family members who are residing in the dwelling. Each life estate granted by the director under this section shall be approved as to form and legality by the attorney general.

(c) At the end of each life estate granted under this section, the dwelling and real estate which is the subject of the life estate shall revert to the Kansas soldiers' home and such dwelling and real estate shall be used for housing of veterans and other eligible individuals admitted to the Kansas soldiers' home as provided by statute.

(d) The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall adopt rules and regulations prescribing policies and procedures for the construction and maintenance of single-family dwellings on the real estate of Kansas soldiers' home, prescribing building design, construction and materials standards for such dwellings, and for such other matters as may be required for the implementation and administration of this section. No rule and regulation shall be adopted by the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* under this subsection unless the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* first has advised and consulted with the joint committee on state building construction and has presented such proposed rule and regulation to the joint committee on state building construction.

(e) As used in this section, "family members" includes the spouse of an individual who has entered into a contract under this section, the widow or widower of an individual who has entered into a contract under this section, and the mother, father or minor child of an individual who has entered into a contract under this section, if such mother, father or minor child is incapable of self-support because of physical disability.

Sec. 64. K.S.A. 76-1951 is hereby amended to read as follows: 76-1951. (a) ~~On and after January 1, 1998, The Kansas commission on veterans affairs~~ office of *veterans services* shall operate a Kansas veterans' home to be located on the grounds of Winfield state hospital and training center. The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* and the secretary for aging and disability services shall enter into an agreement concerning property, premises, facilities, installations, equipment and records of Winfield state hospital and training center which will be transferred to the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* for the purpose of establishing

and operating the Kansas veterans' home. The agreement shall establish the timing of any such transfers. Any conflict as to the proper disposition of property or records arising under this section shall be determined by the governor, whose decision shall be final.

(b) The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall have full control of the Kansas veterans' home, the property, effects, supervision and management of the home.

(c) The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* may enter into an agreement with the United States department of veterans affairs for the use and operation of the nursing care unit of the Wichita veterans administration medical center in Wichita, Kansas, as a long-term care unit of the Kansas veterans' home, which shall be known as the Kansas veterans' home long-term care annex. The Kansas veterans' home long-term care annex shall be operated as a part of the Kansas veterans' home and shall be construed to be part of the Kansas veterans' home for all purposes under statutes governing or referring to the Kansas veterans' home.

(d) A superintendent of the Kansas veterans' home shall be appointed by the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* in accordance with K.S.A. 73-1210a, and amendments thereto.

Sec. 65. K.S.A. 76-1952 is hereby amended to read as follows: 76-1952. The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall establish rates of charges to be made to members and patients of the Kansas veterans' home. The charges in the first year of operation of the Kansas veterans' home shall not exceed an amount equal to the per diem cost of care for the Kansas soldiers' home for the preceding year or the charge made against patients under K.S.A. 59-2006, and amendments thereto, whichever is less, and thereafter the charges shall not exceed an amount equal to the per diem cost of care for the Kansas veterans' home for the preceding year or the charge made against patients under K.S.A. 59-2006, and amendments thereto, whichever is the lesser amount. No action shall be commenced by the director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* against a member or patient or the estate of a member or patient for the recovery of any such charges unless such action is commenced within five years after the date such charges are incurred. The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* may compromise and settle any claim for charges under this section, and may, upon payment of a valuable consideration by the member or patient or the estate of the member or patient, discharge and release such member, patient or estate of any or all past liability incurred under this section due or claim to be due from a member or a patient or the estate of the member or patient,

no action shall thereafter be brought or claim made for any amounts due for charges incurred prior to the effective date of the agreement entered into, except for the amounts provided for in the agreement. Nothing in this act shall be deemed to extend the period specified in K.S.A. 59-2239, and amendments thereto, for the purposes therein specified.

Sec. 66. K.S.A. 76-1953 is hereby amended to read as follows: 76-1953. The superintendent of the Kansas veterans' home shall remit all moneys received by or for the superintendent under this act and all moneys received from the United States department of veterans affairs for reimbursements for the care of residents 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 veterans' home fee fund which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the ~~Kansas commission on veterans affairs~~ *office of veterans services* or by a person or persons designated by the director.

Sec. 67. K.S.A. 76-1954 is hereby amended to read as follows: 76-1954. (a) The following, subject to the rules and regulations that may be adopted by the director of the ~~Kansas commission on veterans affairs~~ *office of veterans services* for the management and government of the Kansas veterans' home, shall be eligible to admission to the Kansas veterans' home:

(1) Any person who served in the active military service of the United States during any period of war, or who served in the active military service of the United States during peacetime and is entitled to veterans affairs hospitalization or domiciliary care under title 38 of the United States code and federal veterans affairs rules and regulations, and who has been discharged or relieved therefrom under conditions other than dishonorable, who may be disabled by disease, wounds, old age or otherwise disabled, and who, by reason of such disability, is incapacitated from earning a living; and

(2) the widow, mother, widower, father or minor child of any person who qualified under ~~paragraph (1) of subsection (a)(1)~~, if such widow, mother, widower, father or minor child is incapable of self-support because of physical disability.

(b) No person shall be admitted to the veterans' home except upon application to the ~~Kansas commission on veterans affairs~~ *office of veterans services* and approval of the application by the director of the ~~Kansas commission on veterans affairs~~ *office of veterans services*. No applicant shall be admitted to the veterans' home who has not been an actual resident of the state of Kansas for at least two years next preceding the date of application.

(c) No person shall be admitted to or retained in the veterans' home who has been convicted of a felony, unless the director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* finds that such person has been adequately rehabilitated and is not dangerous to oneself or to the person or property of others.

(d) No child shall be admitted to or retained in the veterans' home who is 16 years of age or over, unless such child is incapable of supporting oneself.

(e) No child properly a member of the veterans' home shall be discharged under 16 years of age.

(f) The director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* shall have authority by resolution to discharge any member from the veterans' home on a showing that the member has gained admittance into the veterans' home by misrepresentation of the member's financial or physical condition, or a showing that the financial or physical condition of such member has been so altered since admittance so that the further maintenance of the member in the veterans' home is not justified. No such member shall be discharged without notice and opportunity to be heard in accordance with the provisions of the Kansas administrative procedure act.

(g) The rules and regulations for admission of members to the Kansas veterans' home:

(1) Shall require that a veteran who has no adequate means of support, and such members of the family as are dependent upon such person for support, shall be given priority over other applicants for admission; and

(2) shall require that an applicant for admission be given priority over patients transferred from state institutions under the provisions of K.S.A. 76-1958, and amendments thereto.

Sec. 68. K.S.A. 76-1955 is hereby amended to read as follows: 76-1955. (a) The director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* shall have the authority to establish rules and regulations for the management and operation of the Kansas veterans' home and governing conduct and discipline of the members of and other persons in the Kansas veterans' home. Such rules and regulations shall be filed with the secretary of state as provided by law.

(b) The superintendent of the Kansas veterans' home shall enforce such rules and regulations, and the superintendent may furlough any member for violation of such rules.

(c) The director of the Kansas ~~commission on veterans affairs~~ office of *veterans services* may discharge any member who violates such rules and regulations, except that no member shall be discharged without notice to such member and a right to be heard concerning such charges in accordance with the provisions of the Kansas administrative procedure act.

(d) If any member shall seek an injunction or restraining order to restrain the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* or the officers of such Kansas veterans' home from enforcing such rules and regulations or to restrain disciplinary action, during the pendency of such legal proceedings, such member and the member's dependents, if any, shall not be entitled to draw subsistence or rations as provided for by such home.

(e) If any member of such veterans' home shall refuse to vacate the premises upon receiving a furlough from the officers designated to enforce the rules and regulations, such refusal shall constitute a forfeiture of such member's right to remain in the home and such member shall be forthwith discharged by the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services*.

(f) If any member shall refuse to vacate the premises upon being discharged by the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services*, such member shall forthwith forfeit the member's right to subsistence and rations for such member and dependents, if any, and the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall institute legal proceedings to force such member to vacate the premises.

(g) ~~The word~~As used in this section, "member" as used in this act shall refer to means any person legally admitted as a member or any dependent of such member, or any person drawing subsistence or quarters in the Kansas veterans' home for any reason whatsoever, except the employees of such veterans' home. ~~The word~~ "Member" shall does not include any person transferred to the veterans' home from any state hospital or training school.

Sec. 69. K.S.A. 76-1956 is hereby amended to read as follows: 76-1956. The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall designate a person at the Kansas veterans' home who shall be in charge of the member funds at such veterans' home. ~~The person so designated~~ Such person shall have custody and charge of all moneys belonging to the members, or patients residing in the Kansas veterans' home, which are held for their use, benefit and burial. The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* shall designate the bank or banks, in which such moneys shall be deposited.

Sec. 70. K.S.A. 76-1957 is hereby amended to read as follows: 76-1957. (a) The custodian of the members and patients trust fund at the Kansas veterans' home shall notify the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* of any moneys which are under the custodian's charge belonging to members who have died intestate, without known heirs or designated beneficiaries for funds on deposit, and the director shall publish a notice for two consecutive weeks in the

Kansas register which shall state the name of each deceased member, their last known home address and the amount of the deposit remaining in the account of such former member; and such notice shall further state that unless interested persons appear and file a legitimate claim therefor within one year after the date of the last publication of such notice, such amount or amounts will be transferred to the general fees fund of the veterans' home to help defray unrecovered costs connected with the maintenance and operation of the veterans' home and for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services which are performed on behalf of such agency by other state agencies.

(b) Unless a party entitled thereto makes claim within the time stated in the notice, the balance in any former member's fund as so published for which no claim is made as prescribed in this section shall be transferred as provided in this section. Thereafter, unless a claim is filed with the ~~Kansas commission on veterans affairs~~ office of *veterans services* within two years after such transfer is made, no claim may be made or filed for such former member's fund except that a person under legal disability during the two-year period may file a claim within one year after removal of the disability. The director of the ~~Kansas commission on veterans affairs~~ office of *veterans services* is hereby authorized to make payments to claimants it shall determine are entitled thereto, if such claims otherwise comply with the terms of this act; and such payments shall be authorized from the general fees fund of the Kansas veterans' home to which the former member's funds were transferred.

Sec. 71. K.S.A. 76-1958 is hereby amended to read as follows: 76-1958. (a) The commissioner of ~~mental health and developmental disabilities state hospitals~~ of the Kansas department for aging and disability services, with the approval of the secretary for aging and disability services and the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services*, may transfer patients in the state hospitals in Topeka, Osawatomie and Larned and patients in the Rainbow mental health facility, the Parsons state hospital and training center and the Winfield state hospital and training center who have served in the military or naval forces of the United States or whose husband, wife, father, son or daughter has served in the active military or naval service of the United States during any period of any war as defined in K.S.A. 76-1954, and amendments thereto, and was discharged or relieved therefrom under conditions other than dishonorable, to the Kansas veterans' home. No patient who is such a mentally ill person, *as defined in K.S.A. 59-2946, and amendments thereto*, in the opinion of the commissioner of ~~mental health and developmental disabilities state hospitals~~, that because of such patient's illness such patient is likely to injure oneself or others shall be so transferred to such Kansas veterans' home, and no such patient shall be so transferred if such

transfer will deny admission to persons entitled to admission under K.S.A. 76-1954, and amendments thereto, and rules and regulations promulgated thereunder. Persons ~~so~~ transferred shall not be considered as members of the Kansas veterans' home but shall be considered as patients ~~therein~~.

(b) All of the laws, rules and regulations relating to patients in the above-specified state hospitals and mental health facilities shall be applicable to such patients so transferred insofar as the same can be made applicable. Any patient so transferred who is found to be or shall become such a mentally ill person, *as defined in K.S.A. 59-2946, and amendments thereto*, in the opinion of the commissioner of ~~mental health and developmental disabilities~~ *state hospitals*, that because of such patient's illness such patient is likely to injure oneself or others or who is determined to need additional psychiatric treatment, shall be retransferred by the superintendent of the Kansas veterans' home, with the approval of the commissioner of mental health and developmental disabilities and the director of the ~~Kansas commission on veterans affairs~~ *office of veterans services*, to the institution from which the patient was originally transferred.

Sec. 72. K.S.A. 2023 Supp. 77-440 is hereby amended to read as follows: 77-440. (a) All rules and regulations adopted by state agencies under the provisions of K.S.A. 77-415 et seq., and amendments thereto, shall be reviewed every five years in accordance with this section.

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

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

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

- (I) Department of administration;
- (ii) municipal accounting board;
- (iii) state treasurer;
- (iv) Kansas department of agriculture;
- (v) Kansas department of agriculture—division of water resources;
- (vi) state election board;
- (vii) secretary of state;

- (viii) livestock brand commissioner;
 - (ix) Kansas department of agriculture—division of animal health;
 - (x) Kansas bureau of investigation;
 - (xi) Kansas department of agriculture—division of conservation;
 - (xii) agricultural labor relations board;
 - (xiii) alcoholic beverage control board of review;
 - (xiv) Kansas department of revenue—division of alcoholic beverage control;
 - (xv) athletic commission;
 - (xvi) attorney general;
 - (xvii) office of the state bank commissioner;
 - (xviii) employee award board;
 - (xix) governmental ethics commission;
 - (xx) crime victims compensation board;
 - (xxi) Kansas human rights commission;
 - (xxii) state fire marshal; and
 - (xxiii) Kansas department of wildlife and parks;
- (B) for 2024 and every fifth year thereafter, the following state agencies:
- (I) Kansas wheat commission;
 - (ii) Kansas state grain inspection department;
 - (iii) Kansas department for aging and disability services;
 - (iv) Kansas energy office;
 - (v) department of health and environment;
 - (vi) Kansas department for children and families;
 - (vii) park and resources authority;
 - (viii) state salvage board;
 - (ix) Kansas department of transportation;
 - (x) Kansas highway patrol;
 - (xi) savings and loan department;
 - (xii) Kansas turnpike authority;
 - (xiii) insurance department;
 - (xiv) food service and lodging board;
 - (xv) commission on alcoholism;
 - (xvi) corrections ombudsman board;
 - (xvii) department of corrections;
 - (xviii) Kansas prisoner review board;
 - (xix) executive council;
 - (xx) mined-land conservation and reclamation (KDHE);
 - (xxi) department of labor—employment security board of review;
 - (xxii) department of labor;
 - (xxiii) department of labor—division of employment; and
 - (xxiv) department of labor—division of workers compensation;

(C) for 2025 and every fifth year thereafter, the following state agencies:

- (I) State records board;
- (ii) state library;
- (iii) board for the registration and examination of landscape architects;
- (iv) adjutant general's department;
- (v) state board of nursing;
- (vi) Kansas board of barbering;
- (vii) state board of mortuary arts;
- (viii) board of engineering examiners;
- (ix) board of examiners in optometry;
- (x) state board of technical professions;
- (xi) Kansas board of examiners in fitting and dispensing of hearing instruments;
- (xii) state board of pharmacy;
- (xiii) Kansas state board of cosmetology;
- (xiv) state board of veterinary examiners;
- (xv) Kansas dental board;
- (xvi) board of examiners of psychologists;
- (xvii) registration and examining board for architects;
- (xviii) board of accountancy;
- (xix) state bank commissioner—consumer and mortgage lending division;
- (xx) board of basic science examiners;
- (xxi) Kansas public employees retirement system;
- (xxii) office of the securities commissioner; and
- (xxiii) Kansas corporation commission;

(D) for 2026 and every fifth year thereafter, the following state agencies:

- (I) Public employee relations board;
- (ii) abstracters' board of examiners;
- (iii) Kansas real estate commission;
- (iv) education commission;
- (v) state board of regents;
- (vi) school budget review board;
- (vii) school retirement board;
- (viii) state department of education;
- (ix) Kansas department of revenue;
- (x) Kansas department of revenue—division of property valuation;
- (xi) state board of tax appeals;
- (xii) crop improvement association;
- (xiii) ~~Kansas commission on veterans' affairs~~ office of veterans services;

- (xiv) Kansas water office;
- (xv) Kansas department of agriculture—division of weights and measures;
- (xvi) state board of healing arts;
- (xvii) podiatry board;
- (xviii) behavioral sciences regulatory board;
- (xix) state bank commissioner and savings and loan commissioner—joint regulations;
- (xx) consumer credit commissioner, credit union administrator, savings and loan commissioner and bank commissioner—joint regulations;
- (xxi) state board of indigents' defense services;
- (xxii) Kansas commission on peace officers' standards and training; and
- (xxiii) law enforcement training center; and
- (E) for 2027 and every fifth year thereafter, the following state agencies:
 - (i) Kansas state employees health care commission;
 - (ii) emergency medical services board;
 - (iii) department of commerce;
 - (iv) Kansas lottery;
 - (v) Kansas racing and gaming commission;
 - (vi) Kansas department of wildlife and parks;
 - (vii) Kansas state fair board;
 - (viii) real estate appraisal board;
 - (ix) state historical society;
 - (x) health care data governing board;
 - (xi) state department of credit unions;
 - (xii) pooled money investment board;
 - (xiii) department of corrections—division of juvenile services;
 - (xiv) state child death review board;
 - (xv) Kansas agricultural remediation board;
 - (xvi) unmarked burial sites preservation board;
 - (xvii) Kansas housing resources corporation;
 - (xviii) department of commerce— Kansas athletic commission;
 - (xix) department of health and environment—division of health care finance;
 - (xx) home inspectors registration board;
 - (xxi) committee on surety bonds and insurance;
 - (xxii) 911 coordinating council; and
 - (xxiii) office of administrative hearings.
- (c) For any state agency not listed in subsection (b)(2) that adopts rules and regulations that become effective on or after July 1, 2022, such state agency shall submit a report to the joint committee on administrative

rules and regulations in accordance with subsection (b)(1) on or before July 15 of the fifth year after such rules and regulations become effective and every fifth year thereafter.

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

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

Sec. 73. K.S.A. 79-3221k is hereby amended to read as follows: 79-3221k. (a) For all tax years commencing after December 31, 2011, each Kansas state individual income tax return form shall contain a designation as follows:

Kansas Hometown Heroes Fund. Check if you wish to donate, in addition to your tax liability, or designate from your refund, _____\$1, _____\$5, _____\$10 or \$_____.

(b) The director of taxation of the department of revenue shall determine annually the total amount designated for contribution to the Kansas hometown heroes fund pursuant to subsection (a) and shall report such amount to the state treasurer who shall credit the entire amount thereof to the Kansas hometown heroes fund which fund is hereby established in the state treasury. All moneys deposited in such fund shall be used solely for the purpose of funding the continued operations of the veteran services program of the ~~Kansas commission on veterans affairs~~ office of *veterans services*. In the case where donations are made pursuant to subsection (a), the director shall remit the entire amount thereof to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of such fund. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the director of the ~~Kansas commission on veterans affairs~~ office of *veterans services*.

Sec. 74. K.S.A. 2023 Supp. 79-4502 is hereby amended to read as follows: 79-4502. As used in this act, unless the context clearly indicates otherwise:

(a) "Income" means the sum of adjusted gross income under the Kansas income tax act effective for tax year 2013 and thereafter without regard to any modifications pursuant to K.S.A. 79-32,117(b)(xx) through (xxiii) and (c)(xx), and amendments thereto, maintenance, support money, cash public assistance and relief, not including any refund granted under this act, the gross amount of any pension or annuity, including all monetary retirement benefits from whatever source derived, including

but not limited to, all payments received under the railroad retirement act, except disability payments, payments received under the federal social security act, except that for determination of what constitutes income such amount shall not exceed 50% of any such social security payments and shall not include any social security payments to a claimant who prior to attaining full retirement age had been receiving disability payments under the federal social security act in an amount not to exceed the amount of such disability payments or 50% of any such social security payments, whichever is greater, all dividends and interest from whatever source derived not included in adjusted gross income, workers compensation and the gross amount of “loss of time” insurance. Income does not include gifts from nongovernmental sources or surplus food or other relief in kind supplied by a governmental agency, nor shall net operating losses and net capital losses be considered in the determination of income. Income does not include veterans disability ~~pensions compensation~~. Income does not include disability payments received under the federal social security act.

(b) “Household” means a claimant, a claimant and spouse who occupy the homestead or a claimant and one or more individuals not related as husband and wife who together occupy a homestead.

(c) “Household income” means all income received by all persons of a household in a calendar year while members of such household.

(d) “Homestead” means the dwelling, or any part thereof, owned and occupied as a residence by the household and so much of the land surrounding it, as defined as a home site for ad valorem tax purposes, and may consist of a part of a multi-dwelling or multi-purpose building and a part of the land upon which it is built or a manufactured home or mobile home and the land upon which it is situated. “Owned” includes a vendee in possession under a land contract, a life tenant, a beneficiary under a trust and one or more joint tenants or tenants in common.

(e) “Claimant” means a person who has filed a claim under the provisions of this act and was, during the entire calendar year preceding the year in which such claim was filed for refund under this act, except as provided in K.S.A. 79-4503, and amendments thereto, both domiciled in this state and was:

(1) For purposes of a claim under K.S.A. 79-4508, and amendments thereto:

- (A) A person having a disability;
- (B) a person who is 55 years of age or older;
- (C) a disabled veteran;
- (D) the surviving spouse of ~~active duty military personnel~~ *a deceased member of the armed forces* who died in the line of duty during a period of active service; or

(E) a person other than a person included under subparagraph (A), (B), (C) or (D) having one or more dependent children under 18 years of age residing at the person's homestead during the calendar year immediately preceding the year in which a claim is filed under this act; or

(2) for purposes of a claim under K.S.A. 2023 Supp. 79-4508a, and amendments thereto:

(A) A person who is 65 years of age or older; or

(B) a disabled veteran.

The surviving spouse of a disabled veteran who was receiving benefits pursuant to subsection (e)(1)(C) at the time of the veterans' death, shall be eligible to continue to receive benefits until such time the surviving spouse remarries.

When a homestead is occupied by two or more individuals and more than one of the individuals is able to qualify as a claimant, the individuals may determine between them as to whom the claimant will be. If they are unable to agree, the matter shall be referred to the secretary of revenue whose decision shall be final.

(f) "Property taxes accrued" means property taxes, exclusive of special assessments, delinquent interest and charges for service, levied on a claimant's homestead in 1979 or any calendar year thereafter by the state of Kansas and the political and taxing subdivisions of the state. When a homestead is owned by two or more persons or entities as joint tenants or tenants in common and one or more of the persons or entities is not a member of claimant's household, "property taxes accrued" is that part of property taxes levied on the homestead that reflects the ownership percentage of the claimant's household. For purposes of this act, property taxes are "levied" when the tax roll is delivered to the local treasurer with the treasurer's warrant for collection. When a claimant and household own their homestead part of a calendar year, "property taxes accrued" means only taxes levied on the homestead when both owned and occupied as a homestead by the claimant's household at the time of the levy, multiplied by the percentage of 12 months that the property was owned and occupied by the household as its homestead in the year. When a household owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of the taxes allocable to those several properties while occupied by the household as its homestead during the year. Whenever a homestead is an integral part of a larger unit such as a multi-purpose or multi-dwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For the purpose of this act, the word "unit" refers to that parcel of property covered by a single tax statement of which the homestead is a part.

(g) "Disability" means:

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

(2) blindness and inability by reason of blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which the individual has previously engaged with some regularity and over a substantial period of time.

(h) "Blindness" means central visual acuity of $^{20}/_{200}$ or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purpose of this paragraph as having a central visual acuity of $^{20}/_{200}$ or less.

(i) "Disabled veteran" means a person who is a resident of Kansas and ~~has been honorably discharged from active service in any branch of the armed forces of the United States or Kansas national guard and who has been certified by the United States department of veterans affairs or its successor to have a 50% or greater permanent disability sustained through military action or accident or resulting from disease contracted while in such active service who:~~

(1) *Served in the active military, naval, air or space service and who was discharged or released therefrom under an honorable discharge or a general discharge under honorable conditions;*

(2) *received a disability that was incurred or aggravated in the line of duty in the active military, naval, air or space service; and*

(3) *has a service-connected evaluation percentage equal to or greater than 50%, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.*

Sec. 75. K.S.A. 8-160, 8-243, 8-1324, 21-6630, 39-923, 44-706, 48-3401, 65-1116, 65-1732, 65-2418, 73-201, 73-209, 73-210, 73-230, 73-1208d, 73-1208e, 73-1208f, 73-1209, 73-1210a, 73-1211, 73-1217, 73-1218, 73-1222, 73-1223, 73-1225, 73-1231, 73-1232, 73-1233, 73-1234, 73-1235, 73-1236, 73-1238, 73-1239, 73-1241, 73-1242, 73-1243, 75-3370, 75-4362, 76-6b05, 76-1904, 76-1904a, 76-1906, 76-1908, 76-1927, 76-1928, 76-1929, 76-1931, 76-1932, 76-1935, 76-1935a, 76-1936, 76-1939, 76-1941, 76-1951, 76-1952, 76-1953, 76-1954, 76-1955, 76-1956, 76-1957, 76-1958 and 79-3221k and K.S.A. 2023 Supp. 32-934, 48-3407, 48-3408, 48-3601, 50-676, 65-6129, 74-2012, 75-3740, 77-440 and 79-4502 are hereby repealed.

Sec. 76. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 24, 2024.

CHAPTER 85

HOUSE BILL No. 2501*

AN ACT concerning railroads; relating to the storage of rolling stock; providing a minimum distance for the storage of rolling stock near railroad crossings and exceptions therefor.

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

Section 1. (a) Railroads operating within Kansas are required to maintain minimum distances from the near-edge of railroad crossings to railroad rolling stock stored on sidings if such railroad crossing does not have electronic warning signals. The minimum distance for the storage of railroad rolling stock from the near-edge of railroad crossings shall be 250 feet unless the department of transportation determines a lesser or greater distance is necessary at a particular location and permits or orders a railroad to maintain the lesser or greater distance. If physical conditions require the use of a track temporarily or minimum distances for the storage of railroad rolling stock cannot be obtained, then the provisions of this subsection shall not apply to:

(1) Cars placed for loading or unloading or awaiting removal after loading or unloading; or

(2) bad order cars set out from trains.

(b) The provisions of this section do not apply to rolling stock stored on yard tracks unless the department of transportation orders otherwise.

(c) As used in this section, “rolling stock” means rolling stock not used for the pickup or delivery of freight and where the placement on a railroad-owned siding by a railroad is for the sole convenience of the railroad.

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

Approved April 24, 2024.

CHAPTER 86

Senate Substitute for HOUSE BILL No. 2144

AN ACT concerning crimes, punishment and criminal procedure; creating the crimes of encouraging suicide and organized retail crime and providing criminal penalties for violation thereof; relating to the Kansas racketeer influenced and corrupt organization act; including organized retail crime in the definition of racketeering activity; relating to the attorney general; authorizing the attorney general to prosecute specified crimes that are part of an alleged course of criminal conduct that occurred in two or more counties; amending K.S.A. 21-6328 and K.S.A. 2023 Supp. 75-702 and repealing the existing sections.

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

New Section 1. (a) Encouraging suicide is knowingly encouraging another person to commit or attempt to commit suicide when the person knows that such other person has communicated a desire to commit suicide and such encouragement:

(1) Is made proximate in time to the other person committing or attempting to commit suicide; and

(2) substantially influences the other person's decision or methods used to commit or attempt to commit suicide.

(b) Encouraging suicide is a:

(1) Severity level 5, person felony if the other person attempts to commit suicide; and

(2) severity level 4, person felony if the other person commits suicide.

(c) As used in this section:

(1) "Attempt to commit suicide" means any physical action done by a person with the intent to commit suicide; and

(2) "encouraging a person to commit or attempt to commit suicide" means oral, written or visual communication that is persuasive or intended to be persuasive and that gives advice to commit suicide, attempt to commit suicide or develop a plan to commit suicide.

(d) This section shall be a part of and supplemental to the Kansas criminal code.

Sec. 2. (a) Organized retail crime is any of the following acts done with intent to permanently deprive the owner of the possession, use or benefit of the owner's property or services:

(1) Acting in concert with one or more other persons to:

(A) Receive, purchase, sell or possess merchandise with an aggregate retail market value of \$5,000 or more within a 12-month period, knowing or believing such merchandise to have been stolen; or

(B) take merchandise with an aggregate retail market value of \$5,000 or more from one or more retailers within a 12-month period, as part of an organized plan to commit theft; or

(2) recruiting, coordinating, organizing, supervising, directing, managing or financing one or more other persons to undertake any of the acts described in paragraph (1).

(b) Organized retail crime:

(1) Involving merchandise with an aggregate retail market value of at least \$5,000 but less than \$25,000 is a severity level 6, nonperson felony;

(2) involving merchandise with an aggregate retail market value of at least \$25,000 but less than \$100,000 is a severity level 5, nonperson felony; and

(3) involving merchandise with an aggregate retail market value of \$100,000 or more is a severity level 4, nonperson felony.

(c) In addition to the venue provided for under any other provision of law, a prosecution for organized retail crime may be brought in any county where at least \$1 in aggregate retail market value of merchandise is taken, received, sold or purchased.

(d) As used in this section:

(1) “Aggregate retail market value” means the total combined value of merchandise taken, at the price at which the merchandise would ordinarily be sold by the retailer through legitimate sale or distribution;

(2) “merchandise” means chattels of any type or description regardless of the value offered for sale in or about a store;

(3) “retailer” means a person or business selling, leasing or facilitating the sale or lease of merchandise to the public or a business; and

(4) “store” means a place where merchandise is:

(A) Sold or offered to the public for sale at retail; or

(B) leased or offered to the public for lease.

(e) This section shall be a part of and supplemental to the Kansas criminal code.

Sec. 3. K.S.A. 21-6328 is hereby amended to read as follows: 21-6328. As used in the Kansas racketeer influenced and corrupt organization act:

(a) (1) “Beneficial interest” means the interest of a person:

(A) As a beneficiary under any trust arrangement pursuant to which a trustee holds legal or record title to real property for the benefit of such person; or

(B) under any other form of express fiduciary arrangement pursuant to which any other person holds legal or record title to real property for the benefit of such person.

(2) The term “beneficial interest” does not include the interest of a stock holder in a corporation or the interest of a partner in either a general partnership or a limited partnership. A beneficial interest shall be deemed to be located where the real property owned by the trustee is located.

(b) “Covered person” means any person who:

(1) Is a criminal street gang member or criminal street gang associate, as defined in K.S.A. 21-6313, and amendments thereto;

(2) has engaged in or is engaging in any conduct prohibited by K.S.A. 21-5426, and amendments thereto, human trafficking or aggravated human trafficking, or K.S.A. 21-6422, and amendments thereto, commercial sexual exploitation of a child;

(3) has engaged in or is engaging in any conduct prohibited by K.S.A. 21-5703, and amendments thereto, unlawful manufacturing of controlled substances, or K.S.A. 21-5705, and amendments thereto, unlawful cultivation or distribution of controlled substances; or

(4) has engaged in or is engaging in any conduct prohibited by K.S.A. 21-6107, and amendments thereto, identity theft or identity fraud.

(c) “Documentary material” means any book, paper, document, writing, drawing, graph, chart, photograph, phonorecord, magnetic tape, computer printout, other data compilation from which information can be obtained or from which information can be translated into usable form, or other tangible item.

(d) “Enterprise” means any individual, sole proprietorship, partnership, corporation, business trust, union chartered under the laws of this state, or other legal entity, or any unchartered union, association, or group of individuals associated in fact although not a legal entity; and it includes illicit as well as licit enterprises and governmental, as well as other, entities. A criminal street gang, as defined in K.S.A. 21-6313, and amendments thereto, constitutes an enterprise.

(e) “Pattern of racketeering activity” means engaging in at least two incidents of racketeering activity that have the same or similar intents, results, accomplices, victims or methods of commission or that otherwise are interrelated by distinguishing characteristics and are not isolated incidents, provided at least one of such incidents occurred after the effective date of this act and that the last of such incidents occurred within five years, excluding any period of imprisonment, after a prior incident of racketeering activity.

(f) “Racketeering activity” means to commit, attempt to commit, conspire to commit or to solicit, coerce or intimidate another person to commit any:

(1) Felony or misdemeanor violation of: The felony provisions of K.S.A. 8-1568, and amendments thereto, fleeing or attempting to elude a police officer; K.S.A. 9-508 et seq., and amendments thereto, Kansas money transmitter act; article 12a of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, Kansas uniform securities act; K.S.A. 21-5401, and amendments thereto, capital murder; K.S.A. 21-5402, and amendments thereto, murder in the first degree; K.S.A. 21-5403, and amendments thereto, murder in the second degree; K.S.A.

21-5408, and amendments thereto, kidnapping or aggravated kidnapping; K.S.A. 21-5412, and amendments thereto; K.S.A. 21-5413, and amendments thereto; K.S.A. 21-5414, and amendments thereto, domestic battery; K.S.A. 21-5415, and amendments thereto, criminal threat or aggravated criminal threat; K.S.A. 21-5420, and amendments thereto, robbery or aggravated robbery; K.S.A. 21-5421, and amendments thereto, terrorism; K.S.A. 21-5422, and amendments thereto, illegal use of weapons of mass destruction; K.S.A. 21-5423, and amendments thereto; K.S.A. 21-5426, and amendments thereto, human trafficking or aggravated human trafficking; K.S.A. 21-5428, and amendments thereto, blackmail; K.S.A. 21-5510, and amendments thereto, sexual exploitation of a child; K.S. 21-5601, and amendments thereto, endangering a child or aggravated endangering a child; K.S.A. 21-5602, and amendments thereto, abuse of a child; K.S.A. 21-5603, and amendments thereto, contributing to a child's misconduct or deprivation; K.S.A. 21-5607(b), and amendments thereto, furnishing alcoholic beverages to a minor for illicit purposes; article 57 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, crimes involving controlled substances; K.S.A. 21-5801, and amendments thereto, theft; K.S.A. 21-5803, and amendments thereto, criminal deprivation of property; K.S.A. 21-5805, and amendments thereto; K.S.A. 21-5807, and amendments thereto, burglary or aggravated burglary; K.S.A. 21-5812, and amendments thereto, arson or aggravated arson; K.S.A. 21-5813, and amendments thereto, criminal damage to property; K.S.A. 21-5814, and amendments thereto, criminal use of an explosive; K.S.A. 21-5821, and amendments thereto, giving a worthless check; K.S.A. 21-5823, and amendments thereto, forgery; K.S.A. 21-5824, and amendments thereto, making false information; K.S.A. 21-5825, and amendments thereto, counterfeiting; K.S.A. 21-5826, and amendments thereto, destroying written instrument; K.S.A. 21-5828, and amendments thereto, criminal use of a financial card; K.S.A. 21-5838, and amendments thereto, conducting a pyramid promotional scheme; K.S.A. 21-5839, and amendments thereto; *section 2, and amendments thereto, organized retail crime*; K.S.A. 21-5903, and amendments thereto, perjury; K.S.A. 21-5904, and amendments thereto, interference with law enforcement; K.S.A. 21-5905, and amendments thereto, interference with the judicial process; K.S.A. 21-5909, and amendments thereto, intimidation of a witness or victim or aggravated intimidation of a witness or victim; K.S.A. 21-5912, and amendments thereto, aiding escape; K.S.A. 21-5913, and amendments thereto, obstructing apprehension or prosecution; K.S.A. 21-5918, and amendments thereto; K.S.A. 21-6001, and amendments thereto, bribery; K.S.A. 21-6002, and amendments thereto, official misconduct; K.S.A. 21-6107, and amendments thereto, identity theft or identity fraud; K.S.A. 21-6301,

and amendments thereto, criminal use of weapons; K.S.A. 21-6302, and amendments thereto, criminal carrying of a weapon; K.S.A. 21-6303, and amendments thereto, criminal distribution of firearms to a felon; K.S.A. 21-6304, and amendments thereto, criminal possession of a weapon by a convicted felon; K.S.A. 21-6305, and amendments thereto, aggravated weapons violation by a convicted felon; K.S.A. 21-6306, and amendments thereto, defacing identification marks of a firearm; K.S.A. 21-6308, and amendments thereto, criminal discharge of a firearm; K.S.A. 21-6310, and amendments thereto, unlawful endangerment; K.S.A. 21-6312, and amendments thereto; K.S.A. 21-6314, and amendments thereto, recruiting criminal street gang membership; K.S.A. 21-6315, and amendments thereto, criminal street gang intimidation; K.S.A. 21-6401, and amendments thereto, promoting obscenity or promoting obscenity to minors; K.S.A. 21-6404, and amendments thereto, gambling; K.S.A. 21-6405, and amendments thereto, illegal bingo operation; K.S.A. 21-6406, and amendments thereto, commercial gambling; K.S.A. 21-6407, and amendments thereto, dealing in gambling devices; K.S.A. 21-6408, and amendments thereto; K.S.A. 21-6409, and amendments thereto, installing communication facilities for gamblers; K.S.A. 21-6414(a) or (b), and amendments thereto, unlawful conduct of dog fighting or unlawful possession of dog fighting paraphernalia; K.S.A. 21-6417(a) or (b), and amendments thereto, unlawful conduct of cockfighting or unlawful possession of cockfighting paraphernalia; K.S.A. 21-6419, and amendments thereto, selling sexual relations; K.S.A. 21-6420, and amendments thereto, promoting the sale of sexual relations; K.S.A. 21-6422, and amendments thereto, commercial sexual exploitation of a child; K.S.A. 21-6501, and amendments thereto, extortion; K.S.A. 21-6502, and amendments thereto, debt adjusting; K.S.A. 21-6504, and amendments thereto, equity skimming; K.S.A. 21-6506, and amendments thereto, commercial bribery; K.S.A. 21-6507, and amendments thereto, sports bribery; K.S.A. 21-6508, and amendments thereto, tampering with a sports contest; K.S.A. 39-720, and amendments thereto, social welfare service fraud; K.S.A. 40-2,118, and amendments thereto, fraudulent insurance acts; K.S.A. 41-101 et seq., and amendments thereto, Kansas liquor control act; K.S.A. 44-5,125, and amendments thereto, workers' compensation act; K.S.A. 65-1657, and amendments thereto, nonresident pharmacy registration; K.S.A. 65-3441, and amendments thereto, hazardous waste; K.S.A. 65-4167, and amendments thereto, trafficking in counterfeit drugs; article 88 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, Kansas parimutuel racing act; or K.S.A. 79-3321, and amendments thereto, Kansas cigarette and tobacco products act; or

(2) conduct defined as "racketeering activity" under 18 U.S.C. § 1961(1).

(g) “Real property” means any real property or any interest in such real property, including, but not limited to, any lease of or mortgage upon such real property.

(h) (1) “Trustee” means any:

(A) Person acting as trustee pursuant to a trust in which the trustee holds legal or record title to real property;

(B) person who holds legal or record title to real property in which any other person has a beneficial interest; or

(C) successor trustee or trustees to any or all of the foregoing persons.

(2) The term “trustee” does not include any person appointed or acting as a personal representative as defined in K.S.A. 59-102, and amendments thereto, or appointed or acting as a trustee of any testamentary trust or as a trustee of any indenture of trust under which any bonds have been or are to be issued.

(i) “Unlawful debt” means any money or other thing of value constituting principal or interest of a debt that is legally unenforceable in this state in whole or in part because the debt was incurred or contracted in:

(1) Violation of any of the following provisions of law: Article 88 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, Kansas parimutuel racing act; K.S.A. 21-6404, and amendments thereto, gambling; K.S.A. 21-6405, and amendments thereto, illegal bingo operation; K.S.A. 21-6406, and amendments thereto, commercial gambling; K.S.A. 21-6407, and amendments thereto, dealing in gambling devices; K.S.A. 21-6408, and amendments thereto, unlawful possession of a gambling device; or K.S.A. 21-6409, and amendments thereto, installing communication facilities for gamblers; or

(2) gambling activity in violation of federal law or in the business of lending money at a rate usurious under state or federal law.

Sec. 4. K.S.A. 2023 Supp. 75-702 is hereby amended to read as follows: 75-702. (a) The attorney general shall appear for the state, and prosecute and defend any and all actions and proceedings, civil or criminal, in the Kansas supreme court, the Kansas court of appeals and in all federal courts, in which the state shall be interested or a party, and shall, when so appearing, control the state’s prosecution or defense.

(b) The attorney general shall also, when required by the governor or either branch of the legislature, appear for the state and prosecute or defend, in any other court or before any officer, in any cause or matter, civil or criminal, in which this state may be a party or interested or when the constitutionality of any law of this state is at issue and when so directed shall seek final resolution of such issue in the supreme court of the state of Kansas.

(c) (1) The attorney general shall have authority to prosecute any matter related to a violation of K.S.A. 12-189 or 75-5133, and amendments

thereto, related to unlawful acts when the offender is an officer or employee of a city or county.

(2) Notwithstanding any provision of law to the contrary, the attorney general shall have concurrent authority with any county or district attorney to prosecute ~~theft as defined in K.S.A. 21-5801, and amendments thereto, a violation of the Kansas racketeer influenced and corrupt organizations act, K.S.A. 21-6327 et seq., and amendments thereto, or any of the following crimes when they are part of an alleged course of criminal conduct that occurred in two or more counties:~~

(A) *Organized retail crime as defined in section 2, and amendments thereto, and any other crime that is part of such alleged course of criminal conduct;*

(B) *theft as defined in K.S.A. 21-5801, and amendments thereto;*

(C) *violations of the Kansas racketeer influenced and corrupt organizations act, K.S.A. 21-6327 et seq., and amendments thereto; and*

(D) *any attempt, conspiracy or criminal solicitation as defined in K.S.A. 21-5301, 21-5302 or 21-5303, and amendments thereto, of such crimes that is part of an alleged course of criminal conduct that occurred in two or more counties the crimes described in subsection (c)(2)(A), (c)(2)(B) or (c)(2)(C).*

Sec. 5. K.S.A. 21-6328 and K.S.A. 2023 Supp. 75-702 are hereby repealed.

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

Approved April 24, 2024.

CHAPTER 87

SENATE BILL No. 473

AN ACT concerning crimes, punishment and criminal procedure; relating to the Kansas code of criminal procedure; authorizing a notice to appear that meets certain requirements to serve as a lawful complaint; requiring a minimum appearance bond premium in district court; providing reasons for suspending or terminating authorization of a compensated surety; authorizing the chief judge of a judicial district to require a compensated surety to submit to a state and national criminal history record check; amending K.S.A. 22-2202, 22-2408 and 22-2809b and repealing the existing sections.

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

Section 1. K.S.A. 22-2202 is hereby amended to read as follows: 22-2202. *Subject to K.S.A. 22-2201, and amendments thereto, as used in this code:*

(a) “Absconds from supervision” means knowingly avoiding supervision or knowingly making the defendant’s whereabouts unknown to the defendant’s supervising court services officer or community correctional services officer.

(b) “Appellate court” means the supreme court or court of appeals, depending on the context in which the term is used and the respective jurisdiction of those courts over appeals in criminal cases, as provided in K.S.A. 22-3601, and amendments thereto.

(c) “Appearance bond” means an agreement, with or without security, entered into by a person in custody by which the person is bound to comply with the conditions specified in the agreement.

(d) “Arraignment” means the formal act of calling the defendant before a court having jurisdiction to impose sentence for the offense charged, informing the defendant of the offense with which the defendant is charged, and asking the defendant whether the defendant is guilty or not guilty.

(e) “Arrest” means the taking of a person into custody in order that the person may be forthcoming to answer for the commission of a crime. The giving of a notice to appear is not an arrest.

(f) “Bail” means the security given for the purpose of insuring compliance with the terms of an appearance bond.

(g) “Bind over” means require a defendant to appear and answer before a district judge having jurisdiction to try the defendant for the felony with which the defendant is charged.

(h) “Charge” means a written statement presented to a court accusing a person of the commission of a crime and includes a complaint, information or indictment.

(i) “Complaint” means a written statement under oath of the essential facts constituting a crime, except that *the following shall be deemed a valid complaint if signed by the law enforcement officer:*

(1) A citation or notice to appear issued by a law enforcement officer pursuant to and in compliance with K.S.A. 8-2106, and amendments thereto, ~~or;~~

(2) a citation or notice to appear issued pursuant to and in compliance with K.S.A. 32-1049, and amendments thereto, ~~shall be deemed a valid complaint if it is signed by the law enforcement officer; or~~

(3) *a notice to appear issued by a law enforcement officer pursuant to and in compliance with K.S.A. 22-2408, and amendments thereto, for any unclassified misdemeanor or nonperson misdemeanor if:*

(A) *There is a memorandum of agreement between the law enforcement agency that employs such officer and the county or district attorney in the jurisdiction where the notice to appear is issued; and*

(B) *the notice to appear complies with the requirements of the memorandum of agreement and K.S.A. 22-3201(b), and amendments thereto.*

(j) “Custody” means the restraint of a person pursuant to an arrest or the order of a court or magistrate.

(k) “Detention” means the temporary restraint of a person by a law enforcement officer.

(l) “Indictment” means a written statement, presented by a grand jury to a court, ~~which that~~ charges the commission of a crime.

(m) “Information” means a verified written statement signed by a county attorney or other authorized representative of the state of Kansas, presented to a court, ~~which that~~ charges the commission of a crime. An information verified upon information and belief by the county attorney or other authorized representative of the state of Kansas shall be sufficient.

(n) “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 violation of the laws of the state of Kansas or ordinances of any municipality thereof or with a duty to maintain or assert custody or supervision over persons accused or convicted of crime, and includes court services officers, community corrections officers, parole officers and directors, security personnel and keepers of correctional institutions, jails or other institutions for the detention of persons accused or convicted of crime, while acting within the scope of their authority.

(o) “Magistrate” means an officer having power to issue a warrant for the arrest of a person charged with a crime and includes justices of the supreme court, judges of the court of appeals and judges of district courts.

(p) “Notice to appear” means a written request, issued by a law enforcement officer, that a person appear before a designated court at a stated time and place.

(q) “Preliminary examination” means a hearing before a magistrate on a complaint or information to determine if a felony has been committed

and if there is probable cause to believe that the person charged committed such felony.

(r) “Prosecuting attorney” means any attorney who is authorized by law to appear for and on behalf of the state of Kansas in a criminal case, and includes the attorney general, an assistant attorney general, the county or district attorney, an assistant county or district attorney and any special prosecutor whose appearance is approved by the court. In the case of prosecution for violation of a city ordinance, “prosecuting attorney” means the city attorney or any assistant city attorney.

(s) “Search warrant” means a written order made by a magistrate directed to a law enforcement officer commanding the officer to search the premises described in the search warrant and to seize property described or identified in the search warrant.

(t) “Summons” means a written order issued by a magistrate directing that a person appear before a designated court at a stated time and place and answer to a charge pending against the person.

(u) “Warrant” means a written order made by a magistrate directed to any law enforcement officer commanding the officer to arrest the person named or described in the warrant.

Sec. 2. K.S.A. 22-2408 is hereby amended to read as follows: 22-2408. ~~(1)(a)~~ Except as otherwise provided in subsection ~~(6)~~ of this section ~~(f)~~, whenever a law enforcement officer detains any person without a warrant, for any act punishable as a misdemeanor, and such person is not immediately taken before a magistrate for further proceedings, the officer may serve upon such person a written notice to appear in court. Such notice to appear shall contain the name and address of the person detained, the crime charged, and the time and place when and where such person shall appear in court.

~~(2)(b)~~ The time specified in such notice to appear must be at least seven days after such notice is given unless the person shall demand an earlier hearing.

~~(3)(c)~~ The place specified in such notice to appear must be before some court within the county in which the crime is alleged to have been committed which has jurisdiction of such crime.

~~(4)(d)~~ The person detained, in order to secure release as provided in this section, must give his or her written promise to appear in the court by signing the written notice prepared by the officer. The original of the notice shall be retained by the officer; a copy delivered to the person detained, and the officer shall forthwith release the person.

~~(5)(e)~~ *(1) Except as provided in paragraph (2), such law enforcement officer shall cause to be filed, without unnecessary delay, a complaint in the court in which a person released under subsection ~~(4)~~ (d) is given notice to appear, charging the crime stated in said such notice.*

(2) *The provisions of paragraph (1) shall not apply if the notice to appear is a valid complaint pursuant to K.S.A. 22-2202, and amendments thereto.*

(3) If the person released fails to appear as required in the notice to appear, a warrant shall be issued for his or her arrest.

~~(6)~~(f) The procedures prescribed by this section shall not apply to the detention or arrest of any person for the violation of any law regulating traffic on the highways of this state, and the provisions of K.S.A. 8-2104 through 8-2108, and amendments thereto, and the code of procedure for municipal courts shall govern such procedures.

Sec. 3. K.S.A. 22-2809b is hereby amended to read as follows: 22-2809b. (a) As used in this section:

(1) “Compensated surety” means any person who or entity that is organized under the laws of the state of Kansas that, as surety, issues appearance bonds for compensation, *posts bail for four or more persons in a calendar year*, is responsible for any forfeiture and is liable for appearance bonds written by such person’s or entity’s authorized agents. A “compensated surety” is either an insurance agent surety ~~or~~, a property surety *or a bail agent*.

(2) “Insurance agent surety” means a compensated surety licensed by the insurance commissioner to issue surety bonds or appearance bonds in this state and who represents an authorized insurance company. An “insurance agent surety” may have other insurance agent sureties working with or for such surety.

(3) “Property surety” means a compensated surety who secures appearance bonds by property pledged as security. A “property surety” may be a person or entity, ~~other than a corporation~~, and may authorize bail agents to act on behalf of the “property surety” in writing appearance bonds.

(4) “Bail agent” means a person authorized by a compensated surety to execute surety bail bonds on such surety’s behalf.

(5) *“Appearance bond premium” means the fee charged by a compensated surety for posting an appearance bond.*

(b) Every compensated surety shall submit an application to the chief judge of the judicial district, or the chief judge’s designee, in each judicial district where such surety seeks to act as a surety. A compensated surety shall not act as a surety in such judicial district prior to approval of such application.

(1) The application shall include, but is not limited to, the following information for each insurance agent surety, property surety or bail agent:

(A) A copy of the applicant’s Kansas driver’s license or nondriver’s identification card;

(B) a statement, made under penalty of perjury, that the applicant is a resident of this state and is not prohibited by K.S.A. 22-2809a(c), and amendments thereto, from acting as a surety; *and*

(C) a certificate of continuing education compliance in accordance with subsection ~~(f)~~ (g).

(2) The application for each insurance agent surety also shall include:

(A) A copy of the qualifying power of attorney certificates issued to such surety by any insurance company;

(B) a current and valid certificate of license from the insurance department; and

(C) a current and valid certificate of authority from the insurance department.

(3) The application for each property surety also shall include:

(A) A list of all bail agents authorized by such property surety to write appearance bonds on such property surety's behalf and all documentation from such bail agents demonstrating compliance with subsection (b)(1); and

(B) an affidavit describing the property by which such property surety proposes to justify its obligations and the encumbrances thereon, and all such surety's other liabilities. The description shall include a valuation of the property described therein. If the valuation is not readily evident, an appraisal of the property may be required and, if required, shall be incorporated into the affidavit.

(4) *The chief judge of the judicial district may require, as a qualification for initial or continued authorization in the judicial district, a compensated surety to submit to a state and national criminal history record check. The fingerprints shall be used to identify the individual and to determine whether the individual has a record of criminal history in this state or any other jurisdiction. The chief judge or the chief judge's designee is authorized to submit the fingerprints to the Kansas bureau of investigation and the federal bureau of investigation for a state and national criminal history record check. The chief judge or the chief judge's designee may use the information obtained from fingerprinting and the criminal history record check for purposes of verifying the identification of the individual and for making an official determination of the qualifications for authorization in the judicial district. Disclosure or use of any information received by the chief judge or the chief judge's designee for any purpose other than the purposes provided for in this paragraph shall be a class A nonperson misdemeanor. The Kansas bureau of investigation may charge a reasonable fee for conducting a criminal history record check, and the individual seeking initial or continued authorization under this section shall pay the costs of fingerprinting and the state and national criminal history record check.*

(c) A property surety authorized to act as a surety in a judicial district pursuant to subsection (b) shall be allowed outstanding appearance bonds in the state of Kansas not to exceed an aggregate amount ~~which~~ that is 15

times the valuation of the property described in subsection (b)(3). Such property surety shall not write any single appearance bond that exceeds 35% of the total valuation of the property described in subsection (b)(3).

(d) (1) *A compensated surety shall:*

(A) *Charge a minimum appearance bond premium of 10% of the face amount of the appearance bond;*

(B) *only post a bond after the compensated surety has received at least 1/2 of the required minimum appearance bond premium in one of the following forms:*

(i) *Currency of the United States paid to the compensated surety prior to the execution of an appearance bond;*

(ii) *a check delivered to a compensated surety that shall be properly payable when delivered and promptly deposited in the compensated surety's bank account;*

(iii) *a credit or debit card transaction if the compensated surety obtains authorization from the card issuer for the amount due and an approval number from the card issuer; or*

(iv) *a bank or wire transfer or other electronic funds transfer including, but not limited to, peer-to-peer transfer, if such transfer occurs prior to the execution of the appearance bond; and*

(C) *be physically present when the bond is posted and sign the bond at the jail.*

(2) *A compensated surety shall enter into a premium financing agreement for any unpaid minimum appearance bond premium amount.*

(e) (1) Each judicial district may, by local rule, require additional information from any compensated surety and establish what property is acceptable for bonding purposes under subsection (b)(3).

(2) A judicial district shall not require any compensated surety to apply for authorization in such judicial district more than once per year, but may require additional reporting from any compensated surety in its discretion. If the judicial district does not require an annual application, each compensated surety or bail agent shall provide a certificate of continuing education compliance in accordance with subsection ~~(f)~~ (g) to the judicial district each year.

(3) A judicial district shall not decline authorization for a compensated surety solely on the basis of type of compensated surety.

~~(e)~~(f) (1) Nothing in this section shall be construed to require the chief judge of the judicial district, or the chief judge's designee, to authorize any compensated surety to act as a surety in such judicial district if the judge or designee finds, in such person's discretion, that such authorization is not warranted.

(2) (A) If such authorization is granted, the chief judge of the judicial district, or the chief judge's designee, may terminate or suspend the

authorization at any time. *Reasons for terminating or suspending such authorization include, but are not limited to:*

- (i) *Filing false statements with the court;*
- (ii) *failing to charge the minimum appearance bond premium as required by this section;*
- (iii) *paying a fee or rebate or giving or promising anything of value to a jailer, law enforcement officer, any person who has the power to arrest or hold a person in custody or any public official or employee in order to secure a settlement, compromise, remission or reduction of the amount of any appearance bond, forfeiture or estreatment, or to secure or delay an appearance bond;*
- (iv) *paying a fee or rebate or giving or promising anything of value, other than reward payments for information relating to the apprehension of fugitives, to an inmate in exchange for a business referral;*
- (v) *requiring or accepting anything of value from a principal other than the appearance bond premium, except that the compensated surety may accept collateral security or other indemnity to secure the face amount of the bond;*
- (vi) *intentionally failing to promptly return collateral security to the principal when the principal is entitled to return of such security;*
- (vii) *knowingly employing or otherwise compensating for any appearance bond related work, any person who has been convicted of a felony unless such conviction has been expunged, other than reward payments for information relating to the apprehension of fugitives; or*
- (viii) *failing to pay any forfeiture judgment within 30 days of the filing of the journal entry of judgment.*

(B) *The judge or the judge's designee may investigate claims of violations described in subparagraph (A). If the chief judge makes a finding that a violation has occurred, the chief judge may suspend or terminate the authorization of the compensated surety.*

~~(A)(C)~~ (C) *If the authorization is suspended for 30 days or more, the chief judge or designee shall make a record describing the length of the suspension and the underlying cause and provide such record to the surety. Such surety, upon request, shall be entitled to a hearing within 30 days after the suspension is ordered.*

~~(B)(D)~~ (D) *If the authorization is terminated, the chief judge or designee shall make a record describing the underlying cause and provide such record to the surety. Such surety, upon request, shall be entitled to a hearing within 30 days after the termination is ordered.*

(3) *If an authorized compensated surety does not comply with the continuing education requirements in subsection ~~(f)~~ (g), the chief judge of the judicial district, or the chief judge's designee, may allow a conditional authorization to continue acting as a surety for 90 days. If such*

compensated surety does not comply with the continuing education requirements in subsection ~~(f)~~ (g) within 90 days, such conditional authorization shall be terminated and such compensated surety shall not act as a surety in such judicial district.

~~(f)~~(g) (1) Every compensated surety shall obtain at least eight hours of continuing education credits during each 12-month period ~~beginning on January 1, 2017.~~

(2) The Kansas bail agents association shall either provide or contract for a minimum of eight hours of continuing education classes to be held at least once annually in each congressional district and may provide additional classes in its discretion. The chief judge in each judicial district may provide a list of topics to be covered during the continuing education classes. A schedule of such classes shall be publicly available. The association shall not charge more than ~~\$250~~ \$300 annually for the eight hours of continuing education classes, and the cost of any class with less than eight hours of continuing education ~~shall~~ *may* be prorated accordingly. Any fee charged for attending continuing education classes shall not be increased or decreased based upon a compensated surety's membership or lack of membership in the association.

(3) Upon completion of at least eight hours of continuing education credits during each 12-month period by a compensated surety, the Kansas bail agents association shall issue a certificate of continuing education compliance to such surety. The certificate shall be prepared and delivered to the compensated surety within 30 days of such surety's completion of the continuing education requirements. The certificate shall show in detail the dates and hours of each course attended, along with the signature of the Kansas bail agents association official attesting that all continuing education requirements have been completed.

(4) Any continuing education credits used to comply with conditional authorization pursuant to subsection ~~(e)~~(3) (f)(3) shall not be applied towards compliance in the current 12-month period or any subsequent 12-month period.

~~(5) A person operating as a sufficient surety or bail bondsman in the state immediately prior to the effective date of this act shall be deemed to be compensated surety under this act and shall be exempt from the continuing education requirements for a conditional authorization pursuant to this section until July 1, 2017.~~

Sec. 4. K.S.A. 22-2202, 22-2408 and 22-2809b are hereby repealed.

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

Governor's veto overridden.

(See Messages from the Governor)

CERTIFICATE

In accordance with K.S.A. 45-304, it is certified that **Senate Bill 473**, was not approved by the Governor on April 24, 2024; was returned by objections and approved on April 29, 2024 by two-thirds of the members elected to the Senate notwithstanding the objections of the governor; was reconsidered by the House of Representatives and was approved on April 29, 2024, by two-thirds of the members elected to the House, notwithstanding the objections, the bill did pass and shall become law.

This certificate is made this 29th day of April, 2024 by the Chief Clerk and Speaker of the House of Representatives and the President and Secretary of the Senate.

Daniel R. Hawkins

Speaker of the House of Representatives

Susan W. Kannarr

Chief Clerk of the House of Representatives

Ty Masterson

President of the Senate

Corey Carnahan

Secretary of the Senate

CHAPTER 88

SENATE BILL No. 28
(Amended by Chapter 110)

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AN ACT making and concerning appropriations for the fiscal years ending June 30, 2024, June 30, 2025, June 30, 2026, June 30, 2027, and June 30, 2028, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing; amending K.S.A. 2023 Supp. 2-223, 12-1775a, 12-5256, 65-180, 74-50, 107, 74-8711, 74-99b34, 75-6707, 76-775, 76-7, 107, 79-2959, 79-2964, 79-3425i, 79-34, 171 and 82a-955 and repealing the existing sections.

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

Section 1. (a) For the fiscal years ending June 30, 2024, June 30, 2025, June 30, 2026, June 30, 2027, and June 30, 2028, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) This act shall not be subject to the provisions of K.S.A. 75-6702(a), and amendments thereto.

(d) The appropriations made by this act shall not be subject to the provisions of K.S.A. 46-155, and amendments thereto.

Sec. 2.

BOARD OF ACCOUNTANCY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by the state finance council by section 65(f) of chapter 97 of the 2023 Session Laws of Kansas on the board of accountancy fee fund (028-00-2701-0100) of the board of accountancy is hereby increased from \$497,491 to \$507,385.

(b) On July 1, 2024, the expenditure limitation established for the fiscal year ending June 30, 2025, by section 10(a) of chapter 82 of the 2023 Session Laws of Kansas on the board of accountancy fee fund (028-00-2701-0100) of the board of accountancy is hereby increased from \$426,097 to \$468,475.

(c) On July 1, 2024, the expenditure limitation for official hospitality established for the fiscal year ending June 30, 2025, by section 10(a) of chapter 82 of the 2023 Session Laws of Kansas on the board of accountancy fee fund of the board of accountancy is hereby increased from \$1,400 to \$1,800.

Sec. 3.

STATE BANK COMMISSIONER

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 2(a) of chapter 97 of the 2023 Session Laws of Kansas on the bank commissioner fee fund (094-00-2811) of the state bank commissioner is hereby increased from \$12,809,736 to \$13,149,915.

Sec. 4.

STATE BANK COMMISSIONER

(a) On July 1, 2024, the expenditure limitation established for the fiscal year ending June 30, 2025, by section 2(a) of chapter 97 of the 2023 Session Laws of Kansas on the bank commissioner fee fund (094-00-2811)

of the state bank commissioner is hereby increased from \$12,720,158 to \$13,107,239.

Sec. 5.

KANSAS BOARD OF BARBERING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 14(a) of chapter 82 of the 2023 Session Laws of Kansas on the board of barbering fee fund (100-00-2704-0100) of the Kansas board of barbering is hereby increased from \$197,899 to \$215,696.

Sec. 6.

KANSAS BOARD OF BARBERING

(a) On July 1, 2024, the expenditure limitation established for the fiscal year ending June 30, 2025, by section 14(a) of chapter 82 of the 2023 Session Laws of Kansas on the board of barbering fee fund (100-00-2704-0100) of the Kansas board of barbering is hereby increased from \$202,404 to \$221,901.

Sec. 7.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) On July 1, 2024, the expenditure limitation established for the fiscal year ending June 30, 2025, by section 3(b) of chapter 97 of the 2023 Session Laws of Kansas on the behavioral sciences regulatory board fee fund (102-00-2730-0100) of the behavioral sciences regulatory board is hereby increased from \$1,170,169 to \$1,195,945.

Sec. 8.

STATE BOARD OF HEALING ARTS

(a) On July 1, 2024, the expenditure limitation established for the fiscal year ending June 30, 2025, by section 16(a) of chapter 82 of the 2023 Session Laws of Kansas on the healing arts fee fund (105-00-2705-0100) of the state board of healing arts is hereby increased from \$7,184,690 to \$7,384,731.

Sec. 9.

KANSAS STATE BOARD OF COSMETOLOGY

(a) On July 1, 2024, the expenditure limitation established for the fiscal year ending June 30, 2025, by section 17(a) of chapter 82 of the 2023 Session Laws of Kansas on the cosmetology fee fund (149-00-2706-0100) of the Kansas state board of cosmetology is hereby increased from \$1,234,928 to \$1,264,128.

Sec. 10.

STATE DEPARTMENT OF CREDIT UNIONS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 18(a) of chap-

ter 82 of the 2023 Session Laws of Kansas on the credit union fee fund (159-00-2026-0100) of the state department of credit unions is hereby increased from \$1,266,485 to \$1,397,329.

Sec. 11.

STATE DEPARTMENT OF CREDIT UNIONS

(a) On July 1, 2024, the expenditure limitation established for the fiscal year ending June 30, 2025, by section 18(a) of chapter 82 of the 2023 Session Laws of Kansas on the credit union fee fund (159-00-2026-0100) of the state department of credit unions is hereby increased from \$1,268,881 to \$1,399,725.

Sec. 12.

KANSAS DENTAL BOARD

(a) On July 1, 2024, the expenditure limitation established for the fiscal year ending June 30, 2025, by section 19(a) of chapter 82 of the 2023 Session Laws of Kansas on the dental board fee fund (167-00-2708-0100) of the Kansas dental board is hereby increased from \$565,000 to \$574,069.

Sec. 13.

STATE BOARD OF MORTUARY ARTS

(a) On July 1, 2024, the expenditure limitation established for the fiscal year ending June 30, 2025, by section 20(a) of chapter 82 of the 2023 Session Laws of Kansas on the mortuary arts fee fund (204-00-2709-0100) of the state board of mortuary arts is hereby increased from \$324,494 to \$334,154.

Sec. 14.

BOARD OF NURSING

(a) On July 1, 2024, the expenditure limitation established for the fiscal year ending June 30, 2025, by section 23(a) of chapter 82 of the 2023 Session Laws of Kansas on the board of nursing fee fund (482-00-2716-0200) of the board of nursing is hereby increased from \$3,597,121 to \$3,663,541.

Sec. 15.

BOARD OF EXAMINERS IN OPTOMETRY

(a) On July 1, 2024, the expenditure limitation established for the fiscal year ending June 30, 2025, by section 24(a) of chapter 82 of the 2023 Session Laws of Kansas on the optometry fee fund (488-00-2717-0100) of the board of examiners in optometry is hereby increased from \$227,096 to \$230,120.

Sec. 16.

STATE BOARD OF PHARMACY

(a) On July 1, 2024, the expenditure limitation established for the fiscal year ending June 30, 2025, by section 26(a) of chapter 82 of the 2023

Session Laws of Kansas on the state board of pharmacy fee fund (531-00-2718-0100) of the state board of pharmacy is hereby increased from \$3,478,845 to \$3,692,053.

(b) On July 1, 2024, the expenditure limitation for official hospitality established for the fiscal year ending June 30, 2025, by section 26(a) of chapter 82 of the 2023 Session Laws of Kansas on the operating expenditures account (531-00-2718-0100) of the state board of pharmacy is hereby increased from \$2,000 to \$2,500.

Sec. 17.

REAL ESTATE APPRAISAL BOARD

(a) On July 1, 2024, the expenditure limitation established for the fiscal year ending June 30, 2025, by section 27(a) of chapter 82 of the 2023 Session Laws of Kansas on the appraiser fee fund (543-00-2732-0100) of the real estate appraisal board is hereby increased from \$362,805 to \$371,842.

Sec. 18.

KANSAS REAL ESTATE COMMISSION

(a) On July 1, 2024, the expenditure limitation established for the fiscal year ending June 30, 2025, by section 28(a) of chapter 82 of the 2023 Session Laws of Kansas on the real estate fee fund (549-00-2721-0100) of the Kansas real estate commission is hereby increased from \$1,272,735 to \$1,311,580.

Sec. 19.

STATE BOARD OF TECHNICAL PROFESSIONS

(a) On July 1, 2024, the expenditure limitation established for the fiscal year ending June 30, 2025, by section 29(a) of chapter 82 of the 2023 Session Laws of Kansas on the technical professions fee fund (663-00-2729-0100) of the state board of technical professions is hereby increased from \$810,850 to \$824,843.

Sec. 20.

STATE BOARD OF VETERINARY EXAMINERS

(a) On July 1, 2024, the expenditure limitation established for the fiscal year ending June 30, 2025, by section 30(a) of chapter 82 of the 2023 Session Laws of Kansas on the veterinary examiners fee fund (700-00-2727-0100) of the state board of veterinary examiners is hereby increased from \$373,203 to \$385,316.

Sec. 21.

GOVERNMENTAL ETHICS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (247-00-1000-0103)\$3,664

Sec. 22.

GOVERNMENTAL ETHICS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025:

Operating expenditures (247-00-1000-0103).....\$21,478

Sec. 23.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Legislative coordinating council –
operations (422-00-1000-0100).....\$6,535

(b) On the effective date of this act, of the \$5,192,618 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 33(a) of chapter 82 of the 2023 Session Laws of Kansas from the state general fund in the legislative research department – operations account (425-00-1000-0103), the sum of \$188,931 is hereby lapsed.

(c) On the effective date of this act, of the \$4,451,103 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 33(a) of chapter 82 of the 2023 Session Laws of Kansas from the state general fund in the office of revisor of statutes – operations account (579-00-1000-0103), the sum of \$841,072 is hereby lapsed.

(d) On the effective date of this act, or as soon thereafter as mon-
eys are available, the director of accounts and reports shall transfer \$15,000,000 from the American rescue plan state relief fund (422-00-3756-3502) of the legislative coordinating council, formerly designated as the legislature employment security fund of the legislative coordinat-
ing council, to the Wichita state university ARPA health collaboration fund (715-00-3756).

(e) On the effective date of this act, or as soon thereafter as mon-
eys are available, the director of accounts and reports shall transfer \$15,000,000 from the American rescue plan state relief fund (422-00-3756-3502) of the legislative coordinating council, formerly designated as the legislature employment security fund of the legislative coordinat-
ing council, to the university of Kansas ARPA health collaboration fund (682-00-3756).

Sec. 24.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Legislative coordinating council –
operations (422-00-1000-0100).....\$821,290

Provided, That any unencumbered balance in the legislative coordinating council – operations account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Legislative research department –
operations (425-00-1000-0103)\$5,153,147

Provided, That any unencumbered balance in the legislative research department – operations account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Office of revisor of statutes –
operations (579-00-1000-0103)\$4,801,277

Provided, That any unencumbered balance in the office of revisor of statutes – operations account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative research department special
revenue fund (425-00-2111-2000)No limit
Legislature employment security fund.....No limit
Sec. 25.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Legislative information
system account (428-00-1000-0300)\$287,831

Provided, That expenditures shall be made from this account by the above agency to issue a request for proposal by June 1, 2024, for a constituent relationship management software service to assist in decreasing response time for both staff and constituents, to encrypt data in transit to ensure constituent privacy, track casework through completion and include integrations with existing systems: *Provided, however*, That the expenditure for such services shall not exceed \$1,000,000.

(b) On the effective date of this act, of the \$19,020,910 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 35(a) of chapter 82 of the 2023 Session Laws of Kansas from the state general fund in the operations (including official hospitality) account (428-00-1000-0103), the sum of \$348,450 is hereby lapsed.

(c) On the effective date of this act, in addition to the other purposes for which expenditures may be made by the above agency from the op-

erations (including official hospitality) account (428-00-1000-0103) of the state general fund as authorized by section 35(a) of chapter 82 of the 2023 Session Laws of Kansas, this or any other appropriation act of the 2024 regular session of the legislature and the provisions of the Kansas legislative intern program pursuant to legislative coordinating council policy 37, expenditures shall be made by the above agency from such account in fiscal year 2024 to pay for the actual mileage of Kansas legislative interns traveling to the capitol for the required minimum of 12 days of attendance at the capitol.

Sec. 26.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operations (including official
hospitality) (428-00-1000-0103)\$16,978,235

Provided, That any unencumbered balance in the operations (including official hospitality) account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures may be made from this account, pursuant to vouchers approved by the chairperson or vice chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212, and amendments thereto, for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a, and amendments thereto, for attendance at meetings of the advisory committee that are authorized by the legislative coordinating council, except that: (1) The legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee; and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: *And provided further*, That expenditures may be made from this account for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: *And provided further*, That no expenditures shall be made from this account for any meeting of any joint committee, or of any subcommittee of any joint com-

mittee, chargeable to fiscal year 2025 unless such meeting is approved by the legislative coordinating council: *And provided further*, That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2025: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and distribution of complete sets of the Kansas Statutes Annotated to each member of the legislature in excess of one complete set of the Kansas Statutes Annotated to each member at the commencement of the member's first term as legislator during fiscal year 2025: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this account for the legislator's name to be printed on one complete set of the Kansas Statutes Annotated during fiscal year 2025: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-165, and amendments thereto, or any other statute, no expenditures shall be made from this account for the printing and delivering of a set of the cumulative supplements of the Kansas Statutes Annotated to each member of the legislature in excess of one cumulative supplement set of the Kansas Statutes Annotated to each member of the legislature during fiscal year 2025: *And provided further*, That, notwithstanding the provisions of K.S.A. 75-1005, and amendments thereto, or any other statute, expenditures may be made from this account to reimburse members of the legislature for expenses incurred in printing correspondence with constituents: *And provided further*, That no expenses shall be reimbursed unless a legislator has first obtained approval for such printing by the director of legislative administrative services: *And provided further*, That such reimbursements shall only be issued after a legislator provides written receipts showing such expense to the director of legislative administrative services: *And provided further*, That the maximum amount reimbursed to any legislator shall be equal to or less than the maximum amount allotted to any legislator for constituent correspondence pursuant to policies adopted by the legislative coordinating council: *And provided further*, That in addition to the provisions of the Kansas legislative intern program pursuant to legislative coordinating council policy 37, expenditures shall be made by the above agency from this account in fiscal year 2025 to pay for the actual mileage of Kansas legislative interns traveling to the capitol for the required minimum of 12 days of attendance at the capitol: *And provided further*, That expenditures shall be made by the above agency from such account during fiscal year 2025 for the purpose of organizing and executing a bus tour of healthcare

facilities in Kansas for members of the house of representatives committee on appropriations, the senate committee on ways and means and the joint committee on state building construction during the 2024 interim session of the legislature.

Legislative information

system (428-00-1000-0300)\$8,476,205

Provided, That any unencumbered balance in the legislative information system account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures shall be made from this account by the above agency for the legislative coordinating council to review all proposals for a constituent relationship management software service submitted pursuant to the provisions of section 25 with the director of legislative services: *And provided further*, That the request for proposal issued pursuant to the provisions of section 25 shall close on July 31, 2024: *And provided further*, that the legislative coordinating council shall approve or reject a contract for such services on or before August 31, 2024, with the expectation that the service, if approved, will be implemented on or before December 1, 2024, for use by all legislators: *Provided, however*, That the total expenditure for such services shall not exceed \$1,000,025.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative special

revenue fund (428-00-2260-2200) No limit

Provided, That expenditures may be made from the legislative special revenue fund, pursuant to vouchers approved by the chairperson or the vice chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212, and amendments thereto, for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a, and amendments thereto, for attendance at meetings of the advisory committee which are authorized by the legislative coordinating council, except that: (1) The legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee; and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as

a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: *Provided further*, That expenditures may be made from this fund for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: *And provided further*, That amounts are hereby authorized to be collected for such services, facilities and supplies in accordance with policies of the council: *And provided further*, That such amounts shall be fixed in order to recover all or part of the expenses incurred for providing such services, facilities and supplies and shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a, and amendments thereto: *And provided further*, That all such amounts received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the legislative special revenue fund: *And provided further*, That all donations, gifts or bequests of money for the legislative branch of government which are received and accepted by the legislative coordinating council shall be deposited in the state treasury and credited to an account of the legislative special revenue fund: *And provided further*, That no expenditures shall be made from this fund for any meeting of any joint committee, or of any subcommittee of any joint committee, during fiscal year 2025 unless such meeting is approved by the legislative coordinating council: *And provided further*, That, notwithstanding the provisions of K.S.A. 45-116, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of copies of the permanent journals of the senate or house of representatives to each member of the legislature during fiscal year 2025: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and distribution of complete sets of the Kansas Statutes Annotated to each member of the legislature in excess of one complete set of the Kansas Statutes Annotated to each member at the commencement of the member's first term as legislator during fiscal year 2025: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-138, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the legislator's name to be printed on one complete set of the Kansas Statutes Annotated during fiscal year 2025: *And provided further*, That, notwithstanding the provisions of K.S.A. 77-165, and amendments thereto, or any other statute, no expenditures shall be made from this fund for the printing and delivering

of a set of the cumulative supplements of the Kansas Statutes Annotated to each member of the legislature in excess of one cumulative supplement set of the Kansas Statutes Annotated to each member of the legislature during fiscal year 2025.

Capitol restoration – gifts and
donations fund (428-00-7348-7000).....No limit

(c) As used in this section, “joint committee” includes the joint committee on administrative rules and regulations, health care stabilization fund oversight committee, joint committee on special claims against the state, legislative budget committee, joint committee on state building construction, joint committee on information technology, joint committee on pensions, investments and benefits, joint committee on state-tribal relations, confirmation oversight committee, joint committee on corrections and juvenile justice oversight, compensation commission, joint committee on Kansas security, Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight, capitol preservation committee, joint committee on child welfare system oversight, joint committee on fiduciary financial institutions oversight and any other committee, commission or other body for which expenditures are to be paid from moneys appropriated for the legislature for the expenses of any meeting of any such body or for the expenses of any member thereof.

(d) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2025, as authorized by this or other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2025 to create an interim study committee to determine the feasibility of rebuilding the Hutchinson correctional facility.

[†]

(f) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025, as authorized by this or other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025 to install and make available during the 2025 regular session of the legislature short-range wireless technology to transmit live audio of the house of representatives and senate chamber during such chambers’ session with access to such audio limited to approved legislator devices or otherwise allow for blue-

tooth connection and provide an independent internet network for such technology and access to such network be limited to legislators.

Sec. 27.

DIVISION OF POST AUDIT

(a) On the effective date of this act, of the \$3,534,391 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 37(a) of chapter 82 of the 2023 Session Laws of Kansas from the state general fund in the operations (including legislative post audit committee) account (540-00-1000-0100), the sum of \$576,297 is hereby lapsed.

Sec. 28.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operations (including legislative post
audit committee) (540-00-1000-0100).....\$3,478,835
Provided, That any unencumbered balance in the operations (including legislative post audit committee) account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Sec. 29.

GOVERNOR’S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Governor’s department (252-00-1000-0503).....\$24,216
Domestic violence prevention grants (252-00-1000-0600)\$1,824
Child advocacy centers (252-00-1000-0610)\$107
CASA grant (252-00-1000-0630)\$65

(b) On the effective date of this act, during the fiscal years ending June 30, 2024, and June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal years 2024 and 2025 as authorized by section 38 of chapter 82 or section 8 of chapter 97 of the 2023 Session Laws of Kansas, this or any other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the above agency from such moneys to respond to the request for assistance from the state of Texas pursuant to the emergency management assistance compact, K.S.A. 48-9a01, and amendments thereto, or a memorandum of understanding between the governor and the governor of Texas: *Provided*, That the above agency shall collaborate with the adjutant general and the response and recovery bureau director to activate, mobilize and deploy state resources and implement the appropriate mutual aid plans and proce-

dures: *Provided further*, That such assistance is being provided to assist in the prevention of drug trafficking, human trafficking, transactional criminal organizations and other related crimes contributing to an emergency.

Sec. 30.

GOVERNOR’S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Governor’s department (252-00-1000-0503).....\$4,159,669

Provided, That any unencumbered balance in the governor’s department account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures may be made from this account for official hospitality and contingencies without limitation at the discretion of the governor.

Domestic violence

prevention grants (252-00-1000-0600)\$21,095,375

Provided, That any unencumbered balance in the domestic violence prevention grants account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures may be made from the domestic violence prevention grants account for official hospitality and contingencies without limitation at the discretion of the governor.

Child advocacy centers (252-00-1000-0610).....\$4,246,433

Provided, That any unencumbered balance in the child advocacy centers account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures may be made from the child advocacy centers account for official hospitality and contingencies without limitation at the discretion of the governor.

CASA grant (252-00-1000-0630)\$1,229,368

Provided, That any unencumbered balance in the CASA grant account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures may be made from the CASA grant account for official hospitality and contingencies without limitation at the discretion of the governor.

(b) Expenditures may be made by the above agency for travel expenses of the governor’s spouse when accompanying the governor or when representing the governor on official state business, for travel and subsistence expenditures, for security personnel when traveling with the governor and for entertainment of officials and other persons as guests from the amount appropriated for the fiscal year ending June 30, 2025, by subsection (a) from the state general fund in the governor’s department account (252-00-1000-0503).

(c) Expenditures may be made by the above agency for travel expenses of the lieutenant governor's spouse when accompanying the lieutenant governor or when representing the lieutenant governor on official state business, for travel and subsistence expenditures, for security personnel when traveling with the lieutenant governor and for entertainment of officials and other persons as guests from the amount appropriated for the fiscal year ending June 30, 2025, by subsection (a) from the state general fund in the governor's department account (252-00-1000-0503).

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Special programs fund (252-00-2149)	No limit
<i>Provided</i> , That expenditures may be made from the special programs fund for operating expenditures for the governor's department, including conferences and official hospitality: <i>Provided further</i> , That the governor is hereby authorized to fix, charge and collect fees for such conferences: <i>And provided further</i> , That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: <i>And provided further</i> , That all fees received for such conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the special programs fund.	
Conversion of materials and equipment fund (252-00-2409)	No limit
Kansas commission on disability concerns	
fee fund (252-00-2767)	No limit
White collar crime fund (252-00-2853)	No limit
Residential substance abuse –	
federal fund (252-00-3006)	No limit
Arrest grant – federal fund (252-00-3082)	
National criminal history improvement program –	
federal fund (252-00-3189)	No limit
Violence against women grant –	
federal fund (252-00-3214)	No limit
Project safe neighborhoods –	
federal fund (252-00-3217)	No limit
Coverdell forensic science improvement –	
federal fund (252-00-3227)	No limit
Crime victim assistance –	
federal fund (252-00-3260)	No limit
Pandemic assistance/vaccine	
equity fund (252-00-3372)	No limit

Access visitation grant –	
federal fund (252-00-3460)	No limit
Battered women/family violence prevention –	
federal fund (252-00-3461)	No limit
Sexual assault services program –	
federal fund (252-00-3465)	No limit
Family violence prevention services –	
ARPA federal fund (252-00-3640)	No limit
Emergency rental assistance –	
federal fund (252-00-3646)	No limit
Coronavirus emergency supplemental –	
federal fund (252-00-3671)	No limit
Coronavirus relief fund –	
federal fund (252-00-3753)	No limit
American rescue plan –	
state fiscal relief – federal fund (252-00-3756)	No limit
Edward Byrne justice assistance grants –	
federal fund (252-00-3757)	No limit
Prison rape elimination act –	
federal fund (252-00-3758)	No limit
Homeowners’ assistance –	
federal fund (252-00-3759)	No limit
John R Justice grant –	
federal fund (252-00-3802)	No limit
Hispanic and Latino	
American affairs commission –	
donations fund (252-00-7236)	No limit
Advisory commission on	
African-American affairs – donations fund (252-00-7242)	No limit

(e) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,500,000 from the American rescue plan – state fiscal relief – federal fund (252-00-3756) of the governor’s department to the university of Kansas ARPA health collaboration fund (682-00-3756) of the university of Kansas.

(f) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,500,000 from the American rescue plan – state fiscal relief – federal fund (252-00-3756) of the governor’s department to the Wichita state university ARPA health collaboration fund (715-00-3756) of Wichita state university.

Sec. 31.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Natural gas litigation	\$1,000,000
Abuse, neglect and exploitation unit (082-00-1000-0500).....	\$1,366
Office of inspector general (082-00-1000-0300)	\$3,181

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$600,000 from the state general fund to the medicaid fraud prosecution revolving fund (082-00-2641-2280) of the attorney general.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 39(b) of chapter 82 of the 2023 Session Laws of Kansas on the crime victims compensation fund (082-00-2563-2060) for state operations of the attorney general is hereby increased from \$536,550 to \$692,143.

[†]

(e) On the effective date of this act, of the \$5,363,740 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 39(a) of chapter 82 of the 2023 Session Laws of Kansas from the state general fund in the operating expenditures account (082-00-1000-0103), the sum of \$10,062 is hereby lapsed.

Sec. 32.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (082-00-1000-0103)	\$8,651,956
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,000.

Litigation costs (082-00-1000-0040)	\$78,000
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Provided, That any unencumbered balance in the litigation costs account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Abuse, neglect and exploitation unit (082-00-1000-0500)	\$370,365
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Provided, That any unencumbered balance in the abuse, neglect and exploitation unit account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures may be made by the attorney general from the abuse, neglect and exploitation unit account pursuant to contracts with other agencies or organizations to provide services related to the investigation or litigation of findings related to abuse, neglect or exploitation.

Child abuse grants (082-00-1000-0400)\$75,000
 Child exchange and

visitation centers (082-00-1000-0450)\$128,000

Provided, That, notwithstanding the provisions of K.S.A. 74-7334, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2025, the above agency may use moneys in the child exchange and visitation centers account for matching funds.

Protection from abuse (082-00-1000-0900)\$570,900

Office of inspector general (082-00-1000-0300)\$1,000,668

Provided, That any unencumbered balance in the office of inspector general account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Drug abuse resistance education program.....\$300,000

Provided, however, That, if 2024 House Bill No. 2613 is not passed by the legislature during the 2024 regular session and enacted into law, then on July 1, 2024, the \$300,000 appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, by this section in the drug abuse resistance education program is hereby lapsed.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Private detective fee fund (082-00-2029-2029)No limit

Provided, That in furtherance of the purposes authorized by K.S.A. 75-7b17, and amendments thereto, specifically obtaining “such other information as deemed necessary by the attorney general” pursuant to K.S.A. 75-7b17(b)(5), and amendments thereto, expenditures may be made from the private detective fee fund to secure from the Kansas bureau of investigation criminal history record information related to adult convictions, adult non-convictions, adult diversions, adult expunged records, juvenile adjudications, juvenile non-adjudications, juvenile diversions and juvenile expunged records for fingerprints submitted in conjunction with an application for a private detective firearm permit.

Court cost fund (082-00-2012-2000)No limit

Bond transcript review

fee fund (082-00-2254-2300)No limit

Conversion of materials and

equipment fund (082-00-2405-2040).....No limit

Attorney general’s antitrust special

revenue fund (082-00-2506-2050)No limit

Medicaid fraud	
reimbursement fund (082-00-9034-9040)	No limit
Medicaid fraud control unit (082-00-3060-3080)	No limit
Attorney general's antitrust	
suspense fund (082-00-9002-9000)	No limit
Attorney general's consumer protection	
clearing fund (082-00-9003-9010)	No limit
Attorney general's committee on crime	
prevention fee fund (082-00-2113-2090)	No limit
<i>Provided</i> , That expenditures may be made from the attorney general's committee on crime prevention fee fund for operating expenditures directly or indirectly related to conducting training seminars organized by the attorney general's committee on crime prevention, including official hospitality: <i>Provided further</i> , That the attorney general is hereby authorized to fix, charge and collect fees for conducting training seminars organized by the attorney general's committee on crime prevention: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the direct and indirect operating expenses incurred for conducting such seminars, including official hospitality: <i>And provided further</i> , That all fees received for conducting such seminars shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the attorney general's committee on crime prevention fee fund.	
Tort claims fund (082-00-2613-2080)	No limit
Crime victims	
compensation fund (082-00-2563-2060)	No limit
<i>Provided</i> , That expenditures from the crime victims compensation fund for state operations shall not exceed \$681,791: <i>Provided further</i> , That any expenditures for payment of compensation to crime victims are authorized to be made from this fund regardless of when the claim was awarded.	
Crime victims assistance fund (082-00-2598-2070)	No limit
Protection from abuse fund (082-00-2239-2030)	No limit
Crime victims grants and	
gifts fund (082-00-7340-7010)	No limit
<i>Provided</i> , That all private grants and gifts received by the crime victims compensation board shall be deposited to the credit of the crime victims grants and gifts fund.	
Kansas attorney general batterer	
intervention program	
certification fund (082-00-2103-2103)	No limit
Debt collection administration cost	
recovery fund (082-00-2305-2240)	No limit

Provided, That the attorney general shall deposit in the state treasury to the credit of the debt collection administration cost recovery fund all moneys remitted to the attorney general as administrative costs under contracts entered into pursuant to K.S.A. 75-719, and amendments thereto.

Medicaid fraud prosecution

revolving fund (082-00-2641-2280) No limit

Provided, That all moneys recovered by the medicaid fraud and abuse division of the attorney general's office in the enforcement of state and federal law which are in excess of any restitution for overcharges and interest, including all moneys recovered as recoupment of expenses of investigation and prosecution, shall be deposited in the state treasury to the credit of the medicaid fraud prosecution revolving fund: *Provided further*, That, notwithstanding the provisions of K.S.A. 21-5933, and amendments thereto, or any other statute, expenditures may be made from the medicaid fraud prosecution revolving fund for other operating expenditures of the attorney general's office for medicaid fraud prosecution direct and indirect costs.

Interstate water

litigation fund (082-00-2311-2295) No limit

Provided, That, in addition to the other purposes authorized by K.S.A. 82a-1802, and amendments thereto, expenditures may be made from the interstate water litigation fund for: (1) Litigation costs for the case of *Kansas v. Colorado* No. 105, Original in the Supreme Court of the United States, including repayment of past contributions; (2) expenses related to the appointment of a river master or such other official as may be appointed by the Supreme Court to administer, implement or enforce its decree or other orders of the Supreme Court related to this case; and (3) expenses incurred by agencies of the state of Kansas to monitor actions of the state of Colorado and its water users and to enforce any settlement, decree or order of the Supreme Court related to this case.

Suspense fund (082-00-9112-9030) No limit

Children's advocacy

center fund (082-00-2654-2610) No limit

Abuse, neglect and exploitation of

people with disabilities unit grant

acceptance fund (082-00-2482-2500) No limit

Concealed weapon

licensure fund (082-00-2450-2400) No limit

Tobacco master settlement agreement

compliance fund (082-00-2383-2320) No limit

Sexually violent predator

expense fund (082-00-2379-2310) No limit

County law enforcement	
equipment fund (082-00-2470-2470).....	No limit
Child exchange and visiting	
centers fund (082-00-2579-2250).....	No limit
Roofing contractor	
registration fund (082-00-2774-2774).....	No limit
State medicaid fraud control unit –	
federal fund (082-00-3060-3060)	No limit
Com def sol – violence against women	
federal fund (082-00-3082-3082)	No limit
Crime victims compensation	
federal fund (082-00-3133-3020)	No limit
Ed Byrne state/local law enforcement	
federal fund (082-00-3213-3213)	No limit
Violence against women – ARRA	
federal fund (082-00-3214-3212)	No limit
Comm prsct/project safe neighborhood	
federal fund (082-00-3217-3217)	No limit
Public safety prtnt/comm	
pol fund (082-00-3218-3218)	No limit
Anti-gang initiative	
federal fund (082-00-3229-3229)	No limit
Alcohol impaired driving cntrmsr	
federal fund (082-00-3247-3247)	No limit
Children’s justice grant	
federal fund (082-00-3381-3381)	No limit
Sexual assault kit initiative	
federal fund (082-00-3416-3416)	No limit
Ed Byrne memorial JAG – ARRA	
federal fund (082-00-3455-3455)	No limit
Medicaid indirect cost	
federal fund (082-00-3919-3919)	No limit
Federal forfeiture fund (082-00-3940-3940).....	No limit
SSA fraud prevention	
federal fund (082-00-2174-2175)	No limit
False claims litigation	
revolving fund (082-00-2650-2600)	No limit
<i>Provided, That expenditures may be made from the false claims litigation revolving fund for costs associated with litigation under the Kansas false claims act, K.S.A. 75-7501 et seq., and amendments thereto.</i>	
Ed Byrne memorial justice assistance grant	
federal fund (082-00-3057-3057)	No limit
911 state maintenance fund (082-00-2747-2447)	No limit

DOT prohibit	
racial profiling (082-00-3566-3566)	No limit
Human trafficking victim	
assistance fund (082-00-2775-2775)	No limit
Criminal appeals cost fund (082-00-2779-2779).....	No limit
Attorney general's open	
government fund (082-00-2497-2497).....	No limit
Scrap metal theft reduction	
fee fund (082-00-2085-2100)	No limit
Bail enforcement agents	
fee fund (082-00-2259-2259)	No limit

Provided, That in furtherance of the purposes authorized by K.S.A. 75-7e01 through 75-7e09, and amendments thereto, expenditures may be made from the bail enforcement agents fee fund to secure from the Kansas bureau of investigation criminal history record information related to adult convictions, adult non-convictions, adult diversions, adult expunged records, juvenile adjudications, juvenile non-adjudications, juvenile diversions and juvenile expunged records for fingerprints submitted in conjunction with an application for a bail enforcement agent license.

Fraud and abuse criminal	
prosecution fund (082-00-2262-2262)	No limit
Attorney general's state agency	
representation fund (082-00-6125-6125).....	No limit
State medicaid fraud	
forfeiture fund (082-00-2822-2822).....	No limit
Charitable organizations	
fee fund (082-00-2863-2863)	No limit
Kansas fights addiction fund (082-00-2826-2826)	No limit

Provided, That, notwithstanding K.S.A. 2024 Supp. 76-776, and amendments thereto, expenditures shall be made from the Kansas fights addiction fund to include under the Kansas fights addiction act as a qualified applicant, as defined in K.S.A. 2024 Supp. 75-776, and amendments thereto, any for-profit private entity that provides services for the purpose of preventing, reducing, treating or otherwise abating or remediating substance abuse or addiction and that has released its legal claims arising from covered conduct against each defendant that is required by opioid litigation to pay into the fund:

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Municipalities fight	
addiction fund (082-00-2838-2838)	No limit
Coronavirus relief fund (082-00-3753-3753)	No limit
SUID case registry fund.....	No limit

(c) During the fiscal year ending June 30, 2025, grants made pursuant to K.S.A. 74-7325, and amendments thereto, from the protection from abuse fund (082-00-2239-2030) and grants made pursuant to K.S.A. 74-7334, and amendments thereto, from the crime victims assistance fund (082-00-2598-2070) shall be made after consideration of the recommendation of an entity that has been designated by the United States department of health and human services and by the centers for disease control and prevention as the official domestic violence or sexual assault coalition.

(d) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$50,000 from the state general fund to the sexually violent predator expense fund (082-00-2379-2310) of the attorney general.

(e) Notwithstanding the provisions of K.S.A. 75-769, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2025, no expenditures shall be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2025, as authorized by this or other appropriation act of the 2024 regular session of the legislature, to set legal representation charges for state agencies at a rate exceeding \$100 per hour.

(f) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$600,000 from the state general fund to the medicaid fraud prosecution revolving fund (082-00-2641-2280) of the attorney general.

(g) (1) During the fiscal year ending June 30, 2025, notwithstanding the provisions of Kansas consumer protection act, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2025 by this or any other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2025 to enforce the provisions of the Kansas consumer protection act against a manufacturer that engages in the following actions:

(A) Deny, restrict, prohibit or otherwise interfere with the acquisition of a 340B drug by or delivery of a 340B drug to a pharmacy that is under contract with a 340B-covered entity and authorized under such contract to receive and dispense 340B drugs on behalf of the 340Bcovered entity, unless such receipt and dispensing of 340B drugs by such pharmacy is prohibited by the United States department of health and human services; or

(B) interfere with a pharmacy that has a contract with a 340B-covered entity.

(2) As used in this subsection:

(A) “340B-covered entity” means an entity that is participating in the federal 340B drug pricing program authorized by 42 U.S.C. § 256b, including such entity’s pharmacy or pharmacies, or any pharmacy or pharmacies contracted for the purpose of dispensing drugs purchased through such program;

(B) “340B drug” means a drug that has been subject to any offer for reduced prices by a manufacturer pursuant to the federal 340B drug pricing program authorized by 42 U.S.C. § 256b and is purchased by a covered entity;

(C) “manufacturer” means the same as defined in K.S.A. 65-1626, and amendments thereto; and

(D) “pharmacy” means the same as defined in K.S.A. 65-1626, and amendments thereto.

Sec. 33.

ATTORNEY GENERAL

(a) (1) During the fiscal year ending June 30, 2026, notwithstanding the provisions of Kansas consumer protection act, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2026 by this or any other appropriation act of the 2024 or 2025 regular session of the legislature, expenditures shall be made by the above agency from such moneys for fiscal year 2026 to enforce the provisions of the Kansas consumer protection act against a manufacturer that engages in the following actions:

(A) Deny, restrict, prohibit or otherwise interfere with the acquisition of a 340B drug by or delivery of a 340B drug to a pharmacy that is under contract with a 340B-covered entity and authorized under such contract to receive and dispense 340B drugs on behalf of the 340Bcovered entity, unless such receipt and dispensing of 340B drugs by such pharmacy is prohibited by the United States department of health and human services; or

(B) interfere with a pharmacy that has a contract with a 340B-covered entity.

(2) As used in this subsection:

(A) “340B-covered entity” means an entity that is participating in the federal 340B drug pricing program authorized by 42 U.S.C. § 256b, including such entity’s pharmacy or pharmacies, or any pharmacy or pharmacies contracted for the purpose of dispensing drugs purchased through such program;

(B) “340B drug” means a drug that has been subject to any offer for reduced prices by a manufacturer pursuant to the federal 340B drug pric-

ing program authorized by 42 U.S.C. § 256b and is purchased by a covered entity;

(C) “manufacturer” means the same as defined in K.S.A. 65-1626, and amendments thereto; and

(D) “pharmacy” means the same as defined in K.S.A. 65-1626, and amendments thereto.

Sec. 34.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Cemetery and funeral audit	
fee fund (622-00-2225).....	No limit
HAVA ELVIS fund (622-00-2353-2150).....	No limit
Conversion of materials and	
equipment fund (622-00-2418).....	No limit
Information and services	
fee fund (622-00-2430-2300)	No limit
<i>Provided</i> , That expenditures from the information and services fee fund for official hospitality shall not exceed \$2,500.	
State register fee fund (622-00-2619-2500)	No limit
Uniform commercial code	
fee fund (622-00-2664-2600)	No limit
Technology communication fee fund (622-00-2672-2900)	No limit
Athlete agent registration fee fund (622-00-2674-2700)	No limit
Democracy fund (622-00-2702)	No limit
<i>Provided</i> , That all expenditures from the democracy fund shall be to provide matching funds to implement title II of the federal help America vote act of 2002, public law 107-252, as prescribed under that act.	
Help America vote act federal fund (622-00-3091).....	No limit
HAVA title I federal fund (622-00-3283-3283)	No limit
HAVA election security fund 2018 (622-00-3956-3956).....	No limit
State flag and banner fund (622-00-5130-4600)	No limit
Secretary of state fee	
refund fund (622-00-9047).....	No limit
Electronic voting machine	
examination fund (622-00-9101).....	No limit
Credit card clearing fund (622-00-9434).....	No limit
Suspense fund (622-00-9046)	No limit
Prepaid services fund (622-00-9114).....	No limit

(b) During the fiscal year ending June 30, 2025, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from any special revenue fund or funds for fiscal year 2025 by the above agency by this or other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the above agency from such special revenue fund or funds to provide a report to the house appropriations committee and the senate ways and means committee detailing the costs of publication in a newspaper in each county pursuant to K.S.A. 64-103, and amendments thereto, of any constitutional amendment that is introduced by the legislature during the 2025 regular session of the legislature and detailing costs to local units of governments for conducting elections that include proposed constitutional amendments.

(c) On or before the 10th day of each month commencing July 1, 2024, during fiscal year 2025, the director of accounts and reports shall transfer from the state general fund to the democracy fund interest earnings based on:

- (1) The average daily balance of moneys in the democracy fund for the preceding month; and
- (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 35.

STATE TREASURER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Pregnancy compassion awareness program\$2,000,000
Provided, That expenditures shall be made from the pregnancy compassion awareness program account to continue the statewide program, previously known as the alternatives to abortion program, to enhance and increase resources that promote childbirth instead of abortion to women facing unplanned pregnancies and to offer a full range of services, including pregnancy support centers, adoption assistance and maternity homes: *Provided further*, That the program shall include only the following services: Counseling and mentoring; care coordination for prenatal services, including connecting clients to health programs; providing educational materials and information about pregnancy and parenting; referrals to county and social service programs, including child care, transportation, housing and state and federal benefit programs; classes on life skills, budgeting, parenting, stress management, job training, job placement and obtaining a GED certificate; providing material items including, but not limited to, car seats, cribs, maternity clothes, infant diapers and formula; and support groups in maternity homes: *And provided further*, That program services shall be made available to any Kansas resident who is a

pregnant woman, the biological father of an unborn child, the biological or adoptive parent or legal guardian of a child 24 months of age or younger, a program participant who has experienced the loss of a child or a parent or legal guardian of a pregnant child who is a program participant: *And provided further*, That the provision and delivery of services under the program shall be dependent on participant needs as assessed by the nonprofit organization providing the services and not otherwise prioritized by any state agency: *And provided further*, That program services shall be available to participants only during pregnancy and continuing for up to 24 months after birth of the child: *And provided further*, That the state treasurer shall continue to contract with the nonprofit organization that was awarded such contract in fiscal year 2024 to provide services under the pregnancy compassion awareness program, and such nonprofit organization shall subcontract with existing pregnancy centers, adoption agencies, maternity homes and social service organizations to provide program services to promote childbirth instead of abortion: *And provided further*, That such contract extension shall be for a term not longer than one year: *And provided further*, That the selected contractor and any subcontractors may provide services in addition to the enumerated program services, but such services shall not be funded through the pregnancy compassion awareness program: *And provided further*, That the state treasurer shall include as a condition of the contract extension with the nonprofit organization selected to provide program services: (1) The assessment of an administrative fine for failure to satisfy program requirements, including required reporting, or for the intentional or reckless misuse of any funds awarded by the terms of such contract, and such fine shall be in the amount of 10% of the funds awarded by the terms of such contract and shall be deposited into the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the state general fund; and (2) that such nonprofit organization shall submit a report to the legislature and the state treasurer on or before June 30, 2025, on the administration of the program during fiscal year 2025, including: The number of clients; the number of clients who participated in case management services; the number of case management hours provided to clients; the number of clients engaged in educational services or job training and placement activities; the number of newborns who were born to program participants; the number of such newborns placed for adoption; the number of fathers who participated in program services; the number of client satisfaction surveys completed; and any other information that shows the success of the contractor's administration of the program: *And provided further*, That the state treasurer shall establish the pregnancy compassion public awareness program to be administered by the same nonprofit organization contracted with to provide pregnancy

compassion awareness program services: *And provided further*, That the purpose of the public awareness program is to help pregnant women who are at risk of having abortions to be made aware of the pregnancy compassion awareness program services: *And provided further*, That the public awareness program shall include the development and promotion of a website that provides a geographically indexed list of available pregnancy compassion awareness program services and nonprofit subcontractors that provide services: *And provided further*, That the public awareness program may include, but shall not be limited to, the use of television, radio, outdoor advertising, newspapers, magazines, other print media and the internet to provide information about the pregnancy compassion awareness program services and subcontractors: *And provided further*, That, to the greatest extent possible, the secretary for children and families shall supplement and match moneys appropriated for the pregnancy compassion awareness program with federal and other public and private moneys, and such moneys shall be prioritized to be used preferentially for the program and the public awareness program and be transferred from the special revenue fund or funds of the Kansas department for children and families as identified by the secretary for children and families to the pregnancy compassion awareness program account to be expended for such programs: *Provided, however*, That the pregnancy compassion awareness program and the pregnancy compassion public awareness program and any moneys appropriated or expended therefor shall not be used to perform, induce, assist in the performing or inducing of or refer for abortions, and moneys appropriated or expended for such programs shall not be granted to organizations or affiliates of organizations that perform, induce, assist in the performing or inducing of or refer for abortions.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

State treasurer

operating fund (670-00-2374-2300).....\$1,911,024

Provided, That, notwithstanding the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, or any other statute, of all the moneys received under the uniform unclaimed property act during fiscal year 2025, the state treasurer is hereby authorized and directed to credit the first amount equal to the expenditure limitation approved by this or other appropriation act of the legislature received and deposited in the state treasury to the state treasurer operating fund: *Provided further*, Notwithstanding any provision of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, or any other statute, on June 30, 2025, the state treasurer shall certify any

remaining unencumbered balance in the state treasurer operating fund exceeding \$100,000 to the director of accounts and reports, who shall transfer such certified amount from the state treasurer operating fund to the state general fund on June 30, 2025: *And provided further*, That, after such aggregate amount has been credited to the state treasurer operating fund, then all of the moneys received under the uniform unclaimed property act during fiscal year 2025 shall be credited as prescribed under the uniform unclaimed property act: *And provided further*, That all moneys credited to the state treasurer operating fund during fiscal year 2025 are to reimburse the state treasurer for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed to administer the provisions of the uniform unclaimed property act that are not otherwise reimbursed under any other provision of law.

Fiscal agency fund (670-00-7754-6400)	No limit
Bond services fee fund (670-00-2061-2500)	No limit
City bond finance fund (670-00-7654)	No limit
Local ad valorem tax reduction fund (670-00-7394-4800).....	No limit
County and city revenue sharing fund (670-00-7395-4900).....	No limit
Suspense fund (670-00-9054-9000).....	No limit
County and city retailers’ sales tax fund (670-00-7608-6000)	No limit
County and city compensating use tax fund (670-00-7667-6200)	No limit
Local alcoholic liquor fund (670-00-7665-6100).....	No limit
Local alcoholic liquor equalization fund (670-00-7759-6500).....	No limit
Unclaimed property claims fund (670-00-7758-7700)	No limit
Unclaimed property expense fund (670-00-2362-2200)	No limit
<i>Provided</i> , That expenditures from the unclaimed property expense fund for official hospitality shall not exceed \$2,000.	
County and city transient guest tax fund (670-00-7602-6600)	No limit
Racing admissions tax fund (670-00-7670-6300)	No limit
Rental motor vehicle excise tax fund (670-00-7681-6800)	No limit
Transportation development district sales tax fund (670-00-7601-7000)	No limit
Redevelopment bond fund (670-00-7683-6900).....	No limit

Special qualified industrial manufacturer fund (670-00-9525-9525)	No limit
Kansas postsecondary education savings program trust fund (670-00-7241-7100)	No limit
Kansas postsecondary education savings expense fund (670-00-2096-2000)	No limit
Conversion of materials and equipment fund (670-00-2461-2700)	No limit
Tax increment financing revenue replacement fund (670-00-7391-4700)	No limit
Spirit bonds fund (670-00-9515-9515)	No limit

Provided, That, on the 15th day of each month that commences during fiscal year 2025, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 74-50,136, and amendments thereto, and for which the Spirit bonds fund was created, and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: *Provided further*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the Spirit bonds fund: *And provided further*, That, on or before the 10th day of each month commencing during fiscal year 2025, the director of accounts and reports shall transfer from the state general fund to the Spirit bonds fund interest earnings based on: (1) The average daily balance of moneys in the Spirit bonds fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: *And provided further*, That the moneys credited to the Spirit bonds fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the Spirit bonds fund to the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 74-50,136, and amendments thereto.

Business machinery and equipment tax reduction assistance fund (670-00-7684-7680)	\$0
Telecommunications and railroad machinery and equipment tax reduction assistance fund (670-00-7685-7690)	\$0
Community improvement district sales tax fund (670-00-7610-7650)	No limit
Special economic revitalization fund (670-00-9520-9520)	No limit

Bioscience development and investment fund (670-00-9510-9510) No limit

KS ABLE savings expense fund (670-00-2177-2177) No limit

Other federal grants fund (670-00-3878-3878)..... No limit

Distinctive license plate royalty fund (670-00-2885-2885) No limit

(c) Notwithstanding the provisions of K.S.A. 75-648, and amendments thereto, or any other statute, on July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$50,000 from the Kansas postsecondary education savings expense fund (670-00-2096-2000) of the state treasurer to the KS ABLE savings expense fund (670-00-2177-2177) of the state treasurer.

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Sec. 39.

INSURANCE DEPARTMENT

- (a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 47(a) of chapter 82 of the 2023 Session Laws of Kansas on the insurance department service regulation fund (331-00-2270-2400) of the insurance department for official hospitality is hereby increased from \$2,500 to \$7,500.
- (b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 47(a) of chapter 82 of the 2023 Session Laws of Kansas on the securities act fee fund (331-00-2162-0100) of the insurance department for official hospitality is hereby increased from \$2,000 to \$3,000.
- (c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 47(a) of chapter 82 of the 2023 Session Laws of Kansas on the investor education and protection fund (331-00-2242-2240) of the insurance department for official hospitality is hereby increased from \$5,000 to \$6,000.
- (d) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the state flexibility to stabilize the market

grant program fund (331-00-3648-3648) of the insurance department to the insurance department service regulation fee fund (331-00-2270-2400) of the insurance department. On the effective date of this act, all liabilities of the state flexibility to stabilize the market grant program fund are hereby transferred to and imposed on the insurance department service regulation fee fund and the state flexibility to stabilize the market grant program fund is hereby abolished.

Sec. 40.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Insurance department service
regulation fund (331-00-2270-2400).....No limit

Provided, That expenditures from the insurance department service regulation fund for official hospitality shall not exceed \$7,500.

Insurance company
examination fund (331-00-2055-2000).....No limit

Insurance company annual statement
examination fund (331-00-2056-2100).....No limit

Insurance company examiner
training fund (331-00-2057-2200).....No limit

Workers compensation fund (331-00-7354-7000)No limit

Provided, That expenditures from the workers compensation fund for attorney fees and other costs and benefit payments may be made regardless of when services were rendered or when the initial award of benefits was made.

State firefighters relief fund (331-00-7652-7130)No limit

Insurance company tax and fee
refund fund (331-00-9017-9100)No limit

Uninsurable health insurance
plan fund (331-00-2328-2500)No limit

Private grants and
gifts fund (331-00-7301-7301).....No limit

Insurance education and
training fund (331-00-2367-2600).....No limit

Provided, That expenditures may be made from the insurance education and training fund for training programs and official hospitality: *Provided further*, That the insurance commissioner is hereby authorized to fix, charge and collect fees for such training programs: *And provided further*,

That fees for such training programs shall be fixed in order to collect all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*, That all fees received for such training programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the insurance education and training fund.

Monumental life
settlement fund (331-00-7360-7360) No limit

Provided, That all expenditures from the monumental life settlement fund shall be made for scholarship purposes: *Provided further*, That the scholarship recipients shall be African-American students who are currently enrolled and are attending an accredited higher education institution in the state of Kansas and who have designated a major in mathematics, computer science or business.

Fines and penalties fund (331-00-2351-2510) No limit

Provided, That, notwithstanding the provisions of K.S.A. 40-2606, and amendments thereto, or any other statute, all moneys received during fiscal year 2025 for penalties imposed pursuant to K.S.A. 40-2606, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the fines and penalties fund.

Settlements fund (331-00-2523-2520)..... No limit

Provided, That moneys may be transferred or otherwise credited to the settlements fund as the result of or pursuant to court orders under K.S.A. 40-3644, and amendments thereto, court-ordered settlements, or legislative authority: *Provided further*, That expenditures from the settlements fund shall be made for the purpose of providing consumer education and outreach or for costs that the insurance department may incur in closeout of any troubled insurance company matters.

Professional employer organization
fee fund (331-00-2678-2678) No limit

Pharmacy benefits manager

licensure fund (331-00-2665-2665)..... No limit

Securities act fee fund (331-00-2162-0100)..... No limit

Provided, That expenditures from the securities act fee fund for the fiscal year ending June 30, 2025, for official hospitality shall not exceed \$3,000.

Investor education and
protection fund (331-00-2242-2240)..... No limit

Provided, That expenditures from the investor education and protection fund for the fiscal year ending June 30, 2025, for official hospitality shall not exceed \$6,000.

Captive insurance regulatory and supervision fund (331-00-2309-2309)	No limit
Coronavirus relief fund (331-00-3753-3753)	No limit
Group-funded pools refund fund	No limit

(b) In addition to the other purposes for which expenditures may be made by the insurance department from the insurance company examination fund (331-00-2055-2000) for fiscal year 2025 as authorized by K.S.A. 40-223, and amendments thereto, notwithstanding the provisions of K.S.A. 40-223, and amendments thereto, or any other statute, expenditures may be made by the insurance department from the insurance company examination fund for fiscal year 2025 for the examination of annual statements filed with the commissioner of insurance, regardless of when the services were rendered, when the expenses were incurred or when any claim was submitted or processed for payment and regardless of whether or not the services were rendered or the expenses were incurred prior to the effective date of this act.

Sec. 41.

HEALTH CARE STABILIZATION
FUND BOARD OF GOVERNORS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Conference fee fund (270-00-2453-2453)	No limit
Health care stabilization fund (270-00-7404-2000)	No limit

(b) Expenditures from the health care stabilization fund for the fiscal year ending June 30, 2025, other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Operating expenditures (270-00-7404-2100)

No limit

Provided, That expenditures may be made from the operating expenditures account for official hospitality.

Legal services and other claims expenses (270-00-7404-2300)

No limit

Claims and benefits (270-00-7404-2400)

No limit

Sec. 42.

POOLED MONEY INVESTMENT BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Municipal investment pool fund (671-00-7537-7000) No limit
Pooled money investment portfolio
fee fund (671-00-2319-2000) No limit

Provided, That, on or before the fifth day of each month of the fiscal year ending June 30, 2025, the state treasurer shall certify to the pooled money investment board an accounting of the banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during such month: *Provided further*, That, prior to the 10th day of each month during the fiscal year ending June 30, 2025, the pooled money investment board shall review the certification from the state treasurer and shall make expenditures from the pooled money investment portfolio fee fund (671-00-2319-2000) to pay the amount of banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during the second preceding month, as determined by the pooled money investment board: *And provided further*, That expenditures from the pooled money investment portfolio fee fund for official hospitality shall not exceed \$800.

(b) During the fiscal year ending June 30, 2025, if the director of the budget determines that the ending balance in the state general fund is equal to 7.5% or more of the total amount authorized to be expended or transferred by demand transfer from the state general fund in fiscal year 2024, the director of the budget shall certify such determination to the above agency: *Provided*, That in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for the above agency for fiscal year 2025 by this or other appropriation act of the 2025 regular session of the legislature, upon receipt of such determination, the above agency shall invest 50% of the amount of moneys in the budget stabilization fund pursuant to the provisions of this subsection: *Provided further*, That in addition to the provisions of article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto, and the investment policies of the above agency, such moneys in the budget stabilization fund shall be invested for a period of time not to exceed 12 months: *And provided further*, That all interest or other income of the investments of such moneys shall be deposited in the state treasury to the credit of the budget stabilization fund: *And provided further*, That as soon as such funds have been invested, the above agency shall submit periodic reports to the legislative budget committee on the status of such investments.

Sec. 43.

JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (349-00-1000)\$4,757
 Sec. 44.

JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (349-00-1000-0100)\$727,676
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Judicial council fund (349-00-2127-2100)No limit
 Grants and gifts fund (349-00-7326-7000)No limit

Provided, That all private grants and gifts received by the judicial council, other than moneys received as grants, gifts or donations for the preparation, publication or distribution of legal publications, shall be deposited to the credit of the grants and gifts fund.

Publications fee fund (349-00-2297-2000)No limit
 Coronavirus relief fund (349-00-3753-3772)No limit

Sec. 45.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Assigned counsel expenditures (328-00-1000-0700)\$3,000,000
 Operating expenditures (328-00-1000-0603)\$148,296
 Capital defense operations (328-00-1000-0800)\$28,703

Sec. 46.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (328-00-1000-0603)\$27,237,283
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however*, That expenditures for indigents' defense services are authorized to be made from the operating expenditures

account regardless of when services were rendered: *Provided further*, That expenditures may be made from the operating expenditures account for negotiated contracts for malpractice insurance for public defenders and deputy or assistant public defenders: *And provided further*, That all contracts for malpractice insurance for public defenders and deputy or assistant public defenders shall be negotiated and purchased by the state board of indigents’ defense services, shall not be subject to approval or purchase by the committee on surety bonds and insurance under K.S.A. 75-4114 and 75-6111, and amendments thereto, and shall not be subject to the provisions of K.S.A. 75-3739, and amendments thereto.

Assigned counsel
expenditures (328-00-1000-0700)\$24,672,309

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the assigned counsel expenditures account is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures for indigents’ defense services are authorized to be made from the assigned counsel expenditures account regardless of when services were rendered: *And provided further*, That, notwithstanding the provisions of K.S.A. 22-4507, and amendments thereto, or any other statute, expenditures shall be made by the above agency from such account for fiscal year 2025 to set the maximum rate of compensation of assigned counsel in fiscal year 2025 at \$120 per hour.

Capital defense operations (328-00-1000-0800)\$5,233,841

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the capital defense operations account is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures for indigents’ defense services are authorized to be made from the capital defense operations account regardless of when services were rendered.

Legal services for prisoners (328-00-1000-0500)\$402,382
Indigents’ defense

services operations (328-00-1000-0610)\$156,847

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the indigents’ defense services operations account is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures may be made from the indigents’ defense services operations account for the purpose of assigned counsel and other professional services related to contract cases.

Litigation support (328-00-1000-0510)\$2,327,691

Provided, That any unencumbered balance in the litigation support account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Capital litigation training

grant fund (328-00-3211-3211) No limit

Indigents' defense services fund (328-00-2119-2000) No limit

Provided, That expenditures may be made from the indigents' defense services fund for the purpose of assigned counsel and other professional services related to contract cases.

Inservice education workshop

fee fund (328-00-2186-2100) No limit

Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: *Provided further*, That the state board of indigents' defense services is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: *And provided further*, That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

(c) During the fiscal year ending June 30, 2025, the executive director of the state board of indigents' defense services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2025, from the state general fund for the state board of indigents' defense services to any other item of appropriation for fiscal year 2025 from the state general fund for the state board of indigents' defense services. The executive director shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) In addition to the other purposes for which expenditures may be made by the state board of indigents' defense services from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025 as authorized by this act or other appropriation act of the 2025 regular session of the legislature, expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025 to classify public defenders based on the level of cases such public defenders are assigned.

Sec. 47.

STATE BOARD OF INDIGENTS’
DEFENSE SERVICES

(a) During the fiscal year ending June 30, 2026, notwithstanding the provisions of K.S.A. 22-4507, and amendments thereto, or any other statute, expenditures shall be made by the above agency from the assigned counsel expenditures account (328-00-1000-0700) of the state general fund for fiscal year 2026 to set the maximum rate of compensation of assigned counsel in fiscal year 2026 at \$120 per hour.

Sec. 48.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Judiciary operations (677-00-1000-0103).....\$3,393,443

Sec. 49.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Judiciary operations (677-00-1000-0103).....\$197,756,795

Provided, That any unencumbered balance in the judiciary operations account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That contracts for computer input of judicial opinions and all purchases thereunder shall not be subject to the provisions of K.S.A. 75-3739, and amendments thereto: *And provided further*, That expenditures may be made from the judiciary operations account for contingencies without limitation at the discretion of the chief justice: *And provided further*, That expenditures from the judiciary operations account for such contingencies shall not exceed \$25,000: *And provided further*, That expenditures from the judiciary operations account for official hospitality shall not exceed \$4,000: *And provided further*, That expenditures shall be made from the judiciary operations account for the travel expenses of panels of the court of appeals for travel to cities across the state to hear appealed cases.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Byrne discretionary grants
program fund (677-00-3654-3654).....No limit
BJA veterans treatment court discretionary
grant program fund (677-00-3922-3922).....No limit

National crime history improvement

program fund (677-00-3189-3189)..... No limit

Library report fee fund (677-00-2106-2000) No limit

State and community highway safety –

federal fund (677-00-3815-3815) No limit

Dispute resolution fund (677-00-2126-3500) No limit

Judicial branch

education fund (677-00-2324-1900) No limit

Provided, That expenditures may be made from the judicial branch education fund to provide services and programs for the purpose of educating and training judicial branch officers and employees, administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto, educating and training municipal judges and municipal court support staff, and for the planning and implementation of a family court system, as provided by law, including official hospitality: *Provided further*, That the judicial administrator is hereby authorized to fix, charge and collect fees for such services and programs: *And provided further*, That such fees may be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: *And provided further*, That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the judicial branch education fund.

Child welfare federal

grant fund (677-00-3942-3300) No limit

Child support enforcement contractual

agreement fund (677-00-2681-2400) No limit

SJI grant fund (677-00-2714-2714) No limit

Bar admission fee fund (677-00-2724-2500) No limit

Permanent families account – family and children

investment fund (677-00-7317-7000) No limit

Duplicate law book fund (677-00-2543-2300) No limit

Court reporter fund (677-00-2725-2600) No limit

Judicial branch nonjudicial salary

initiative fund (677-00-2229-2800) No limit

Judicial branch nonjudicial salary

adjustment fund (677-00-2389-3200) No limit

Federal grants fund (677-00-3082-3100) No limit

District magistrate judge supplemental

compensation fund (677-00-2398-2390)..... No limit

Correctional supervision

fund (677-00-2465-2465)..... No limit

Violence against women grant fund –
ARRA (677-00-3214-3214)..... No limit

Judicial branch docket
fee fund (677-00-2158-2158)No limit

Electronic filing and
management fund (677-00-2791-2791)No limit

Coronavirus emergency
supplemental fund (677-00-3671-3671)No limit

Coronavirus relief fund (677-00-3753).....No limit

Ed Byrne memorial justice
assistance grant fund (677-00-3057)No limit

Specialty court resources fund (677-00-2879-2879)No limit

American rescue plan state relief fund (677-00-3756-3536)No limit

Sec. 50.

KANSAS PUBLIC EMPLOYEES
RETIREMENT SYSTEM

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas public employees
retirement fund (365-00-7002-7000).....No limit

Provided, That no expenditures may be made from the Kansas public employees retirement fund other than for benefits, investments, refunds authorized by law, and other purposes specifically authorized by this or other appropriation act.

Kansas public employees deferred compensation
fees fund (365-00-2376)No limit

Group insurance reserve fund (365-00-7358-9200)No limit

Optional death benefit plan
reserve fund (365-00-7357-9100).....No limit

Kansas endowment for
youth fund (365-00-7000-2000)No limit

Senior services trust fund (365-00-7550-7600).....No limit

Family and children endowment
account – family and children
investment fund (365-00-7010-4000)No limit

Non-retirement administration fund (365-00-2277)No limit

(b) Expenditures may be made from the expense reserve of the Kansas public employees retirement fund (365-00-7002) for the fiscal year ending June 30, 2025, for the following specified purposes:

Agency operations (365-00-7002-7400)\$31,768,430
Provided, That expenditures from the agency operations account may be made for official hospitality.
Investment-related expenses (365-00-7002-8000).....No limit

(c) On July 1, 2024, notwithstanding the provisions of K.S.A. 38-2102, and amendments thereto, the amount prescribed by K.S.A. 38-2102(d) (4), and amendments thereto, to be transferred on July 1, 2024, by the director of accounts and reports from the Kansas endowment for youth fund to the children’s initiatives fund shall be \$56,748,405.

Sec. 51.

KANSAS HUMAN RIGHTS COMMISSION

(a) On the effective date of this act, of the \$1,074,268 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 58(a) of chapter 82 of the 2023 Session Laws of Kansas from the state general fund in the operating expenditures account (058-00-1000-0103), the sum of \$29,999 is hereby lapsed.

Sec. 52.

KANSAS HUMAN RIGHTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (058-00-1000-0103)\$1,165,667
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$500: *Provided further*, That expenditures in an amount of not to exceed \$174,000 may be made from this account for mediation services contracted with Kansas legal services.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State and local fair employment practices –
federal fund (058-00-3016-3000)No limit
Education and training fund (058-00-2282-2000)No limit
Provided, That expenditures may be made from the education and training fund for operating expenditures for the commission’s education and training programs for the general public, including official hospitality: *Provided further*, That the executive director is hereby authorized to fix, charge and collect fees for such programs: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating ex-

penses incurred for such training programs, including official hospitality: *And provided further*, That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the education and training fund.

Sec. 53.

STATE CORPORATION COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Public service	
regulation fund (143-00-2019-0100).....	No limit
Gas pipeline inspection	
fee fund (143-00-2023-1100)	No limit
Conservation fee fund (143-00-2130-2000)	No limit

Provided, That any expenditure made from the conservation fee fund for plugging abandoned wells, cleanup of pollution from oil and gas activities and testing of wells shall be in addition to any expenditure limitation imposed on this fund: *Provided further*, That expenditures may be made from this fund for debt collection and set-off administration: *And provided further*, That a percentage of the fees collected, not to exceed 27%, shall be transferred from the conservation fee fund to the accounting services recovery fund (173-00-6105-4010) of the department of administration for services rendered in collection efforts: *And provided further*, That all expenditures made from the conservation fee fund for debt collection and set-off administration shall be in addition to any expenditure limitation imposed on this fund: *And provided further*, That the state corporation commission shall include as part of the fiscal year 2026 budget estimates for the state corporation commission submitted pursuant to K.S.A. 75-3717, and amendments thereto, a three-year projection of receipts to and expenditures from the conservation fee fund for fiscal years 2025, 2026 and 2027.

Abandoned oil and gas	
well fund (143-00-2143-2100).....	No limit

[†]

Natural gas underground storage	
fee fund (143-00-2181-2120)	No limit
Inservice education workshop	
fee fund (143-00-2316-2300)	No limit

Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences conducted by the state corporation commission for staff and members of the state corporation commission: *Provided further*, That the state corporation commission is hereby authorized to fix, charge and collect fees for such inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for conducting such inservice workshops and conferences: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

Facility conservation improvement	
program fund (000-00-2432-2400).....	No limit
Energy grants	
management fund (000-00-2667).....	No limit
Motor carrier license	
fees fund (143-00-2812-5500).....	No limit
MPG for states and tribes –	
federal fund (143-00-3103-3103).....	No limit
Energy efficiency revolving loan program –	
ARRA federal fund (000-00-3161).....	No limit

Provided, That expenditures may be made from the energy efficiency revolving loan program – ARRA federal fund for the energy efficiency revolving loan program pursuant to vouchers approved by the chairperson of the state corporation commission or by a person or persons designated by the chairperson: *Provided further*, That the state corporation commission is hereby authorized to establish the energy efficiency revolving loan program for the purpose of making loans for energy conservation and other energy-related activities: *And provided further*, That loans under such program shall be made at an interest rate established by the state corporation commission: *And provided further*, That the state corporation commission is hereby authorized to enter into contracts with other state agencies and with persons, as may be necessary, to administer the energy efficiency revolving loan program: *And provided further*, That any person who agrees to receive money from the energy efficiency revolving loan program – ARRA federal fund shall enter into an agreement requiring such person to submit a written report to the state corporation commission detailing and accounting for all expenditures and receipts related to the use of the moneys received from the energy efficiency revolving loan program – ARRA federal fund: *And provided further*, That moneys repaid to the energy efficiency revolving loan program shall be deposited

in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the energy efficiency revolving loan program – ARRA federal fund: *And provided further*, That, on or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the energy efficiency revolving loan program – ARRA federal fund interest earnings based on: (1) The average daily balance of repaid moneys in the energy efficiency revolving loan program – ARRA federal fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Special one-call –	
federal fund (143-00-3477-3477)	No limit
Gas pipeline safety program –	
federal fund (143-00-3632-3000)	No limit
One call – federal fund (143-00-3633-3120)	No limit
Underground natural gas storage –	
federal fund (143-00-3639-3641)	No limit
Energy community revitalization –	
federal fund (143-00-3656-3656)	No limit
Energy conservation plan –	
federal fund (000-00-3682-3500)	No limit
Underground injection control class II –	
federal fund (143-00-3768-3700)	No limit
Unified carrier registration	
clearing fund (143-00-9062-9100)	No limit
Energy efficiency conservation	
block grant – federal fund	No limit
High efficiency electric	
home rebate – federal fund	No limit
Home owner managing	
energy savings – federal fund	No limit
Grid resilience BIL formula – federal fund	No limit
Credit card clearing fund (143-00-9401-9400)	No limit
Suspense fund (143-00-9007-9000)	No limit
Municipal natural gas utility distribution	
grant program ARPA fund (143-00-3756)	No limit

Provided, That expenditures shall be made from the municipal natural gas utility distribution grant program ARPA fund for providing small municipalities currently being served by a natural gas gathering field to design, construct and install natural gas distribution lines that connect to a natural gas service provider and infrastructure for such lines: *Provided further*, That the above agency shall establish an application process to award such grants to eligible municipalities: *And provided further*, That the above agency shall

expend a partial amount of the grant to eligible municipalities for the completion of a natural gas cost of service and revenue rate requirement study on proposed natural gas distribution lines: *And provided further*, That the municipality shall contract with an external and reputable entity to conduct and complete a natural gas cost of service and revenue rate requirement study that studies the cost of service of such distribution lines, including the cost of the natural gas, natural gas transport, distribution, distribution labor, maintenance and administration of such lines, and the costs of maintaining and upgrading the natural gas distribution lines in the city limits of such municipality: *And provided further*, That such study shall provide the municipality with a natural gas utility rate that recovers actual costs for the maintenance and necessary upgrades of the natural gas distribution lines in the city limits of such municipality: *And provided further*, That such municipality shall implement and charge a rate that recovers the actual costs for the maintenance and necessary upgrades of the natural gas distribution lines in the city limits of such municipality: *And provided further*, That such municipality shall identify and contract with a natural gas service provider for the provision of such natural gas utility: *And provided further*, That, upon completion of such study, implementation of such rate and contract provision of service, the above agency shall expend the remaining amount of the grant to the municipality for the design, construction and installation of such lines and infrastructure.

(b) Expenditures for the fiscal year ending June 30, 2025, by the state corporation commission from the conservation fee fund (143-00-2130-2000) or the abandoned oil and gas well fund (143-00-2143-2100) may be made for the service of independent on-site supervision of well plugging contracts: *Provided*, That all such expenditures from the conservation fee fund or the abandoned oil and gas well fund for the purpose of plugging of abandoned oil and gas wells during fiscal year 2025 shall be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto, and shall not be exempt from such competitive bidding requirements on the basis of the estimated amount of such purchases.

(c) During the fiscal year ending June 30, 2025, notwithstanding the provisions of any other statute, the chairperson of the state corporation commission, with the approval of the director of the budget, may transfer funds from any special revenue fund or funds of the state corporation commission to any other special revenue fund or funds of the state corporation commission. The chairperson of the state corporation commission shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) Expenditures for the fiscal year ending June 30, 2025, by the state corporation commission from the public service regulation fund (143-00-2019-0100) for official hospitality shall not exceed \$2,030.

(e) During the fiscal year ending June 30, 2025, notwithstanding the provisions of K.S.A. 55-164, 66-138 or 66-1,142b, and amendments thereto, or any other statute, all moneys received from civil fines and penalties charged and collected by the state corporation commission under K.S.A. 55-164, 66-138 or 66-1,142b, and amendments thereto, in the conservation fee fund (143-00-2130-2000), the public service regulation fund (143-00-2019-0100) and the motor carrier license fees fund (143-00-2812-5500) shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and deposited in the state treasury and credited to the state general fund.

(f) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$100,000 from the public service regulation fund (143-00-2019-0100) of the state corporation commission to the state general fund.

(g) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$4,000,000 from the American rescue plan state relief fund (422-00-3756-3502) of the legislative coordinating council, formerly designated as the legislature employment security fund of the legislative coordinating council, to the municipal natural gas utility distribution grant program ARPA fund (143-00-3756).

Sec. 54.

CITIZENS’ UTILITY RATEPAYER BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Utility regulatory fee fund (122-00-2030-2000).....\$1,288,098

(b) During the fiscal year ending June 30, 2025, in addition to other purposes for which expenditures may be made by the citizens’ utility ratepayer board from the utility regulatory fee fund (122-00-2030-2000) for fiscal year 2025 for the citizens’ utility ratepayer board as authorized by this or other appropriation act of the 2025 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, if the total expenditures authorized to be expended on contracts for professional services by the citizens’ utility ratepayer board by the expenditure limitation prescribed by subsection (a) are not expended or encumbered for fiscal year 2024, then the amount equal to the remaining amount of such expenditure authority for fiscal year 2025 may be expended from the utility regulatory fee fund for fiscal year 2025 pursuant to contracts for professional services and any such expenditure for fiscal year 2025 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2025.

Sec. 55.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (173-00-1000-0200)	\$38,078
Budget analysis (173-00-1000-0520)	\$12,873
Office of public advocates (173-00-1000-0300)	\$6,628
Licensing verification portal (173-00-1000-0030)	\$7,000,000
Printing plant improvements (173-00-1000-8546)	\$400,000
Security against antisemitism (173-00-1000)	\$500,000

(b) On the effective date of this act, for fiscal year 2024, the secretary of administration is hereby authorized to receive gifts, grants, bequests or donations of money for the benefit of cedar crest: *Provided*, That such gifts, grants, bequests or donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the friends of cedar crest endowment fund.

Sec. 56.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Licensing verification portal (173-00-1000-0030)	\$1,524,000
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Provided, That any unencumbered balance in the licensing verification portal account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Operating expenditures (173-00-1000-0200)	\$5,087,547
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,000: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the operating expenditures account for three employees in the unclassified service under the Kansas civil service act.

Budget analysis (173-00-1000-0520)	\$2,202,546
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Provided, That any unencumbered balance in the budget analysis account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *And provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

Office of public advocates (173-00-1000-0300)	\$1,071,165
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Provided, That any unencumbered balance in the office of public advocates account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,000.

KPERS bonds debt service (173-00-1000-0440)\$88,186,844
Debt service refunding – 2004C (173-00-1000)\$1,540,000

Any unencumbered balance in the following accounts as of June 30, 2024, are hereby reappropriated for fiscal year 2025: Long-term care ombudsman (173-00-1000-0580), Docking state office building rehabilitation and repair (173-00-1000-8545), security against antisemitism (173-00-1000) and cedar crest living quarters expenses (173-00-1000-0631).

(b) There is appropriated for the above agency from the expanded lottery act revenues fund for the fiscal year ending June 30, 2025, the following:

KPERS bond debt service (173-00-1700-1704).....\$34,563,142

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds or indirect cost recoveries authorized by law shall not exceed the following:

Department of administration
 audit services fund (173-00-2819-2819) No limit
 Budget stabilization fund (173-00-1600-1600)\$0
Federal cash
 management fund (173-00-2001-2200) No limit
State leave payment
 reserve fund (173-00-7730-7350)..... No limit
Building and ground fund (173-00-2028-2000) No limit
General fees fund (173-00-2197-2020) No limit

Provided, That expenditures may be made from the general fees fund for operating expenditures for the division of personnel services, including human resources programs and official hospitality: *Provided further*, That the director of personnel services is hereby authorized to fix, charge and collect fees: *And provided further*, That fees shall be fixed in order to recover all or part of the operating expenses incurred, including official hospitality: *And provided further*, That all fees received, including fees received under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Human resource information systems cost
 recovery fund (173-00-6103-5700) No limit

Budget fees fund (173-00-2191-2100).....No limit
Provided, That expenditures may be made from the budget fees fund for operating expenditures for the division of the budget, including training programs, special projects and official hospitality: *Provided further*, That the director of the budget is hereby authorized to fix, charge and collect fees for such training programs: *And provided further*, That fees for such training programs and special projects shall be fixed in order to recover all or part of the operating expenses incurred for such training programs and special projects, including official hospitality: *And provided further*, That all fees received for such training programs and special projects and all fees received by the division of the budget under the open records act for providing access to or furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the budget fees fund.

Purchasing fees fund (173-00-2017-2130)No limit
Provided, That expenditures may be made from the purchasing fees fund for operating expenditures of the division of purchases, including training seminars and official hospitality: *Provided further*, That the director of purchases is hereby authorized to fix, charge and collect fees for operating expenditures incurred to reproduce and disseminate purchasing information, administer vendor applications, administer state contracts and conduct training seminars, including official hospitality: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenses: *And provided further*, That all fees received for such operating expenses shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the purchasing fees fund.

Architectural services

fee fund (173-00-2075-2110)No limit
Provided, That expenditures may be made from the architectural services fee fund for operating expenditures for distribution of architectural information: *Provided further*, That the director of facilities management is hereby authorized to fix, charge and collect fees for reproduction and distribution of architectural information: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for reproducing and distributing architectural information: *And provided further*, That all fees received for such reproduction and distribution of architectural information shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services fee fund.

Budget equipment conversion fund (173-00-2434-2090)No limit

Conversion of materials and equipment fund (173-00-2408-2030).....	No limit
Architectural services equipment conversion fund (173-00-2401-2170).....	No limit
Property contingency fund (173-00-2640-2060).....	No limit
Flood control emergency – federal fund (173-00-3024-3020)	No limit
INK special revenue fund (173-00-2764-2702)	No limit
State buildings operating fund (173-00-6148-4100).....	No limit

Provided, That the secretary of administration is hereby authorized to fix, charge and collect a real estate property leasing services fee at a reasonable rate per square foot of space leased by state agencies as approved by the secretary of administration under K.S.A. 75-3765, and amendments thereto, to recover the costs incurred by the department of administration in providing services to state agencies relating to leases of real property: *Provided further*, That each state agency that is party to a lease of real property that is approved by the secretary of administration under K.S.A. 75-3765, and amendments thereto, shall remit to the secretary of administration the real estate property leasing services fee upon receipt of the billing therefor: *And provided further*, That all moneys received for real estate property leasing services fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund (173-00-2028-2000), as determined and directed by the secretary of administration: *And provided further*, That the net proceeds from the sale of all or any part of the Topeka state hospital property, as defined by K.S.A. 75-37,123(a), and amendments thereto, shall be deposited in the state treasury and credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*, That the secretary of administration is hereby authorized to fix, charge and collect a surcharge against all state agency leased square footage in Shawnee county, including both state-owned and privately owned buildings: *And provided further*, That all moneys received for such surcharge shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration.

Accounting services recovery fund (173-00-6105-4010)	No limit
<i>Provided</i> , That expenditures may be made from the accounting services recovery fund for the operating expenditures, including official hospital-	

ity, of the department of administration: *Provided further*, That the secretary of administration is hereby authorized to fix, charge and collect fees for services or sales provided by the department of administration that are not specifically authorized by any other statute: *And provided further*, That all fees received for such services or sales shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the accounting services recovery fund.

Architectural services

recovery fund (173-00-6151-5500) No limit

Provided, That expenditures may be made from the architectural services recovery fund for operating expenditures for the division of facilities management: *Provided further*, That the director of facilities management is hereby authorized to fix, charge and collect fees for services provided to other state agencies not directly related to the construction of a capital improvement project: *And provided further*, That all fees received for all such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services recovery fund.

Motor pool service fund (173-00-6109-4020) No limit

Intragovernmental printing

service fund (173-00-6165-9800) No limit

Intragovernmental printing service depreciation

reserve fund (173-00-6167-9810) No limit

Municipal accounting and training services

recovery fund (173-00-2033-1850) No limit

Provided, That expenditures may be made from the municipal accounting and training services recovery fund to provide general ledger, payroll reporting, utilities billing, data processing, and accounting services to municipalities and to provide training programs conducted for municipal government personnel, including official hospitality: *Provided further*, That the director of accounts and reports is hereby authorized to fix, charge and collect fees for such services and programs: *And provided further*, That such fees shall be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: *And provided further*, That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the municipal accounting and training services recovery fund.

Canceled warrants

payment fund (173-00-2645-2070) No limit

State emergency fund (173-00-2581-2150).....	No limit
Bid and contract deposit fund (173-00-7609-7060).....	No limit
Federal withholding tax clearing fund (173-00-7701-7080)	No limit
Financial management system development fund (173-00-6135-6130)	No limit
<i>Provided</i> , That the secretary of administration may establish fees and make special assessments in order to finance the costs of developing the financial management system: <i>Provided further</i> , That all moneys received for such fees and special assessments shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the financial management system development fund.	
State gaming revenues fund (173-00-9011-9100).....	No limit
Financial management system development fund – on budget (173-00-2689-2689).....	No limit
Construction defects recovery fund (173-00-2632-2615)	No limit
Facilities conservation improvement fund (173-00-8745-4912)	No limit
State revolving fund services fee fund (173-00-2038-2700)	No limit
Conversion of materials and equipment – recycling program fund (173-00-2435-2031).....	No limit
Curtis office building maintenance reserve fund (173-00-2010-2190).....	No limit
Equipment lease purchase program administration clearing fund (173-00-8701-8000)	No limit
Suspense fund (173-00-9075-9220).....	No limit
Electronic funds transfer suspense fund (173-00-9175-9490).....	No limit
Surplus property program fund – on budget (173-00-2323-2300).....	No limit
Surplus property program fund – off budget (173-00-6150-6150)	No limit
Older Americans act title IIIB long-term care ombudsman federal fund (173-00-3287-3287)	No limit
Older Americans act title VII long-term care ombudsman federal fund (173-00-3358-3140)	No limit
Long-term care ombudsman gift and grant fund (173-00-7258-7280)	No limit

CRRSA 2021 LTC ombudsman fund (173-00-3680)	No limit
Title XIX – long-term care ombudsman	
medical assistance program	
federal fund (173-00-3414-3414)	No limit
Wireless enhanced 911	
grant fund (173-00-2577-2570)	No limit
Bioscience development fund (173-00-2765-2703)	No limit
Dwight D Eisenhower	
statue fund (173-00-7243-7243)	No limit
Digital imaging program fund (173-00-6121-6121)	No limit
<i>Provided</i> , That expenditures may be made from the digital imaging program fund for grants to state agencies for digital document imaging projects.	
Preventive healthcare	
program fund (173-00-2556-2550)	No limit
Cafeteria benefits fund (173-00-7720-7723)	No limit
State workers compensation	
self-insurance fund (173-00-6170-6170)	No limit
<i>Provided</i> , That expenditures from the state workers compensation self-insurance fund for the fiscal year ending June 30, 2025, for salaries and wages and other operating expenditures shall not exceed \$5,344,832.	
Dependent care assistance	
program fund (173-00-7740-7799)	No limit
<i>Provided</i> , That expenditures from the dependent care assistance program fund for the fiscal year ending June 30, 2025, for salaries and wages and other operating expenditures shall not exceed \$160,000.	
Non-state employer group	
benefit fund (173-00-7707-7710)	No limit
Health benefits administration clearing fund –	
remit admin service org (173-00-7746-7746)	No limit
<i>Provided</i> , That expenditures from the health benefits administration clearing fund – remit admin service org for the fiscal year ending June 30, 2025, for salaries and wages and other operating expenditures shall not exceed \$7,465,000.	
Health insurance premium	
reserve fund (173-00-7350-7350)	No limit
Coronavirus relief fund (173-00-3753)	No limit
Kansas suffragist	
memorial fund (173-00-7245-7245)	No limit
Kansas gold star families	
memorial fund (173-00-7244-7244)	No limit

Friends of cedar crest endowment fund\$0
Provided, That on or before the 10th day of each month commencing on July 1, 2024, during fiscal year 2025, the director of accounts and reports shall transfer from the state general fund to the friends of cedar crest endowment fund interest earnings based on: (1) The average daily balance of moneys in the friends of cedar crest endowment fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.
1st Kansas (colored) voluntary infantry regiment mural fund.....No limit
Ad astra sculpture fund.....No limit

- (d) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2025 by this or other appropriation act of the 2025 regular session of the legislature, expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2025, for the secretary of administration, as part of the system of payroll accounting formulated under K.S.A. 75-5501, and amendments thereto, to establish a payroll deduction plan, for the purpose of allowing insurers, who are authorized to do business in the state of Kansas, to offer to state employees accident, disability, specified disease and hospital indemnity products, which may be purchased by such employees: *Provided, however*, That any such insurer and indemnity product shall be approved by the Kansas state employees health care commission prior to the establishment of such payroll deduction: *Provided*, That upon notification of an employing agency's receipt of written authorization by any state employee, the director of accounts and reports shall make periodic deductions of amounts as specified in such authorization from the salary or wages of such state employee for the purpose of purchasing such indemnity products: *Provided further*, That, subject to the approval of the secretary of administration, the director of accounts and reports may prescribe procedures, limitations and conditions for making payroll deductions pursuant to this section.
- (e) On July 1, 2024, the director of accounts and reports shall transfer \$210,000 from the state highway fund (276-00-4100-4100) of the department of transportation to the state general fund for the purpose of reimbursing the state general fund for the cost of providing purchasing services to the department of transportation.
- (f) During the fiscal year ending June 30, 2025, the secretary of administration is hereby authorized to approve refinancing of equipment being financed by state agencies through the department's equipment financing program. Such refinancing project is hereby approved for the purposes of K.S.A. 74-8905(b), and amendments thereto.

(g) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated in any capital improvement account of any special revenue fund or funds or in any capital improvement account of the state general fund for the above agency for fiscal year 2025 by this or other appropriation act of the 2025 regular session of the legislature, expenditures may be made by the above agency from any such capital improvement account of any special revenue fund or funds or any such capital improvement account of the state general fund for fiscal year 2025 for the purpose of making emergency repairs to any facility that is under the charge, care, management or control of the department of administration as provided by law: *Provided*, That the secretary of administration shall make a full report on such repairs and expenditures to the director of the budget and the director of legislative research.

(h) (1) On July 1, 2024, the director of accounts and reports shall record a debit to the state treasurer's receivables for the state economic development initiatives fund and shall record a corresponding credit to the state economic development initiatives fund in an amount certified by the director of the budget that shall be equal to 75% of the amount estimated by the director of the budget to be transferred and credited to the state economic development initiatives fund during the fiscal year ending June 30, 2025, except that such amount shall be proportionally adjusted during fiscal year 2025 with respect to any change in the moneys to be transferred and credited to the state economic development initiatives fund during fiscal year 2025. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2025 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection.

(2) On June 30, 2025, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the state economic development initiatives fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the state economic development initiatives fund during fiscal year 2025.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the state economic development initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the state economic development initiatives fund by the state treasurer in accordance with the notice thereof.

(i) (1) On July 1, 2024, the director of accounts and reports shall record a debit to the state treasurer's receivables for the correctional institutions building fund and shall record a corresponding credit to the correctional

institutions building fund in an amount certified by the director of the budget that shall be equal to 80% of the amount estimated by the director of the budget to be transferred and credited to the correctional institutions building fund during the fiscal year ending June 30, 2025, except that such amount shall be proportionally adjusted during fiscal year 2025 with respect to any change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2025. All moneys transferred and credited to the correctional institutions building fund during fiscal year 2025 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.

(2) On June 30, 2025, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer’s receivables and to the correctional institutions building fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the correctional institutions building fund during fiscal year 2025.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the correctional institutions building fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the correctional institutions building fund by the state treasurer in accordance with the notice thereof.

(j) During the fiscal year ending June 30, 2025, the secretary of administration, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2025, from the state general fund for the department of administration to another item of appropriation for fiscal year 2025 from the state general fund for the department of administration. The secretary of administration shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(k) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2025, the following:
SIBF – state

building insurance (173-00-8100-8920).....\$575,000

Provided, That, notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, expenditures may be made by the above agency from the SIBF – state building insurance account of the state institutions building fund for state building insurance premiums.

(l) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2025, the following:

CIBF – state

building insurance (173-00-8600-8930).....\$675,000

Provided, That, notwithstanding the provisions of K.S.A. 76-6b09, and amendments thereto, expenditures may be made by the above agency from the CIBF – state building insurance account of the correctional institutions building fund for state building insurance premiums.

(m) On July 1, 2024, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2025, the director of accounts and reports shall transfer an amount or amounts from the appropriate federal fund or funds of the Kansas department for aging and disability services to the older Americans act title IIIB long-term care ombudsman federal fund (173-00-3287-3287) of the department of administration: *Provided*, That the aggregate of such amount or amounts transferred during fiscal year 2025 shall be equal to and shall not exceed the older Americans act title VII: ombudsman award and 4.38% of the Kansas older Americans act title III: part B supportive services award.

(n) (1) (A) Prior to August 15, 2024, the state board of regents shall determine and certify to the director of the budget each of the specific amounts from the amounts appropriated from the state general fund or from the moneys appropriated and available in the special revenue funds for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection: *Provided*, That the aggregate of all such amounts certified to the director of the budget shall be an amount that is equal to or more than \$1,184,054. The certification by the state board of regents shall specify the amount in each account of the state general fund or in each special revenue fund, or account thereof, that is designated by the state board of regents pursuant to this subsection for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account in the state general fund by the director of accounts and reports pursuant to this subsection. At the same time as such certification is transmitted to the director of the budget, the state board of regents shall transmit a copy of such certification to the director of legislative research.

(B) The director of the budget shall review each such certification from the state board of regents and shall certify a copy of each such certification from the state board of regents to the director of accounts and reports. At the same time as such certification is transmitted to the director of accounts and reports, the director of the budget shall transmit a copy of each such certification to the director of legislative research.

(C) On August 15, 2024, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under this subsection, the appropriation for fiscal year 2025 for each

account of the state general fund, state economic development initiatives fund, state water plan fund and children's initiatives fund that is appropriated or reappropriated for the fiscal year ending June 30, 2025, by this or other appropriation act of the 2025 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under this subsection.

(2) In determining the amounts to be certified to the director of accounts and reports in accordance with this subsection, the director of the budget and the state board of regents shall consider any changed circumstances and unanticipated reductions in expenditures or unanticipated and required expenditures by the regents agencies for fiscal year 2025.

(3) As used in this subsection, "regents agency" means the state board of regents, Fort Hays state university, Kansas state university, Kansas state university extension systems and agriculture research programs, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, the university of Kansas, the university of Kansas medical center and Wichita state university.

(4) The provisions of this subsection shall not apply to:

(A) Any money held in trust in a trust fund or held in trust in any other special revenue fund or funds of any regents agency;

(B) any moneys received from any agency or authority of the federal government or from any other federal source, other than any such federal moneys that are credited to or may be received and credited to special revenue funds of a regents agency and that are determined by the state board of regents to be federal moneys that may be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection;

(C) any account of the Kansas educational building fund; or

(D) any fund of any regents agency in the state treasury, as determined by the director of the budget, that would experience financial or administrative difficulties as a result of executing the provisions of this subsection, including, but not limited to, cash-flow problems, the inability to meet ordinary expenditure obligations, or any conflicts with prevailing contracts, compacts or other provisions of law.

(5) Each amount transferred from any special revenue fund of any regents agency to the state general fund pursuant to this subsection is transferred to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services that are performed on behalf of the regents agency involved by other state agencies that receive appropriations from the state general fund to provide such services.

(o) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agen-

cy from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2025 by this or other appropriation act of the 2025 regular session of the legislature, expenditures may be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2025, for the secretary of administration to fix, charge and collect fees for architectural, engineering and management services provided for capital improvement projects of the state board of regents or any state educational institution, as defined by K.S.A. 76-711, and amendments thereto, for which the department of administration provides such services and which are financed in whole or in part by gifts, bequests or donations made by one or more private individuals or other private entities: *Provided*, That such fees for such services are hereby authorized to be fixed, charged and collected in accordance with the provisions of K.S.A. 75-1269, and amendments thereto, notwithstanding any provisions of K.S.A. 75-1269, and amendments thereto, to the contrary: *Provided further*, That all such fees received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services recovery fund.

(p) (1) On July 1, 2024, the director of accounts and reports shall record a debit to the state treasurer's receivables for the expanded lottery act revenues fund and shall record a corresponding credit to the expanded lottery act revenues fund in an amount certified by the director of the budget that shall be equal to the amount estimated by the director of the budget to be transferred and credited to the expanded lottery act revenues fund during the fiscal year ending June 30, 2025, except that such amount shall be proportionally adjusted during fiscal year 2025 with respect to any change in the moneys to be transferred and credited to the expanded lottery act revenues fund during fiscal year 2025. All moneys transferred and credited to the expanded lottery act revenues fund during fiscal year 2025 shall reduce the amount debited and credited to the expanded lottery act revenues fund under this subsection.

(2) On June 30, 2025, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the expanded lottery act revenues fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the expanded lottery act revenues fund during fiscal year 2025.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the expanded lottery act revenues fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the

expanded lottery act revenues fund by the state treasurer in accordance with the notice thereof.

(q) (1) On July 1, 2024, the director of accounts and reports shall record a debit to the state treasurer's receivables for the children's initiatives fund and shall record a corresponding credit to the children's initiatives fund in an amount certified by the director of the budget that shall be equal to 50% of the amount estimated by the director of the budget to be transferred and credited to the children's initiatives fund during the fiscal year ending June 30, 2025, except that such amount shall be proportionally adjusted during fiscal year 2025 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2025. Among other appropriate factors, the director of the budget shall take into consideration the estimated and actual receipts and interest earnings of the Kansas endowment for youth fund for fiscal year 2025 and fiscal year 2025 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2025 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.

(2) On June 30, 2025, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the children's initiatives fund pursuant to this subsection to reflect all moneys actually transferred and credited to the children's initiatives fund during fiscal year 2025.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the children's initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the children's initiatives fund by the state treasurer in accordance with the notice thereof.

(4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection for the children's initiatives fund to account for moneys actually received that are to be transferred and credited to the children's initiatives fund shall be made after the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (r) for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund.

(r) (1) On July 1, 2024, the director of accounts and reports shall record a debit to the state treasurer's receivables for the Kansas endowment for youth fund and shall record a corresponding credit to the Kansas endowment for youth fund in an amount certified by the director of the

budget that shall be equal to 75% of the amount approved for expenditure by the children's cabinet during the fiscal year ending June 30, 2025, as certified by the director of the budget. All moneys received and credited to the Kansas endowment for youth fund during fiscal year 2025 shall reduce the amount debited and credited to the Kansas endowment for youth fund under this subsection.

(2) On June 30, 2025, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the Kansas endowment for youth fund pursuant to this subsection to reflect all moneys actually transferred and credited to the Kansas endowment for youth fund during fiscal year 2025.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the Kansas endowment for youth fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the Kansas endowment for youth fund by the state treasurer in accordance with the notice thereof.

(4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund shall be made before the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (q) for the children's initiatives fund to account for moneys actually received that are to be transferred and credited to the children's initiatives fund.

(s) On July 1, 2024, for fiscal year 2025, the secretary of administration is hereby authorized to receive gifts, grants, bequests or donations of money for the benefit of cedar crest: *Provided*, That such gifts, grants, bequests or donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the friends of cedar crest endowment fund.

(t) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2025 by this or other appropriation act of the 2025 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2025, to review authorization for friends of cedar crest association to enter into an agreement with a local community not-for-profit foundation and to receive, ad-

minister and invest any moneys donated, bequeathed, granted, awarded or contributed from any private or public source, including the moneys in the friends of cedar crest endowment fund, outside the state treasury for the general benefit of cedar crest: *Provided*, That consideration shall be made for interest earned thereon, to be deposited, administered and disbursed by such local community foundation to the friends of cedar crest association for the general benefit of cedar crest: *Provided further*, That on or before January 13, 2025, the above agency shall submit a report to the house of representatives committee on appropriations and the senate committee on ways and means on the agency's findings.

(u) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2025 by this or other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund or funds for fiscal year 2025 to direct the governor's residence advisory commission to hire a local design consultant to review the cedar crest property and review proposals to expand the governor's residence to provide disability access and other enhancements recommended by such local design consultant: *Provided*, That the first vice president of the friends of cedar crest association shall be a member of the governor's residence advisory commission for this purpose: *Provided further*, That expenditures for such hiring of a local design consultant and the development of the governor's residence expansion plans shall not exceed \$200,000: *And provided further*, That the governor's residence advisory commission shall submit a report on the progress of such expansion plans to the joint committee on state building construction, the house of representatives committee on appropriations and the senate committee on ways and means before February 1, 2025.

Sec. 57.

OFFICE OF INFORMATION
TECHNOLOGY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Rehabilitation and repair (335-00-1000-0050).....	\$4,250,000
<i>Provided</i> , That any unencumbered balance in the rehabilitation and repair account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.	
Kansas information security office (335-00-1000-0060)	\$7,252,809
<i>Provided</i> , That any unencumbered balance in the Kansas information security office account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.	

Vendor contract (335-00-1000-0070)\$2,500,000

Provided, That any unencumbered balance in the vendor contract account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Information technology fund (335-00-6110-4030) No limit

Provided, That expenditures from the information technology fund for official hospitality shall not exceed \$1,000; *Provided further*, That any moneys collected from a fee increase for information services recommended by the governor shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the information technology fund.

Information technology

reserve fund (335-00-6147-4080)..... No limit

Public safety broadband

services fund (335-00-2125-2125)..... No limit

GIS contracting

services fund (335-00-2163-2163)..... No limit

GIS contracting

services fund (335-00-6009-6009)..... No limit

State and local implementation grant –

federal fund (335-00-3576-3576) No limit

Coronavirus relief fund (335-00-3753-3772) No limit

American rescue plan state relief fund (335-00-3756-3536) No limit

Sec. 58.

OFFICE OF ADMINISTRATIVE HEARINGS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Administrative hearings office fund (178-00-2582) No limit

Provided, That expenditures from the administrative hearings office fund for official hospitality shall not exceed \$50.

Sec. 59.

STATE BOARD OF TAX APPEALS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (562-00-1000-0103).....\$255,007

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

American rescue plan – state fiscal
relief – federal fund (562-00-3756)..... No limit
Sec. 60.

STATE BOARD OF TAX APPEALS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (562-00-1000-0103).....\$1,197,834

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Duplicating fees fund (562-00-2219-2200)..... No limit
BOTA filing fee fund (562-00-2240-2240).....\$1,034,144
American rescue plan – state fiscal
relief – federal fund (562-00-3756)..... No limit
Sec. 61.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (565-00-1000-0303).....\$127,935

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

American rescue plan – state fiscal
relief – federal fund (565-00-3756)..... No limit

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 73(b) of chapter 82 of the 2023 Session Laws of Kansas on the division of vehicles oper-

ating fund (565-00-2089-2020) of the department of revenue is hereby increased from \$51,998,988 to \$53,729,692.

Sec. 62.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (565-00-1000-0303).....\$16,769,283

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2025 is hereby reappropriated for fiscal year 2025: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,500.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sand royalty fund (565-00-2087-2010).....No limit

Division of vehicles

operating fund (565-00-2089-2020).....\$54,483,242

Provided, That all receipts collected under authority of K.S.A. 74-2012, and amendments thereto, shall be credited to the division of vehicles operating fund: *Provided further*, That any expenditure from the division of vehicles operating fund of the department of revenue to reimburse the audit services fund (540-00-9204-9000) of the division of post audit for a financial-compliance audit in an amount certified by the legislative post auditor shall be in addition to any expenditure limitation imposed on the division of vehicles operating fund for the fiscal year ending June 30, 2025: *And provided further*, That, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, expenditures may be made from this fund for the administration and operation of the department of revenue.

Vehicle dealers and manufacturers

fee fund (565-00-2189-2030)No limit

Kansas qualified agricultural ethyl alcohol

producer incentive fund (565-00-2215).....No limit

Division of vehicles

modernization fund (565-00-2390-2390).....No limit

Kansas retail dealer

incentive fund (565-00-2387-2380).....No limit

Conversion of materials and

equipment fund (565-00-2417-2050).....No limit

Forfeited property fee fund (565-00-2428-2200)No limit

Setoff services revenue fund (565-00-2617-2080)	No limit
Publications fee fund (565-00-2663-2090).....	No limit
Child support enforcement contractual agreement fund (565-00-2683-2110).....	No limit
County treasurers' vehicle licensing fee fund (565-00-2687-2120)	No limit
Tax amnesty recovery fund (565-00-2462-2462).....	No limit
Reappraisal reimbursement fund (565-00-2693-2130)	No limit
<i>Provided</i> , That all moneys received for the costs incurred for conducting appraisals for any county shall be deposited in the state treasury and credited to the reappraisal reimbursement fund: <i>Provided further</i> , That expenditures may be made from this fund for the purpose of conducting appraisals pursuant to orders of the state board of tax appeals under K.S.A. 79-1479, and amendments thereto.	
Special training fund (565-00-2016-2000).....	No limit
<i>Provided</i> , That expenditures may be made from the special training fund for operating expenditures, including official hospitality, incurred for conferences, training seminars, workshops and examinations: <i>Provided further</i> , That the secretary of revenue is hereby authorized to fix, charge and collect fees for conferences, training seminars, workshops and examinations sponsored or cosponsored by the department of revenue: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for such conferences, training seminars, workshops and examinations or for qualifying applicants for such conferences, training seminars, workshops and examinations: <i>And provided further</i> , That all fees received for conferences, training seminars, workshops and examinations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the special training fund.	
Recovery fund for enforcement actions and attorney fees (565-00-2021-2060)	No limit
Commercial vehicle information systems/network federal fund (565-00-3244-3244)	No limit
Highway planning construction federal fund (565-00-3333-3333)	No limit
State and community highway safety fund (565-00-3815-3815)	No limit
Microfilming fund (565-00-2281-2270).....	No limit
<i>Provided</i> , That expenditures may be made from the microfilming fund to operate and maintain a microfilming activity to sell microfilming services to other state agencies: <i>Provided further</i> , That all moneys received for	

such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the microfilming fund.

Miscellaneous trust

bonds fund (565-00-7556-5180)..... No limit

Liquor excise tax guarantee

bond fund (565-00-7604-5190) No limit

Non-resident contractors cash

bond fund (565-00-7605-5200) No limit

Bond guaranty fund (565-00-7606-5210) No limit

Interstate motor fuel user cash

bond fund (565-00-7616-5220) No limit

Motor fuel distributor cash

bond fund (565-00-7617-5230) No limit

Special county mineral production

tax fund (565-00-7668-5280) No limit

County drug tax fund (565-00-7680-5310)..... No limit

Escheat proceeds

suspense fund (565-00-7753-5290)..... No limit

Privilege tax refund fund (565-00-9031-9300) No limit

Suspense fund (565-00-9032-9310)..... No limit

Cigarette tax refund fund (565-00-9033-9330)..... No limit

Motor-vehicle fuel tax

refund fund (565-00-9035-9350) No limit

Cereal malt beverage tax

refund fund (565-00-9036-9360) No limit

Income tax refund fund (565-00-9038-9370)..... No limit

Sales tax refund fund (565-00-9039-9380)..... No limit

Compensating tax

refund fund (565-00-9040-9390) No limit

Alcoholic liquor tax

refund fund (565-00-9041-9400) No limit

Cigarette/tobacco products

regulation fund (565-00-2294-2190)..... No limit

Motor carrier tax

refund fund (565-00-9042-9410) No limit

Car company tax fund (565-00-9043-9420)..... No limit

Protested motor carrier

taxes fund (565-00-9044-9430)..... No limit

Tobacco products

refund fund (565-00-9045-9440) No limit

Transient guest tax refund fund (established by

K.S.A. 12-1694a) (565-00-9066-9450) No limit

Interstate motor fuel taxes	
clearing fund (565-00-9070-9710)	No limit
Motor carrier permits escrow	
clearing fund (565-00-7581-5400)	No limit
Transient guest tax refund fund (established by	
K.S.A. 12-16,100) (565-00-9074-9480)	No limit
Interstate motor fuel taxes	
refund fund (565-00-9069-9010)	No limit
Interfund clearing fund (565-00-9096-9510)	No limit
Local alcoholic liquor	
clearing fund (565-00-9100-9700)	No limit
International registration plan distribution	
clearing fund (565-00-9103-9520)	No limit
Rental motor vehicle excise tax	
refund fund (565-00-9106-9730)	No limit
International fuel tax agreement	
clearing fund (565-00-9072-9015)	No limit
Mineral production tax	
refund fund (565-00-9121-9540)	No limit
Special fuels tax refund fund (565-00-9122-9550)	No limit
LP-gas motor fuels	
refund fund (565-00-9123-9560)	No limit
Local alcoholic liquor	
refund fund (565-00-9124-9570)	No limit
Sales tax clearing fund (565-00-9148-9580)	No limit
Rental motor vehicle excise tax	
clearing fund (565-00-9187-9640)	No limit
VIPS/CAMA technology	
hardware fund (565-00-2244-2170)	No limit
<i>Provided, That, notwithstanding the provisions of K.S.A. 74-2021, and amendments thereto, or of any other statute, expenditures may be made from the VIPS/CAMA technology hardware fund for the purposes of upgrading the VIPS/CAMA computer hardware and software for the state or for the counties and for administration and operation of the department of revenue.</i>	
County and city retailers sales tax clearing fund – county	
and city sales tax (565-00-9190-9610)	No limit
City and county compensating use tax	
clearing fund (565-00-9191-9620)	No limit
County and city transient guest tax	
clearing fund (565-00-9192-9630)	No limit
Automated tax systems fund (565-00-2265-2265)	No limit
Dyed diesel fuel fee fund (565-00-2286-2280)	No limit

Electronic databases fee fund (565-00-2287-2180) No limit
Provided, That, notwithstanding the provisions of K.S.A. 74-2022, and amendments thereto, or any other statute, expenditures may be made from the electronic databases fee fund for the purposes of operating expenditures, including expenditures for capital outlay; of operating, maintaining or improving the vehicle information processing system (VIPS), the Kansas computer assisted mass appraisal system (CAMA) and other electronic database systems of the department of revenue, including the costs incurred to provide access to or to furnish copies of public records in such database systems and for the administration and operation of the department of revenue.

Photo fee fund (565-00-2084-2140) No limit
Provided, That, notwithstanding the provisions of K.S.A. 8-299, and amendments thereto, or any other statute, expenditures may be made from the photo fee fund for administration and operation of the driver license program and related support operations in the division of administration of the department of revenue, including costs of administering the provisions of K.S.A. 8-240, 8-243, 8-267, 8-1324 and 8-1325, and amendments thereto, relating to drivers licenses, instruction permits and identification cards.

Estate tax abatement

refund fund (565-00-9082-9501) No limit

Distinctive license plate fund (565-00-2232-2230) No limit

Repossessed certificates of title

fee fund (565-00-2015-2070) No limit

Hazmat fee fund (565-00-2365-2300) No limit

Intra-governmental

service fund (565-00-6132-6101) No limit

Community improvement district sales tax

administration fund (565-00-7675-5300) No limit

Community improvement district sales tax

refund fund (565-00-9049-9455) No limit

Community improvement district sales tax

clearing fund (565-00-9189-9655) No limit

Drivers license first responders indicator

federal fund (565-00-3179-3179) No limit

Enforcing underage drinking

federal fund (565-00-3219-3219) No limit

FDA tobacco program

federal fund (565-00-3330-3330) No limit

Commercial vehicle administrative

system fund (565-00-2098-2098) No limit

State charitable gaming	
regulation fund (565-00-2381-2385)	No limit
Charitable gaming	
refund fund (565-00-9001-9001)	No limit
Commercial driver's license drive test	
fee fund (565-00-2816-2816)	No limit
MSA compliance fund (565-00-2274-2274)	No limit
Alcoholic beverage control	
modernization fund (565-00-2299-2299)	No limit
Native American veterans' income	
tax refund fund (565-00-9019-9019)	No limit
Fleet rental vehicle	
administration fund (565-00-2799-2799)	No limit
Fleet rental vehicle clearing fund (565-00-9089-9089)	No limit
Taxpayer notification costs fund (565-00-2852-2852)	No limit
Kansas historic site fund (565-00-2872-2872)	No limit
Gage park improvement authority	
sales tax fund (565-00-2874-2874)	No limit
Commercial driver	
education fund (565-00-2876-2876)	No limit
American rescue plan – state fiscal	
relief – federal fund (565-00-3756)	No limit

(c) On July 1, 2024, October 1, 2024, January 1, 2025, and April 1, 2025, the director of accounts and reports shall transfer \$13,307,946 from the state highway fund (276-00-4100-4100) of the department of transportation to the division of vehicles operating fund (565-00-2089-2020) of the department of revenue for the purpose of financing the cost of operation and general expense of the division of vehicles and related operations of the department of revenue.

(d) On August 1, 2024, the director of accounts and reports shall transfer \$77,250 from the accounting services recovery fund (173-00-6105-4010) of the department of administration to the setoff services revenue fund (565-00-2617-2080) of the department of revenue for reimbursing costs of recovering amounts owed to state agencies under K.S.A. 75-6201 et seq., and amendments thereto.

(e) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,000,000 from the state general fund to the division of vehicles modernization fund (565-00-2390-2390) of the department of revenue.

(f) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,200,000 from the Kansas endowment for youth fund (365-00-7000-2000) to the MSA compliance fund (565-00-2274-2274) of the department of revenue.

Sec. 63.

KANSAS LOTTERY

(a) On the effective date of this act, the aggregate of the amounts authorized by section 75(b) of chapter 82 of the 2023 Session Laws of Kansas to be transferred from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund (173-00-9011-9100) during the fiscal year ending June 30, 2024, is hereby increased from \$69,990,000 to \$72,490,000.

Sec. 64.

KANSAS LOTTERY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Lottery prize payment fund (450-00-7381).....No limit

Lottery operating fund (450-00-5123).....No limit

Provided, That expenditures from the lottery operating fund for official hospitality shall not exceed \$5,000.

Expanded lottery receipts fund (450-00-5128).....No limit
Lottery gaming facility

manager fund (450-00-5129-5150)No limit
Expanded lottery act

revenues fund (450-00-5127-5120).....\$0

Sports wagering receipts fund (450-00-2946-2946).....No limit

Privilege fee repayment fund (450-00-2947-2947).....No limit

(b) Notwithstanding the provisions of K.S.A. 74-8711, and amendments thereto, and subject to the provisions of this subsection: (1) An amount of not less than \$2,300,000 shall be certified by the executive director of the Kansas lottery to the director of accounts and reports on or before July 15, 2024; and (2) an amount of not less than \$4,700,000 shall be certified by the executive director of the Kansas lottery to the director of accounts and reports on or before August 15, 2024, and on or before the 15th of each month thereafter through June 15, 2025: *Provided*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund (173-00-9011-9100) and shall credit such amount to the state gaming revenues fund (173-00-9011-9100) for the fiscal year ending June 30, 2025: *Provided, however*, That, after the date that an amount of \$54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2025 pursuant to this subsection, the executive direc-

tor of the Kansas lottery shall continue to certify amounts to the director of accounts and reports on or before the 15th of each month through June 15, 2025, except that the amounts certified after such date shall not be subject to the minimum amount of \$4,700,000: *Provided further*, That the amounts certified by the executive director of the Kansas lottery to the director of accounts and reports, after the date an amount of \$54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2025 pursuant to this subsection, shall be determined by the executive director so that an aggregate of all amounts certified pursuant to this subsection for fiscal year 2025 is equal to or more than \$71,490,000: *And provided further*, That the aggregate of all amounts transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2025 pursuant to this subsection shall be equal to or more than \$71,490,000: *And provided further*, That the transfers prescribed by this subsection shall be the maximum amount possible while maintaining an adequate cash balance necessary to make expenditures for prize payments and operating costs: *And provided further*, That the transfers prescribed in this subsection shall include the total profit attributed to the special veterans benefit game under K.S.A. 74-8724, and amendments thereto: *And provided further*, That the transfers prescribed by this subsection shall be made in lieu of transfers under K.S.A. 74-8711(d), and amendments thereto, for fiscal year 2025.

(c) In addition to the purposes for which expenditures of moneys in the lottery operating fund (450-00-5123-5100) may be made, as authorized by provisions of K.S.A. 74-8711, and amendments thereto, in fiscal year 2025, moneys in the lottery operating fund may be used for payment of all costs incurred in the operation and administration of the Kansas lottery, the Kansas lottery act and the Kansas expanded lottery act.

(d) Notwithstanding the provisions of K.S.A. 74-8724, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2025, the director of accounts and reports shall transfer from the lottery operating fund (450-00-5123-5100) to the state gaming revenues fund (173-00-9011-9100) the amount of total profit attributed to the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto, during fiscal year 2025: *Provided*, That, the transfer to the veterans benefit lottery game fund (694-00-2303-2303) of the Kansas commission on veterans affairs office for the fiscal year ending June 30, 2025, authorized by section 75(g) represents the total profits derived from the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto: *Provided further*, That on or before August 1, 2025, the executive director of the lottery shall report the amount of total profit attributed to the veterans benefits game pursuant to K.S.A. 74-8724, and amendments thereto, during fiscal year 2025 to the director of the budget and the director of legislative research.

(e) During the fiscal year ending June 30, 2025, notwithstanding the provisions of K.S.A. 74-8720, and amendments thereto, or any other statute, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2025 as authorized by this or any other appropriation act of the 2025 regular session of the legislature, expenditures shall be made by such agency from such moneys to provide the name and address of all persons who claim a Kansas lottery prize of \$10,000 or more to the office of inspector general established under K.S.A. 75-7427, and amendments thereto: *Provided*, That the office of inspector general shall use information received pursuant to this subsection solely for the purposes of carrying out the powers, duties and functions prescribed by K.S.A. 75-7427, and amendments thereto: *Provided further*, That the office of inspector general shall not publicly disclose the identity of any lottery prize winner, including recipients for whom such prize affects such recipient's eligibility for or receipt of medical assistance.

Sec. 65.

KANSAS RACING AND GAMING COMMISSION

(a) Expenditures for the fiscal year ending June 30, 2024, from the state racing fund (553-00-5131-5000) of the Kansas racing and gaming commission for official hospitality shall not exceed \$1,000.

Sec. 66.

KANSAS RACING AND
GAMING COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State racing fund (553-00-5131-5000).....No limit

Provided, That expenditures from the state racing fund for official hospitality shall not exceed \$1,000.

Racing reimbursable

expense fund (553-00-2616-2600)No limit

Racing applicant

deposit fund (553-00-7383-7000).....No limit

Kansas horse breeding

development fund (553-00-2516-2300)No limit

Kansas greyhound breeding

development fund (553-00-2601-2500)No limit

Provided, That, notwithstanding K.S.A. 74-8831, and amendments thereto, all moneys transferred into this fund pursuant to K.S.A. 74-8767(b),

and amendments thereto, shall be deposited to a separate account established for the purpose described in this proviso and moneys in this account shall be expended only to supplement special stake races and to enhance the amount per point paid to owners of Kansas-whelped greyhounds that win live races at Kansas greyhound tracks and pursuant to rules and regulations adopted by the Kansas racing and gaming commission: *Provided further*, That transfers from this account to the live greyhound racing purse supplement fund may be made in accordance with K.S.A. 74-8767(b), and amendments thereto.

Racing investigative
expense fund (553-00-2570-2400) No limit
Horse fair racing

benefit fund (553-00-2296-3000) No limit
Tribal gaming fund (553-00-2320-3700) No limit

Provided, That expenditures from the tribal gaming fund for official hospitality shall not exceed \$1,000.

Expanded lottery regulation fund (553-00-2535) No limit
Provided, That expenditures from the expanded lottery regulation fund for official hospitality shall not exceed \$1,500.

Live horse racing purse
supplement fund (553-00-2546-2800) No limit

Live greyhound racing purse
supplement fund (553-00-2557-2900) No limit

Greyhound promotion and
development fund (553-00-2561-3100) No limit

Gaming background
investigation fund (553-00-2682-2680) No limit

Gaming machine examination fund (553-00-2998-2990) No limit

Education and training fund (553-00-2459-2450) No limit

Provided, That expenditures may be made from the education and training fund for operating expenditures, including official hospitality, incurred for hosting or providing training, in-service workshops and conferences: *Provided further*, That the Kansas racing and gaming commission is hereby authorized to fix, charge and collect fees for hosting or providing training, in-service workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for hosting or providing such training, in-service workshops and conferences: *And provided further*, That all fees received for hosting or providing such training, in-service workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the education and training fund.

Illegal gambling

enforcement fund (553-00-2734-2690) No limit
Provided, That expenditures may be made from the illegal gambling enforcement fund for direct or indirect operating expenditures incurred for investigatory seizure and forfeiture activities, including, but not limited to: (1) Conducting investigations of illegal gambling operations or activities; (2) participating in illegal gaming in order to collect or purchase evidence as part of an undercover investigation into illegal gambling operations; and (3) acquiring information or making contacts leading to illegal gaming activities: *Provided, however*, That all moneys that are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and that are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the illegal gambling enforcement fund: *Provided further*, That any moneys received or awarded to the Kansas racing and gaming commission for such enforcement activities shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the illegal gambling enforcement fund.

(b) On July 1, 2024, the director of accounts and reports shall transfer \$450,000 from the state general fund to the tribal gaming fund (553-00-2320-3700) of the Kansas racing and gaming commission.

(c) During the fiscal year ending June 30, 2025, the director of accounts and reports shall transfer one or more amounts certified by the executive director of the state gaming agency from the tribal gaming fund to the state general fund: *Provided*, That all such transfers shall be for the purpose of reimbursing the state general fund for the amount equal to the net amount obtained by subtracting (1) the aggregate of any costs incurred by the state gaming agency during fiscal year 2025 for any arbitration or litigation in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act, from (2) the aggregate of the amounts transferred to the tribal gaming fund (553-00-2320-3700) of the Kansas racing and gaming commission during fiscal year 2025 for the operating expenditures for the state gaming agency and any other expenses incurred in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act.

(d) During the fiscal year ending June 30, 2025, all payments for services provided by the Kansas bureau of investigation shall be paid by the Kansas racing and gaming commission in accordance with K.S.A. 75-5516(b), and amendments thereto, pursuant to bills that are presented in a timely manner by the Kansas bureau of investigation for services rendered.

(e) In addition to the other purposes for which expenditures may be made from the moneys appropriated in the tribal gaming fund (553-00-2320-3700) for fiscal year 2025 for the Kansas racing and gaming commission by this or other appropriation act of the 2025 regular session of the legislature, expenditures, which are hereby authorized, may be made from the tribal gaming fund for fiscal year 2025 for the state gaming agency regulatory oversight of class III gaming, including, but not limited to, the regulatory oversight and law enforcement activities of monitoring compliance with tribal-state gaming compacts and conducting investigations of violations of tribal-state gaming compacts, investigations of criminal violations of the laws of this state at tribal gaming facilities, criminal violations of the tribal gaming oversight act, background investigations of applicants and vendors and investigations of other criminal activities related to tribal gaming.

(f) Notwithstanding the provisions of K.S.A. 74-8831, and amendments thereto, or any other statute, the director of accounts and reports shall not make the transfer from the Kansas greyhound breeding development fund (553-00-2601-2500) of the Kansas racing and gaming commission to the greyhound tourism fund of the department of commerce that is directed to be made on or before June 30, 2025, by K.S.A. 74-8831(b)(1), and amendments thereto, and shall transfer on or before June 30, 2025, the amount equal to 15% of all moneys credited to the Kansas greyhound breeding development fund during the fiscal year ending June 30, 2025, from the Kansas greyhound breeding development fund to the greyhound promotion and development fund (553-00-2561-3100) of the Kansas racing and gaming commission.

(g) During the fiscal year ending June 30, 2025, notwithstanding the provisions of any other statute, the Kansas racing and gaming commission is hereby authorized to fix, charge and collect additional fees to recover all or part of the direct and indirect costs or operating expenses incurred or expected to be incurred by the Kansas racing and gaming commission for the regulation of racing activities that are not otherwise recovered from a parimutuel facility licensee under authority of any other statute: *Provided*, That such fees shall be in addition to all taxes and other fees otherwise authorized by law: *Provided further*, That such costs or operating expenses shall include all or part of any auditing, drug testing, accounting, security and law enforcement, licensing of any office or other facility for use by a parimutuel facility licensee or projects to update and upgrade information technology software or facilities of the commission and shall specifically include any general operating expenses that are associated with regulatory activities attributable to the entity upon which any such fee is imposed and all expenses related to reopening any race track or other racing facility: *And provided further*, That all moneys received

for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state racing fund (553-00-5131-5000).

Sec. 67.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2024, the following:

Travel and tourism operating expenditures (300-00-1900-1901) ...\$50,000
 Advantage Kansas (300-00-1000-0350)\$811

(b) On the effective date of this act, the \$2,950,000 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 77(a) of chapter 82 of the 2023 Session Laws of Kansas from the state general fund in the airport authority payment account, is hereby lapsed.

Sec. 68.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Maintenance, repair and overhaul of airplanes.....\$36,000,000

Provided, That all expenditures from such account for maintenance, repair and overhaul of airplanes at the airport in Salina, Kansas, shall require a match of local nonstate or private moneys on a \$1-for-\$1 basis: *Provided further*, That expenditures shall be made from such account in an amount of not to exceed \$1,000,000 for maintenance, repair and overhaul of airplanes at Topeka, Kansas: *Provided, however*, That such expenditures at Topeka shall not require a match of local nonstate or private moneys.

Advantage Kansas (300-00-1000)\$131,238

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the advantage Kansas account is hereby reappropriated for fiscal year 2025.

Moderate income housing (300-00-1000)\$10,000,000

Swope health project (300-00-1000)\$4,500,000

Provided, That all expenditures from the Swope health project account shall require a \$1-for-\$1 match of unobligated nonstate moneys.

Micro-internship expansion (300-00-1000).....\$500,000

Provided, That expenditures shall be made from the micro-internship expansion account for department of commerce to work with the state board of regents to connect students with Kansas employers to showcase the types of opportunities available in the state and establish connections between students and Kansas businesses through micro-internship opportunities.

[†]

Housing and workforce development (300-00-1000).....	\$2,000,000
Home-based child care providers	
pilot project.....	\$500,000

[†]

Industrial park project.....	\$2,500,000
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Provided, That expenditures shall be made by the above agency from the industrial park project account for a grant for construction of an industrial park access road, curbing, guttering, storm sewer, utilities, water line, fire hydrant settings and a sanitary sewer, including a lift station, in a city in Kansas with a population greater than 6,000 and less than 6,500 as of the 2020 census located in a county with a population greater than 18,000 and less than 18,500 as of the 2020 census: *Provided further*, That such industrial park project will create 50 jobs within three years: *And provided further*, That all moneys in the industrial park project account expended for fiscal year 2025 shall be matched by nonstate moneys on a 30% basis: *Provided, however*, That if the secretary of commerce determines that such city has received funding from the federal government for such industrial park project pursuant to the infrastructure investment and jobs act, public law 117-58, the secretary of commerce shall certify to the director of the budget that such federal funding has been approved and on the date of such certification, the \$2,500,000 appropriated for the above agency for the fiscal year ending June 30, 2025, by this section from the state general fund in the industrial park project account, is hereby lapsed: *And provided further*, That at the same time as the secretary of commerce transmits certification to the director of the budget, the secretary shall transmit a copy of such certification to the director of legislative research.

Statewide marketing campaign for high demand and high wage career fields.....	\$2,500,000
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Provided, That expenditures shall be made by the above agency from statewide marketing campaign for high demand and high wage career fields account for a contract with Level Up Kansas, a Kansas nonprofit, for the purpose of providing a statewide marketing campaign to underskilled adult learners about training opportunities available at Kansas postsecondary educational institutions in high demand and high wage career fields.

Historic venue renovation.....	\$1,000,000
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Provided, That expenditures shall be made by the above agency from the historic venue renovation account to provide funding to a nonprofit organization for renovation of a historic opera house in a Kansas county with

a population greater than 70,000 and less than 80,000 as of the 2020 census for construction, Americans with disability act access, elevators and security costs: *Provided further*, That all expenditures from such account shall require a match of nonstate or private moneys on the basis of \$2 of nonstate or private moneys to \$1 of state moneys: *And provided further*, That for the fiscal year ending June 30, 2025, the director of the budget shall determine, in consultation with the above agency, the amount of moneys from any federal law that appropriates moneys to the state for aid for coronavirus relief that are eligible to be used for the historic venue renovation, may be expended at the discretion of the state in compliance with the office of management and budget's uniform administrative requirements, cost principles and audit requirements for federal awards, and are unencumbered: *And provided further*, That, of such identified moneys, the director of the budget shall determine the remaining moneys available in special revenue funds: *And provided further*, That if the above agency, in consultation with the director of the budget, determines that federal moneys to the state for aid for coronavirus relief are available during fiscal year 2025 to be used for such historic venue renovation, the director of the budget shall certify the amount of such federal coronavirus relief moneys from each fund to the director of accounts and reports, and upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall immediately transfer an aggregate amount of up to \$1,000,000 as available from such funds to the special revenue fund of the above agency and as designated by the secretary of commerce for the purpose of funding such historic venue renovation: *And provided further*, That on the effective date of such transfer, of the \$1,000,000 appropriated for the above agency for the fiscal year ending June 30, 2025, by this section from the state general fund in the historic renovation account, the aggregate amount transferred is hereby lapsed: *And provided further*, That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Any unencumbered balance in the following accounts in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: Kansas semiquincentennial commission support account; advantage Kansas account; housing revolving loan program account; APEX account; and statewide marketing campaign for high demand and high wage career fields account.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2025, the following:

Main street program (300-00-1900-1175).....\$849,502

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the main street program account is hereby reappropriated for fiscal year 2025.

Older Kansans
employment program (300-00-1900-1140)\$504,697

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the older Kansans employment program account is hereby reappropriated for fiscal year 2025.

Rural opportunity
zones program (300-00-1900-1150).....\$1,037,748

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the rural opportunity zones program account is hereby reappropriated for fiscal year 2025.

Senior community service
employment program (300-00-1900-1160)\$8,379

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the senior community service employment program account is hereby reappropriated for fiscal year 2025.

Strong military
bases program (300-00-1900-1170)\$205,864

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the strong military bases program account is hereby reappropriated for fiscal year 2025.

Governor’s council of
economic advisors (300-00-1900-1185)\$204,584

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the governor’s council of economic advisors account is hereby reappropriated for fiscal year 2025.

Creative arts industries
commission (300-00-1900-1188).....\$1,521,173

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the creative arts industries commission account is hereby reappropriated for fiscal year 2025.

Operating grant (including
official hospitality) (300-00-1900-1110)\$9,450,975

Provided, That any unencumbered balance in the operating grant (including official hospitality) account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures may be made from the operating grant (including official hospitality) account for certified development companies that have been

determined to be qualified for grants by the secretary of commerce, except that expenditures for such grants shall not be made for grants to more than 10 certified development companies that have been determined to be qualified for grants by the secretary of commerce.

Public broadcasting grants (300-00-1900-1190)\$700,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the public broadcasting grants account is hereby reappropriated for fiscal year 2025.

Build up Kansas (300-00-1900-1230)\$2,625,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the build up Kansas account is hereby reappropriated for fiscal year 2025.

Community development (300-00-1900-1240).....\$670,837

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the community development account is hereby reappropriated for fiscal year 2025.

International trade (300-00-1900-1250).....\$1,424,397

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the international trade account is hereby reappropriated for fiscal year 2025.

Travel and tourism

operating expenditures (300-00-1900-1901)\$4,879,053

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the travel and tourism operating expenditures account is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$4,000.

Reemployment implementation (300-00-1900-1260)\$99,219

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the reemployment implementation account is hereby reappropriated for fiscal year 2025.

KIT/KIR programs (300-00-1900-1280)\$2,000,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the KIT/KIR programs account is hereby reappropriated for fiscal year 2025.

Registered apprenticeship (300-00-1900-1290).....\$1,011,573

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the registered apprenticeship account is hereby reappropriated for fiscal year 2025.

Office of broadband development (300-00-1900-1270)\$1,041,266

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the office of broadband development account is hereby reappropriated for fiscal year 2025.

Small business R&D grants (300-00-1900-1300).....\$1,000,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the small business R&D grants account is hereby reappropriated for fiscal year 2025.

Work-based learning (300-00-1900-1310).....\$714,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the work-based learning account is hereby reappropriated for fiscal year 2025.

Kansas workforce marketing (300-00-1900-1340).....\$2,000,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the Kansas workforce marketing account is hereby reappropriated for fiscal year 2025.

HEAL grants (300-00-1900-1350).....\$1,500,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the heal grants account is hereby reappropriated for fiscal year 2025.

Emergency HEAL grants (300-00-1900-1360).....\$500,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the emergency heal grants account is hereby reappropriated for fiscal year 2025.

Rural champions (300-00-1900-1320).....\$150,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the rural champions account is hereby reappropriated for fiscal year 2025.

Any unencumbered balance in the sunflower summer program account (300-00-1900-1330) in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Job creation program fund (300-00-2467-2467)No limit

Kan-grow engineering

fund – KU (300-00-2494-2494).....\$3,500,000

Kan-grow engineering

fund – KSU (300-00-2494-2495).....\$3,500,000

Kan-grow engineering fund – WSU (300-00-2494-2496).....	\$3,500,000
Kansas creative arts industries commission special gifts fund (300-00-7004-7004).....	No limit
Governor’s council of economic advisers private operations fund (300-00-2761-2701)	No limit
Publication and other sales fund (300-00-2048)	No limit
Conversion of equipment and materials fund (300-00-2411-2220).....	No limit
Conference registration and disbursement fund (300-00-2049)	No limit
Reimbursement and recovery fund (300-00-2275).....	No limit
Community development block grant – federal fund (300-00-3669)	No limit
National main street center fund (300-00-7325-7000).....	No limit
IMPACT program services fund (300-00-2176)	No limit
IMPACT program repayment fund (300-00-7388)	No limit
Kansas partnership fund (300-00-7525-7020).....	No limit
Publication and other sales fund (300-00-2399-2399).....	No limit
<i>Provided</i> , That in addition to other purposes for which expenditures may be made by the above agency from moneys appropriated from the pub- lication and other sales fund for fiscal year 2025, expenditures may be made from such fund for the purpose of compensating federal aid pro- gram expenditures, if necessary, in order to comply with the requirements established by the United States fish and wildlife service for utilization of federal aid funds: <i>Provided further</i> , That all such expenditures shall be in addition to any expenditures made from the publication and other sales fund for fiscal year 2025: <i>And provided further</i> , That the secretary of com- merce shall report all such expenditures to the governor and legislature as appropriate.	
General fees fund (300-00-2310).....	No limit
<i>Provided</i> , That expenditures may be made from the general fees fund for loans pursuant to loan agreements, which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under programs of the department.	
Athletic fee fund (300-00-2599-2500).....	No limit
WIOA adult – federal fund (300-00-3270).....	No limit
WIOA youth activities – federal fund (300-00-3039)	No limit

WIOA dislocated workers – federal fund (300-00-3428)	No limit
Trade adjustment assistance – federal fund (300-00-3273)	No limit
Disabled veterans outreach program – federal fund (300-00-3274-3242)	No limit
Local veterans employment representative program – federal fund (300-00-3274-3240)	No limit
Wagner Peyser employment services – federal fund (300-00-3275)	No limit
Senior community service employment program – federal fund (300-00-3100-3510)	No limit
Indirect cost – federal fund (300-00-2340-2300)	No limit
Temporary labor certification foreign workers – federal fund (300-00-3448)	No limit
Work opportunity tax credit – federal fund (300-00-3447-3447)	No limit
American job link alliance – federal fund (300-00-3100-3516)	No limit
American job link alliance job corps – federal fund (300-00-3100-3512)	No limit
Child care/development block grant – federal fund (300-00-3028-3028)	No limit
Enterprise facilitation fund (300-00-2378-2710)	No limit
Unemployment insurance – federal fund (300-00-3335)	No limit
State small business credit initiative – federal fund (300-00-3567)	No limit
Creative arts industries commission gifts, grants and bequests – federal fund (300-00-3210-3218)	No limit
Kansas creative arts industries commission checkoff fund (300-00-2031-2031)	No limit
Workforce data quality initiative – federal fund (300-00-3237-3237)	No limit
AJLA special revenue fund (300-00-2190-2190)	No limit
RETAIN extension – federal fund (300-00-3770)	No limit
Coronavirus relief fund – federal fund (300-00-3753)	No limit
Workforce innovation – federal fund (300-00-3581)	No limit
Reemployment connections initiative – federal fund (300-00-3585)	No limit

SBA STEP grant – federal fund (300-00-3573-3573)	No limit
Apprenticeship USA state – federal fund (300-00-3949)	No limit
Kansas health profession opportunity project – federal fund (300-00-3951)	No limit
Second chance grant – federal fund (300-00-3895).....	No limit
H-1B technical skills training grant – federal fund (300-00-3400)	No limit
State broadband data development grant – federal fund (300-00-3782-3700)	No limit
Transition assistance program grant – federal fund (300-00-3451-3451)	No limit
Technology-enabled fiduciary financial institutions development and expansion fund (300-00-2839).....	No limit
Economic adjustment assistance fund (300-00-3415)	No limit
Pathway home 2 – federal fund (300-00-3734).....	No limit
Kansas commission for the United States semiquincentennial gifts and donations fund (300-00-7019)	No limit
Attracting professional sports to Kansas fund (300-00-2942)	No limit
<i>Provided, That notwithstanding the provisions of K.S.A. 74-8793, and amendments thereto, or any other statute to the contrary, expenditures shall be made from the attracting professional sports to Kansas fund in an amount of \$150,000 to provide support for hosting the U.S. adaptive open golf championship.</i>	
Attracting powerful economic expansion payroll incentive fund (300-00-2943).....	No limit
Attracting powerful economic expansion new employee training and educaton fund (300-00-2944).....	No limit
Attracting powerful economic expansion Kansas residency incentive fund (300-00-2945)	No limit
ARPA capital projects-broadband infrastructure – federal fund (300-00-3761).....	No limit
ARPA capital projects-digital technology connectivity – federal fund (300-00-3761)	No limit
Broadband equity access and deployment program fund (300-00-3928-3928).....	No limit
State digital equity planning grant program fund (300-00-3927-2927).....	No limit

Broadband technical assistance fund.....	No limit
Middle mile broadband grant fund	No limit
American rescue plan state relief – federal fund (300-00-3756)	No limit
Kansas nonprofit apprenticeship grant program fund (300-00-2873).....	No limit
Kansas educator registered apprenticeship grant program fund (300-00-2856).....	No limit
Engineering graduate incentive fund (300-00-2930).....	No limit
World cup ARPA fund (300-00-3756)	No limit

Provided, That the above agency shall make expenditures from the world cup ARPA fund during fiscal year 2025 to require the FIFA world cup 26 Kansas City committee to provide a detailed accounting report of all expenditures of the moneys in such account to the legislature on or before January 13, 2025.

Northwest Kansas housing economic development fund.....	No limit
<i>Provided</i> , That expenditures shall be made by the above agency from such fund for the following economic development projects in the following amounts: Atwood south 7th street project, \$750,000; Sharon Springs infrastructure improvement project, \$1,000,000; Dane G. Hansen foundation housing cooperative project, \$4,000,000; and Russell maple and main residential development project, \$1,500,000.	

Northwest Kansas retail economic development ARPA fund (300-00-3756)	No limit
<i>Provided</i> , That expenditures shall be made by the above agency from such fund for the following economic development projects in the following amounts: Colby STAR bond access road project, \$4,736,125; Colby drive-thru access project, \$427,325; Hays development project, \$4,447,000.	

Existing horse racing facility remodel fund.....	No limit
<i>Provided</i> , That all expenditures from the existing horse racing facility remodel fund shall be made by the above agency for a grant to remodel an existing horse racing facility in a Kansas county with a population between 6,000 and 6,100 as of the 2020 census.	

Kansas sports hall of fame support fund	No limit
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(d) The secretary of commerce is hereby authorized to fix, charge and collect fees during the fiscal year ending June 30, 2025, for: (1) The provision and administration of conferences held for the purposes of programs and activities of the department of commerce and for which fees are not

specifically prescribed by statute; (2) sale of publications of the department of commerce and for sale of educational and other promotional items and for which fees are not specifically prescribed by statute; and (3) promotional and other advertising and related economic development activities and services provided under economic development programs and activities of the department of commerce: *Provided*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services, conferences, publications and items, advertising and other economic development activities and services provided under economic development programs and activities of the department of commerce for which fees are not specifically prescribed by statute: *Provided further*, That all such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to one or more special revenue fund or funds of the department of commerce as specified by the secretary of commerce: *And provided further*, That expenditures may be made from such special revenue fund or funds of the department of commerce for fiscal year 2025, in accordance with the provisions of this or other appropriation act of the 2025 regular session of the legislature, for operating expenses incurred in providing such services, conferences, publications and items, advertising, programs and activities and for operating expenses incurred in providing similar economic development activities and services provided under economic development programs and activities of the department of commerce.

(e) In addition to the other purposes for which expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund or funds for fiscal year 2025 for the department of commerce as authorized by this or other appropriation act of the 2025 regular session of the legislature, notwithstanding the provisions of any other statute, expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund or funds for fiscal year 2025 for official hospitality.

(f) During the fiscal year ending June 30, 2025, the secretary of commerce, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2025, from the state economic development initiatives fund for the department of commerce to another item of appropriation for fiscal year 2025 from the state economic development initiatives fund for the department of commerce. The secretary of commerce shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(g) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$7,750,000 from the state

general fund to the state economic development initiatives fund (300-00-1900-1100).

(h) During the fiscal year ending June 30, 2025, notwithstanding the provisions of K.S.A. 12-17,169, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2025 as authorized by this or any other appropriation act of the 2025 regular session of the legislature, expenditures shall be made from such moneys for the secretary of commerce to approve a city or county to finance a rural redevelopment project, as defined in K.S.A. 12-17,162, and amendments thereto, without the issuance of special obligation bonds up to an amount of not to exceed \$25,000,000 for each such project: *Provided*, That such rural redevelopment project costs shall be made payable, both as to principal and interest, from any source as provided in K.S.A. 12-17,169(a)(1)(A) through (I), and amendments thereto.

(i) (1) During the fiscal year ending June 30, 2025, notwithstanding the provisions of the STAR bonds financing act, K.S.A. 12-17,160 through 12-17,180, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2025 as authorized by this or any other appropriation act of the 2025 regular session of the legislature, expenditures may be made from such moneys for the secretary of commerce to approve a STAR bond project for a major amusement park or historic theater: *Provided*, That such approval shall be upon adoption of a STAR bond project plan and establishment of a STAR bond project district by a city or county for such major amusement park project or historic theater in accordance with K.S.A. 12-17,164 through 12-17,166, and amendments thereto: *Provided further*, That such major amusement park project or historic theater shall be eligible for financing by special obligation bonds payable from revenues described by K.S.A. 12-17,169(a) (1), and amendments thereto: *And provided further*, That such city or county is authorized to issue such special obligation bonds in one or more series to finance the undertaking of such major amusement park project or historic theater in accordance with the provisions of the STAR bonds financing act: *And provided further*, That the secretary shall review the STAR bond project plan and determine whether to approve such plan in accordance with K.S.A. 12-17,167, and amendments thereto: *And provided further*, That any special obligation bonds issued to finance the major amusement park project or historic theater shall be subject to the provisions of the STAR bonds financing act: *And provided further*, That such major amusement park and historic theater costs shall be consid-

ered project costs for the purposes of K.S.A. 12-17,162, and amendments thereto: *And provided further*, That a major amusement park area shall be considered an eligible area for purposes of K.S.A. 12-17,162, and amendments thereto: *And provided further*, That all such property included in, added to or removed from the STAR bond project district established pursuant to this subsection shall be subject to the provisions of the STAR bonds financing act: *And provided further*, That if such major amusement park project or historic theater uses state sales tax financing pursuant to K.S.A. 12-17,169, and amendments thereto, such project shall be subject to the requirements of K.S.A. 12-17,176, and amendments thereto: *And provided further*, That in the event that the city or county shall default in the payment of any STAR bonds payable from revenues described in K.S.A. 12-17,169(a)(1), and amendments thereto, no public funds shall be used to pay the holders thereof except as specifically authorized by the STAR bonds financing act: *And provided further*, That copies of all retailers' sales, use and transient guest tax returns filed with the secretary of revenue in connection with such major amusement park project shall be subject to the provisions of K.S.A. 12-17,174, and amendments thereto.

(2) For purposes of this subsection:

(A) "Amusement rides" means the same as defined in K.S.A. 44-1601, and amendments thereto, and includes such amusement rides and further include buildings necessary to house and operate such amusement park rides, buildings immediately adjacent and attached to such amusement park rides and a building necessary to house a conference center within the major amusement park area.

(B) "Major amusement park" means a project with amusement rides and related attractions and upon which the secretary has made a finding that capital improvements of not less than \$100,000,000 will be built in the state to construct the major amusement park.

(C) "Major amusement park area" means an area containing a major amusement park.

(j) (1) During the fiscal year ending June 30, 2026, notwithstanding the provisions of the STAR bonds financing act, K.S.A. 12-17,160 through 12-17,180, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2026 as authorized by this or any other appropriation act of the 2024 or 2025 regular session of the legislature, expenditures may be made from such moneys for the secretary of commerce to approve a STAR bond project for a major amusement park or historic theater: *Provided*, That such approval shall be upon adoption of a STAR bond project plan and establishment of a STAR bond project district by a city or county for such major amusement park

project or historic theater in accordance with K.S.A. 12-17,164 through 12-17,166, and amendments thereto: *Provided further*, That such major amusement park project or historic theater shall be eligible for financing by special obligation bonds payable from revenues described by K.S.A. 12-17,169(a)(1), and amendments thereto: *And provided further*, That such city or county is authorized to issue such special obligation bonds in one or more series to finance the undertaking of such major amusement park project or historic theater in accordance with the provisions of the STAR bonds financing act: *And provided further*, That the secretary shall review the STAR bond project plan and determine whether to approve such plan in accordance with K.S.A. 12-17,167, and amendments thereto: *And provided further*, That any special obligation bonds issued to finance the major amusement park project or historic theater shall be subject to the provisions of the STAR bonds financing act: *And provided further*, That such major amusement park and historic theater costs shall be considered project costs for the purposes of K.S.A. 12-17,162, and amendments thereto: *And provided further*, That a major amusement park area shall be considered an eligible area for purposes of K.S.A. 12-17,162, and amendments thereto: *And provided further*, That all such property included in, added to or removed from the STAR bond project district established pursuant to this subsection shall be subject to the provisions of the STAR bonds financing act: *And provided further*, That if such major amusement park project or historic theater uses state sales tax financing pursuant to K.S.A. 12-17,169, and amendments thereto, such project shall be subject to the requirements of K.S.A. 12-17,176, and amendments thereto: *And provided further*, That in the event that the city or county shall default in the payment of any STAR bonds payable from revenues described in K.S.A. 12-17,169(a)(1), and amendments thereto, no public funds shall be used to pay the holders thereof except as specifically authorized by the STAR bonds financing act: *And provided further*, That copies of all retailers' sales, use and transient guest tax returns filed with the secretary of revenue in connection with such major amusement park project shall be subject to the provisions of K.S.A. 12-17,174, and amendments thereto.

(2) For purposes of this subsection: (A) "Amusement rides" means the same as defined in K.S.A. 44-1601, and amendments thereto, and includes such amusement rides and further include buildings necessary to house and operate such amusement park ride. (B) "Major amusement park" means a project with amusement rides and related attractions and upon which the secretary has made a finding that capital improvements of not less than \$100,000,000 will be built in the state to construct the major amusement park. (C) "Major amusement park area" means an area containing a major amusement park.

(k) On July 1, 2024, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 2023 Supp. 74-8793, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$2,000,000 from the attracting professional sports to Kansas fund (300-00-2942) of the department of commerce to the existing horse racing facility remodel fund of the department of commerce: *Provided, however,* That if 2023 House Bill No. 2434, or any other legislation that credits tax revenue generated from wagers made on historical horse races to the horse breeding development fund and the horse fair racing benefit fund is not passed by the legislature during the 2024 regular session and enacted into law, then: (1) The director of accounts and reports shall not transfer \$2,000,000 from the attracting professional sports to Kansas fund of the department of commerce to the existing horse racing facility remodel fund of the department of commerce, pursuant to this subsection; and (2) on July 1, 2024, the provisions of this subsection are hereby declared to be null and void and shall have no force and effect.

(l) On July 1, 2024, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 2023 Supp. 74-8793, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$200,000 from the attracting professional sports to Kansas fund (300-00-2942) of the department of commerce to the Kansas sports hall of fame support fund of the department of commerce: *Provided,* That the department of commerce and the Kansas sports hall of fame shall submit a progress report to the senate committee on ways and means and the house of representatives committee on appropriations on or before January 31, 2025.

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(o) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$10,000,000 from the American rescue plan state relief fund (422-00-3756-3502) of the legislative coordinating council, formerly designated as the legislature employment security fund of the legislative coordinating council, to the world cup ARPA fund (300-00-3756).

(p) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$7,250,000, identified as moneys for the rural housing revolving loan program, as authorized by section 28 of chapter 81 of the 2022 Session Laws of Kansas, from the state housing trust fund (175-00-7370-7000) of the Kansas housing resources corporation to the northwest Kansas housing economic development fund.

(q) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$9,610,450 from the American rescue plan state relief fund (422-00-3756-3502) of the legislative coordinating council, formerly designated as the legislature employment security fund of the legislative coordinating council, to the Northwest Kansas retail economic development ARPA fund (300-00-3756).

Sec. 69.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2026, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas sports hall of fame support fundNo limit
World cup ARPA fund (300-00-3756)No limit

(b) On July 1, 2025, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 2023 Supp. 74-8793, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$200,000 from the attracting professional sports to Kansas fund (300-00-2942) of the department of commerce to the Kansas sports hall of fame support fund of the department of commerce.

(c) During the fiscal year ending June 30, 2026, the director of the budget shall determine, in consultation with the above agency, the amount of moneys from any special revenue fund or funds, including any interest earned on any ARPA fund (3756), eligible to be used for the world cup ARPA fund and are unencumbered: *Provided*, That the director of the budget, in consultation with the above agency, determines that moneys from such special revenue fund or funds during fiscal year 2026 may be used by such world cup ARPA fund, the director of the budget shall certify the amount of such special revenue fund moneys from each fund to the director of accounts and reports, and upon receipt of each such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall immediately transfer an aggregate amount of up to \$18,000,000 from such funds to the world cup ARPA fund: *Provided further*, That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research: *And provided further*, That the above agency shall make expenditures from the world cup fund during fiscal year 2026 to require the FIFA world cup 26 Kansas City committee to provide a detailed accounting report of all expenditures of the moneys in such account to the legislature on or before January 12, 2026: *And provided further*, That such report shall include an accounting of all expenditures with an economic and fiscal impact report.

[†]

Sec. 70.

KANSAS HOUSING RESOURCES CORPORATION

(a) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated in the state housing trust fund (175-00-7370-7000) for fiscal year 2024 as authorized by K.S.A. 74-8959, and amendments thereto, by section 79 of chapter 82 of the 2023 Session Laws of Kansas, this or any other appropriation act of the 2024 regular session of the legislature, expenditures may be made by the above agency from such fund and identified as moneys for the rural housing revolving loan program, as authorized by section 28 of chapter 81 of the 2022 Session Laws of Kansas, or identified as moneys for the housing revolving loan program, as authorized by section 77 of chapter 82 of the 2023 Session Laws of Kansas, during fiscal year 2024 for loans to a local government, political subdivision of the state, not-for-profit organizations focused on housing development, for-profit or not-for-profit builder or developer for moderate and low-income housing development, including infrastructure necessary to support such development: *Provided*, That at least 50% of such expenditures shall be used in rural communities: *Provided further*, That, notwithstanding the provisions of any statute to the contrary, a local government or political subdivision of the state is hereby authorized to enter into loan agreements under this program: *And provided further*, That the provisions and restrictions of the cash basis and budget laws of this state shall not apply to any loan received by a local government or political subdivision under this program.

Sec. 71.

KANSAS HOUSING RESOURCES CORPORATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State housing trust fund (175-00-7370-7000)No limit
Provided, That all expenditures from the state housing trust fund shall be made by the Kansas housing resources corporation for the purposes of administering and supporting housing programs of the Kansas housing resources corporation as authorized by K.S.A. 74-8959, and amendments thereto, and this section: *Provided further*, That of the moneys appropriated in the state housing trust fund and identified as moneys for the rural housing revolving loan program, as authorized by section 28 of chapter 81 of the 2022 Session Laws of Kansas, or identified as moneys for the housing revolving loan program, as authorized by section 77 of chapter 82 of

the 2023 Session Laws of Kansas, expenditures may be made by the above agency from such identified moneys in such fund for fiscal year 2025 for loans to a local unit of government, political subdivision of the state, not-for-profit organizations focused on housing development, for-profit or not-for-profit builder or developer for moderate and low-income housing development, including infrastructure necessary to support such development: *And provided further*, That at least 50% of such expenditures shall be used in rural communities: *And provided further*, That, notwithstanding the provisions of any statute to the contrary, a local government or political subdivision of the state is hereby authorized to enter into loan agreements under this program: *And provided further*, That the provisions and restrictions of the cash basis and budget laws of this state shall not apply to any loan received by a local government or political subdivision under this program: *And provided further*, That notwithstanding the provisions of any statute, the interest rate for a loan to any not-for-profit organization focused on housing development shall be equal to the average interest rate of certificates of deposit in Kansas financial institutions in June 2024, as determined by the state treasurer.

Sec. 72.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (296-00-1000-0503)	\$53,291
Amusement ride safety (296-00-1000-0513)	\$1,784

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 81(b) of chapter 82 of the 2023 Session Laws of Kansas on the workmen’s compensation fee fund (296-00-2124) of the Kansas department of labor is hereby increased from \$12,321,935 to \$13,003,257.

(c) On the effective date of this act, the expenditure limitation for capital improvement purposes established for the fiscal year ending June 30, 2024, by section 149(d) of chapter 82 of the 2023 Session Laws of Kansas on the workmen’s compensation fee fund (296-00-2124-2228) of the department of labor is hereby increased from \$530,000 to \$556,086.

Sec. 73.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (296-00-1000-0503)	\$4,085,256
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: <i>Provided further</i> , That in addition to the other purposes	

for which expenditures may be made by the above agency from this account for the fiscal year ending June 30, 2025, expenditures may be made from this account for the costs incurred for court reporting under K.S.A. 72-2218 et seq. and 75-4321 et seq., and amendments thereto: *And provided further*, That expenditures from this account for official hospitality by the secretary of labor shall not exceed \$5,000.

Amusement ride safety (296-00-1000-0513).....\$278,077

Provided, That any unencumbered balance in the amusement ride safety account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Unemployment insurance modernization

(296-00-1000-0520)\$5,000,000

Provided, That any unencumbered balance in the unemployment insurance modernization account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Workmen's compensation

fee fund (296-00-2124).....\$13,158,378

Occupational health and safety –

federal fund (296-00-3339-3210) No limit

Employment security interest

assessment fund (296-00-2771-2700) No limit

Special employment

security fund (296-00-2120-2000)..... No limit

Employment security

administration fund (296-00-3335) No limit

Provided, That in addition to the other purposes for which expenditures may be made by the department of labor from the employment security administration fund for fiscal year 2025 as authorized by this or other appropriation act of the 2025 regular session of the legislature, expenditures may be made by the department of labor from the employment security administration fund for fiscal year 2025 from moneys made available to the state under section 903 of the federal social security act for the purpose of unemployment insurance modernization: *Provided further*, That expenditures from such fund for fiscal year 2025 of moneys made available to the state under section 903 of the federal social security act for such unemployment insurance modernization purposes shall not exceed \$4,821,302: *And provided further*, That all expenditures from the employment security

administration fund for any such unemployment insurance modernization purposes shall be in addition to any expenditure limitation imposed on the employment security administration fund for fiscal year 2025.

Wage claims assignment	
fee fund (296-00-2204-2240)	No limit
Department of labor special	
projects fund (296-00-2041-2105)	No limit
Federal indirect cost	
offset fund (296-00-2302-2280)	No limit

Provided, That, notwithstanding the provisions of K.S.A. 44-716a, and amendments thereto, or any other statute during fiscal year 2025, the secretary of labor, with the approval of the director of the budget, may transfer from the special employment security fund of the department of labor to the department of labor federal indirect cost offset fund the portion of such amount that is determined necessary to be in compliance with the employment security law: *Provided further*, That, upon approval of any such transfer by the director of the budget, notification shall be provided to the director of legislative research department.

Employment security fund (296-00-7056-7200).....	No limit
Labor force statistics	
federal fund (296-00-3742-3742)	No limit
Compensation and working conditions	
federal fund (296-00-3743-3743)	No limit
Employment services Wagner-Peyser funded	
activities federal fund (296-00-3275-3275).....	No limit
Dispute resolution fund (296-00-2587-2270)	No limit

Provided, That all moneys received by the secretary of labor for reimbursement of expenditures for the costs incurred for mediation under K.S.A. 72-2232, and amendments thereto, and for fact-finding under K.S.A. 72-2233, and amendments thereto, shall be deposited in the state treasury and credited to the dispute resolution fund: *Provided further*, That expenditures may be made from this fund to pay the costs incurred for mediation under K.S.A. 72-2232, and amendments thereto, and for fact-finding under K.S.A. 72-2233, and amendments thereto, subject to full reimbursement therefor by the board of education and the professional employees’ organization involved in such mediation and fact-finding procedures.

Indirect cost fund (296-00-2781-2781)	No limit
Workforce data quality initiative –	
federal fund (296-00-3237-3237)	No limit
Employment security fund	
clearing account (296-00-7055-7100)	No limit

Employment security fund	
benefit account (296-00-7054-7000)	No limit
Employment security fund – special	
suspense account (296-00-7057-7300)	No limit
Employment security fund	
trust account (296-00-7056-7200)	No limit
Special wage payment clearing	
trust fund (296-00-7362-7500)	No limit
Economic adjustment assistance –	
federal fund (296-00-3415-3415)	No limit
Social security administration disability –	
federal fund (296-00-3309-3309)	No limit
Amusement ride safety fund (296-00-2224-2250)	No limit
KDOL off-budget fund (296-00-6112-6100)	No limit
SNAP employment and training pilot –	
federal fund (296-00-3321-3350)	No limit
Anti-human trafficking –	
federal fund (296-00-3644-3644)	No limit
Coronavirus relief fund (296-00-3753)	No limit
American rescue plan state relief fund (296-00-3756-3536)	No limit

Sec. 74.

KANSAS COMMISSION ON VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures –	
administration (694-00-1000-0103)	\$10,055
Operating expenditures –	
veteran services (694-00-1000-0203)	\$19,264
Operations – state	
veterans cemeteries (694-00-1000-0703)	\$4,115
Operating expenditures – Kansas	
soldiers' home (694-00-1000-0403)	\$91,715
Operating expenditures – Kansas	
veterans' home (694-00-1000-0503)	\$235,115
Veterans claim assistance program –	
service grants (694-00-1000-0903)	\$150,000

(b) During the fiscal year ending June 30, 2024, the director of the Kansas commission on veterans affairs office, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2024, from the state institutions building fund for the Kansas commission on veterans affairs office or any institution or facility under the general supervision and management of

the Kansas commission on veterans affairs office to another item of appropriation for fiscal year 2024 from the state institutions building fund for the Kansas commission on veterans affairs office or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs office. The director of the Kansas commission on veterans affairs office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 75.

KANSAS COMMISSION ON
VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures –
administration (694-00-1000-0103)\$1,394,420

Provided, That any unencumbered balance in the operating expenditures – administration account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Operating expenditures –
veteran services (694-00-1000-0203)\$1,711,600

Provided, That any unencumbered balance in the operating expenditures – veteran services account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,500.

Operations – state
veterans cemeteries (694-00-1000-0703).....\$936,465

Provided, That any unencumbered balance in the operations – state veterans cemeteries account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,500.

Operating expenditures – Kansas
soldiers’ home (694-00-1000-0403)\$4,498,946

Provided, That any unencumbered balance in the operating expenditures – Kansas soldiers’ home account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Operating expenditures – Kansas
veterans’ home (694-00-1000-0503)\$4,928,519

Provided, That any unencumbered balance in the operating expenditures – Kansas veterans’ home account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Veterans claim assistance program –
 service grants (694-00-1000-0903).....\$1,000,000

Provided, That any unencumbered balance in the veterans claim assistance program – service grants account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures from the veterans claim assistance program – service grants account shall be made only for the purpose of awarding service grants to veterans service organizations for the purpose of aiding veterans in obtaining federal benefits: *Provided, however*, That no expenditures shall be made by the Kansas commission on veterans affairs office from the veterans claim assistance program – service grants account for operating expenditures or overhead for administering the grants in accordance with the provisions of K.S.A. 73-1234, and amendments thereto.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Soldiers' home fee fund (694-00-2241-2100).....	No limit
Soldiers' home	
medicare fund (694-00-3168-3100)	No limit
Soldiers' home	
medicaid fund (694-00-2464-2464)	No limit
Veterans' home	
medicare fund (694-00-3893-3893)	No limit
Veterans' home	
medicaid fund (694-00-2469-2469)	No limit
Veterans' home fee fund (694-00-2236-2200).....	No limit
State veterans cemeteries	
fee fund (694-00-2332-2600)	No limit
State veterans cemeteries donations and	
contributions fund (694-00-7308-5200).....	No limit
VA burial reimbursement	
fund – federal (694-00-3212-3310)	No limit
Federal domiciliary per diem fund (694-00-3220)	No limit
Federal long term care	
per diem fund (694-00-3232).....	No limit
Commission on veterans affairs	
federal fund (694-00-3241)	No limit
American rescue plan state	
relief fund (694-00-3756-3536).....	No limit
Vietnam war era veterans' recognition	
award fund (694-00-7017-7000).....	No limit

Kansas hometown	
heroes fund (694-00-7003-7001).....	No limit
Construction state home	
facilities fund (694-00-3018-3000).....	No limit
State cemetery grants fund (694-00-3048).....	No limit
Kansas soldier home construction	
grant fund (694-00-3075)	No limit
Coronavirus relief fund (694-00-3753).....	No limit
CARES provider relief fund (694-00-3754).....	No limit
Veterans benefit lottery	
game fund (694-00-2303)	No limit

Provided, That expenditures from the veterans benefit lottery game fund shall be in an amount equal to 50% for operating expenditures and capital improvements of the above agency, or for the use and benefit of the Kansas veterans’ home, the Kansas soldiers’ home and the state veterans cemetery system; and 50% for the veterans enhanced service delivery program.

(c) (1) During the fiscal year ending June 30, 2025, notwithstanding the provisions of K.S.A. 73-1231, 73-1233, 75-3728g, 76-1906 or 76-1953, and amendments thereto, or any other statute, the director of the Kansas commission on veterans affairs office, with the approval of the director of the budget, may transfer moneys that are credited to a special revenue fund of the Kansas commission on veterans affairs office to another special revenue fund of the Kansas commission on veterans affairs office. The director of the Kansas commission on veterans affairs office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(2) As used in this subsection, “special revenue fund” means the soldiers’ home fee fund (694-00-2241-2100), veterans’ home fee fund (694-00-2236-2200), soldiers’ home outpatient clinic fund (694-00-2258-2300), soldiers’ home benefit fund (694-00-7903-5400), soldiers’ home work therapy fund (694-00-7951-5600), veterans’ home canteen fund (694-00-7809-5300), veterans’ home benefit fund (694-00-7904-5500), Persian Gulf War veterans health initiative fund (694-00-2304-2500), state veterans cemeteries fee fund (694-00-2332-2600), state veterans cemeteries donations and contributions fund (694-00-7308-5200) and Kansas veterans memorials fund (694-00-7332-5210).

(d) During the fiscal year ending June 30, 2025, the director of the Kansas commission on veterans affairs office, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2025, from the state general fund for the Kansas commission on veterans affairs office or any institution or facility under the general supervision and management of the Kansas

commission on veterans affairs office to another item of appropriation for fiscal year 2025 from the state general fund for the Kansas commission on veterans affairs office or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs office. The director of the Kansas commission on veterans affairs office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) During the fiscal year ending June 30, 2025, the director of the Kansas commission on veterans affairs office, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2025, from the state general fund for the Kansas commission on veterans affairs office to the Vietnam war era veterans' recognition award fund (694-00-7017-7000). The director of the Kansas commission on veterans affairs office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(f) During the fiscal year ending June 30, 2025, the director of the Kansas commission on veterans affairs office, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2025, from the state institutions building fund for the Kansas commission on veterans affairs office or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs office to another item of appropriation for fiscal year 2025 from the state institutions building fund for the Kansas commission on veterans affairs office or any institution or facility under the general supervision and management of the Kansas commission on veterans affairs office. The director of the Kansas commission on veterans affairs office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(g) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,260,000 from the lottery operating fund (450-00-5123-5100) of the Kansas lottery to the veterans benefit lottery game fund (694-00-2303-2303) of the Kansas commission on veterans affairs office.

Sec. 76.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF PUBLIC HEALTH

(a) There is appropriated from the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (including official
hospitality) (264-00-1000-0202)\$21,429

Operating expenditures (including official hospitality) – health (264-00-1000-0270).....	\$2,339,167
Laboratory move (264-00-1000).....	\$6,234,800
Lab equipment replacement (264-00-1000-0800).....	\$410,000

Sec. 77.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF PUBLIC HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (including official hospitality) (264-00-1000-0202)	\$5,940,415
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Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Operating expenditures (including official hospitality) – health (264-00-1000-0270).....	\$10,229,581
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Provided, That any unencumbered balance in the operating expenditures (including official hospitality) – health account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Vaccine purchases (264-00-1000-0900).....	\$329,607
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Provided, That any unencumbered balance in the vaccine purchases account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Aid to local units (264-00-1000-0350)	\$8,249,202
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Provided, That any unencumbered balance in the aid to local units account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That, except as provided in subsection (k), all expenditures from this account for state financial assistance to local health departments shall be in accordance with the formula prescribed by K.S.A. 65-241 through 65-246, and amendments thereto.

Aid to local units – primary health projects (264-00-1000-0460).....	\$18,750,690
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Provided, That any unencumbered balance in the aid to local units – primary health projects account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That prescription support expenditures shall be made from the aid to local units – primary health projects account for: (1) Purchasing drug inventory under section 340B of the federal public health service act for community health center grantees and federally qualified health center look-alikes who qualify; (2) increasing access to prescription drugs by subsidizing a portion of the

costs for the benefit of patients at section 340B participating clinics on a sliding fee scale; and (3) expanding access to prescription medication assistance programs by making expenditures to support operating costs of assistance programs: *And provided further*, That funded clinics shall be not-for-profit or publicly funded primary care clinics or dental clinics, including federally qualified community health centers and federally qualified community health center look-alikes, as defined by 42 U.S.C. § 330, that provide comprehensive primary health care or dental services, offer sliding fee discounts based upon household income and serve any person regardless of ability to pay and have a unique patient panel that, at a minimum, represents the income-based disparities of the community: *And provided further*, That policies determining patient eligibility due to income or insurance status may be determined by each community but must be clearly documented and posted: *And provided further*, That of the moneys appropriated in the aid to local units – primary health projects account, not less than \$20,750,690 shall be distributed for community-based primary care grants and services provided by the community care network of Kansas.

Infant and toddler program (264-00-1000-0570).....\$9,500,000

Provided, That any unencumbered balance in the infant and toddler program account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That during the fiscal year ending June 30, 2025, expenditures shall be made by the above agency from the infant and toddler program account in the amount of \$7,500,000 for the purposes of aid to local units and other assistance: *And provided further*, That such moneys shall not be expended for administrative costs incurred by the above agency: *And provided further*, That expenditures of at least \$1,500,000 shall be made from such account to provide early childhood vision services for children served by the Kansas state school for the blind.

Aid to local units –

women’s wellness (264-00-1000-0610)\$444,296

Provided, That any unencumbered balance in the aid to local units – women’s wellness account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That all expenditures from the aid to local units – women’s wellness account shall be in accordance with grant agreements entered into by the secretary of health and environment and grant recipients.

Immunization programs (264-00-1000-1400).....\$397,418

Provided, That any unencumbered balance in the immunization programs account in excess of \$100 as of June 30, 2023, is hereby reappropriated for fiscal year 2024.

Breast cancer	
screening program (264-00-1000-1300)	\$1,219,336
<i>Provided</i> , That any unencumbered balance in the breast cancer screening program account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.	
Pregnancy maintenance	
initiative (264-00-1000-1100)	\$677,692
<i>Provided</i> , That any unencumbered balance in the pregnancy maintenance initiative account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.	
Cerebral palsy	
posture seating (264-00-1000-1500)	\$303,537
<i>Provided</i> , That any unencumbered balance in the cerebral palsy posture seating account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: <i>Provided further</i> , That expenditures may be made by the above agency from the cerebral palsy posture seating account for posture seating for adults.	
PKU treatment (264-00-1000-1710)	\$199,274
<i>Provided</i> , That any unencumbered balance in the PKU treatment account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.	
Teen pregnancy	
prevention activities (264-00-1000-0650)	\$338,846
<i>Provided</i> , That any unencumbered balance in the teen pregnancy prevention activities account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.	
State trauma fund (264-00-1000-1720)	\$300,000
<i>Provided</i> , That any unencumbered balance in the state trauma fund account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.	
Lyme disease prevention and research (264-00-1000-0670)	\$140,000
<i>Provided</i> , That any unencumbered balance in the lyme disease prevention and research account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.	
Child abuse review	
and evaluation (264-00-1000-1550)	\$875,970
<i>Provided</i> , That any unencumbered balance in the child abuse review and evaluation account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: <i>Provided further</i> , That expenditures shall	

be made from the child abuse review and evaluation program account to train healthcare providers to recognize signs of child abuse and reimburse reviews and examinations conducted by such trained healthcare providers: *And provided further*, That on or before January 13, 2025, the above agency shall submit a report to the house of representatives committee on appropriations and the senate committee on ways and means on services provided and the location of services provided by the program.

Tobacco cessation program (264-00-1000-0680)\$938,756

Provided, That any unencumbered balance in the tobacco cessation program account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Lab equipment replacement (264-00-1000-0800).....\$280,000

Provided, That any unencumbered balance in the lab equipment replacement account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Laboratory (264-00-1000)\$5,422,273

Provided, That, during the fiscal year ending June 30, 2025, expenditures shall be made by the above agency from the laboratory account in the amount of \$2,500,000 for the purposes of environmentally at-risk testing related to contamination sites in Sedgwick county, including, but not limited to, comprehensive metabolic panels, complete blood count with differential tests, routine comprehensive urinalysis with microscopic examinations and alpha fetoprotein tests: *Provided further*, That of such \$2,500,000 provided from such account for environmentally at-risk testing in Sedgwick county, \$1,000,000 of such expenditures for such purpose shall require a local match of nonstate moneys on a \$1-for-\$1 basis.

Laboratory move (264-00-1000)\$3,039,000

Provided, That any unencumbered balance in the laboratory move account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Adult inpatient behavioral health services\$5,000,000

Provided, That expenditures shall be made from the adult inpatient behavioral health services account for providing adult inpatient behavioral health services at AdventHealth Shawnee Mission, ascension Via Christi St. Joseph campus, Hutchinson regional medical center, Salina regional health center, Stormont Vail regional medical center and the university of Kansas health system and such expenditures shall be distributed based on the number of adult behavioral health beds available at each facility.

Specialty health care access programs (264-00-1000-1450)\$550,000

Rural hospital bridge funding (264-00-1000).....\$2,000,000

Any unencumbered balance in the following accounts in excess of \$100 as of June 30, 2024, are hereby reappropriated for fiscal year 2025: KDHE lab (264-00-1000-8750), childcare pilot (264-00-1000-0580), specialty health care access programs (264-00-1000-1450).

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Disease control and prevention investigations and technical assistance – federal fund (264-00-3150)	No limit
Health and environment training fee fund – health (264-00-2183-2160)	No limit

Provided, That expenditures may be made from the health and environment training fee fund – health for acquisition and distribution of division of public health program literature and films and for participation in or conducting training seminars for training employees of the division of public health of the department of health and environment, for training recipients of state aid from the division of public health of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of public health: *Provided further*, That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: *And provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the health and environment training fee fund – health: *And provided further*, That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of public health from moneys appropriated from the health and environment training fee fund – health for fiscal year 2025, expenditures may be made by the department of health and environment from the health and environment training fee fund – health for fiscal year 2025 for agency operations for the division of public health.

Health facilities review fund (264-00-2505-2250)	No limit
Insurance statistical plan fund (264-00-2243-2840)	No limit
Health and environment publication fee fund – health (264-00-2541-2190)	No limit

Provided, That expenditures from the health and environment publication fee fund – health shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662, and amendments thereto.

District coroners fund (264-00-2653-2320)	No limit
Sponsored project overhead	
fund – health (264-00-2912-2710)	No limit
Conversion of materials and equipment	
fund – health (264-00-2410-2240)	No limit
Tuberculosis elimination and laboratory –	
federal fund (264-00-3559-3559)	No limit
Maternity centers and child care facilities licensing	
fee fund (264-00-2731-2731)	No limit
Child care and development block grant –	
federal fund (264-00-3028-3450)	No limit
Federal supplemental funding for tobacco prevention	
and control – federal fund (264-00-3574-3574)	No limit
Coordinated chronic disease prevention	
and health promotion program –	
federal fund (264-00-3575-3575)	No limit
Office of rural health –	
federal fund (264-00-3031-3640)	No limit
Emergency medical services for children –	
federal fund (264-00-3292-3292)	No limit
Primary care offices –	
federal fund (264-00-3293-3293)	No limit
Injury intervention –	
federal fund (264-00-3294-3294)	No limit
Oral health workforce activities –	
federal fund (264-00-3297-3297)	No limit
Rural hospital flex program –	
federal fund (264-00-3298-3298)	No limit
Hospital bioterrorism preparedness –	
federal fund (264-00-3398-3398)	No limit
Kansas coalition against sexual and domestic violence –	
federal fund (264-00-3907-3907)	No limit
ARRA collaborative component I –	
federal fund (264-00-3890-3891)	No limit
ARRA collaborative component III –	
federal fund (264-00-3890-3892)	No limit
ARRA ambulatory surgical center ASC/HAI medicare –	
federal fund (264-00-3486-3486)	No limit
Medicare – federal fund (264-00-3064-3062)	No limit

Provided, That transfers of moneys from the medicare – federal fund to the state fire marshal may be made during fiscal year 2025 pursuant to a contract, which is hereby authorized to be entered into by the secretary of health and environment and the state fire marshal to provide fire and safety inspections for hospitals.

Migrant health program –	
federal fund (264-00-3069-3070)	No limit
Tuberculosis prevention –	
federal fund (264-00-3071-4610)	No limit
Strengthen public health immunization infrastructure –	
federal fund (264-00-3568-3568)	No limit
Healthy homes and lead poisoning prevention –	
federal fund (264-00-3572-3572)	No limit
Children’s mercy hospital lead program –	
federal fund (264-00-3152-3154)	No limit
Women, infants and children health program –	
federal fund (264-00-3077-3103)	No limit
Immunization and vaccines for children grants –	
federal fund (264-00-3747-3741)	No limit
Home visiting grant –	
federal fund (264-00-3503-3503)	No limit
Preventive health block grant –	
federal fund (264-00-3614-3200)	No limit
Maternal and child health block grant –	
federal fund (264-00-3616-3210)	No limit
National center for health statistics –	
federal fund (264-00-3617-3220)	No limit
Title X family planning services program –	
federal fund (264-00-3622-3271)	No limit
Comprehensive STD prevention systems –	
federal fund (264-00-3070-3080)	No limit
Make a difference information network –	
federal fund (264-00-3234-3234)	No limit
Ryan White title II –	
federal fund (264-00-3328-3310)	No limit
Bicycle helmet distribution –	
federal fund (264-00-3815-3815)	No limit
Bicycle helmet revolving fund (264-00-2575-2630).....	No limit
SSA fee fund (264-00-2269-2030)	No limit
Childhood lead poisoning prevention program –	
federal fund (264-00-3296-3296)	No limit
State implementation projects for prevention	
of secondary conditions – federal fund (264-00-3087-4405)	No limit

Title IV-E – federal fund (264-00-3326-3900)	No limit
HIV prevention projects –	
federal fund (264-00-3740-3521)	No limit
HIV/AIDS surveillance –	
federal fund (264-00-3399-3399)	No limit
Infants & toddlers Prt C –	
federal fund (264-00-3516-3171)	No limit
Universal newborn hearing screening –	
federal fund (264-00-3459-3459)	No limit
State loan repayment program –	
federal fund (264-00-3760-3755)	No limit
Opt-out testing initiative –	
federal fund (264-00-3801-3801)	No limit
Adult lead surveillance data –	
federal fund (264-00-3496-3496)	No limit
Medical reserve corps contract –	
federal fund (264-00-3502-3502)	No limit
Trauma fund (264-00-2513-2230)	No limit
<i>Provided</i> , That expenditures may be made by the department of health and environment for fiscal year 2025 from the trauma fund of the department of health and environment – division of public health for the stroke prevention project: <i>Provided further</i> , That expenditures from the trauma fund for official hospitality shall not exceed \$3,000.	
Homeland security –	
federal fund (264-00-3329-3319)	No limit
Refugee assistance –	
federal fund (264-00-3378-3345)	No limit
Personal responsibility education program –	
federal fund (264-00-3494-3494)	No limit
Kansas vital records for quality improvement –	
federal fund (264-00-3098-3098)	No limit
Kansas early detection works breast & cervical	
cancer screening services –	
federal fund (264-00-3099-3099)	No limit
Kansas public health approaches for	
ensuring quitline capacity –	
federal fund (264-00-3097-3097)	No limit
Diagnostic x-ray program –	
federal fund (264-00-3511-3160)	No limit
HRSA small hospital improvement grant program –	
federal fund (264-00-3371-3371)	No limit
State indoor radon grant –	
federal fund (264-00-3884-3930)	No limit

Gifts, grants and donations

fund – health (264-00-7311-7090) No limit

Special bequest fund – health (264-00-7366-7050) No limit

Civil registration and health statistics

fee fund (264-00-2291-2295) No limit

Power generating facility

fee fund (264-00-2131-2130) No limit

Nuclear safety emergency preparedness special

revenue fund (264-00-2415-2280) No limit

Provided, That all moneys received by the department of health and environment – division of public health from the nuclear safety emergency management fee fund (034-00-2081-2200) of the adjutant general shall be credited to the nuclear safety emergency preparedness special revenue fund of the department of health and environment – division of public health: *Provided further*, That expenditures from the nuclear safety emergency preparedness special revenue fund for official hospitality shall not exceed \$2,500.

Radiation control operations

fee fund (264-00-2531-2530) No limit

Provided, That expenditures from the radiation control operations fee fund for official hospitality shall not exceed \$2,000.

Strengthening public health infrastructure –

federal fund (264-00-3547-3547) No limit

Improving minority health –

federal fund (264-00-3548-3548) No limit

Abstinence education –

federal fund (264-00-3549-3549) No limit

Affordable care act – federal fund (264-00-3546-3546) No limit

Carbon monoxide detector/fire injury prevention –

federal fund (264-00-3508-3508) No limit

Health information exchange –

federal fund (264-00-3493-3493) No limit

Kansas newborn screening fund (264-00-2027-2027) No limit

Actions to prevent and control diabetes,

heart disease, and obesity –

federal fund (264-00-3749-3742) No limit

Healthy start initiative –

federal fund (264-00-3751-3751) No limit

Immunization capacity building assistance –

federal fund (264-00-3744-3744) No limit

Hospital preparedness and response program for Ebola –

federal fund (264-00-3033-3033) No limit

CDC multipurpose grant	
federal fund (264-00-3243-3243)	No limit
Kansas newborn screening information system	
maintenance and enhancement	
federal fund (264-00-3612-3612)	No limit
Lifting young families toward excellence	
federal fund (264-00-3627-3627)	No limit
Cancer registry federal fund (264-00-3008-3040)	No limit
Hospital preparedness Ebola –	
federal fund (264-00-3093-3093)	No limit
Kansas survivor care quality initiative –	
federal fund (264-00-3101-3610)	No limit
Zika birth defects surveillance & referral –	
federal fund (264-00-3102-3620)	No limit
IDEA infant toddler-part C-ARRA –	
federal fund (264-00-3282-3282)	No limit
SAMHSA project launch intv. –	
federal fund (264-00-3284-3284)	No limit
Immunization grant –	
federal fund (264-00-3372-3150)	No limit
Small hospital improvement program –	
federal fund (264-00-3392-3392)	No limit
Cardiovascular health program –	
federal fund (264-00-3401-3407)	No limit
Kansas senior farmers market nutrition program –	
federal fund (264-00-3406-3406)	No limit
Lead poisoning preventive health –	
federal fund (264-00-3626-4132)	No limit
ARRA – WIC grants to states –	
federal fund (264-00-3750-3750)	No limit
Census of trauma occp fatal. –	
federal fund (264-00-3797-3670)	No limit
Homeland security grant-KHP –	
federal fund (264-00-3199-3199)	No limit
Refugee health – federal fund (264-00-3393-3393)	No limit
ARRA – migrant – federal fund (264-00-3396-3396)	No limit
ARRA – transfer from SRS –	
federal fund (264-00-3471-3471)	No limit
Public health crisis response –	
federal fund (264-00-3602-3602)	No limit
Diabetes & heart disease &	
stroke prevention programs –	
federal fund (264-00-3603-3603)	No limit

Innovative state & local public health strategies to prevent & manage diabetes and heart disease and stroke – federal fund (264-00-3604-3604)	No limit
Kansas actions to improve oral health outcomes – federal fund (264-00-3921-3921)	No limit
ARRA – survey, licensure and epidemiology – federal fund (264-00-3746-3746)	No limit
Campus sexual assault prevention grant – federal fund (264-00-3035-3035)	No limit
Alzheimer’s association inclusion – federal fund (264-00-3607-3607)	No limit
ESSA preschool development grants birth through five – federal fund (264-00-3608-3608)	No limit
Preventing maternal deaths – federal fund (264-00-3896-3896)	No limit
Right-to-know fee fund (264-00-2325-2325)	No limit
Child care criminal background and fingerprint fund (264-00-2313-2313)	No limit
Kansas tobacco control program – federal fund (264-00-3598-3598)	No limit
Colorectal cancer screening – federal fund (264-00-3599-3599)	No limit
Arthritis evidence based interventions – federal fund (264-00-3755-3756)	No limit
Coronavirus relief fund (264-00-3753-3753)	No limit
Rural hospital innovation grant fund (264-00-2871-2871)	No limit
American rescue plan state relief fund (264-00-3756-3536)	No limit
Community health workers for COVID response and resilient communities fund (264-00-3832-3832)	No limit
Maternal deaths due to violence fund (264-00-3724-3724)	No limit
SHIP COVID testing and mitigation fund (264-00-3651-3651)	No limit
Adult viral hepatitis prevention and control fund (264-00-3641-3641)	No limit
COVID 19 health disparities fund (264-00-3683-3683)	No limit
Kansas environmental health capacity program fund (264-00-3660-3660)	No limit

HIV care formula grant	
federal fund (264-00-3328-3311)	No limit
Drug endangered children in	
Kansas fund (264-00-3657-3657)	No limit
Strengthening U.S. public	
health fund (264-00-3926-3926)	No limit
Expanding COVID-19	
vaccination fund (264-00-3931-3931)	No limit
Adv. health equity for	
diabetes fund (264-00-3901-3901)	No limit
Climate pollution reduction	
grants fund (264-00-3897-3897)	No limit
KS CCR state permitting	
program fund (264-00-3934-3934)	No limit
Solid waste infrastructure for	
recycling fund (264-00-3659-3659)	No limit
WISEWOMAN fund (264-00-3933-3933)	No limit
Expanding public health	
workforce fund (264-00-3287-3287)	No limit
Plant/animal disease and	
pest control (264-00-3360-3539)	No limit

(c) On July 1, 2024, and on other occasions during fiscal year 2025, when necessary as determined by the secretary of health and environment, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment that constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs from specified special revenue funds of the department of health and environment – division of public health or of the department of health and environment – division of environment to the sponsored project overhead fund – health (264-00-2912-2715) of the department of health and environment – division of public health.

(d) During the fiscal year ending June 30, 2025, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue funds of the department of health and environment – division of public health that have available moneys to the sponsored project overhead fund – health (264-00-2912-2710) of the department of health and environment – division of public health for expenditures, as the case may be, for administrative expenses.

(e) During the fiscal year ending June 30, 2025, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment – division of public health to the sponsored project overhead fund – health (264-00-

2912-2710) of the department of health and environment – division of public health pursuant to this section may include amounts not to exceed 25% of the expenditures from such special revenue fund or funds, excepting expenditures for contractual services.

(f) During the fiscal year ending June 30, 2025, the secretary of health and environment, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2025 from the state general fund for the department of health and environment – division of public health or the department of health and environment – division of environment to another item of appropriation for fiscal year 2025 from the state general fund for the department of health and environment – division of public health or the department of health and environment – division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(g) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health from moneys appropriated from the district coroners fund (264-00-2653-2320) for fiscal year 2025, as authorized by this or other appropriation act of the 2025 regular session of the legislature, and notwithstanding the provisions of K.S.A. 22a-245, and amendments thereto, or any other statute, expenditures may be made by the department of health and environment – division of public health from such moneys appropriated from the district coroners fund of the department of health and environment – division of public health for fiscal year 2025 pursuant to K.S.A. 22a-242, and amendments thereto.

(h) On July 1, 2024, the director of accounts and reports shall transfer \$200,000 from the health care stabilization fund (270-00-7404-2100) of the health care stabilization fund board of governors to the health facilities review fund (264-00-2505-2250) of the department of health and environment – division of public health for the purpose of financing a review of records of licensed medical care facilities and an analysis of quality of health care services provided to assist in correcting substandard services and to reduce the incidence of liability resulting from the rendering of health care services and implementing the risk management provisions of K.S.A. 65-4922 et seq., and amendments thereto.

(i) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2025, the following:

Healthy start (264-00-2000-2105)\$1,652,876
Provided, That any unencumbered balance in the healthy start account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Infants and toddlers program (264-00-2000-2107).....\$5,800,000

Provided, That any unencumbered balance in the infants and toddlers program account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Smoking prevention (264-00-2000-2109).....\$1,001,960

Provided, That any unencumbered balance in the smoking prevention account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

SIDS network grant (264-00-2000-2115).....\$122,106

Provided, That any unencumbered balance in the SIDS network grant account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Child care health and safety grants (264-00-2000)\$1,300,000

(j) In addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health during fiscal year 2025 from moneys appropriated from the state general fund or any special revenue fund or funds by this or any other appropriation act of the 2025 regular session of the legislature, expenditures shall be made from such moneys to contract for the services of one or more persons to survey and certify dialysis treatment facilities located in the state of Kansas: *Provided*, That, if the above agency has not surveyed a newly constructed dialysis treatment facility within one year after the operator of the facility notifies the above agency that the facility is operational, then the above agency may charge the cost of any survey performed on the facility to the operator of such facility: *Provided further*, That any expenditure of moneys and any survey conducted pursuant to this subsection shall comply with requirements imposed by federal law.

(k) Notwithstanding the provisions of K.S.A. 65-242, and amendments thereto, or any other statute to the contrary, during the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2025 by this or any other appropriation act of the 2025 regular session of the legislature, expenditures shall be made by the above agency from such moneys to distribute to each local health department an amount of not less than \$12,000 upon application therefor in accordance with K.S.A. 65-242, and amendments thereto: *Provided*, That any remaining moneys appropriated for such purpose, if any, after making distributions in accordance with this subsection shall be distributed in accordance with K.S.A. 65-242, and amendments thereto: *Provided, however*, That, if sufficient funds are not available to make a minimum distribution of \$12,000, then the provisions of K.S.A. 65-242, and amendments thereto, shall control.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the moneys that are identified as moneys from the federal government for coronavirus relief aid to the state of Kansas and appropriated in any special revenue fund or funds for fiscal year 2025, as authorized by this or other appropriation act of the 2025 regular session of the legislature, expenditures shall be made by the above agency from such moneys appropriated from such special revenue fund or funds for fiscal year 2025 to reimburse for testing certified testing laboratories that have entered into an agreement with the above agency and are providing community COVID-19 testing to the general public.

Sec. 78.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF HEALTH CARE FINANCE

(a) On the effective date of this act, of the \$23,262,331 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 86(a) of chapter 82 of the 2023 Session Laws of Kansas from the state general fund in operating expenditures (264-00-1000-0010), the sum of \$6,625,140 is hereby lapsed.

(b) On the effective date of this act, of the \$700,032,680 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 86(a) of chapter 82 of the 2023 Session Laws of Kansas from the state general fund in other medical assistance (264-00-1000-3026), the sum of \$39,689,787 is hereby lapsed.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 86(b) of chapter 82 of the 2023 Session Laws of Kansas on the medical programs fee fund (264-00-2395-0110) of the department of health and environment – division of health care finance is hereby increased from \$126,123,554 to \$133,223,554.

Sec. 79.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF HEALTH CARE FINANCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (264-00-1000-0010)\$25,779,192

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures shall be made from the operating expenditures account of the above agency for the drug utilization review board to perform an annual review of the approved exemptions to the current single source limit by program.

Children’s health insurance program (264-00-1000-0060)\$51,836,512

Provided, That any unencumbered balance in the children's health insurance program account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Other medical assistance (264-00-1000-3026)\$728,305,486

Provided, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025; *Provided further*, That expenditures may be made from the other medical assistance account by the above agency for the purpose of implementing or expanding any prior authorization project; *And provided further*, That an evaluation of the automated implementation, savings obtained from implementation, and other outcomes of the implementation or expansion shall be submitted to the Robert G. (Bob) Bethell joint committee on home and community based services and KanCare oversight prior to the start of the regular session of the legislature in 2025.

Wichita center for graduate

medical education (264-00-1000-3027)\$2,950,000

Provided, That any unencumbered balance in the Wichita center for graduate medical education account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Graduated medical education (264-00-1000-3028)\$1,300,000

Provided, That any unencumbered balance in the graduated medical education account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Special enhanced FMAP (264-00-1000-0449).....\$4,000,000

Provided, That any unencumbered balance in the special enhanced FMAP account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Division of health care finance special

revenue fund (264-00-2360-2350)No limit

Provided, That expenditures from the division of health care finance special revenue fund for the fiscal year ending June 30, 2025, for official hospitality shall not exceed \$1,000.

Health committee insurance fund (264-00-2569-2500)No limit

Health care database

fee fund (264-00-2578-2570)No limit

Association assistance	
plan fund (264-00-2391-2391)	No limit
Medical programs fee fund (264-00-2395-0110)	\$126,123,554
Medical assistance fee fund (264-00-2185-2185)	No limit
Other state fees fund (264-00-2440-0100)	No limit
Health care access	
improvement fund (264-00-2443-2215)	No limit
MMIS and data analysis fund (264-00-2002-2002)	No limit
Children’s health insurance program	
federal fund (264-00-3424-0540)	No limit
State planning – health care –	
uninsured fund (264-00-3483-3483)	No limit
HIV care formula grant	
federal fund (264-00-3328-3311)	No limit
Medical assistance program	
federal fund (264-00-3414-0440)	No limit
Quality based community	
assessment fund (264-00-2760-2760)	No limit
KEES interagency	
transfer fund (264-00-6001-6001)	No limit
Energy assistance block grant (264-00-3305-3305)	No limit
Temporary assistance for	
needy families (264-00-3323-3530)	No limit
Title IV-E – adoption	
assistance (264-00-3357-3357)	No limit
Ryan White title II –	
federal fund (264-00-3328-3310)	No limit

(c) During the fiscal year ending June 30, 2025, any moneys donated or granted to the division of health care finance of the department of health and environment and any federal funds received as match to such donations or grants by the division of health care finance of the department of health and environment for the fiscal year ending June 30, 2025, shall only be expended by the division of health care finance of the department of health and environment to assist the clearinghouse in reducing any backlogs or waiting lists, unless otherwise specified by the donor or grantor: *Provided*, That any donated or granted moneys, and the matching moneys received therefor from the federal centers for medicare and medicaid services, shall not be used to supplant or replace funds already budgeted for the clearinghouse or to restore any other reductions in funding to the clearinghouse or the agency, unless otherwise specified by the donor or grantor.

(d) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the department of health

and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025 by this or any other appropriation act of the 2025 regular session of the legislature, expenditures shall be made by the above agency from such moneys to set the monthly protected income level for purposes of determining the person's client obligation at an amount equal to 300% of federal supplemental security income for any person in Kansas receiving home and community-based services administered under section 1915(c) of the federal social security act and any person in Kansas receiving services from a program of all-inclusive care for the elderly administered by the Kansas department for aging and disability services.

(e) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025 by this or any other appropriation act of the 2025 regular session of the legislature, expenditures shall be made by the above agency from such moneys to implement analytical and publicly available reporting that is compliant with the privacy rule of the administrative simplification subtitle of the health insurance portability and accountability act of 1996 (Pub. L. No. 104-191), and any federal regulations adopted thereunder, to measure outcomes and effectiveness of the health homes program known as onecare Kansas and to assist providers with the provisions of the health homes program.

(f) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025 by this or any other appropriation act of the 2025 regular session of the legislature, expenditures shall be made by the above agency from such moneys to submit to the United States centers for medicare and medicaid services a waiver request to allow for medicaid reimbursement for inpatient psychiatric acute care.

(g) During the fiscal year ending June 30, 2025, notwithstanding the provisions of K.S.A. 38-2001, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025 by this or any other appropriation act of the 2025 regular session of the legislature, expenditures shall be made by the above agency to provide coverage under the state children's health insurance program for children residing in a household that has a gross household income not to exceed 250% of the federal poverty guidelines.

(h) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the fiscal year 2025 by this or other appropriation act of the 2024 regular session of the legislature, expenditures shall be made from such moneys to work with hospice stakeholders to identify and submit to the centers for medicare and medicaid services any required state plan amendments needed to implement new payment and systems for hospice providers for fiscal year 2025.

(i) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025 as authorized by this or any other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by such agency from such moneys to study the required billing codes and costs of providing remote non-stress tests and ultrasound procedures to pregnant women through the medicaid program: *Provided*, That the results of such study shall be submitted to the senate committee on public health and welfare and house of representatives committee on health and human services on or before January 13, 2025.

(j) During the fiscal year ending June 30, 2025, notwithstanding the provisions of K.S.A. 65-6208, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the department of health and environment – division of health care finance from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025, as authorized by this or any other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by such agency from such moneys during fiscal year 2025 to submit to the United States centers for medicare and medicaid services an approval request to increase the hospital provider assessment rate to an amount not less than 5% and not greater than 6%, to include hospital inpatient and outpatient net operating revenue in the hospital provider assessment and to base such assessment on each hospital's fiscal year 2022: *Provided*, That the department of health and environment shall cause notice of such approval by the United States centers for medicare and medicaid services to be published in the Kansas register: *And provided further*, That the changes to the hospital provider assessment described in this subsection shall take effect on and after January 1 or July 1 immediately following such publication: *And provided further*, That, after such date, no additional moneys appropriated from the state general fund shall be expended to support rate enhancements under the hospital provider assessment.

Sec. 80.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (including official
hospitality) (264-00-1000-0300)\$30,720

(b) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2024, for the state water plan project or projects specified as follows:

Small town infrastructure (264-00-1800-1817).....\$0

Sec. 81.

DEPARTMENT OF HEALTH AND ENVIRONMENT –
DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (including official
hospitality) (264-00-1000-0300)\$2,503,371

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Small town infrastructure (264-00-1000)\$10,000,000

Provided, That any unencumbered balance in the small town infrastructure account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Mined-land conservation and reclamation
fee fund (264-00-2233-2220)No limit

Solid waste management fund (264-00-2271-2075)No limit

Provided, That expenditures may be made from the solid waste management fund during the fiscal year ending June 30, 2025, for official hospitality: *Provided further*, That such expenditures for official hospitality shall not exceed \$2,500.

Public water supply fee fund (264-00-2284-2085).....No limit

Voluntary cleanup fund (264-00-2288-2120)No limit

Storage tank fee fund (264-00-2293-2090)No limit

Air quality fee fund (264-00-2020-2830).....	No limit
Hazardous waste collection fund (264-00-2099-2010).....	No limit
Health and environment training fee fund – environment (264-00-2175-2170)	No limit
<i>Provided</i> , That expenditures may be made from the health and environment training fee fund – environment for acquisition and distribution of division of environment program literature and films and for participation in or conducting training seminars for training employees of the division of environment of the department of health and environment, for training recipients of state aid from the division of environment of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of environment: <i>Provided further</i> , That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: <i>And provided further</i> , That such fees may be fixed in order to recover all or part of such costs: <i>And provided further</i> , That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the health and environment training fee fund – environment: <i>And provided further</i> , That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of environment from moneys appropriated from the health and environment training fee fund – environment for fiscal year 2025, expenditures may be made by the department of health and environment from the health and environment training fee fund – environment for fiscal year 2025 for agency operations for the division of environment.	
Driving under the influence fund (264-00-2101-2020)	No limit
Waste tire management fund (264-00-2635-2820)	No limit
Health and environment publication fee fund – environment (264-00-2544-2195)	No limit
<i>Provided</i> , That expenditures from the health and environment publication fee fund – environment shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662, and amendments thereto.	
Local air quality control authority regulation services fund (264-00-2657-2330)	No limit
Environmental response fund (264-00-2662-2400).....	No limit
Sponsored project overhead fund – environment (264-00-2911-2720)	No limit

Chemical control fee fund (264-00-2212-2360).....	No limit
QuantiFERON TB laboratory fund (264-00-2458-2460).....	No limit
Resource conservation and recovery act – federal fund (264-00-3586-3190).....	No limit
Water supply – federal fund (264-00-3295-3130).....	No limit
Air quality section 103 – federal fund (264-00-3248-3246).....	No limit
EPA – core support – federal fund (264-00-3040-3000).....	No limit
Network exchange grant – federal fund (264-00-3267-3267).....	No limit
Kansas clean diesel grant – federal fund (264-00-3249-3250).....	No limit
Air quality program – federal fund (264-00-3072-3090).....	No limit
Sec. 106 monitoring initiative – federal fund (264-00-3619-3240).....	No limit
Air quality section 105 – federal fund (264-00-3249-3249).....	No limit
Leaking underground storage tank trust – federal fund (264-00-3812-3700).....	No limit
Surface mining control and reclamation act – federal fund (264-00-3820-3760).....	No limit
Abandoned mined-land – federal fund (264-00-3821-3770).....	No limit
Department of defense and state cooperative agreement – federal fund (264-00-3067-3031).....	No limit
EPA non-point source – federal fund (264-00-3889-3940).....	No limit
Pollution prevention program – federal fund (264-00-3908-3990).....	No limit
EPA water monitoring – federal fund (264-00-3086-4200).....	No limit
Gifts, grants and donations fund – environment (264-00-7314-7095).....	No limit
Special bequest fund – environment (264-00-7367-7040).....	No limit
Aboveground petroleum storage tank release trust fund (264-00-7398-7070).....	No limit
Underground petroleum storage tank release trust fund (264-00-7399-7060).....	No limit
Drycleaning facility release trust fund (264-00-7407-7250).....	No limit

Public water supply	
loan fund (264-00-7539-7800).....	No limit
Public water supply loan	
operations fund (264-00-3295-3295)	No limit
Kansas water pollution control	
revolving fund (264-00-7530-7400)	No limit
<i>Provided</i> , That the proceeds from revenue bonds issued by the Kansas development finance authority to provide matching grant payments under the federal clean water act of 1987 (P.L. 92-500) shall be credited to the Kansas water pollution control revolving fund: <i>Provided further</i> , That expenditures from this fund shall be made to provide for the payment of such matching grants.	
Kansas water pollution control	
operations fund (264-00-7960-8300)	No limit
Cost of issuance fund for Kansas water	
pollution control revolving fund	
revenue bonds (264-00-7531-7600)	No limit
Surcharge fund for Kansas water	
pollution control revolving fund	
revenue bonds (264-00-7539-7805)	No limit
Surcharge operations fund for Kansas	
water pollution control revolving	
fund revenue bonds (264-00-7531-7620)	No limit
Subsurface hydrocarbon	
storage fund (264-00-2228-2380)	No limit
Natural resources damages	
trust fund (264-00-7265-7265)	No limit
Hazardous waste	
management fund (264-00-2519-2290)	No limit
Brownfields revolving loan program –	
federal fund (264-00-3278-3278)	No limit
Mined-land reclamation fund (264-00-2685-2560)	No limit
Operator outreach training program –	
federal fund (264-00-3259-3259)	No limit
Underground storage tank –	
federal fund (264-00-3732-3510)	No limit
EPA underground injection control –	
federal fund (264-00-3295-3288)	No limit
Laboratory medicaid cost recovery fund –	
environment (264-00-2092-2060)	No limit
EPA state response program –	
federal fund (264-00-3370-3915)	No limit
Environmental use control fund (264-00-2292-2310)	No limit

Environmental response remedial activity specific sites – federal fund (264-00-3040-3003).....	No limit
Emergency environmental response – nonspecific sites federal fund (264-00-3067-3030).....	No limit
Medicare program – environment – federal fund (264-00-3096-3050).....	No limit
EPA pollution prevention – federal fund (264-00-3619-3240).....	No limit
Inspections Kansas infrastructure projects – federal fund (264-00-3910-3950).....	No limit
Salt solution mining well plugging fund (264-00-2247-2390).....	No limit
Water program management fund (264-00-2798-2798).....	No limit
UST redevelopment fund (264-00-7397-7080).....	No limit
<i>Provided, That, in addition to the other purposes authorized by K.S.A. 65-34,132, and amendments thereto, notwithstanding the provisions of K.S.A. 65-34,139(a)(3), and amendments thereto, expenditures shall be made from the UST redevelopment fund for fiscal year 2025 for the purposes of reimbursing eligible owners of underground storage tanks, if, pursuant to K.S.A. 65-34,139, and amendments thereto, the owner replaces all components of a single-wall storage tank system with a secondary containment system that complies with K.S.A. 65-34,138, and amendments thereto, after August 8, 2005.</i>	
Office of laboratory services operating fund (264-00-2161-2161).....	No limit
Risk management fund (264-00-7402-7402).....	No limit
Intoxilyzer replacement – federal fund (264-00-3092-3092).....	No limit
Environmental stewardship fund (264-00-7396-7096).....	No limit
EPA multi-purpose grant – federal fund (264-00-3103-3630).....	No limit
Volkswagen environmental fund (264-00-7269-7269).....	No limit
USDA conservation partnership – federal fund (264-00-3022-3022).....	No limit
Environmental response – federal fund (264-00-3066-3010).....	No limit
Other federal grants – federal fund (264-00-3095-5450).....	No limit
Alcohol impaired driving countermeasures incentive grants – federal fund (264-00-3247-3247).....	No limit

Air quality program –	
federal fund (264-00-3253-3253)	No limit
Water related grants –	
federal fund (264-00-3254-3260)	No limit
EPA nonpoint source implementation –	
federal fund (264-00-3915-3915)	No limit
Water protection state grants –	
federal fund (264-00-3264-3264)	No limit
Multi-media capacity building –	
federal fund (264-00-3277-3277)	No limit
Health watershed initiative –	
federal fund (264-00-3558-3558)	No limit
Small employer cafeteria plan	
development program (264-00-2386-2382).....	No limit
Environmental response RMDL act –	
federal fund (264-00-3005-3010)	No limit
Ticket to work grant –	
federal fund (264-00-3417-4367)	No limit
Demo to maintenance-indep. employer –	
federal fund (264-00-3419-3419)	No limit
EPA underground injection control –	
federal fund (264-00-3618-3230)	No limit
104G outreach training program –	
federal fund (264-00-3722-3500)	No limit
Drinking water lead testing in school and	
child care programs –	
federal fund (264-00-3670-3601)	No limit
Brownfields revolving loan	
program fund (264-00-7526-7103).....	No limit
Certification of environmental	
liability fund (264-00-7527-7230)	No limit
P/C safety net clinic loan	
guarantee fund (264-00-7551-7595)	No limit
KWPC surcharge	
services fees (264-00-7961-8400).....	No limit
KPWS revolving fund (264-00-7968-8500).....	No limit
KPWS surcharge service fees (264-00-7969-8600).....	No limit
Asbestos remediation fund (264-00-7342-7342).....	No limit
<i>Provided, That, notwithstanding the provisions of K.S.A. 65-5309, and amendments thereto, or any other statute, all fees or other moneys collected by the above agency during fiscal year 2025 related to asbestos remediation, as certified by the secretary of health and environment, shall be credited to the asbestos remediation fund.</i>	

Increasing technical assistance for regenerative agriculture peer mentoring programs fund (264-00-3083-3083)	No limit
Sewer overflow municipal grants program fund (264-00-3707-3707)	No limit
American rescue plan state relief fund (264-00-3756-3536)	No limit
Lead-based paint hazard fee fund (264-00-2289-2140)	No limit
Gulf of Mexico program fund (264-00-3703-3703)	No limit
Assistance for small and disadvantaged communities drinking water grant program fund (264-00-3655-3655)	No limit
Expanding COVID-19 vaccination fund (264-00-3931-3931)	No limit
Strengthening U.S. public health fund (264-00-3926-3926)	No limit
Adv. health equity for diabetes fund (264-00-3901-3901)	No limit
Climate pollution reduction grants fund (264-00-3897-3897)	No limit
KS CCR state permitting program fund (264-00-3934-3934)	No limit
Solid waste infrastructure for recycling fund (264-00-3659-3659)	No limit
WISEWOMAN fund (264-00-3933-3933)	No limit
Expanding public health workforce fund (264-00-3287-3287)	No limit
Plant/animal disease and pest control (264-00-3360-3539)	No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2025, for the state water plan project or projects specified as follows:

Contamination remediation (264-00-1800-1802)\$1,105,578

Provided, That any unencumbered balance in the contamination remediation account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Local environmental

protection program (264-00-1800-1803)\$250,000

Provided, That any unencumbered balance in the local environmental protection program account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

TMDL initiatives and use
attainability analysis (264-00-1800-1805)\$391,378

Provided, That any unencumbered balance in the TMDL initiatives and use attainability analysis account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Watershed restoration and
protection plan (264-00-1800-1808)\$1,000,000

Provided, That any unencumbered balance in the watershed restoration and protection plan account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Nonpoint source program (264-00-1800-1804)\$430,587

Provided, That any unencumbered balance in the nonpoint source program account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Aquifer recharge basin (264-00-1800-1809)\$0

Milford and Marion reservoirs harmful algae
bloom pilot (264-00-1800-1810)\$150,937

Provided, That any unencumbered balance in the Milford and Marion reservoirs harmful algae bloom pilot account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Drinking water protection (264-00-1800-1806)\$800,000

Provided, That any unencumbered balance in the drinking water protection account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Stream trash removal (264-00-1800-1816).....\$0

Provided, That any unencumbered balance in the stream trash removal account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Any unencumbered balance in the small town infrastructure account of the state water plan fund (264-00-1800-1817) in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(d) During the fiscal year ending June 30, 2025, the secretary of health and environment, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2025 from the state water plan fund for the department of health and environment – division of environment to another item of appropriation for fiscal year 2025 from the state water plan fund for the department of health and environment – division of environment: *Provided*, That the secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification

to the director of legislative research, the chairperson of the house of representatives agriculture and natural resources budget committee and the chairperson of the subcommittee on health and environment/human resources of the senate committee on ways and means.

(e) During the fiscal year ending June 30, 2025, notwithstanding the provisions of K.S.A. 65-3024, and amendments thereto, the director of accounts and reports shall not make the transfers of amounts of interest earnings from the state general fund to the air quality fee fund (264-00-2020-2830) of the department of health and environment, which are directed to be made on or before the 10th day of each month by K.S.A. 65-3024, and amendments thereto.

(f) On July 1, 2024, and on other occasions during fiscal year 2025 when necessary, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment that constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs, from specified special revenue fund or funds of the department of health and environment – division of public health or of the department of health and environment – division of environment, to the sponsored project overhead fund – environment (264-00-2911-2720) of the department of health and environment – division of environment.

(g) During the fiscal year ending June 30, 2025, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue fund or funds of the department of health and environment – division of environment that have available moneys to the sponsored project overhead fund – environment (264-00-2911-2720) of the department of health and environment – division of environment or to the sponsored project overhead fund – health (264-00-2912-2710) of the department of health and environment – division of public health, as the case may be, for expenditures for administrative expenses.

(h) During the fiscal year ending June 30, 2025, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2025 from the state general fund for the department of health and environment – division of public health or the department of health and environment – division of environment to another item of appropriation for fiscal year 2025 from the state general fund for the department of health and environment – division of public health or the department of health and environment – division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(i) During the fiscal year ending June 30, 2025, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment – division of environment to the sponsored project overhead fund – environment (264-00-2911-2720) of the department of health and environment – division of environment pursuant to this section may include amounts equal to not more than 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

(j) During the fiscal year ending June 30, 2025, no expenditures shall be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025 as authorized by this or any other appropriation act of the 2024 regular session of the legislature to use satellite imagery to identify confined feeding facilities, as defined in K.S.A. 65-171d, and amendments thereto, for inspection.

Sec. 82.

KANSAS DEPARTMENT FOR
AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

State operations (039-00-1000-0801)	\$85,123
Alcohol and drug abuse services grants (039-00-1000-1010)	\$2,500,654

Provided, That expenditures shall be made by the above agency from the alcohol and drug abuse services grants account to submit a report on the distribution and usage of moneys from the state general fund and federal funds to substance use disorder providers, including the name of each such provider and the dollar amount received by such provider during fiscal year 2023, to the senate committee on ways and means human services subcommittee and the house of representatives committee on social services budget on or before January 13, 2025.

Kansas neurological institute – operating expenditures (363-00-1000-0303)	\$141,236
Larned state hospital – sexual predator treatment program (410-00-1000-0200)	\$146,275
Osawatomie state hospital – SPTP MiCo (494-00-1000-0200)	\$11,297
Parsons state hospital and training center – operating expenditures (507-00-1000-0100)	\$242,215
Parsons state hospital and training center – sexual predator treatment program (507-00-1000-0200)	\$49,342
Osawatomie state hospital – operating expenditures account (494-00-1000-0100)	\$2,435,962

Osawatomie state hospital – certified
 care expenditures account (494-00-1000-0101)\$1,989,423
 Larned state hospital – operating
 expenditures account (410-00-1000-0103)\$16,196,949

(b) On the effective date of this act, of the \$551,600,000 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 89(a) of chapter 82 of the 2023 Session Laws of Kansas from the state general fund in the KanCare caseloads account (039-00-1000-0610), the sum of \$16,307,403 is hereby lapsed.

(c) On the effective date of this act, of the \$53,200,000 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 89(a) of chapter 82 of the 2023 Session Laws of Kansas from the state general fund in the non-KanCare caseloads account (039-00-1000-0611), the sum of \$2,353,887 is hereby lapsed.

(d) On the effective date of this act, the \$903,780 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 89(a) of chapter 82 of the 2023 Session Laws of Kansas from the state general fund in the PASRR account (039-00-1000-0210) is hereby lapsed.

(e) On the effective date of this act, of the \$268,450 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 148(a) of chapter 82 of the 2023 Session Laws of Kansas from the state institutions building fund in the debt service – state hospitals rehabilitation and repair account (039-00-8100-8325), the sum of \$1,006 is hereby lapsed.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 89(b) of chapter 82 of the 2023 Session Laws of Kansas on the social service block grant fund (039-00-3307-3371) of the Kansas department for aging and disability services is hereby increased from \$4,500,000 to \$4,541,339.

(g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 89(b) of chapter 82 of the 2023 Session Laws of Kansas on the Larned state hospital fee fund (410-00-2073-2100) is hereby increased from \$3,970,643 to \$4,346,521.

(h) On June 30, 2024, the director of accounts and reports shall transfer any unencumbered balance in the mental health grants fund (039-00-2160-2160) of the Kansas department for aging and disability services to the state highway fund (276-00-4100-4100) of the department of transportation.

Sec. 83.

KANSAS DEPARTMENT FOR AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

RSI crisis center base services (039-00-1000-0110)	\$3,576,100
Comcare crisis center base services (039-00-1000-0120)	\$1,300,000
Valeo crisis center base services (039-00-1000-0130)	\$500,000
Salina crisis center base services (039-00-1000-0140)	\$85,000
Administration official hospitality (039-00-1000-0204)	\$1,748
<i>Provided</i> , That any unencumbered balance in the administration official hospitality account in excess of \$100 as of June 30, 2024, is hereby reap- propriated for fiscal year 2025.	
Senior care act (039-00-1000-0260)	\$5,515,000
<i>Provided</i> , That any unencumbered balance in the senior care act account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fis- cal year 2025: <i>Provided further</i> , That each grant agreement with an area agency on aging for a grant from the senior care act account shall require the area agency on aging to submit to the secretary for aging and disability services a report for fiscal year 2025 by the area agency on aging, which shall include information about the kinds of services provided and the number of persons receiving each kind of service during fiscal year 2024: <i>And provided further</i> , That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2025 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for fiscal year 2024: <i>And provided further</i> , That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services that are deter- mined to be the most economical services available with regard to state general fund expenditures. Any unencumbered balance in the program for all-inclusive care for the elderly account (039-00-1000-0270) in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.	
Program grants – nutrition – state match (039-00-1000-0280)	\$7,045,725

Provided, That any unencumbered balance in the program grants – nutri-
tion – state match account in excess of \$100 as of June 30, 2024, is here-
by reappropriated for fiscal year 2025: *Provided further*, That each grant
agreement with an area agency on aging for a grant from the program
grants – nutrition – state match account shall require the area agency on
aging to submit to the secretary for aging and disability services a report
for federal fiscal year 2025 by the area agency on aging, which shall in-
clude information about the kinds of services provided and the number

of persons receiving each kind of service during federal fiscal year 2024: *And provided further*, That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2025 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for federal fiscal year 2024: *And provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services that are determined to be the most economical services available with regard to state general fund expenditures.

LTSS Services (039-00-1000-0520)\$9,964,860

Provided, That any unencumbered balance in the community services and programs account in excess of \$100 as of June 30, 2024, is hereby reappropriated to the LTSS services account for fiscal year 2025.

KanCare caseloads (039-00-1000-0610).....\$566,000,000

Provided, That any unencumbered balance in the KanCare caseloads account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Non-KanCare caseloads (039-00-1000-0611)\$67,188,000

Provided, That any unencumbered balance in the non-KanCare caseloads account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That all people receiving or applying for services that are funded, either partially or entirely, from the non-KanCare caseloads account shall be placed in appropriate services that are determined to be the most economical services available with regard to state general fund expenditures.

KanCare non-caseloads (039-00-1000-0612)\$470,843,123

Provided, That any unencumbered balance in the KanCare non-caseloads account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

State operations (039-00-1000-0801)\$41,501,607

Provided, That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures may be made from this account for the purchase of professional liability insurance for physicians and dentists at any institution, as defined by K.S.A. 76-12a01, and amendments thereto.

Alcohol and drug abuse

services grants (039-00-1000-1010)\$13,218,139

Provided, That any unencumbered balance in the alcohol and drug abuse services grants account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures shall be made by the above agency from the alcohol and drug abuse services grants account to submit a report on the distribution and usage of moneys from the state general fund and federal funds to substance use disorder providers, including the name of each such provider and the dollar amount received by such provider during fiscal year 2024 and fiscal year 2025 to date, to the senate committee on ways and means human services subcommittee and the house of representatives committee on social services budget on or before January 13, 2025.

Community mental health
centers support (039-00-1000-3001).....\$54,184,328

Provided, That any unencumbered balance in the community mental health centers supplemental funding account in excess of \$100 as of June 30, 2024, is hereby reappropriated to the community mental health centers support account for fiscal year 2025.

Regional beds (039-00-1000-3003).....\$29,650,000

Provided, That any unencumbered balance in the regional beds funding account in excess of \$100 as of June 30, 2024, is hereby reappropriated to the regional beds account for fiscal year 2025.

Behavioral health services (039-00-1000-3004)\$29,883,075

Provided, That any unencumbered balance in the BH community aid account in excess of \$100 as of June 30, 2024, is hereby reappropriated to the behavioral health services account for fiscal year 2025.

Counties and hospitals
reimbursement (039-00-1000-3005).....\$5,000,000

Provided, That any unencumbered balance in the counties and hospitals reimbursement account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

CDDO support (039-00-1000-4001).....\$11,974,857

Provided, That any unencumbered balance in the CDDO support account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Aging services grants.....\$5,600,000

Kansas neurological institute – operating
expenditures (363-00-1000-0303).....\$15,805,553

Provided, That any unencumbered balance in the Kansas neurological institute – operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, howev-*

er, That expenditures from the Kansas neurological institute – operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *Provided further*, That expenditures shall be made from this account to assist residents of the institution to take personally used items that are constructed for use by such residents and which are hereby authorized to be transferred to such residents from the institution to communities when such residents leave the institution to reside in the communities.

Larned state hospital – operating
expenditures (410-00-1000-0103)\$33,860,509

Provided, That any unencumbered balance in the Larned state hospital – operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however*, That expenditures from the Larned state hospital – operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *Provided further*, That expenditures may be made from this account for educational services contracts, which are hereby authorized to be negotiated and entered into by Larned state hospital with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto.

Larned state hospital – SPTP new crimes
reimbursement (410-00-1000-0110)\$5,000

Provided, That any unencumbered balance in the Larned state hospital – SPTP new crimes reimbursement account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Larned state hospital – sexual predator treatment
program (410-00-1000-0200)\$24,647,905

Provided, That any unencumbered balance in the Larned state hospital – sexual predator treatment program account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Osawatomie state hospital – operating
expenditures (494-00-1000-0100)\$20,790,116

Provided, That any unencumbered balance in the Osawatomie state hospital – operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however*, That expenditures from the Osawatomie state hospital – operating expenditures account for official hospitality by the superintendent shall not exceed \$150.

Osawatomie state hospital – certified
care expenditures (494-00-1000-0101)\$6,339,019

Provided, That any unencumbered balance in the Osawatomie state hospital – certified care expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Osawatomie state hospital –
SPTP MiCo (494-00-1000-0200)\$1,566,848

Provided, That any unencumbered balance in the Osawatomie state hospital – SPTP MiCo account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Parsons state hospital and training center –
operating expenditures (507-00-1000-0100)\$19,221,304

Provided, That any unencumbered balance in the Parsons state hospital and training center – operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however*, That expenditures from the Parsons state hospital and training center – operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts, which are hereby authorized to be negotiated and entered into by Parsons state hospital and training center with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto: *And provided further*, That expenditures shall be made from this account to assist residents of the institution to take personally used items that are constructed for use by such residents and which are hereby authorized to be transferred to such residents from the institution to communities when such residents leave the institution to reside in the communities.

Parsons state hospital and
training center – sexual predator
treatment program (507-00-1000-0200).....\$2,037,289

Provided, That any unencumbered balance in the Parsons state hospital and training center – sexual predator treatment program account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Mental health intervention team pilot (652-00-1000-0150)\$13,534,722

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Any unencumbered balance in the other medical assistance account (039-00-1000-3002) in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all

moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Title XIX fund (039-00-2595-4130) No limit

Provided, That all receipts resulting from payments under title XIX of the federal social security act to any of the institutions under mental health and intellectual disabilities may be credited to the title XIX fund: *Provided further*, That moneys in the title XIX fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act and for expenditures for premiums and surcharges required to be paid for physicians' malpractice insurance.

Kansas neurological institute title XIX

reimbursements fund (363-00-2060-2200) No limit

Larned state hospital title XIX

reimbursements fund (410-00-2074-2200) No limit

Osawatimie state hospital title XIX

reimbursements fund (494-00-2080-4300) No limit

Osawatimie state hospital certified care title XIX

reimbursements fund (494-00-2080-4301) No limit

Parsons state hospital title XIX

reimbursements fund (507-00-2083-2300) No limit

Kansas neurological institute

fee fund (363-00-2059-2000) \$1,650,732

Kansas neurological institute –

foster grandparents program –

federal fund (363-00-3115-3200) No limit

Kansas neurological institute – FGP gifts, grants,

donations fund (363-00-7125-7400) No limit

Kansas neurological institute – patient

benefit fund (363-00-7910-7100) No limit

Kansas neurological institute – work therapy patient

benefit fund (363-00-7940-7200) No limit

Larned state hospital

fee fund (410-00-2073-2100) \$3,675,997

Larned state hospital – work therapy patient

benefit fund (410-00-7938-7200) No limit

Osawatimie state hospital

fee fund (494-00-2079-4200) \$1,717,298

Provided, That all moneys received as fees for the use of video teleconferencing equipment at Osawatimie state hospital shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the video teleconferencing

fee account of the Osawatomie state hospital fee fund: *Provided further*, That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, technical and program support, maintenance and replacement of associated equipment at Osawatomie state hospital: *And provided further*, That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Osawatomie state hospital fee fund.

Osawatomie state hospital certified	
care fund (494-00-2079-4201).....	\$4,338,064
Osawatomie state hospital – cottage revenue and	
expenditures fund (494-00-2159-2159)	No limit
Osawatomie state hospital – training fee	
revolving fund (494-00-2602-2000)	No limit

Provided, That all moneys received as fees for training activities for Osawatomie state hospital shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Osawatomie state hospital – training fee revolving fund: *Provided further*, That the superintendent of Osawatomie state hospital is hereby authorized to fix, charge and collect fees for training activities at Osawatomie state hospital: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses of such training activities for Osawatomie state hospital.

Osawatomie state hospital – motor pool	
revolving fund (494-00-6164-5200)	No limit
Osawatomie state hospital –	
canteen fund (494-00-7807-5600).....	No limit
Osawatomie state hospital – work therapy patient	
benefit fund (494-00-7939-5800)	No limit
Parsons state hospital and training center	
fee fund (507-00-2082-2200)	\$1,050,000

Provided, That all moneys received as fees for the use of video teleconferencing equipment at Parsons state hospital and training center shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the video teleconferencing fee account of the Parsons state hospital and training center fee fund: *Provided further*, That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, maintenance and replacement of video teleconferencing equipment at Parsons state hospital and training center: *And provided further*, That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Parsons state hospital and training center fee fund.

Parsons state hospital and training center – canteen fund (507-00-7808-5500).....	No limit
Parsons state hospital and training center – patient benefit fund (507-00-7916-5600)	No limit
DADS social welfare fund (039-00-2141-2195).....	No limit
Indirect cost fund (039-00-2193-2193)	No limit
Health occupations credentialing fee fund (039-00-2315-2315)	No limit
Community mental health center improvement fund (039-00-2336-2336)	No limit
Community crisis stabilization centers fund (039-00-2337-2337).....	No limit
Clubhouse model program fund (039-00-2338-2338).....	No limit
Medical resources and collection fund (039-00-2363-2100).....	No limit

Provided, That all moneys received or collected by the secretary for aging and disability services due to medicaid overpayments shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the medical resources and collection fund: *Provided further*, That expenditures from such fund shall be made for medicaid program-related expenses and used to reduce state general fund outlays for the medicaid program: *And provided further*, That all moneys received or collected by the secretary for aging and disability services due to civil monetary penalty assessments against adult care homes shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the medical resources and collection fund: *And provided further*, That expenditures from such fund shall be made to protect the health or property of adult care home residents as required by federal law.

Problem gambling and addictions grant fund (039-00-2371-2371)	\$8,406,548
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Provided, That expenditures shall be made by the above agency from the problem gambling and addictions grant fund, not to exceed \$5,000,000, to provide reimbursement to organizations that provide substance use disorder treatment for uninsured individuals.

State licensure fee fund (039-00-2373-2370).....	No limit
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Provided, That expenditures shall be made by the above agency from the state licensure fee fund for fiscal year 2025 for the purpose of providing oversight of supplemental nursing services agencies through annual registration and quarterly reporting: *Provided further*, That the above agency shall require a supplemental nursing services agency to register

with the above agency by completing a form established by such agency and pay a registration fee of not to exceed \$2,035: *And provided further*, That all fees received pursuant to this subsection shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state licensure fee fund: *And provided further*, That the above agency shall require a report from each registered supplemental nursing services on a quarterly basis for each healthcare facility that participates in medicare or medicaid with which the supplemental nursing services agency contracts: *And provided further*, That the report shall include a detailed list of the average amount that the supplemental nursing services agency charged the healthcare facility for each individual agency employee category and the supplemental nursing services agency paid to employees in each individual employee category: *And provided further*, That as used in this subsection, “supplemental nursing services agency” means a person engaged for hire in the business of providing or procuring temporary employment in healthcare facilities for nurses and nurse aides: *Provided, however*, That a “supplemental nursing services agency” does not include any individual who only engages in providing such individual’s services on a temporary basis to healthcare facilities.

- General fees fund (039-00-2524-2500) No limit
- Provided*, That the secretary for aging and disability services is hereby authorized to collect: (1) Fees from the sale of surplus property; (2) fees charged for searching, copying and transmitting copies of public records; (3) fees paid by employees for personal long distance calls, postage, faxed messages, copies and other authorized uses of state property; and (4) other miscellaneous fees: *Provided further*, That such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further*, That expenditures shall be made from this fund to meet the obligations of the Kansas department for aging and disability services or to benefit and meet the mission of the Kansas department for aging and disability services.
- Senior citizen nutrition
 - check-off fund (039-00-2660-2610) No limit
- Other state fees fund – community
 - alcohol treatment (039-00-2661-0000) No limit
- County competency
 - expense fund (039-00-2893-2893) No limit
- 988 suicide prevention and mental health crisis
 - hotline fund (039-00-2913-2913) No limit
- Quality care services fund (039-00-2999-2902) No limit

Provided, That the secretary for aging and disability services, acting as the agent of the secretary of health and environment, is hereby authorized to collect the quality care assessment under K.S.A. 75-7435, and amendments thereto, and notwithstanding the provisions of K.S.A. 75-7435, and amendments thereto, all moneys received for such quality care assessments shall be deposited in the state treasury to the credit of the quality care services fund: *Provided further*, That all moneys in the quality care services fund shall be used to finance initiatives to maintain or improve the quantity and quality of skilled nursing care in skilled nursing care facilities in Kansas in accordance with K.S.A. 75-7435, and amendments thereto.

Opioid abuse treatment & prevention –

federal fund (039-00-3023-3024) No limit

Kansas national background check program –

federal fund (039-00-3032-3132) No limit

Money follows the person grant –

federal fund (039-00-3054-4000) No limit

Survey & certification –

federal fund (039-00-3064-3064) No limit

Provided, That transfers of moneys from the survey & certification – federal fund to the state fire marshal may be made during fiscal year 2025 pursuant to a contract, which is hereby authorized to be entered into by the secretary for aging and disability services with the state fire marshal to provide fire and safety inspections for adult care homes and hospitals.

Substance abuse/mental health

services – partnership for success –

federal fund (039-00-3284-1327) No limit

Special program for aging IIID –

federal fund (039-00-3286-3285) No limit

Special program for aging IIIB –

federal fund (039-00-3287-3281) No limit

Special program for aging IV & II –

federal fund (039-00-3288-3297) No limit

National family caregiver support program IIIE –

federal fund (039-00-3289-3201) No limit

Nutrition services incentives –

federal fund (039-00-3291-3305) No limit

Prevention/treatment substance abuse –

federal fund (039-00-3301-0310) No limit

Social service block

grant fund (039-00-3307-3371) \$4,500,000

Provided, That each grant agreement with an area agency on aging for a grant from the social service block grant fund shall require the area agen-

cy on aging to submit to the secretary for aging and disability services a report for fiscal year 2025 by the area agency on aging, which shall include information about the kinds of services provided and the number of persons receiving each kind of service during fiscal year 2024: *Provided further*, That the secretary for aging and disability services shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2025 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for fiscal year 2024: *And provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this fund shall be placed in appropriate services that are determined to be the most economical services available.

Community mental health block grant –	
federal fund (039-00-3310-0460)	No limit
Temporary assistance for needy families –	
federal fund (039-00-3323-3323)	No limit
PATH – federal fund (039-00-3347-4316)	No limit
Special program for aging VII-2 –	
federal fund (039-00-3358-3072)	No limit
TBI partnership program fund (039-00-3376-3376)	No limit
Disaster response for Children –	
federal fund (039-00-3385-3591)	No limit
Special program for aging VII-3 –	
federal fund (039-00-3402-3000)	No limit
Center for medicare/medicaid service –	
federal fund (039-00-3408-3300)	No limit
Medicare fund – oasis (039-00-3408-3350)	No limit
<i>Provided</i> , That all nonfederal reimbursements received by the Kansas department for aging and disability services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and credited to the nonfederal reimbursements fund.	
Medicare fund – SHICK (039-00-3408-3400)	No limit
Medical assistance program –	
federal fund (039-00-3414-0442)	No limit
Children’s health insurance –	
federal fund (039-00-3424-3420)	No limit
Special program for aging IIIC –	
federal fund (039-00-3425-3423)	No limit
Medicare enrollment assistance program	
fund – federal (039-00-3468-3450)	No limit
Systems of care grant –	
federal fund (039-00-3595-3595)	No limit

SAMHSA covid-19 supplemental – federal fund (039-00-3672-3997)	No limit
SSA xx ombudsman cares FFY21 – federal fund (039-00-3680-3083)	No limit
KS assisted outpatient treatment – federal fund (039-00-3733-3101)	No limit
ADAS data collection grant – federal fund (039-00-3887-3887)	No limit
KS ccbhc planning grant – federal fund (039-00-3930-3930)	No limit
Long-term care loan and grant fund (039-00-5110-5100)	No limit
KDFA refunding revenue bond 2013B fund (039-00-7111)	No limit
Trust fund (039-00-7299)	No limit
Gifts and donations fund (039-00-7309-7000)	No limit
<i>Provided</i> , That the secretary for aging and disability services is hereby authorized to receive gifts and donations of money for services to senior citizens or purposes related thereto: <i>Provided further</i> , That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the gifts and donations fund.	
Larned state security hospital KDFA 02N-1 fund (039-00-8703)	No limit
SRS state of Kansas KDFA 04A-1 project fund (039-00-8704)	No limit
State of Kansas projects KDFA 2010E-F fund (039-00-8705)	No limit
Parking deduction clearing fund (039-00-9233-9200)	No limit
Medical assistance recovery clearing fund (039-00-9300)	No limit
Credit card clearing fund (039-00-9400)	No limit
American rescue plan state relief fund (039-00-3756-3536)	No limit

[†]

(c) On July 1, 2024, and at other times during fiscal year 2025, when necessary as determined by the secretary for aging and disability services, the director of accounts and reports shall transfer amounts specified by the secretary for aging and disability services, which amounts constitute reimbursements, credits and other amounts received by the Kansas department for aging and disability services for activities related to federal programs from specified special revenue funds of the Kansas department

for aging and disability services to the indirect cost fund of the Kansas department for aging and disability services.

(d) On July 1, 2024, the superintendent of Osawatomie state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Osawatomie state hospital – canteen fund (494-00-7807-5600) to the Osawatomie state hospital – patient benefit fund (494-00-7914-5700).

(e) On July 1, 2024, the superintendent of Parsons state hospital, upon approval from the director of accounts and reports, shall transfer an amount specified by the superintendent from the Parsons state hospital and training center – canteen fund (507-00-7808-5500) to the Parsons state hospital and training center – patient benefit fund (507-00-7916-5600).

(f) On July 1, 2024, the superintendent of Larned state hospital, upon approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Larned state hospital – canteen fund (410-00-7806-7000) to the Larned state hospital – patient benefit fund (410-00-7912-7100).

(g) During the fiscal year ending June 30, 2025, no moneys paid by the Kansas department for aging and disability services from the CDDO support account (039-00-1000-4001) of the state general fund shall be expended by the entity receiving such moneys to pay membership dues and fees to any entity that does not provide the Kansas department for aging and disability services, the legislative division of post audit or another state agency, access to its financial records upon request for such access.

(h) During the fiscal year ending June 30, 2025, the secretary for aging and disability services, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2025 from the state general fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services to another item of appropriation for fiscal year 2025 from the state general fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services. The secretary for aging and disability services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(i) During the fiscal year ending June 30, 2025, the secretary for aging and disability services, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2025 from the state institutions building fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability ser-

vices to another item of appropriation for fiscal year 2025 from the state institutions building fund for the Kansas department for aging and disability services or any institution or facility under the general supervision and management of the secretary for aging and disability services. The secretary for aging and disability services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(j) In addition to the other purposes for which expenditures may be made by the Kansas department for children and families from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2025 for the Kansas department for children and families and in addition to the other purposes for which expenditures may be made by the department of health and environment – division of public health from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2025 for the department of health and environment – division of public health, as authorized by this or other appropriation act of the 2025 regular session of the legislature, expenditures may be made by the secretary for children and families and the secretary of health and environment for fiscal year 2025 to enter into a contract with the secretary for aging and disability services, which is hereby authorized and directed to be entered into by such secretaries, to provide for the secretary for aging and disability services to perform the powers, duties, functions and responsibilities prescribed by and to conduct investigations pursuant to K.S.A. 39-1404, and amendments thereto, in conjunction with the performance of such powers, duties, functions, responsibilities and investigations by the secretary for children and families and the secretary of health and environment under such statute, with respect to reports of abuse, neglect or exploitation of residents or reports of residents in need of protective services on behalf of the secretary for children and families or the secretary of health and environment, as the case may be, in accordance with and pursuant to K.S.A. 39-1404, and amendments thereto, during fiscal year 2025: *Provided*, That, in addition to the other purposes for which expenditures may be made by the Kansas department for aging and disability services from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2025 for the Kansas department for aging and disability services, as authorized by this or other appropriation act of the 2025 regular session of the legislature, expenditures shall be made by the secretary for aging and disability services for fiscal year 2025 to provide for the performance of such powers, duties, functions and responsibilities and to conduct such investigations: *Provided further*, That, the words and phrases used in this subsection shall have the meanings respectively ascribed thereto by K.S.A. 39-1401, and amendments thereto.

(k) During the fiscal year ending June 30, 2025, the secretary for aging and disability services, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2025 from the title XIX fund (039-00-2595-4130) of the Kansas department for aging and disability services to any institution or facility under the general supervision and management of the secretary for aging and disability services. The secretary for aging and disability services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(l) Notwithstanding the provisions of K.S.A. 75-5958, and amendments thereto, or any other statute, and subject to appropriations, the secretary for aging and disability services may provide rate increases for nursing facilities for fiscal year 2025.

(m) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2025 by this or any other appropriation act of the 2025 regular session of the legislature, expenditures shall be made by such agency from such moneys to operate, or contract for the operation of, eight acute inpatient psychiatric care beds for children in the city of Hays, Kansas, or the surrounding area: *Provided, however,* That expenditures for such purposes during fiscal year 2025 shall not exceed \$4,000,000.

(n) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds as authorized by this or any other appropriation act of the 2025 regular session of the legislature, expenditures shall be made by such agency from such moneys to implement a process for certification and funding for certified community behavioral health clinics: *Provided,* That such agency shall certify as a certified community behavioral health clinic any community behavioral health center licensed by such agency that provides the following services: Crisis services; screening, assessment and diagnosis, including risk assessment; person-centered treatment planning; outpatient mental health and substance use services; primary care screening and monitoring of key indicators of health risks; targeted case management; psychiatric rehabilitation services; peer support and family supports; medication-assisted treatment; assertive community treatment; and community-based mental healthcare for military servicemembers and veterans.

(o) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special

revenue fund or funds as authorized by this or any other appropriation act of the 2025 regular session of the legislature, expenditures shall be made by such agency from such moneys to submit a report on a quarterly basis, in collaboration with the Kansas department of health and environment, to the Robert G. (Bob) Bethell joint committee on home and community based services regarding the home and community-based services brain injury waiver, including the:

(1) Number of members enrolled in such waiver at the end of the month prior to the committee meeting;

(2) unduplicated number of such members over the course of the calendar year;

(3) number of such members receiving services for a period longer than 2 years and longer than 4 years;

(4) number of such members who did not receive services within a period of 60, 90 or 120 or more days after being enrolled;

(5) number of such members who did not receive a specific waiver service within a period of 30, 60, 90 or 120 or more days prior to the date such member was officially unenrolled from such waiver;

(6) amount of the per-member, per-month enhanced dollar rate provided to a managed care organization for each member enrolled in such waiver;

(7) total number of members enrolled in the waiver disaggregated by county and the per capita enrollment in such waiver disaggregated by county; and

(8) agency's progress toward new policy implementation.

(p) During the fiscal year ending June 30, 2025, in addition to the other purposes for which the above agency may make expenditures from moneys appropriated from the state general fund or in any special revenue fund or funds as authorized by this or any other appropriation act of the 2025 regular session of the legislature, the above agency shall make expenditures from such moneys to establish guidelines for nursing facilities, as defined in K.S.A. 39-923, and amendments thereto, to request a waiver from staffing requirements and to study establishing similar guidelines for other adult care homes, as defined in K.S.A. 39-923, and amendments thereto: *Provided*, That any such guidelines shall be compatible with rules established by the United States centers for medicare and medicaid services.

(q) During the fiscal year ending June 30, 2025, in addition to the other purposes for which the above agency may make expenditures from moneys appropriated from the state general fund or in any special revenue fund or funds as authorized by this or any other appropriation act of the 2025 regular session of the legislature, the above agency shall make expenditures from such moneys to enter into agreements with community

mental health centers for the purpose of establishing rates for conducting mobile competency evaluations.

(r) During the fiscal year ending June 30, 2025, in addition to the other purposes for which the above agency may make expenditures from moneys appropriated from the state general fund or in any special revenue fund or funds as authorized by this or any other appropriation act of the 2025 regular session of the legislature, the above agency shall make expenditures from such moneys to enter into agreements to conduct a study of inpatient treatment facility and community-based treatment options, including, but not limited to, psychiatric residential treatment facilities, for treatment of patients under the age of 21 with complex and co-occurring psychiatric disorders combined with intellectual disabilities, developmental disabilities or other cognitive disabilities that result in higher acuity or aggressive behavior that can cause them to be a risk of harm to themselves or others, including developmental disorders such as Smith-Magenis syndrome: *Provided further*, That such study shall include specific recommendations to fill gaps encountered in serving such youth across the state's service delivery systems.

(s) During the fiscal year ending June 30, 2025, notwithstanding the provisions of K.S.A. 39-2019, and amendments thereto, in addition to the other purposes for which the above agency may make expenditures from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025 as authorized by this or any other appropriation act of the 2025 regular session of the legislature, the above agency shall make expenditures from such moneys for the purpose of certifying community behavioral health clinics when such clinics are ready and meet the requirements for certification in advance of the deadlines established in K.S.A. 39-2019, and amendments thereto.

(t) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2025 by this or any other appropriation act of the 2025 regular session of the legislature, expenditures shall be made by the above agency from such moneys for the purpose of preparing a report on such agency's progress to build capacity for crisis services for Kansans with intellectual or developmental disability: *Provided*, That such report shall be submitted to the senate committee on public health and welfare, the appropriate subcommittee of the senate committee on ways and means, the house of representatives committee on health and human services and the house of representatives committee on social services budget.

(u) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency

from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2025 by this or any other appropriation act of the 2025 regular session of the legislature, expenditures shall be made by the above agency from such moneys during fiscal year 2025 for the purpose of reviewing the overall costs of providing services within the intellectual and developmental disability service system and making recommendations to the legislature for a method to make regular rate adjustments for such services based on inflationary indexes.

(v) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2025 by this or any other appropriation act of the 2025 regular session of the legislature, expenditures shall be made by the above agency from such moneys during fiscal year 2025 for the purpose of submitting to the United States centers for medicare and medicaid services an approval request to develop a home and community-based services community supports waiver to provide services to individuals with intellectual or developmental disability: *Provided*, That the waiver application for such program shall reflect the recommendations of the 2022 Special Committee on Intellectual and Developmental Disability Waiver Modernization, including a per-person maximum of \$20,000 and offering services for transportation, supported employment, individual-directed goods and services, personal care, respite, therapy, assistive technology, independent living, family or caregiver support and training, financial management services and support brokers and benefits counseling.

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(x) During the fiscal year ending June 30, 2025, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from moneys appropriated for the above agency from the state general fund or any special revenue fund or funds for fiscal year 2025 by this or other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the above agency from such moneys to study capacity issues related to home and community-based services provided under the frail and elderly waiver and, if needed, on or before the first day of the 2025 regular session, make recommendations for expanding such services to the senate committee on ways and means human services subcommittee and the house of representatives committee on social services budget.

(y) During the fiscal year ending June 30, 2025, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from moneys appropriated for the above agency from the state general fund or any special revenue fund or funds for

fiscal year 2025 by this or other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the above agency from such moneys to submit a report on how much funding goes to each community developmental disability organization to provide services that are not reimbursable from other funding sources, including what services are provided and what percentage of funds go to each service to the senate committee on ways and means human services subcommittee and the house of representatives committee on social services budget on or before January 13, 2025.

(z) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025 as authorized by this or any other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by such agency from such moneys to require all assisted living facilities, residential healthcare facilities, home plus and boarding care homes, as such terms are defined in K.S.A. 39-923, and amendments thereto, during fiscal year 2025 to submit a report to the secretary for aging and disability services upon the completion of every involuntary transfer or discharge of a resident pursuant to K.A.R. 26-39-102(d) and (f): *Provided, however*, That such reports shall include no personally identifiable information: *Provided further*, That such report shall include: (1) The date when notice of transfer or discharge was provided; (2) the date when the resident left the facility; (3) the type of facility where the resident was transferred or discharged; (4) the reason that required the transfer or discharge of the resident pursuant to K.A.R. 26-39-102(d); (5) if the resident was transferred or discharged pursuant to K.A.R. 26-39-102(f), the reason that required such transfer or discharge; (6) if the resident filed a complaint regarding the notice of transfer or discharge; and (7) any other relevant information required by the secretary: *And provided further*, That any facility that fails to submit a report within 60 days of the completion of the transfer or discharge or resolution of a formal complaint shall be subject to a civil penalty as provided in K.S.A. 39-946, and amendments thereto: *And provided further*, That the secretary shall establish a system and collect data from the long term care ombudsman and such assisted living facilities, residential healthcare facilities, home plus and boarding care homes on any involuntary transfers or discharges pursuant to K.A.R. 26-39-102(d) and (f): *And provided further*, That the secretary shall compile all such information and submit a report to the house of representatives committees on social services budget, health and human services and judiciary and the senate committees on public health and welfare and ways and means on the first day of the 2026 regular session of the legislature.

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(dd) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2025 as authorized by this or any other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the above agency from such moneys to decrease the waiting list for eligible individuals to receive home and community-based services pursuant to the physical disability (PD) waiver to not more than 2,000 eligible individuals: *Provided*, That expenditures shall be made by the above agency from such moneys to provide an estimate of the amount of additional moneys needed by the above agency to provide home and community-based services pursuant to the PD waiver to eligible individuals and maintain the waiting list to not more than 2,000 eligible individuals for fiscal years 2025 and 2026: *Provided further*, That such estimate shall be submitted to the senate committees on ways and means, public health and welfare and appropriate subcommittee of the committee on ways and means and the house of representatives committees on appropriations, health and human services and social services budget on or before January 13, 2025.

(ee) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for the above agency for fiscal year 2025 as authorized by this or any other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the above agency from such moneys to decrease the waiting list for eligible individuals to receive home and community-based services pursuant to the intellectual or developmental disability (I/DD) waiver to not more than 4,800 eligible individuals: *Provided*, That expenditures shall be made by the above agency from such moneys to provide an estimate of the amount of additional moneys needed by the above agency to provide home and community-based services pursuant to the I/DD waiver to eligible individuals and maintain the waiting list to not more than 4,800 eligible individuals for fiscal years 2025 and 2026: *Provided further*, That such estimate shall be submitted to the senate committees on ways and means, public health and welfare and appropriate subcommittee of the committee on ways and means and the house of representatives committees on appropriations, health and human services and social services budget on or before January 13, 2025.

Sec. 84.

KANSAS DEPARTMENT FOR
AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2026, the following:

Certified community behavioral health
clinic planning grants.....\$4,000,000

Provided, That expenditures shall be made by the above agency from the certified community behavioral health clinic planning grants account so that not more than 50% of grants go to assist federally qualified health clinics or federally qualified health clinic look-alikes in becoming certified as a certified community behavioral health clinic.

Sec. 85.

KANSAS DEPARTMENT FOR
CHILDREN AND FAMILIES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

State operations (including official
hospitality) (629-00-1000-0013)\$1,139,488
Youth services aid
and assistance (629-00-1000-7020)\$2,845,690

Sec. 86.

KANSAS DEPARTMENT FOR
CHILDREN AND FAMILIES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

State operations (including
official hospitality) (629-00-1000-0013)\$145,578,546

Provided, That any unencumbered balance in the state operations (including official hospitality) account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Hope ranch program for women (629-00-1000-0600)\$300,000

Provided, That on or before January 13, 2025, the hope ranch program for women shall report to the Kansas legislature on performance measures evaluating the program's effectiveness for fiscal year 2025.

WeKanDrive (629-00-1000-0700)\$750,000

Provided, That expenditures shall be made from the WeKanDrive account to expand the WeKanDrive program statewide to support older youth in foster care and young adults in obtaining their driver's license in Kansas.

Cash assistance (629-00-1000-2010).....\$14,794,407

Provided, That any unencumbered balance in the cash assistance account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Vocational rehabilitation aid

and assistance (629-00-1000-5010)\$7,818,235

Provided, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures may be made from this account for the acquisition of durable medical equipment and assistive technology devices: *And provided further*, That expenditures may be made from this account by the secretary for children and families for the purchase of workers compensation insurance for consumers of vocational rehabilitation services and assessments at work sites and job tryout sites throughout the state.

Youth services aid

and assistance (629-00-1000-7020)\$256,483,476

Provided, That any unencumbered balance in the youth services aid and assistance account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025:

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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Social welfare fund (629-00-2195-0110) No limit

Project maintenance

reserve fund (629-00-2214-0150)..... No limit

Other state fees fund (629-00-2220) No limit

Disaster relief – federal fund (629-00-3005-7344) No limit

Child care discretionary –

federal fund (629-00-3028-0522) No limit

Title IV-B promoting safe/stable families –

federal fund (629-00-3302) No limit

Low-income home energy assistance –

federal fund (629-00-3305-0350) No limit

Child welfare services state grants –

federal fund (629-00-3306-0341) No limit

Social services block grant –

federal fund (629-00-3307-0370) No limit

Commodity supp food program –

federal fund (629-00-3308-3215) No limit

Social security – disability insurance –	
federal fund (629-00-3309-0390)	No limit
Supplemental nutrition assistance program –	
federal fund (629-00-3311)	No limit
Emergency food assistance program –	
federal fund (629-00-3313-2310)	No limit
Rehabilitation services – vocational rehabilitation –	
federal fund (629-00-3315)	No limit
Child support enforcement –	
federal fund (629-00-3316)	No limit
Child care and development	
mandatory and matching –	
federal fund (629-00-3318-0523)	No limit
Temporary assistance to needy families –	
federal fund (629-00-3323-0530)	No limit

Provided, That expenditures shall be made by the above agency for fiscal year 2025 from the temporary assistance for needy families – federal fund to the boys and girls clubs for out-of-school time support in an amount of not to exceed \$780,000:

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SNAP technology project for success –	
federal fund (629-00-3327-3327)	No limit
Title IV-E foster care –	
federal fund (629-00-3337-0419)	No limit
Chafee education and	
training vouchers program –	
federal fund (629-00-3338-0425)	No limit
Adoption incentive payments –	
federal fund (629-00-3343-0426)	No limit
Adoption assistance –	
federal fund (629-00-3357-0418)	No limit
Chafee foster care independence program –	
federal fund (629-00-3365-0417)	No limit
Headstart – federal fund (629-00-3379-6323)	No limit
Developmental disabilities basic support –	
federal fund (629-00-3380-4360)	No limit
Children’s justice grants to states –	
federal fund (629-00-3381-7320)	No limit
Child abuse and neglect state grants –	
federal fund (629-00-3382-7210)	No limit
Independent living state grants –	
federal fund (629-00-3387)	No limit

Independent living services for older blind – federal fund (629-00-3388-5313)	No limit
Supported employment for individuals with severe disabilities – federal fund (629-00-3389)	No limit
Medical assistance program – federal fund (629-00-3414)	No limit
Children’s health insurance program – federal fund (629-00-3424-0541)	No limit
SNAP employment and training exchange – federal fund (629-00-3452-3452)	No limit
Child-care disaster – federal fund (629-00-3597-3597).....	No limit
Randolph sheppard FRRP – federal fund (629-00-3647-3647)	No limit
Low income water assistance – federal fund (629-00-3653-3653)	No limit
Adult prtctve srvc eia – federal fund (629-00-3658-3658)	No limit
SNAP pandemic ebt admin-21 – federal fund (629-00-3661-0431)	No limit
SNAP summer ebt admin – federal fund (629-00-3664-3664)	No limit
SNAP data grant – federal fund (629-00-3674-3674)	No limit
Adult protective services crrsa21 – federal fund (629-00-3680-3680)	No limit
Title IV-E kinship navigator – federal fund (629-00-3712-0429)	No limit
Coronavirus relief fund (629-00-3753).....	No limit
Prevention services grant fund (629-00-3813-0428).....	No limit
SRS enterprise fund (629-00-5105).....	No limit
Receipt suspense clearing fund (629-00-9212-0910)	No limit
Client assistance payment clearing fund (629-00-9214-0930)	No limit
Child support collections clearing fund (629-00-9218-0970)	No limit
EBT settlement fund (629-00-9219-0980).....	No limit
CAP settlement fund (629-00-9219-0990).....	No limit
Credit card clearing fund (629-00-9405-9400)	No limit

(c) During the fiscal year ending June 30, 2025, the secretary for children and families, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year

ending June 30, 2025, from the state general fund for the Kansas department for children and families to another item of appropriation for fiscal year 2025 from the state general fund for the Kansas department for children and families. The secretary for children and families shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) During the fiscal year ending June 30, 2025, the secretary for children and families, with the approval of the director of the budget and subject to the provisions of federal grant agreements, may transfer monies received under a federal grant that are credited to a federal fund of the Kansas department for children and families to another federal fund of the Kansas department for children and families. The secretary for children and families shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2025, the following:

Child care (629-00-2000-2406).....\$5,033,679

Provided, That any unencumbered balance in the child care account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Workforce registry (629-00-2000)\$1,100,000

Provided, That any unencumbered balance in the family preservation account in excess of \$100 as of June 30, 2024, is hereby reappropriated to the workforce registry account for fiscal year 2025.

Sec. 87.

KANSAS GUARDIANSHIP PROGRAM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Kansas guardianship program (261-00-1000-0300)\$100,825

Sec. 88.

KANSAS GUARDIANSHIP PROGRAM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Kansas guardianship
program (261-00-1000-0300)\$1,436,652

Provided, That any unencumbered balance in the Kansas guardianship program account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Sec. 89.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (434-00-1000-0300).....\$10,910
Grants to libraries and library systems – talking
book services (434-00-1000-0430)\$2,900

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

American rescue plan – state fiscal
relief – federal fund (434-00-3756).....No limit
Sec. 90.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (434-00-1000-0300).....\$1,447,222
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$755.

Grants to libraries and library systems – grants
in aid (434-00-1000-0410).....\$1,807,717

Provided, That any unencumbered balance in the grants to libraries and library systems – grants in aid account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-2555, and amendments thereto, or any other statute to the contrary, during the fiscal year ending June 30, 2025, expenditures shall be made by the above agency from the grants to libraries and library systems – grants in aid account to distribute \$1,000 to each eligible local public library: *And provided further*, That expenditures shall be made by the above agency from such account to distribute to each regional library an amount of not less than $\frac{1}{14}$ of the total amount distributed to local public libraries in the preceding proviso: *And provided further*, That any remaining moneys in such account after making distributions in accordance with this subsection shall be distributed in accordance with the formula in K.S.A. 75-2555, and amendments thereto.

Grants to libraries and library systems – interlibrary
loan development (434-00-1000-0420).....\$1,133,729

Provided, That any unencumbered balance in the grants to libraries and library systems – interlibrary loan development account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Grants to libraries and library systems – talking
book services (434-00-1000-0430)\$466,304

Provided, That any unencumbered balance in the grants to libraries and library systems – talking book services account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Blind information
access program (434-00-1000-0500)\$31,000

Provided, That any unencumbered balance in the blind information access program account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State library fund (434-00-2076-2500) No limit
Federal library services and technology
act – fund (434-00-3257-3000)..... No limit
Grants and gifts fund (434-00-7304-7000)..... No limit
Coronavirus relief fund (434-00-3753)..... No limit
American rescue plan – state fiscal
relief – federal fund (434-00-3756)..... No limit

Sec. 91.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (604-00-1000-0303)\$26,745

Sec. 92.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (604-00-1000-0303)\$7,432,213

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Extended school year program (604-00-1000-0400)\$550,000

Arts for the handicapped (604-00-1000-0502).....\$133,847

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Local services

reimbursement fund (604-00-2088) No limit

Provided, That the Kansas state school for the blind is hereby authorized to assess and collect a fee of 20% of the total cost of services provided to local school districts: *Provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local services reimbursement fund.

General fees fund (604-00-2093)..... No limit

Student activity

fees fund (604-00-2146) No limit

Chapter I handicapped FDF –

federal fund (604-00-3039) No limit

Special education state grants –

federal fund (604-00-3234) No limit

School breakfast program –

federal fund (604-00-3529) No limit

Federal school lunch –

federal fund (604-00-3530) No limit

Child and adult care food program –

federal fund (604-00-3531) No limit

Safe schools – federal fund (604-00-3569)..... No limit

Deaf-blind project –

federal fund (604-00-3583) No limit

Summer food service program –

federal fund (604-00-3591) No limit

ESSER II federal fund (604-00-3638) No limit

American rescue plan-state relief –

federal fund (604-00-3756) No limit

Education improvement –

federal fund (604-00-3898) No limit

Gift fund (604-00-7329-5100)..... No limit

Special bequest fund (604-00-7333)..... No limit

(c) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special rev-

enue fund or funds for fiscal year 2025 as authorized by this or any other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the above agency from such moneys to submit a status report on or before January 31, 2025, to the senate committee on education and the house of representatives committee on K-12 budget detailing the early childhood program and the agency’s ability to transition the program to self-sufficient funding.

Sec. 93.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (610-00-1000-0303)	\$38,221
Language assessment program (610-00-1000-0500)	\$380

Sec. 94.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (610-00-1000-0303)	\$11,159,819
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: <i>Provided, however</i> , That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.	

Language assessment program	\$387,565
<i>Provided</i> , That any unencumbered balance in the language assessment program account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.	

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Local services reimbursement fund (610-00-2091-2200)	No limit
<i>Provided</i> , That the Kansas state school for the deaf is hereby authorized to assess and collect a fee of 20% of the total cost of services provided to local school districts: <i>Provided further</i> , That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local services reimbursement fund.	
General fees fund (610-00-2094)	No limit
Student activity fees fund (610-00-2147)	No limit
Language assessment fee fund (610-00-2891)	No limit

Provided, That expenditures shall be made from the language assessment fee fund for operating expenditures to implement a fee-for-service model to fund the implementation of a language assessment program for children ages three through eight: *Provided further*, That the above agency is hereby authorized to fix, charge and collect fees from unified school districts, special education cooperatives and interlocals to fund the operations of the language assessment program authorized pursuant to K.S.A. 75-5397e, and amendments thereto: *And provided further*, That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the language assessment fee fund: *And provided further*, That all expenditures from the language assessment fee fund shall be only for the operations of the language assessment program.

Special education state grants –	
federal fund (610-00-3234)	No limit
Universal newborn screening –	
federal fund (610-00-3459)	No limit
School breakfast program –	
federal fund (610-00-3529)	No limit
School lunch program –	
federal fund (610-00-3530)	No limit
Special education preschool grants –	
federal fund (610-00-3535)	No limit
Summer food service program –	
federal fund (610-00-3591)	No limit
Elementary and secondary school emergency	
relief – federal fund (610-00-3638).....	No limit
COVID-19 federal relief fund –	
federal fund (610-00-3649)	No limit
American rescue plan – state relief –	
federal fund (604-00-3756)	No limit
Special bequest fund (610-00-7321).....	No limit
Gift fund (610-00-7330).....	No limit
Special workshop fund (610-00-7504).....	No limit

Sec. 95.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (288-00-1000-0083)	\$28,394
Shawnee Mission roofs replacement (288-00-1000).....	\$350,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2024, all

moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Native American graves protection and repatriation fund (288-00-3903-3903)	No limit
American rescue plan – state fiscal relief – federal fund (288-00-3756).....	No limit

(c) During the fiscal year ending June 30, 2024, in addition to the other purposes for which the above agency may make expenditures from moneys appropriated from the operating expenditures account (288-00-1000-0083) as authorized by section 98(a) of chapter 82 of the 2023 Session Laws of Kansas, this or any other appropriation act of the 2024 regular session of the legislature, the above agency may make expenditures from such moneys in an amount of not to exceed \$1,750 for official hospitality.

(d) During the fiscal year ending June 30, 2024, in addition to the other purposes for which the above agency may make expenditures from moneys appropriated from the historic preservation overhead fees fund (288-00-2916-2380) as authorized by section 98(b) of chapter 82 of the 2023 Session Laws of Kansas, this or any other appropriation act of the 2024 regular session of the legislature, the above agency may make expenditures from such moneys in an amount of not to exceed \$1,000 for official hospitality.

(e) On the effective date of this act, the expenditure limitation for state operations established for the fiscal year ending June 30, 2024, by section 98(b) of chapter 82 of the 2023 Session Laws of Kansas on the heritage trust fund (288-00-7379-7600) of the state historical society is hereby increased from \$100,000 to \$111,083.

Sec. 96.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (288-00-1000-0083)	\$4,652,354
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: <i>Provided, however</i> , That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.	
Humanities Kansas (288-00-1000-0600)	\$50,501

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund

or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund (288-00-2047-2300) No limit
Archeology fee fund (288-00-2638-2350) No limit

Provided, That expenditures may be made from the archeology fee fund for operating expenses for providing archeological services by contract: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing archeological services by contract: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the archeology fee fund.

Conversion of materials and

equipment fund (288-00-2436-2700)..... No limit
Microfilm fees fund (288-00-2246-2370) No limit

Provided, That expenditures may be made from the microfilm fees fund for operating expenses for providing imaging services: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing imaging services: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the microfilm fees fund.

Records center fee fund (288-00-2132-2100) No limit

Provided, That expenditures may be made from the records center fee fund for operating expenses for state records and for the trusted digital repository for electronic government records.

Historic properties fee fund (288-00-2164-2310) No limit
Historic preservation overhead

fees fund (288-00-2916-2380) No limit

Provided, That expenditures from the historic preservation overhead fees fund for official hospitality shall not exceed \$1,000.

National historic preservation act

fund – local (288-00-3089-3000)..... No limit

Private gifts, grants and

bequests fund (288-00-7302-7000) No limit

Museum and historic sites visitor

donation fund (288-00-2142-2250) No limit

Insurance collection replacement/
 reimbursement fund (288-00-2182-2320) No limit
Heritage trust fund (288-00-7379-7600) No limit
Provided, That expenditures from the heritage trust fund for state opera-
tions shall not exceed \$119,401.

Land survey fee fund (288-00-2234-2330)..... No limit
Provided, That, notwithstanding the provisions of K.S.A. 58-2011, and
amendments thereto, expenditures may be made by the above agency
from the land survey fee fund for the fiscal year 2025 for operating ex-
penditures that are not related to administering the land survey program.

National trails fund (288-00-3553-3353) No limit

Native American graves protection and
 repatriation fund (288-00-3903-3903) No limit

American rescue plan – state fiscal
 relief – federal fund (288-00-3756)..... No limit

State historical society
 facilities fund (288-00-2192-2420) No limit

Historic properties fund (288-00-2144-2400) No limit

Law enforcement
 memorial fund (288-00-7344-7300)..... No limit

Highway planning/
 construction fund (288-00-3333-3333) No limit

Save America’s
 treasures fund (288-00-3923-4000)..... No limit

Archeology federal fund (288-00-3083-3110)..... No limit

Property sale proceeds fund (288-00-2414-2500)..... No limit
Provided, That proceeds from the sale of property pursuant to K.S.A. 75-
2701, and amendments thereto, shall be deposited in the state treasury
and credited to the property sale proceeds fund.

National endowment for the
 humanities fund (288-00-3925-3925) No limit

(c) Notwithstanding the provisions of K.S.A. 75-2721, and amend-
ments thereto, or any other statute, during the fiscal year ending June
30, 2025, in addition to the other purposes for which expenditures may
be made by the above agency from the state general fund or from any
special revenue fund or funds for fiscal year 2025, as authorized by this
or other appropriation act of the 2025 regular session of the legislature,
expenditures shall be made by the above agency from the state general
fund or from any special revenue fund or funds for fiscal year 2025 to fix
admission fees at constitution hall in Lecompton, Kansas, at \$3 per adult
single admission, \$1 per student single admission, \$2 per student for guid-
ed tours and \$3 per adult for guided tours: *Provided, however*, That such

admission fees may be increased by the above agency during fiscal year 2025 if all moneys from such admission fees are invested in constitution hall and the total amount of such admission fees exceeds the amount of the Lecompton historical society’s constitution hall promotional expenses as determined by the average of such promotional expenses for the preceding three calendar years: *Provided further*, That the state historical society may request annual financial statements from the Lecompton historical society for the purpose of calculating such three-year average of promotional expenses.

Sec. 97.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (including	
official hospitality) (246-00-1000-0013)	\$163,543
Master’s-level	
nursing capacity (246-00-1000-0100).....	\$599
Kansas wetlands education center at	
Cheyenne bottoms (246-00-1000-0200)	\$981
Kansas academy of math	
and science (246-00-1000-0300)	\$2,459

Sec. 98.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (including	
official hospitality) (246-00-1000-0013)	\$38,488,795

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Regional stabilization	\$3,000,000
Master’s-level	
nursing capacity (246-00-1000-0100).....	\$144,495

Provided, That any unencumbered balance in the master’s-level nursing capacity account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Kansas wetlands education center at	
Cheyenne bottoms (246-00-1000-0200)	\$270,324

Provided, That any unencumbered balance in the Kansas wetlands education center at Cheyenne bottoms account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Kansas academy of math
and science (246-00-1000-0300)\$771,989

Provided, That any unencumbered balance in the Kansas academy of math and science account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Western Kansas nursing workforce
development instruction.....\$400,000

Telehealth certification for mental
health providers\$250,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (246-00-5185-5050) No limit

Provided, That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.

General fees fund (246-00-2035-2000) No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund (246-00-2510-2040)..... No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Special events; technology equipment; Gross coliseum services; capital improvements; performing arts center services; farm income; choral music clinic; yearbook; off-campus tours; memorial union activities; student activity (unallocated); tiger media; conferences, clinics and workshops – noncredit; summer laboratory school; little theater; library services; student affairs; speech and debate; student government; counseling center services; interest on local funds; student identification cards; nurse education programs; athletics; placement fees; virtual college classes; speech and hearing; child care services for dependent students; computer services; interactive television contributions; midwestern student exchange; departmental receipts for all sales, refunds and other collections not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the

restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the midwestern student exchange account of the restricted fees fund: *And provided further*, That expenditures may be made from the restricted fees fund for official hospitality.

Education opportunity act –

federal fund (246-00-3394-3500) No limit
 Service clearing fund (246-00-6000) No limit

Provided, That the service clearing fund shall be used for the following service activities: Computer services, storeroom for official supplies including office supplies, paper products, janitorial supplies, printing and duplicating, car pool, postage, copy center, and telecommunications and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Commencement fees fund (246-00-2511-2050) No limit
 Health fees fund (246-00-5101-5000) No limit

Provided, That expenditures from the health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Student union fees fund (246-00-5102-5010) No limit

Provided, That expenditures may be made from the student union fees fund for official hospitality.

Kansas career work study

program fund (246-00-2548-2060) No limit

Economic opportunity act –

federal fund (246-00-3034-3000) No limit

Faculty of distinction

matching fund (246-00-2471-2400) No limit

Nine month payroll clearing

account fund (246-00-7709-7060) No limit

Federal Perkins student

loan fund (246-00-7501-7050) No limit

Housing system

revenue fund (246-00-5103-5020) No limit

Provided, That expenditures may be made from the housing system revenue fund for official hospitality.

Institutional overhead fund (246-00-2900-2070)	No limit
Oil and gas royalties fund (246-00-2036-2010)	No limit
Housing system	
suspense fund (246-00-5707-5090)	No limit
Sponsored research	
overhead fund (246-00-2914-2080)	No limit
Kansas distinguished	
scholarship fund (246-00-7204-7000)	No limit
Temporary deposit fund (246-00-9013-9400)	No limit
Federal receipts	
suspense fund (246-00-9105-9410)	No limit
Suspense fund (246-00-9134-9420)	No limit
Mandatory retirement annuity	
clearing fund (246-00-9136-9430)	No limit
Voluntary tax shelter annuity	
clearing fund (246-00-9163-9440)	No limit
Agency payroll deduction	
clearing fund (246-00-9197-9450)	No limit
Pre-tax parking clearing fund (246-00-9220-9200)	No limit
University payroll fund (246-00-9800)	No limit
University federal fund (246-00-3141-3140)	No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *Provided further*, That expenditures may be made by the above agency from this fund to procure a policy of accident, personal liability and excess automobile liability insurance insuring volunteers participating in the senior companion program against loss in accordance with specifications of federal grant guidelines as provided in K.S.A. 75-4101, and amendments thereto.

Coronavirus relief federal fund (246-00-3753)	No limit
Governor's emergency education	
relief fund (246-00-3638)	No limit
American rescue plan – state fiscal relief –	
federal fund (246-00-3756)	No limit

(c) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Fort Hays state university of not to exceed \$125,000 from the general fees fund (246-00-2035-2000) to the federal Perkins student loan fund (246-00-7501-7050).

Sec. 99.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (including official hospitality) (367-00-1000-0003)	\$367,575
Global food systems (367-00-1000-0190)	\$10,876
Kansas state university polytechnic campus (including official hospitality) (367-00-1000-0150)	\$57,328

Sec. 100.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (including official hospitality) (367-00-1000-0003)	\$108,299,198
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Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Midwest institute for comparative stem cell biology (367-00-1000-0170)	\$127,178
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Provided, That any unencumbered balance in the midwest institute for comparative stem cell biology account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Global food systems (367-00-1000-0190)	\$5,077,825
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Provided, That unencumbered balance in the global food systems account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025; *Provided further*, That all moneys in the global food systems account expended for fiscal year 2025 shall be matched by Kansas state university on a \$1-for-\$1 basis from other moneys of Kansas state university; *And provided further*, That Kansas state university shall submit a plan to the house committee on appropriations, the senate committee on ways and means and the governor as to how the global food systems-related activities create additional jobs in the state and other economic value, particularly for and with the private sector, for fiscal year 2025.

Kansas state university Salina (including official hospitality) (367-00-1000-0150)	\$9,271,124
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Provided, That any unencumbered balance in the Kansas state university polytechnic campus (including official hospitality) account in excess of \$100 as of June 30, 2024, is hereby reappropriated to the Kansas state university Salina (including official hospitality) account for fiscal year 2025.

[†]

Biomanufacturing institute (367-00-1000-0200)\$5,000,000
Provided, That any unencumbered balance in the biomanufacturing institute account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025; *Provided further*, That all expenditures for the biomanufacturing institute shall require a match of local nonstate or private moneys on a \$1-for-\$1 basis.

[†]

Kansas state university ag
innovation initiative (561-00-1000)\$25,000,000
Provided, That all expenditures from such account shall require a match of nonstate or private moneys on a \$1-for-\$1 basis; *Provided, however*, That no federal grants may be used for such match.

Biosecurity research\$2,200,000
Water wide institute\$5,000,000

Provided, That expenditures shall be made by the above agency from such account to submit a plan and report on the goals, accomplishments and return on investment regarding the state’s vital interests in water quality and quantity to the house of representatives committee on appropriations, the senate committee on ways and means and the governor on or before January 13, 2025.

Pure imagination facility (Kansas
advanced immersive research
for emerging systems center)\$3,100,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (367-00-5181)No limit

Provided, That expenditures may be made from the parking fees fund for capital improvement projects for parking improvements.

Faculty of distinction
matching fund (367-00-2472-2500)No limit
General fees fund (367-00-2062-2000)No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys; *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Interest on endowment fund (367-00-7100-7200)No limit
Restricted fees fund (367-00-2520-2080).....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Technology equipment; flight services; communications and marketing; computer services; copy centers; standardized test fees; placement center; recreational services; Kansas state university Salina; motor pool; music; professorships; student activities fees; biology sales and services; chemistry; field camps; physics storeroom; sponsored research, sponsored instruction, sponsored public service, equipment and facility grants; contract-post office; library collections; sponsored construction or improvement projects; attorney, educational and personal development, human capital services; student financial assistance; application for undergraduate programs; speech and hearing; gifts; human development and family research and training; college of education – publications and services; guaranteed student loan application processing; auditorium receipts; catalog sales; interagency consulting; sales and services of educational programs; transcript fees; facility use fees; college of health and human sciences storeroom; college of health and human sciences sales; application for post baccalaureate programs; art exhibit fees; college of education – Kansas careers; foreign student application fee; student union repair and replacement reserve; departmental receipts for all sales, refunds and other collections; institutional support fee; miscellaneous renovations – construction; speech receipts; art museum; exchange program; flight training lab fees; administrative reimbursements; parking fees; printing; short courses and conferences; student government association receipts; late registration fee; engineering equipment fee; architecture equipment fee; biotechnology facility; English language program; international programs; Bramlage coliseum; planning and analysis; telecommunications; comparative medicine; Marlatt memorial park; departmental student organization receipts; other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures from the restricted fees fund may be made for the purchase of insurance for operation and testing of completed project aircraft and for operation of aircraft used in professional pilot training, including coverage for public liability, physical damage, medical payments and voluntary settlement coverages: *And provided further*, That expenditures may be made from this fund for official hospitality.

Kansas career work study	
program fund (367-00-2540-2090).....	No limit
Service clearing fund (367-00-6003-7000).....	No limit
<i>Provided</i> , That the service clearing fund shall be used for the following service activities: Supplies stores; telecommunications services; photographic services; K-State printing services; postage; facilities services; facilities carpool; public safety services; facility planning services; facilities storeroom; computing services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.	
Sponsored research	
overhead fund (367-00-2901-2160)	No limit
<i>Provided</i> , That expenditures may be made from the sponsored research overhead fund for official hospitality.	
Housing system	
suspense fund (367-00-5708-4830).....	No limit
Housing system operations fund (367-00-5163)	No limit
<i>Provided</i> , That expenditures may be made from the housing system operations fund for official hospitality.	
State emergency fund –	
building repair (367-00-2451-2451).....	No limit
Housing system repair, equipment and improvement fund (367-00-5641-4740)	No limit
Coliseum system repair, equipment and improvement fund (367-00-5642-4750)	No limit
Mandatory retirement annuity	
clearing fund (367-00-9137-9310)	No limit
Student health fees fund (367-00-5109-4410)	No limit
<i>Provided</i> , That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.	
Scholarship funds fund (367-00-7201-7210).....	No limit
Perkins student loan fund (367-00-7506-7260)	No limit
Federal award advance payment –	
U.S. department of education awards fund (367-00-3855-3350)	No limit
State agricultural	
university fund (367-00-7400-7250).....	No limit
Salina – student union	
fees fund (367-00-5114-4420)	No limit

Salina – housing system revenue fund (367-00-5117-4430)	No limit
Salina – housing system suspense fund (367-00-5724-4890)	No limit
Kansas comprehensive grant fund (367-00-7223-7300)	No limit
Temporary deposit fund (367-00-9020-9300)	No limit
Business procurement card clearing fund (367-00-9102-9400)	No limit
Suspense fund (367-00-9146-9320)	No limit
Voluntary tax shelter annuity clearing fund (367-00-9164-9330)	No limit
Agency payroll deduction clearing fund (367-00-9186-9360)	No limit
Pre-tax parking clearing fund (367-00-9221-9200)	No limit
Salina student life center revenue fund (367-00-5111-5120)	No limit
Child care facility revenue fund (367-00-5125-5101)	No limit
University federal fund (367-00-3142)	No limit
Animal health research fund (367-00-2053-2053)	No limit
National bio agro-defense facility fund (367-00-2058-2058)	No limit
<i>Provided, That all expenditures from the national bio agro-defense facility fund shall be approved by the president of Kansas state university.</i>	
Kan-grow engineering fund – KSU (367-00-2154-2154)	No limit
Payroll clearing fund (367-00-9801-9000)	No limit
Fed ext emp clearing fund – employee deduct (367-00-9182-9340)	No limit
Fed ext emp clearing fund – employer deduct (367-00-9183-9350)	No limit
Temp dep fund external source (367-00-9065-9305)	No limit
Nine month payroll clearing fund (367-00-7710-7270)	No limit
Interest bearing grants fund (367-00-2630-2630)	No limit
<i>Provided, That, on or before the 10th day of each month commencing during fiscal year 2025, the director of accounts and reports shall transfer from the state general fund to the interest bearing grants fund interest earnings based on: (1) The average daily balance in the interest bearing</i>	

grants fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Student union renovation expansion	
revenue fund (367-00-5191-4650)	No limit
Coronavirus relief federal fund (367-00-3753)	No limit
Governor’s emergency education	
relief fund (367-00-3638)	No limit
American rescue plan – state fiscal relief –	
federal fund (367-00-3756)	No limit

Sec. 101.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS
AND AGRICULTURE RESEARCH PROGRAMS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Cooperative extension service (including	
official hospitality) (369-00-1000-1020)	\$78,486
Agricultural experiment stations (including	
official hospitality) (369-00-1000-1030)	\$136,327
Wildfire suppression/state forest service (369-00-1000-1040)	\$4,498

Sec. 102.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS
AND AGRICULTURE RESEARCH PROGRAMS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Cooperative extension service (including	
official hospitality) (369-00-1000-1020)	\$18,245,983

Provided, That any unencumbered balance in the cooperative extension service (including official hospitality) account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That during the fiscal year ending June 30, 2025, expenditures shall be made by the above agency from such moneys available in such account in an amount of not less than \$5,000,000 for the KSU 105 project.

Agricultural experiment stations (including	
official hospitality) (369-00-1000-1030)	\$33,742,926

Provided, That any unencumbered balance in the agricultural experiment stations (including official hospitality) account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Wildfire suppression/state forest service (369-00-1000-1040)	\$683,573
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Provided, That any unencumbered balance in the wildfire suppression/ state forest service account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Restricted fees fund (369-00-2697-1100)..... No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Plant pathology; Kansas artificial breeding service unit; technology equipment; professorships; agricultural experiment station, director's office; agronomy – Ashland farm; KSU agricultural research center – Hays; KSU southeast agricultural research center; KSU southwest research extension center; agronomy – general; agronomy – experimental field crop sales; entomology sales; grain science and industry – Kansas state university; food and nutrition research; extension services and publication; sponsored construction or improvement projects; gifts; comparative medicine; sales and services of educational programs; animal sciences and industry livestock and product sales; horticulture greenhouse and farm products sales; Konza prairie operations; departmental receipts for all sales, refunds and other collections; institutional support fee; KSU northwest research extension center operations; sponsored research, public service, equipment and facility grants; statistical laboratory; equipment/pesticide storage building; miscellaneous renovation – construction; other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from the Kansas agricultural mediation service account of the restricted fees fund during fiscal year 2025: *And provided further*, That expenditures may be made from this fund for official hospitality.

Fertilizer research fund (369-00-2263-1150)..... No limit
Sponsored research

overhead fund (369-00-2921-1200) No limit
Provided, That expenditures may be made from the sponsored research overhead fund for official hospitality.

Federal awards – advance
payment fund (369-00-3872-1360) No limit

Smith-Lever special program grant – federal fund (369-00-3047-1330)	No limit
Faculty of distinction matching fund (369-00-2479-1190)	No limit
Agricultural land use-value fund (369-00-2364-1180)	No limit
University federal fund (369-00-3144)	No limit
Coronavirus relief federal fund (369-00-3753)	No limit
American rescue plan – state fiscal relief – federal fund (369-00-3756)	No limit

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2025, the following:

Agricultural experiment stations (369-00-1900-1900)	\$329,048
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Sec. 103.

KANSAS STATE UNIVERSITY
VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (including official hospitality) (368-00-1000-5003)	\$39,868
Operating enhancement (368-00-1000-5023)	\$24,520

Sec. 104.

KANSAS STATE UNIVERSITY
VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (including official hospitality) (368-00-1000-5003)	\$10,953,116
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Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Operating enhancement (368-00-1000-5023)	\$5,396,434
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Provided, That any unencumbered balance in the operating enhancement account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That all expenditures from the operating enhancement account shall be expended in accordance with the plan submitted by the board of regents for improving the rankings of the Kansas state university veterinary medical center and shall be approved by the president of Kansas state university.

Veterinary training program for
rural Kansas (368-00-1000-5013)\$650,000

Provided, That any unencumbered balance in the veterinary training program for rural Kansas account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund (368-00-2129-5500) No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Vet health center revenue fund (including
official hospitality) (368-00-5160-5300) No limit

Faculty of distinction

matching fund (368-00-2478-5220) No limit

Restricted fees fund (368-00-2590-5530) No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Sponsored research, instruction, public service, equipment and facility grants; sponsored construction or improvement projects; technology equipment; pathology fees; laboratory test fees; miscellaneous renovations or construction; dean of veterinary medicine receipts; gifts; application for postbaccalaureate programs; professorship; embryo transfer unit; swine serology; rapid focal fluorescent inhibition test; comparative medicine; storerooms; departmental receipts for all sales, refunds and other collections; departmental student organization receipts; other specifically designated receipts not available for general operation of the Kansas state university veterinary medical center: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund for official hospitality.

Health professions student

loan fund (368-00-7521-5710) No limit

University federal fund (368-00-3143-5140) No limit

Coronavirus relief federal fund (368-00-3753) No limit
Governor’s emergency education relief fund (368-00-3638)..... No limit
American rescue plan – state fiscal relief –
federal fund (368-00-3756) No limit

(c) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed a total of \$15,000 from the general fees fund (368-00-2129-5500) to the health professions student loan fund (368-00-7521-5710).

Sec. 105.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (including
official hospitality) (379-00-1000-0083)\$144,186
Nat’l board cert/future
teacher academy (379-00-1000-0200).....\$621

Sec. 106.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (including
official hospitality) (379-00-1000-0083)\$36,002,066
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.
Regional stabilization\$3,000,000
Nat’l board cert/future
teacher academy (379-00-1000-0200).....\$325,371

Provided, That any unencumbered balance in the nat’l board cert/future teacher academy account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures may be made from the nat’l board cert/future teacher academy account for official hospitality.

SMaRT Kansas 21 (379-00-1000-0500).....\$510,000
Provided, That any unencumbered balance in the SMaRT Kansas 21 account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Cybersecurity academic programming center
(379-00-1000-0600)\$1,100,000

Provided, That any unencumbered balance in the cybersecurity academic programming center account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Emporia state university student affordability
(561-00-1000).....\$8,100,000

Provided, That all expenditures from such account shall be used to eliminate the student fee of \$125.12 per semester for full-time, on-campus students and \$14.83 per credit hour for part-time students for memorial union debt; *Provided, however*, That during the fiscal year ending June 30, 2025, the above agency or Emporia state university shall not increase any other student fees to offset the revenue reduction from the elimination of such student fee.

[†]

Any unencumbered balance in the Emporia state model investment account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (379-00-5186)No limit

Provided, That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.

General fees fund (379-00-2069-2010)No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys; *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Interest on state normal
school fund (379-00-7101-7000)No limit
Restricted fees fund (379-00-2526-2040).....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Computer services, student activity; technology equipment; student union; sponsored research; computer services; extension classes; gifts and grants (for teaching, research and capital improvements); capital improvements; business school contributions; state department of education (vocational); library services; library collections; interest on local funds; receipts from conferences, clinics, and workshops held on campus for which no college credit is given; physical plant reimbursements from auxiliary enterprises; midwestern student exchange; departmental receipts – for all sales, refunds and other collections or receipts not spe-

cifically enumerated above: *Provided, however,* That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further,* That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further,* That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further,* That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the midwestern student exchange account of the restricted fees fund: *And provided further,* That expenditures may be made from the restricted fees fund for official hospitality.

Service clearing fund (379-00-6004) No limit
Provided, That the service clearing fund shall be used for the following service activities: Telecommunications services; state car operation; ESU press including duplicating and reproducing; postage; physical plant storeroom including motor fuel inventory; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Commencement fees fund (379-00-2527-2050) No limit
Kansas career work study

 program fund (379-00-2549-2060) No limit
Student health fees fund (379-00-5115-5010) No limit

Provided, That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Faculty of distinction
 matching fund (379-00-2473-2400) No limit

Bureau of educational
 measurements fund (379-00-5118-5020) No limit

National direct student
 loan fund (379-00-7507-7040) No limit

Economic opportunity act – work study –
 federal fund (379-00-3128-3000) No limit

Educational opportunity grants – federal fund (379-00-3129-3010)	No limit
Basic opportunity grant program – federal fund (379-00-3130-3020)	No limit
Research and institutional overhead fund (379-00-2902-2070)	No limit
Kansas comprehensive grant fund (379-00-7224-7060)	No limit
Housing system suspense fund (379-00-5701-5130)	No limit
Housing system operations fund (379-00-5169-5050)	No limit
Kansas distinguished scholarship fund (379-00-2762-2700)	No limit
University federal fund (379-00-3145)	No limit
<i>Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.</i>	
Twin towers project revenue fund (379-00-5120-5030)	No limit
Nine month payroll clearing fund (379-00-7712-7050)	No limit
Temporary deposit fund (379-00-9022-9510)	No limit
Federal receipts suspense fund (379-00-9085-9520)	No limit
Suspense fund (379-00-9021)	No limit
Mandatory retirement annuity clearing fund (379-00-9138-9530)	No limit
Voluntary tax shelter annuity clearing fund (379-00-9165-9540)	No limit
Agency payroll deduction clearing fund (379-00-9196-9550)	No limit
Pre-tax parking clearing fund (379-00-9222-9200)	No limit
University payroll fund (379-00-9802)	No limit
Leveraging educational assistance partnership federal fund (379-00-3224-3200)	No limit
National direct student loan fund (379-00-7507-7040)	No limit
Student union refurbishing fund (379-00-5161-5040)	No limit
Housing system repairs, equipment and improvement fund (379-00-5650-5120)	No limit

Coronavirus relief federal fund (379-00-3753) No limit

Governor’s emergency education relief fund (379-00-3638) No limit

American rescue plan – state fiscal relief – federal fund (379-00-3756) No limit

Sec. 107.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (including official hospitality) (385-00-1000-0063)\$171,235

School of construction (385-00-1000-0200)\$2,657

Polymer science program (385-00-1000-0300)\$3,150

Sec. 108.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (including official hospitality) (385-00-1000-0063)\$38,601,222

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Regional stabilization\$3,000,000

School of construction (385-00-1000-0200)\$788,125

Provided, That any unencumbered balance in the school of construction account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Polymer science program (385-00-1000-0300)\$1,050,236

Provided, That any unencumbered balance in the polymer science program account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Global center for STEM (385-00-1000-0260)\$2,000,000

Provided, That any unencumbered balance in the global center for STEM account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Center for emerging technologies (385-00-1000-0280)\$2,000,000

Provided, That any unencumbered balance in the center for emerging technologies account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Any unencumbered balance in the following account or accounts as of June 30, 2024, are hereby reappropriated for fiscal year 2025: NIMA manufacturing prove out facility (385-00-1000-0250).

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund (385-00-5187-5060) No limit

Provided, That expenditures may be made from the parking fees fund for capital improvement projects for parking lot improvements.

General fees fund (385-00-2070-2010) No limit

Provided, That all moneys received for tuition received from students participating in the gorilla advantage program or the midwestern student exchange program shall be deposited in the state treasury to the credit of the general fees fund: *Provided further*, That expenditures may be made from the general fees fund to match federal grant moneys: *And provided further*, That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund (385-00-2529-2040) No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Computer services; capital improvements; instructional technology fee; technology equipment; student activity fee accounts; commencement fees; ROTC activities; continuing education receipts; vocational auto parts and service fees; receipts from camps, conferences and meetings held on campus; library service collections and fines; grants from other state agencies; Midwest Quarterly; chamber music series; contract – post office; gifts and grants; intensive English program; business and technology institute; public sector radio station activities; economic opportunity – state match; Kansas career work study; regents supplemental grants; departmental receipts, and other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such

grants include money for and authorize the purchase of such insurance: *And provided further*, That surplus restricted fees moneys generated by the music department may be transferred to the Pittsburg state university foundation, inc., for the express purpose of awarding music scholarships: *And provided further*, That expenditures may be made from this fund for official hospitality.

Service clearing fund (385-00-6005) No limit
Provided, That the service clearing fund shall be used for the following service activities: Duplicating and printing services; instructional media division; office stationery and supplies; motor carpool; postage services; photo services; telephone services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Hospital and student health
fees fund (385-00-5126-5010) No limit
Provided, That expenditures from the hospital and student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center: *Provided further*, That expenditures may be made from this fund for capital improvement projects for hospital and student health center improvements.

Suspense fund (385-00-9024-9510) No limit
Faculty of distinction
 matching fund (385-00-2474-2400) No limit
Perkins student loan fund (385-00-7509-7020) No limit
Sponsored research
 overhead fund (385-00-2903-2903) No limit
College work study
 federal fund (385-00-3498-3030) No limit
Nursing student loan fund (385-00-7508-7010) No limit
Housing system
 suspense fund (385-00-5703-5170) No limit
Housing system
 operations fund (385-00-5165-5050) No limit
Housing system repairs, equipment and
 improvement fund (385-00-5646-5160) No limit
Kansas comprehensive
 grant fund (385-00-7227-7200) No limit
Kansas career work study
 program fund (385-00-2552-2060) No limit
Nine month payroll
 clearing fund (385-00-7713-7030) No limit

Payroll clearing fund (385-00-9023-9500).....	No limit
Temporary deposit fund (385-00-9025-9520)	No limit
Federal receipts	
suspense fund (385-00-9104-9530)	No limit
BPC clearing fund (385-00-9109-9570)	No limit
Mandatory retirement annuity	
clearing fund (385-00-9139-9540)	No limit
Voluntary tax shelter annuity	
clearing fund (385-00-9166-9550)	No limit
Agency payroll deduction	
clearing fund (385-00-9195-9560)	No limit
Pre-tax parking clearing fund (385-00-9223-9200)	No limit
University payroll fund (385-00-9803)	No limit
University federal fund (385-00-3146)	No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Overman student center	
renovation fund (385-00-2820-2820)	No limit
Student health center	
revenue fund (385-00-2828-2851)	No limit
Horace Mann building	
renovation fund (385-00-2833)	No limit
Revenue 2014A fund (385-00-5106-5105)	No limit
Nurse faculty loan program federal fund (385-00-3596-3596)	No limit
Coronavirus relief federal fund (385-00-3753)	No limit
Governor's emergency education	
relief fund (385-00-3638)	No limit
American rescue plan – state fiscal relief –	
federal fund (385-00-3756)	No limit

(c) During the fiscal year ending June 30, 2025, the director of accounts and reports shall transfer amounts specified by the president of Pittsburg state university of not to exceed a total of \$145,000 for all such amounts, from the general fees fund (385-00-2070-2010) to the following specified funds and accounts of funds: Perkins student loan fund (385-00-7509-7020); nursing student loan fund (385-00-7508-7010); and nurse faculty loan program federal fund (385-00-3596-3596).

Sec. 109.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (including
official hospitality) (682-00-1000-0023)\$648,260
Geological survey (682-00-1000-0170).....\$24,911
Umbilical cord
matrix project (682-00-1000-0370)\$328
Sec. 110.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (including
official hospitality) (682-00-1000-0023)\$149,749,825
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.
Geological survey (682-00-1000-0170).....\$9,084,255
Provided, That any unencumbered balance in the geological survey account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025; *Provided further*, That in addition to the other purposes for which expenditures may be made by the above agency from the geological survey account of the state general fund for fiscal year 2025, expenditures shall be made by the above agency from such fund for fiscal year 2025 for seismic surveys in an amount of not less than \$100,000.

Umbilical cord
matrix project (682-00-1000-0370)\$151,245
Provided, That any unencumbered balance in the umbilical cord matrix project account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking facilities
revenue fund (682-00-5175-5070)No limit
Provided, That expenditures may be made from the parking facilities revenue fund for capital improvement projects for parking improvements.
Faculty of distinction
matching fund (682-00-2475-2500)No limit
General fees fund (682-00-2107-2000)No limit
Provided, That expenditures may be made from the general fees fund to match federal grant moneys.

Interest fund (682-00-7103-7000) No limit
Sponsored research

overhead fund (682-00-2905-2160) No limit

Law enforcement training

center fund (682-00-2133-2020) No limit

Provided, That expenditures may be made from the law enforcement training center fund to cover the costs of tuition for students enrolled in the law enforcement training program in addition to the costs of salaries and wages and other operating expenditures for the program: *Provided further*, That expenditures may be made from the law enforcement training center fund for the acquisition of tracts of land.

Law enforcement training center

fees fund (682-00-2763-2700) No limit

Provided, That all moneys received for tuition from students enrolling in the basic law enforcement training program for undergraduate or graduate credit shall be deposited in the state treasury and credited to the law enforcement training center fees fund.

Restricted fees fund (682-00-2545) No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Institute for policy and social research; technology equipment; capital improvements; concert course; speech, language and hearing clinic; perceptual motor clinic; application for admission fees; named professorships; summer institutes and workshops; dramatics; economic opportunity act; executive management; continuing education programs; geology field trips; gifts and grants; extension services; counseling center; investment income from bequests; reimbursable salaries; music and art camp; child development lab preschools; orientation center; educational placement; press publications; Rice estate educational project; sponsored research; student activities; sale of surplus books and art objects; building use charges; Kansas applied remote sensing program; executive master's degree in business administration; applied English center; cartographic services; economic education; study abroad programs; computer services; recreational activities; animal care activities; geological survey; midwestern student exchange; department commercial receipts for all sales, refunds, and all other collections or receipts not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be

credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further,* That moneys received for student fees in any account of the restricted fees fund may be transferred to one or more other accounts of the restricted fees fund.

Service clearing fund (682-00-6006)	No limit
<i>Provided,</i> That the service clearing fund shall be used for the following service activities: Residence hall food stores; university motor pool; military uniforms; telecommunications service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.	
Health service fund (682-00-5136-5030)	No limit
Kansas career work study	
program fund (682-00-2534-2050).....	No limit
Student union fund (682-00-5137-5040).....	No limit
Federal Perkins loan fund (682-00-7512-7040)	No limit
Health professions student	
loan fund (682-00-7513-7050).....	No limit
Housing system	
suspense fund (682-00-5704-5150).....	No limit
Housing system	
operations fund (682-00-5142-5050)	No limit
Housing system repairs, equipment and	
improvement fund (682-00-5621-5110)	No limit
Educational opportunity act –	
federal fund (682-00-3842-3020)	No limit
Loans for disadvantaged	
students fund (682-00-7510-7100).....	No limit
Prepaid tuition fees	
clearing fund (682-00-7765).....	No limit
Kansas comprehensive	
grant fund (682-00-7226-7110)	No limit
Fire service training fund (682-00-2123-2170).....	No limit
University federal fund (682-00-3147)	No limit
Johnson county education research	
triangle fund (682-00-2393-2390).....	No limit
Temporary deposit fund (682-00-9061-9020)	No limit
Suspense fund (682-00-9060-9010).....	No limit
BPC clearing fund (682-00-9119-9050)	No limit
Mandatory retirement annuity	
clearing fund (682-00-9142-9030)	No limit
Voluntary tax shelter annuity	
clearing fund (682-00-9167-9040)	No limit

Agency payroll deduction	
clearing fund (682-00-9193-9060)	No limit
Pre-tax parking clearing fund (682-00-9224-9200)	No limit
University payroll fund (682-00-9806)	No limit
GTA/GRA emp health insurance	
clearing fund (682-00-9063-9070)	No limit
Standard water data	
repository fund (682-00-2463-2463)	No limit
Multicultural rescer center	
construction fund (682-00-2890-2890)	No limit
Kan-grow engineering	
fund – KU (682-00-2153-2153)	No limit
Child care facility revenue	
bond fund (682-00-2372)	No limit
Student recreation fitness center	
KDFA fund (682-00-2864-2860)	No limit
Student union renovation	
revenue fund (682-00-5171-5060)	No limit
Parking facility KDFA 1993G	
revenue fund (682-00-5175-5070)	No limit
Student health facility maintenance, repair and equipment	
fee fund (682-00-5640-5120)	No limit
Coronavirus relief federal fund (682-00-3753)	No limit
Governor's emergency education	
relief fund (682-00-3638)	No limit
American rescue plan state	
relief fund (682-00-3756-3536)	No limit
University of Kansas and Wichita state university health	
collaboration fund (682-00-2878-2878)	No limit
University of Kansas ARPA health	
collaboration fund (682-00-3756)	No limit

(c) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$325,000 for all such amounts, from the general fees fund (682-00-2107-2000) to the following specified funds and accounts of funds: Federal Perkins loan fund (682-00-7512-7040); educational opportunity act – federal fund (682-00-3842-3020); university federal fund (682-00-3147-3140); health professions student loan fund (682-00-7513-7050); loans for disadvantaged students fund (682-00-7510-7100).

(d) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2025, for the water plan project or projects specified, the following:

Geological survey (682-00-1800-1810).....\$26,841
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the geological survey account is hereby reappropriated for fiscal year 2025.

Sec. 111.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (including
official hospitality) (683-00-1000-0503)\$422,218
Midwest stem cell
therapy center (683-00-1000-0800)\$2,254

(b) On the effective date of this act, the \$30,000 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 112(a) of chapter 82 of the 2023 Session Laws of Kansas from the state general fund in the rural health bridging psychiatry account (683-00-1000-1015) is hereby lapsed.

Sec. 112.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (including
official hospitality) (683-00-1000-0503)\$111,397,185

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures from this account may be used to reimburse medical residents in residency programs located in Kansas City at the university of Kansas medical center for the purchase of health insurance for residents' dependents.

Medical scholarships
and loans (683-00-1000-0600)\$4,488,171

Provided, That any unencumbered balance in the medical scholarships and loans account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Midwest stem cell
therapy center (683-00-1000-0800)\$775,607

Provided, That any unencumbered balance in the midwest stem cell therapy center account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Rural health bridging (683-00-1000-1010).....\$140,000

Provided, That any unencumbered balance in the rural health bridging account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Medical scholarships and

loans psychiatry (683-00-1000-0610)\$970,000

Provided, That any unencumbered balance in the medical scholarships and loans psychiatry account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Rural health bridging psychiatry (683-00-1000-1015).....\$30,000

Provided, That any unencumbered balance in the rural health bridging psychiatry account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

OBGYN medical student loan (683-00-1000-0620)\$943,000

Provided, That any unencumbered balance in the OBGYN medical student loan account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

OBGYN medical residency bridging loan (683-00-1000-0630)\$30,000

Provided, That any unencumbered balance in the OBGYN medical residency bridge loan account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

University of Kansas medical center cancer

research facility (561-00-1000).....\$75,000,000

Provided, That all expenditures from such account shall require a match of nonstate or private moneys on a \$1-for-\$1 basis: *Provided, however*, That no federal grants may be used for such match.

KUMC Wichita residency program.....\$750,000

Provided, That expenditures shall be made by the above agency from such account to the department of family and community medicine of the university of Kansas school of medicine Wichita, for use in the Smoky Hill family medicine residency program, Wesley family medicine residency program and Ascension Via Christi family medicine residency program.

Any unencumbered balance in the following account or accounts as of June 30, 2024, are hereby reappropriated for fiscal year 2025: Health science center KUMed and WSU (683-00-1000-0810).

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund (683-00-2108-2500)No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys.

Midwest stem cell therapy	
center fund (683-00-2072-2072)	No limit
Faculty of distinction	
matching fund (683-00-2476-2400)	No limit
Restricted fees fund (683-00-2551)	No limit

Provided, That restricted fees shall be limited to the following accounts: Technology equipment; capital improvements; computer services; expenses reimbursed by the Kansas university endowment association; postgraduate fees; pathology fees; student health insurance premiums; gift receipts; designated research collaboration; facilities use; photography; continuing education; student activity fees; student application fees; department duplicating; student health services; student identification badges; student transcript fees; loan administration fees; fitness center fees; occupational health fees; employee health; telekid care fees; area outreach fees; police fees; endowment payroll reimbursement; rental property; e-learning fees; surplus property sales; outreach air travel; student loan legal fees; hospital authority salary reimbursements; graduate medical education contracts; Kansas university physicians inc., salaries reimbursements; housestaff activity fees; anatomy cadavers; biotechnology services; energy center funded depreciation; biostatistics; electron microscope services; Wichita faculty contracts; physical therapy services; legal fee reimbursements; sponsored research; departmental commercial receipts for all sales, refunds and all other collections of receipts not specifically enumerated above; Kansas department for children and families cost-sharing; *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees; *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected; *And provided further*, That expenditures may be made from this fund to purchase health insurance coverage for all students enrolled in the school of allied health, school of nursing and school of medicine.

Scientific research and development – special	
revenue fund (683-00-2926)	No limit
Kansas breast cancer	
research fund (683-00-2671-2660)	No limit
Sponsored research overhead fund (683-00-2907-2800)	No limit

Parking facility revenue fund –

KC campus (683-00-5176-5550) No limit

Provided, That expenditures may be made from the parking facility revenue fund – KC campus for capital improvement projects for parking improvements.

Parking fee fund –

Wichita campus (683-00-5180-5590) No limit

Provided, That expenditures may be made from the parking fee fund – Wichita campus for capital improvement projects for parking improvements.

Services to hospital

authority fund (683-00-2915-2900) No limit

Direct medical education

reimbursement fund (683-00-2918-3000) No limit

Service clearing fund (683-00-6007) No limit

Provided, That the service clearing fund shall be used for the following service activities: Printing services; purchasing storeroom; university motor pool; physical plant storeroom; photo services; telecommunications services; facilities operations discretionary repairs; animal care; instructional services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Educational nurse faculty loan

program fund (683-00-7505-7540) No limit

Federal college work

study fund (683-00-3256-3520) No limit

AMA education and

research grant fund (683-00-7207-7500) No limit

Federal health professions/

primary care student

loan fund (683-00-7516-7560) No limit

Federal nursing student

loan fund (683-00-7517-7570) No limit

Suspense fund (683-00-9057-9500) No limit

Federal student educational opportunity

grant fund (683-00-3255-3510) No limit

Federal Pell grant fund (683-00-3252-3500) No limit

Federal Perkins student

loan fund (683-00-7515-7550) No limit

Medical loan repayment fund (683-00-7214-7520) No limit

Provided, That expenditures from the medical loan repayment fund for attorney fees and litigation costs associated with the administration of the medical scholarship and loan program shall be in addition to any expen-

diture limitation imposed on the operating expenditures account of the medical loan repayment fund.

Medical student loan programs provider

assessment fund (683-00-2625-2650) No limit

Graduate medical education administration

reserve fund (683-00-5652-5640)..... No limit

University of Kansas medical center

private practice foundation

reserve fund (683-00-5659-5660)..... No limit

Robert Wood Johnson

award fund (683-00-7328-7530)..... No limit

Federal scholarship for disadvantaged

students fund (683-00-3094-3100)..... No limit

Temporary deposit fund (683-00-9058-9510) No limit

Mandatory retirement annuity

clearing fund (683-00-9143-9520) No limit

Voluntary tax shelter annuity

clearing fund (683-00-9168-9530) No limit

Agency payroll deduction

clearing fund (683-00-9194-9600) No limit

Pre-tax parking clearing fund (683-00-9225-9200) No limit

University payroll fund (683-00-9807) No limit

University federal fund (683-00-3148) No limit

Leveraging educational assistance partnership

federal fund (683-00-3223-3200) No limit

Johnson county education research

triangle fund (683-00-2394-2390) No limit

Psychiatry medical loan

repayment fund (683-00-7233-7233)..... No limit

Rural health bridging

psychiatry fund (683-00-2218-2218) No limit

Cancer center research (683-00-2551-2700) No limit

Graduate medical education

reimbursement fund (683-00-2918-3050) No limit

Coronavirus relief federal fund (683-00-3753) No limit

Governor's emergency education

relief fund (683-00-3638) No limit

Cancer research and public information

trust fund (683-00-2925-2925) No limit

American rescue plan – state fiscal relief –

federal fund (683-00-3756) No limit

(c) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the

chancellor of the university of Kansas of not to exceed a total of \$125,000 for all such amounts, from the general fees fund (683-00-2108-2500) to the following funds: Federal nursing student loan fund (683-00-7517-7570); federal student education opportunity grant fund (683-00-3255-3510); federal college work study fund (683-00-3256-3520); educational nurse faculty loan program fund (683-00-7505-7540); federal health professions/primary care student loan fund (683-00-7516-7560).

(d) During the fiscal year ending June 30, 2025, and within the limits of appropriations therefor, the university of Kansas medical center may enter into contracts to purchase additional malpractice insurance for medical students enrolled at the university of Kansas medical center while in clinical training at the university of Kansas medical center or at other health care institutions.

(e) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds of the above agency for fiscal year 2025 as authorized by this or any other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the above agency from such moneys to review funding for the university of Kansas cancer center building, including, but not limited to, the need for additional state moneys to leverage private funding required for construction of such cancer center to advance and to submit a report on such agency’s findings from such review to the legislature during the 2025 regular session of the legislature.

Sec. 113.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (including	
official hospitality) (715-00-1000-0003)	\$331,338

Sec. 114.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (including	
official hospitality) (715-00-1000-0003)	\$72,785,599

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Aviation research (715-00-1000-0015)	\$15,000,000
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Provided, That any unencumbered balance in the aviation research account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That all moneys in the aviation research account expended for fiscal year 2025 shall be matched by Wichita state university on a \$1-for-\$1 basis from other moneys of Wichita state university: *And provided further*, That Wichita state university shall submit a plan to the house committee on appropriations, the senate committee on ways and means and the governor as to how aviation research-related activities create additional jobs in the state and other economic value, particularly for and with the private sector, for fiscal year 2025.

Technology transfer facility (715-00-1000-0005)\$2,000,000

Provided, That any unencumbered balance in the technology transfer account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Aviation infrastructure (715-00-1000-0010).....\$5,200,000

Provided, That any unencumbered balance in the aviation infrastructure account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That during the fiscal year ending June 30, 2025, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the aviation infrastructure account for fiscal year 2025 by Wichita state university by this or other appropriation act of the 2024 regular session of the legislature, the moneys appropriated in the aviation infrastructure account for fiscal year 2025 may only be expended for training and equipment expenditures of the national center for aviation training.

Business partnership\$5,000,000

Any unencumbered balance in the following account or accounts as of June 30, 2024, are hereby reappropriated for fiscal year 2025: Health science center WSU (715-00-1000-0800).

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund (715-00-2112).....No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund (715-00-2558).....No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Summer school workshops; technology equipment; concert course; dramatics; continuing education; flight training; gifts and grants

(for teaching, research, and capital improvements); capital improvements; testing service; state department of education (vocational); investment income from bequests; sale of surplus books and art objects; public service; veterans counseling and educational benefits; sponsored research; campus privilege fee; student activities; national defense education programs; engineering equipment fee; midwestern student exchange; departmental receipts – for all sales, refunds and other collections or receipts not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures from this fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff at the student health center: *And provided further*, That expenditures may be made from this fund for official hospitality.

Service clearing fund (715-00-6008) No limit

Provided, That the service clearing fund shall be used for the following service activities: Central service duplicating and reproducing bureau; automobiles; furniture stores; postal clearing; telecommunications; computer services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Faculty of distinction

matching fund (715-00-2477-2400) No limit

Kansas career work study

program fund (715-00-2536-2020) No limit

Scholarship funds fund (715-00-7211-7000) No limit

Sponsored research

overhead fund (715-00-2908-2080) No limit

Economic opportunity act –

federal fund (715-00-3265-3100) No limit

Educational opportunity grant –

federal fund (715-00-3266-3110) No limit

Nine month payroll clearing

account fund (715-00-7717-7030) No limit

Pell grants federal fund (715-00-3366-3120)	No limit
Housing system	
suspense fund (715-00-5705-5160)	No limit
WSU housing system depreciation and	
replacement fund (715-00-5800-5260)	No limit
National direct student	
loan fund (715-00-7519-7010)	No limit
WSU housing systems	
revenue fund (715-00-5100-5250)	No limit
WSU housing system	
surplus fund (715-00-5620-5270)	No limit
University federal fund (715-00-3149-3140)	No limit
<i>Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.</i>	
Center of innovation for biomaterials in	
orthopaedic research – Wichita state	
university fund (715-00-2750-2700)	No limit
Kan-grow engineering	
fund – WSU (715-00-2155-2155)	No limit
Aviation research fund (715-00-2052-2052)	No limit
Temporary deposit fund (715-00-9059-9500)	No limit
Suspense fund (715-00-9077)	No limit
Mandatory retirement annuity	
clearing fund (715-00-9144-9520)	No limit
Voluntary tax shelter annuity	
clearing fund (715-00-9169-9530)	No limit
Agency payroll deduction	
clearing fund (715-00-9198-9400)	No limit
Pre-tax parking	
clearing fund (715-00-9226-9200)	No limit
Parking system project KDFA bond	
revenue fund (715-00-5148-5000)	No limit
Parking system project maintenance KDFA revenue	
bond fund (715-00-5159-5040)	No limit
Coronavirus relief federal fund (715-00-3753)	No limit
Governor’s emergency education	
relief fund (715-00-3638)	No limit
American rescue plan state	
relief fund (715-00-3756-3536)	No limit
Wichita state university and university of Kansas health	
collaboration fund (715-00-2878-2878)	No limit

Wichita state university ARPA health
collaboration fund (715-00-3756) No limit

Sec. 115.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (including
official hospitality) (561-00-1000-0103)\$19,235
Adult basic education (561-00-1000-0900)\$110,000

Sec. 116.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (including
official hospitality) (561-00-1000-0103)\$5,129,252

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That, during fiscal year 2025, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2025 by the state board of regents as authorized by this or other appropriation act of the 2024 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2025 for attendance at an in-state meeting by members of the state board of regents for participation in matters of educational interest to the state of Kansas, upon approval of such attendance and participation by the state board of regents: *And provided further*, That each member of the state board of regents attending an in-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature: *And provided further*, That, during fiscal year 2025, notwithstanding the provisions of any other statute and in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2025 by the state board of regents as authorized by this or other appropriation act of the 2024 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2025 for attendance at an out-of-state meeting by members of the state board of regents whenever under any provision of law such members of the state board of regents are

authorized to attend the out-of-state meeting or whenever the state board of regents authorizes such members to attend the out-of-state meeting for participation in matters of educational interest to the state of Kansas: *And provided further*, That each member of the state board of regents attending an out-of-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature: *And provided further*, That, during fiscal year 2025, notwithstanding the provisions of any other statute and in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2025 by the state board of regents as authorized by this or other appropriation act of the 2024 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2025 for attendance at an out-of-state meeting by members of the state board of regents whenever under any provision of law such members of the state board of regents are authorized to attend the out-of-state meeting or whenever the state board of regents authorizes such members to attend the out-of-state meeting for participation in matters of educational interest to the state of Kansas: *And provided further*, That each member of the state board of regents attending an out-of-state meeting so authorized shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature.

Midwest higher education
commission (561-00-1000-0250).....\$115,000

Provided, That any unencumbered balance in the midwest higher education commission account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Municipal university
operating grant (561-00-1000-1010)\$14,270,000
Adult basic education (561-00-1000-0900)\$1,567,031

Provided, That any unencumbered balance in the adult basic education account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Postsecondary tiered technical education
state aid (561-00-1000-0760).....\$62,497,184

Provided, That any unencumbered balance in the postsecondary tiered technical education state aid account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That, notwithstanding the provisions of K.S.A. 71-1801 through 71-1810, and amendments thereto, or any other statute, expenditures shall be made

by the above agency from such account to the following institutions in the following amounts: Allen community college, \$468,219; Barton community college, \$2,378,617; Butler community college, \$4,871,526; Cloud county community college, \$1,104,254; Coffeyville community college, \$896,120; Colby community college, \$1,289,625; Cowley community college, \$1,690,938; Dodge City community college, \$835,690; Flint Hills technical college, \$1,690,733; Fort Scott community college, \$1,252,873; Garden City community college, \$1,096,271; Highland community college, \$1,240,102; Hutchinson community college, \$5,678,652; Independence community college, \$231,473; Johnson county community college, \$7,946,290; Kansas City, Kansas community college, \$4,186,782; Labette community college, \$913,025; Manhattan area technical college, \$1,863,454; Neosho county community college, \$1,292,805; north central Kansas technical college, \$2,923,117; northwest Kansas technical college, \$1,821,733; Pratt community college, \$1,076,289; Salina area technical college, \$1,567,891; Seward county community college, \$964,550; institute of technology at Washburn university, \$3,374,312; and Wichita state university campus of applied sciences and technology, \$9,841,843.

Non-tiered course credit

hour grant (561-00-1000-0550)\$89,190,371

Provided, That any unencumbered balance in the non-tiered course credit hour grant account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That, notwithstanding the provisions of K.S.A. 71-1801 through 71-1810, and amendments thereto, or any other statute, expenditures shall be made by the above agency from such account to the following institutions in the following amounts: Allen community college, \$3,626,540; Barton community college, \$7,419,334; Butler community college, \$13,456,130; Cloud county community college, \$2,787,882; Coffeyville community college, \$1,348,955; Colby community college, \$1,806,764; Cowley community college, \$3,629,632; Dodge City community college, \$1,607,526; Flint Hills technical college, \$796,086; Fort Scott community college, \$1,814,609; Garden City community college, \$2,100,189; Highland community college, \$3,882,267; Hutchinson community college, \$6,362,960; Independence community college, \$936,809; Johnson county community college, \$16,845,529; Kansas City, Kansas community college, \$4,961,771; Labette community college, \$1,947,929; Manhattan area technical college, \$750,543; Neosho county community college, \$2,007,817; north central Kansas technical college, \$880,971; northwest Kansas technical college, \$925,901; Pratt community college, \$1,454,752; Salina area technical college, \$856,673; Seward county community college, \$1,400,731; institute of technology at Washburn university, \$384,917; and Wichita state university campus of applied sciences and technology, \$5,197,154.

Technology equipment at community colleges and
Washburn university (561-00-1000-0500)\$398,475

Provided, That the state board of regents is hereby authorized to make expenditures from the technology equipment at community colleges and Washburn university account for grants to community colleges and Washburn university pursuant to grant applications for the purchase of technology equipment, in accordance with guidelines established by the state board of regents.

Career technical education capital
outlay aid (561-00-1000-0310)\$4,871,585

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the career technical education capital outlay aid account is hereby reappropriated for fiscal year 2025: *Provided further*, That all expenditures from such account shall require a local match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either a nonstate or private donation.

Tuition waivers (561-00-1000-1650).....\$700,000
Nursing faculty and supplies
grant program (561-00-1000-4130).....\$3,787,193

Provided, That any unencumbered balance in the nursing faculty and supplies grant program account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That the state board of regents is hereby authorized to make grants to Kansas post-secondary educational institutions with accredited nursing programs from the nursing faculty and supplies grant program account for expansion of nursing faculty, laboratory supplies and tools for student success: *And provided further*, That such grants shall be either need-based or competitive and shall be matched on the basis of \$1 from the nursing faculty and supplies grant program account for \$1 from the postsecondary educational institution receiving the grant.

Tuition for technical education (561-00-1000-0120)\$43,150,000

Provided, That, any unencumbered balance in the tuition for technical education account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made by the above agency from the tuition for technical education account of the state general fund for fiscal year 2025, expenditures shall be made by the above agency from the tuition for technical education account of the state general fund for fiscal year 2025 for the payment of technical education tuition for adult students who are enrolled in technical education classes while obtaining a high school equivalency (HSE) credential using the accelerating opportunity program

and for the postsecondary education institution to provide a transcript to each student who completes such technical education course: *And provided further*, That such expenditures shall be in an amount of not less than \$500,000: *And provided further*, That during the fiscal year ending June 30, 2025, not later than 60 days following the class start date, expenditures shall be made by the above agency from such account for tuition reimbursement.

Community colleges' and technical colleges'

cybersecurity and IT infrastructure (561-00-1000-0860)\$6,500,000

Provided, That any unencumbered balance in the community colleges' and technical colleges' cybersecurity and IT infrastructure account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That all expenditures from the community colleges' and technical colleges' cybersecurity and IT infrastructure account shall be made to provide to each community college, technical college and Washburn institute of technology \$250,000.

Universities' IT infrastructure and

cybersecurity (561-00-1000-0330)\$7,500,000

Washburn ensuring pathways to

student success (561-00-1000-0455)\$1,037,700

Provided, That any unencumbered balance in the Washburn ensuring pathways to student success account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Washburn university manufacturing

training center.....\$3,000,000

NISS academic playbook (561-00-1000-0140).....\$8,500,000

Provided, That any unencumbered balance in the NISS academic playbook account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Kansas state university animal

diagnostic laboratory.....\$250,000

Fort Hays state university professional

workforce development.....\$750,000

Comprehensive grant program (561-00-1000-4500)\$5,000,000

Provided, That all expenditures from the comprehensive grant program account for fiscal year 2025, including expenditures of the moneys appropriated in section 116(a) of chapter 82 of the 2023 Session Laws of Kansas, shall be made by the above agency in a manner that distributes 50% of such moneys to state educational institutions as defined in K.S.A. 76-711, and amendments thereto, and Washburn university and 50% to not-for-profit independent institutions of higher education that are

defined as a Kansas educational institution under K.S.A. 74-32,120, and amendments thereto.

Community college capital outlay aid\$5,000,000

Provided, That all expenditures from the community college capital outlay aid account shall be distributed to any community college not eligible for career technical education capital outlay aid in K.S.A. 74-32,413(c), and amendments thereto, based upon the number of technical education full-time equivalent students at each community college in academic year 2023.

Technical colleges operating grants (561-00-1000-0150)\$10,500,000

Provided, That any unencumbered balance in the technical colleges operating grants account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Two-year college business/industry and apprenticeship act.....\$14,300,000

Provided, all expenditures from the two-year college business/industry and apprenticeship act account shall be distributed to the community colleges and technical colleges to be used for the development of apprenticeships, business and industry outreach and development of programming to meet the emerging needs of Kansas businesses: *Provided further*, That expenditures shall be made by the above agency from such account to the following institutions in the following amounts: Allen community college, \$379,013; Barton community college, \$957,062; Butler community college, \$1,375,757; Cloud county community college, \$308,397; Coffeyville community college, \$345,267; Colby community college, \$313,084; Cowley community college, \$531,493; Dodge City community college, \$385,574; Flint Hills technical college, \$201,536; Fort Scott community college, \$335,581; Garden City community college, \$464,627; Highland community college, \$465,564; Hutchinson community college, \$1,027,678; Independence community college, \$191,225; Johnson County community college, \$2,930,553; Kansas City, Kansas community college, \$911,131; Labette community college, \$264,028; Manhattan area technical college, \$152,480; Neosho county community college, \$307,460; north central Kansas technical college, \$197,474; northwest Kansas technical college, \$165,603; Pratt community college, \$275,589; Salina area technical college, \$169,040; Seward county community college, \$320,271; institute of technology at Washburn university, \$310,897; and Wichita state university campus of applied sciences and technology, \$1,013,617.

Two-year college student success initiatives.....\$17,500,000

Provided, That all expenditures from the two-year college student success initiatives account shall be distributed to the community colleges

and technical colleges to be used for the development and implementation of initiatives that increase student success: *Provided further*, That expenditures shall be made by the above agency from such account to the following institutions in the following amounts: Allen community college, \$463,827; Barton community college, \$1,171,230; Butler community college, \$1,683,619; Cloud county community college, \$377,409; Coffeyville community college, \$422,530; Colby community college, \$383,145; Cowley community college, \$650,428; Dodge City community college, \$471,857; Flint Hills technical college, \$246,635; Fort Scott community college, \$410,676; Garden City community college, \$568,599; Highland community college, \$569,746; Hutchinson community college, \$1,257,648; Independence community college, \$234,017; Johnson County community college, \$3,586,341; Kansas City, Kansas community college, \$1,115,020; Labette community college, \$323,111; Manhattan area technical college, \$186,601; Neosho county community college, \$376,262; north central Kansas technical college, \$241,664; northwest Kansas technical college, \$202,661; Pratt community college, \$337,259; Salina area technical college, \$206,868; Seward county community college, \$391,939; institute of technology at Washburn university, \$380,468; and Wichita state university campus of applied sciences and technology, \$1,240,441.

Osteopathic service scholarship.....\$2,200,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Osteopathic medical service scholarship

repayment fund (561-00-7216-6300).....No limit

KAN-ED services fee fund (561-00-2814-2814)No limit

Earned indirect costs

fund – federal (561-00-3642-3600)No limit

Faculty of distinction

program fund (561-00-7200-7050).....No limit

Paul Douglas teacher scholarship

fund – federal (561-00-3879-3950)No limit

GED credentials processing

fees fund (561-00-2151-2100)No limit

Tuition waiver gifts, grants and

reimbursements fund (561-00-7230-7230).....No limit

Adult basic education –

federal fund (561-00-3042-3000)No limit

Truck driver training fund (561-00-2172-4900)No limit

State scholarship discontinued

attendance fund (561-00-7213-6100)No limit

Kansas ethnic minority fellowship	
program fund (561-00-7238-7600).....	No limit
Private postsecondary educational institution degree	
authorization expense reimbursement	
fee fund (561-00-2643-3300)	No limit
Nursing service scholarship	
program fund (561-00-7220-6800).....	No limit
Clearing fund (561-00-9029-9100).....	No limit
Conversion of materials and	
equipment fund (561-00-2433-3200).....	No limit
Motorcycle safety fund (561-00-2366-2360)	No limit
Financial aid services	
fee fund (561-00-2280-2800)	No limit
<i>Provided</i> , That expenditures may be made from the financial aid services fee fund for operating expenditures directly or indirectly related to the operating costs associated with student financial assistance programs administered by the state board of regents: <i>Provided further</i> , That the chief executive officer of the state board of regents is hereby authorized to fix, charge and collect fees for the processing of applications and other activities related to student financial assistance programs administered by the state board of regents: <i>And provided further</i> , That such fees shall be fixed in order to recover all or a part of the direct and indirect operating expenses incurred for administering such programs: <i>And provided further</i> , That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the financial aid services fee fund.	
Inservice education workshop	
fee fund (561-00-2266).....	No limit
Optometry education	
repayment fund (561-00-7203-7100).....	No limit
Teacher scholarship	
repayment fund (561-00-7205-7200).....	No limit
Nursing service scholarship	
repayment fund (561-00-7210-7400).....	No limit
Nurse educator service scholarship	
repayment fund (561-00-7231-7300).....	No limit
ROTC service scholarship	
repayment fund (561-00-7232-7232).....	No limit
Carl D. Perkins vocational	
and technical education –	
federal fund (561-00-3539-3539)	No limit
Kansas national guard educational assistance program	
repayment fund (561-00-7228-7000).....	No limit

Grants fund (561-00-2525-2500)	No limit
Regents clearing fund (561-00-9052-9200)	No limit
Private and out-of-state postsecondary educational institution fee fund (561-00-2614-2610)	No limit
USAC E-rate program federal fund (561-00-3920-3920)	No limit
Postsecondary education performance-based incentives fund (561-00-2777-2777)	No limit
Private donations, gifts, grants bequest fund (561-00-7262-7700)	No limit
Coronavirus relief federal fund (561-00-3753)	No limit
Governor's emergency education relief fund (561-00-3638)	No limit
Kansas high school equivalency credential processing fee fund (561-00-2832-2832)	No limit
American rescue plan – state fiscal relief – federal fund (561-00-3756)	No limit
Transportation research fund	No limit
Kansas adult learner grant program fund	No limit

(c) During the fiscal year ending June 30, 2025, the chief executive officer of the state board of regents, with the approval of the director of the budget, may transfer any part of any item of appropriation in an account of the state general fund for the fiscal year ending June 30, 2025, to another item of appropriation in an account of the state general fund for fiscal year 2025. The chief executive officer of the state board of regents shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research. As used in this subsection, “account” means any account of the state general fund of the state board of regents, the university of Kansas, the university of Kansas medical center, Kansas state university, Kansas state university Salina, Kansas state university veterinary medical center, Kansas state university extension systems and agriculture research programs, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university.

(d) (1) In addition to the other purposes for which expenditures may be made by any state educational institution from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025 for such state educational institution as authorized by this or other appropriation act of the 2024 regular session of the legislature, expenditures may be made by such state educational institution from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025 for the purposes

of capital improvement projects making energy and other conservation improvements: *Provided*, That such capital improvement projects are hereby approved for such state educational institution for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of issuance of one or more series of bonds by the Kansas development finance authority in accordance with that statute from time to time during fiscal year 2025: *Provided, however*, That no such bonds shall be issued until the state board of regents has first advised and consulted on any such project with the joint committee on state building construction: *Provided further*, That the amount of the bond proceeds that may be utilized for any such capital improvement project shall be subject to approval by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that such approval also may be given while the legislature is in session: *And provided further*, That, in addition to such project costs, any such amount of bond proceeds may include costs of issuance, capitalized interest and any required reserves for the payment of principal and interest on such bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That payments relating to principal and interest on such bonds shall be subject to and dependent upon annual appropriations therefor to the state educational institution for which the bonds are issued: *And provided further*, That each energy conservation capital improvement project for which bonds are issued for financing under this subsection shall be designed and completed in order to have cost savings sufficient to be equal to or greater than the cost of debt service on such bonds: *And provided further*, That the state board of regents shall prepare and submit a report to the committee on appropriations of the house of representatives and the committee on ways and means of the senate on the savings attributable to energy conservation capital improvements for which bonds are issued for financing under this subsection at the beginning of the 2025 regular session of the legislature.

(2) As used in this subsection, “state educational institution” includes each state educational institution as defined in K.S.A. 76-711, and amendments thereto.

(e) There is appropriated from the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2025, the following:

SEDIF – career technical education capital
outlay aid (561-00-1900-1950)\$2,547,726

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the SEDIF – career technical education capital outlay aid ac-

count is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures from the SEDIF – career technical education capital outlay aid account for each grant of career technical education capital outlay aid shall require a local match of nonstate moneys or donated equipment on a \$1-for-\$1 basis from either a nonstate or private donation.

SEDIF – technology innovation and
internship program (561-00-1900-1960)\$179,284

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the SEDIF – technology innovation and internship program account is hereby reappropriated for fiscal year 2025.

SEDIF – EPSCOR (561-00-1900-1970).....\$993,265

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2024, in the SEDIF – EPSCOR account is hereby reappropriated for fiscal year 2025.

Community and technical college
competitive grants (561-00-1900-1980)\$500,000

Provided, That all moneys in the community and technical college competitive grants account shall be for grants awarded to community and technical colleges under a competitive grant program administered by the secretary of commerce: *Provided further*, That all expenditures from such account shall be for competitive grants to community and technical colleges that require a local match of nonstate moneys on a \$1-for-\$1 basis, from either the college or private industry partner, and that will develop innovative programs with private companies needing specific job skills or will meet other industry needs that cannot be addressed with current funding streams.

(f) (1) In addition to the other purposes for which expenditures may be made by any postsecondary educational institution from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025 for such postsecondary educational institution as authorized by this or other appropriation act of the 2024 regular session of the legislature, expenditures may be made by such postsecondary educational institution from such moneys for fiscal year 2025 for the purpose of deeming any person who is enrolled as a member of the Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas, the Prairie Band Potawatomi Nation, the Iowa Tribe of Kansas, the Sac and Fox Nation of Missouri in Kansas and Nebraska or of indigenous nations with historical connections to Kansas territories named in this subsection, regardless of the residence of such person prior to admission at a postsecondary educational institution, as a resident of this state for the purpose of tuition and fees for attendance at any postsecondary educational institution.

(2) As used in this subsection:

- (A) “Postsecondary educational institution” means the same as defined in K.S.A. 74-3201b, and amendments thereto; and
- (B) “indigenous nations with historical connections to Kansas territories” means any federally recognized tribe containing one or more references to the following tribal affiliations within such tribe’s name: Apache, Arapaho, Caddo, Cheyenne, Cherokee, Chickasaw, Chippewa and Ojibwe (including Bay Mills), Choctaw, Comanche, Delaware, Iowa (Ioway and Baxoje), Kaw (Kanza), Kickapoo, Kiowa, Miami, Missouriia (including Otoe-Missouria), Modoc, Muscogee (Creek, including Yuchi, Euchee or Uchee), Nez Perce, Omaha, Oneida, Osage, Otoe, Ottawa (Odawa), Potawatomi (Pottawatomi), Pawnee, Peoria, Ponca, Pueblo, Quapaw, Sac and Fox (including Meskwaki), Seminole, Seneca-Cayuga, Shawnee, Stockbridge-Munsee (Mohican), Wichita and Affiliated Tribes (Wichita, Keechi, Waco and Tawakonie) and Wyandotte.
- (g) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025 for such agency as authorized by this or other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by such agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025 for the purposes of reviewing the United States supreme court ruling in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. 181 (2023) and determining whether the Kansas ethnic minority scholarship program, established in K.S.A. 74-3284 through 74-3289, and amendments thereto, is compliant with such ruling: *Provided*, That on or before January 24, 2025, the above agency shall submit a report on the agency’s findings and any suggested statutory revisions to the house of representatives higher education budget committee and committee on appropriations and the senate committee on ways and means.

[†]

Sec. 117.

STATE BOARD OF REGENTS

- (a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2026, the following:
- Fort Hays state university professional
workforce development.....\$750,000
State scholarship program (561-00-1000-4300).....\$1,035,919
- Provided*, That any unencumbered balance in the state scholarship program account in excess of \$100 as of June 30, 2025, is hereby reappropriated for fiscal year 2026: *Provided further*, That expenditures may be

made from the state scholarship program account for the state scholarship program under K.S.A. 74-32,239, and amendments thereto, and for the Kansas distinguished scholarship program under K.S.A. 74-3278 through 74-3283, and amendments thereto: *And provided further*, That, of the total amount appropriated in the state scholarship program account, the amount dedicated for the Kansas distinguished scholarship program shall not exceed \$25,000.

Comprehensive grant program (561-00-1000-4500)\$40,258,338

Provided, That any unencumbered balance in the comprehensive grant program account in excess of \$100 as of June 30, 2025, is hereby reappropriated for fiscal year 2026: *Provided further*, That all of such expenditures from such account shall require a match of local nonstate or private moneys on a \$1-for-\$1 basis: *And provided further*, That all expenditures from the comprehensive grant program account for fiscal year 2026 shall be made by the above agency in a manner that distributes 50% of such moneys to state educational institutions as defined in K.S.A. 76-711, and amendments thereto, and Washburn university and 50% to not-for-profit independent institutions of higher education that are defined as a Kansas educational institution under K.S.A. 74-32,120, and amendments thereto.

Ethnic minority scholarship program (561-00-1000-2410)\$296,498

Provided, That any unencumbered balance in the ethnic minority scholarship program account in excess of \$100 as of June 30, 2025, is hereby reappropriated for fiscal year 2026.

Kansas work-study program (561-00-1000-2000)\$546,813

Provided, That any unencumbered balance in the Kansas work-study program account in excess of \$100 as of June 30, 2025, is hereby reappropriated for fiscal year 2026: *Provided further*, That the state board of regents is hereby authorized to transfer moneys from the Kansas work-study program account to the Kansas career work-study program fund of any institution under its jurisdiction participating in the Kansas work-study program established by K.S.A. 74-3274 et seq., and amendments thereto: *And provided further*, That all moneys transferred from this account to the Kansas career work-study program fund of any such institution shall be expended for and in accordance with the Kansas work-study program.

ROTC service scholarships (561-00-1000-4600)\$175,335

Provided, That any unencumbered balance in the ROTC service scholarships account in excess of \$100 as of June 30, 2025, is hereby reappropriated for fiscal year 2026.

Military service scholarships (561-00-1000-1310)\$500,314

Provided, That any unencumbered balance in the military service scholarships account in excess of \$100 as of June 30, 2025, is hereby reappro-

priated for fiscal year 2026: *Provided further*, That all expenditures from the military service scholarships account shall be made for scholarships awarded under the military service scholarship program act, K.S.A. 74-32,227 through 74-32,232, and amendments thereto.

Teachers scholarship program (561-00-1000-0800).....\$3,094,046
Provided, That any unencumbered balance in the teachers scholarship program account in excess of \$100 as of June 30, 2025, is hereby reappropriated for fiscal year 2026.

National guard educational assistance (561-00-1000-1300)\$5,400,000
Provided, That any unencumbered balance in the national guard educational assistance account in excess of \$100 as of June 30, 2025, is hereby reappropriated for fiscal year 2026; *Provided further*, That moneys in the national guard educational assistance account represent and include the profits derived from the veterans benefit game pursuant to K.S.A. 74-8724, and amendments thereto.

Career technical workforce grant (561-00-1000-2200)\$114,075
Provided, That any unencumbered balance in the career technical workforce grant account in excess of \$100 as of June 30, 2025, is hereby reappropriated for fiscal year 2026.

Nursing student scholarship program (561-00-1000-4100).....\$417,255
Provided, That any unencumbered balance in the nursing student scholarship program account in excess of \$100 as of June 30, 2025, is hereby reappropriated for fiscal year 2026.

Optometry education program (561-00-1000-1100)\$107,089
Provided, That any unencumbered balance in the optometry education program account in excess of \$100 as of June 30, 2025, is hereby reappropriated for fiscal year 2026.

Tuition waivers (561-00-1000-1650).....\$1,200,000
Provided, That any unencumbered balance in the tuition waivers account in excess of \$100 as of June 30, 2025, is hereby reappropriated for fiscal year 2026; *Provided further*, That, notwithstanding the provisions of K.S.A. 75-4364, and amendments thereto, or any other statute, the state board of regents may reimburse a Kansas educational institution as defined in K.S.A. 75-4364, and amendments thereto, for reimbursement claims of up to the amount of the appropriation available for such waivers in fiscal year 2026.

Nurse educator grant program (561-00-1000-4120).....\$188,126
Provided, That any unencumbered balance in the nurse educator grant program account in excess of \$100 as of June 30, 2025, is hereby reappropriated for fiscal year 2026; *Provided further*, That all expenditures from

the nurse educator grant program account shall be made for scholarships awarded under the nurse educator service scholarship program act.

Governor's scholars program (561-00-1000-0950).....\$20,000

Provided, That any unencumbered balance in the governor's scholars program account in excess of \$100 as of June 30, 2025, is hereby reappropriated for fiscal year 2026.

Kansas promise scholarship (561-00-1000-0960).....\$10,000,000

Provided, That any unencumbered balance in the Kansas promise scholarship program account in excess of \$100 as of June 30, 2025, is hereby reappropriated for fiscal year 2026.

Computer science preservice

educator grant (561-00-1000-4700).....\$1,000,000

Provided, That any unencumbered balance in the computer science preservice educator grant account in excess of \$100 as of June 30, 2025, is hereby reappropriated for fiscal year 2026.

Sec. 118.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (521-00-1000-0603).....\$384,769

Treatment and programs –

offender programs (521-00-1000-0151).....\$113,244

Treatment and programs – medical

and mental (521-00-1000-0152).....\$2,146

Operating expenditures –

juvenile services (521-00-1000-0103).....\$19,525

Evidence-based programs (521-00-1000-0050).....\$3,363

Topeka correctional facility –

facilities operations (660-00-1000-0303).....\$294,647

Hutchinson correctional facility –

facilities operations (313-00-1000-0303).....\$543,780

Lansing correctional facility –

facilities operations (400-00-1000-0303).....\$425,615

Ellsworth correctional facility –

facilities operations (177-00-1000-0303).....\$250,977

Winfield correctional facility –

facilities operations (712-00-1000-0303).....\$289,079

Norton correctional facility –

facilities operations (581-00-1000-0303).....\$252,628

El Dorado correctional facility –

facilities operations (195-00-1000-0303).....\$473,367

Larned correctional mental health facility – facilities operations (408-00-1000-0303)	\$193,326
Kansas juvenile correctional complex – facilities operations (352-00-1000-0303)	\$234,111
Facilities operations (521-00-1000-0303).....	\$878,309
Kansas penitentiary museum content development	\$75,000

Provided, That expenditures shall be made from the Kansas penitentiary museum content development account for content development in consultation with the Lansing historical society in pursuit of establishing the Kansas penitentiary museum.

(b) During the fiscal year ending June 30, 2024, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2024 by section 118 of chapter 82 of the 2023 Session Laws of Kansas, section 50 of chapter 97 of the 2023 Session Laws of Kansas, this or any other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the above agency from such moneys during fiscal year 2024 for the purposes of executing an exclusive use agreement with the Lansing historical society for the administration and operation of a museum located on Lansing correctional facility grounds for historical preservation and education: *Provided*, That such agreement shall include provisions granting the Lansing historical society the exclusive right of running tours in the old Lansing correctional facility and outlining roles, responsibilities and restrictions regarding such tours.

Sec. 119.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Evidence-based programs (521-00-1000-0050)	\$12,524,160
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Provided, That any unencumbered balance in the evidence-based programs account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-52,164, and amendments thereto, or any other statute, expenditures may be made from this account to conduct research into, and development of, evidence-based practices to reduce offender behavior and recidivism among juveniles: *Provided, however*, That the expenditures for such research and development shall not exceed \$1,000,000: *And provided further*, That, notwithstanding the provisions of K.S.A. 75-52,164, and amendments thereto, or any other statute, expenditures shall be made by the above agency from the evidence-based programs account for the jobs for America’s graduates-Kansas programs: *Provided, however*, That the expenditures for such programs shall

not exceed \$3,500,000: *And provided further*, That expenditures shall be made by the above agency from such account to require jobs for American's graduates-Kansas to submit a report to the Kansas juvenile justice oversight committee established by K.S.A. 75-52,161, and amendments thereto, on or after June 15, 2025, but on or before June 30, 2025: *And provided further*, That such report shall include the number of youths served and performance outcomes.

Juvenile crime

community prevention (521-00-1000-0051)\$1,500,000

Provided, That expenditures shall be made by such agency from such account during fiscal year 2025 to provide grants to communities for evidence-based juvenile crime prevention programs: *Provided further*, That at least \$500,000 of such grants shall require a \$1-for-\$1 local or private match.

Operating expenditures –

juvenile services (521-00-1000-0103)\$1,552,552

Provided, That any unencumbered balance in the operating expenditures – juvenile services account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Treatment and programs –

offender programs (521-00-1000-0151)\$11,629,345

Provided, That any unencumbered balance in the treatment and programs – offender programs account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Treatment and programs – medical

and mental (521-00-1000-0152)\$87,195,904

Provided, That any unencumbered balance in the treatment and programs – medical and mental account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Department of corrections

hepatitis C treatment (521-00-1000-0153)\$2,950,000

Provided, That any unencumbered balance in the department of corrections hepatitis C treatment account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Treatment and programs –

KUMC contract (521-00-1000-0154)\$2,120,373

Provided, That any unencumbered balance in the treatment and programs – KUMC contract account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Community corrections (521-00-1000-0220)\$31,098,494

Provided, That any unencumbered balance in the community corrections account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however*, That no expenditures may be made by any county from any grant made to such county from the community corrections account for either half of state fiscal year 2025 that supplant any amount of local public or private funding of existing programs as determined in accordance with rules and regulations adopted by the secretary of corrections.

Prevention and graduated sanctions
community grants (521-00-1000-0221).....\$23,101,389

Provided, That any unencumbered balance in the prevention and graduated sanctions community grants account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That moneys awarded as grants from the prevention and graduated sanctions community grants account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes.

Purchase of services (521-00-1000-0300).....\$906,795

Provided, That any unencumbered balance in the purchase of services account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Facilities operations (521-00-1000-0303).....\$19,307,030

Provided, That any unencumbered balance in the facilities operations account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Local jail payments (521-00-1000-0510)\$1,550,000

Provided, That any unencumbered balance in the local jail payments account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That, notwithstanding the provisions of K.S.A. 19-1930, and amendments thereto, payments by the department of corrections under K.S.A. 19-1930(b), and amendments thereto, for the cost of maintenance of prisoners shall not exceed the per capita daily operating cost, not including inmate programs, for the department of corrections.

Operating expenditures (521-00-1000-0603)\$56,795,865

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000: *Provided further*, That expenditures shall be made from the operating expenditures account to provide a 14% adjustment to the career progression

plan for parole officer I and an 11% adjustment to the career progression plan for parole officer II and special agents.

Debt service payments – data

systems replacement (521-00-1000-0702)\$3,346,286

Equipment replacements (521-00-1000-0810).....\$756,213

Provided, That any unencumbered balance in the equipment replacements account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Vehicle replacements (521-00-1000-0820).....\$591,717

Provided, That any unencumbered balance in the vehicle replacements account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Ellsworth correctional facility –

facilities operations (177-00-1000-0303)\$21,505,887

Provided, That any unencumbered balance in the Ellsworth correctional facility – facilities operations account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however*, That expenditures from the Ellsworth correctional facility – facilities operations account for official hospitality shall not exceed \$500.

El Dorado correctional facility –

facilities operations (195-00-1000-0303)\$44,131,272

Provided, That any unencumbered balance in the El Dorado correctional facility – facilities operations account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however*, That expenditures from the El Dorado correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Hutchinson correctional facility –

facilities operations (313-00-1000-0303)\$47,255,090

Provided, That any unencumbered balance in the Hutchinson correctional facility – facilities operations account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however*, That expenditures from the Hutchinson correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Kansas juvenile correctional complex –

facilities operations (352-00-1000-0303)\$25,150,855

Provided, That any unencumbered balance in the Kansas juvenile correctional complex – facilities operations account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however*, That expenditures from the Kansas juvenile correctional complex – facilities operations account for official hospitality shall not exceed \$500:

Provided further, That expenditures may be made from this account for educational services contracts, which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other accredited educational services providers.

Lansing correctional facility –
facilities operations (400-00-1000-0303)\$43,748,437

Provided, That any unencumbered balance in the Lansing correctional facility – facilities operations account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however,* That expenditures from the Lansing correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Larned state correctional facility –
facilities operations (408-00-1000-0303)\$17,198,424

Provided, That any unencumbered balance in the Larned correctional mental health facility – facilities operations account in excess of \$100 as of June 30, 2024, is hereby reappropriated to the Larned state correctional facility – facilities operations account for fiscal year 2025: *Provided, however,* That expenditures from the Larned state correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Norton correctional facility –
facilities operations (581-00-1000-0303)\$23,523,126

Provided, That any unencumbered balance in the Norton correctional facility – facilities operations account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however,* That expenditures from the Norton correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Topeka correctional facility –
facilities operations (660-00-1000-0303)\$22,225,755

Provided, That any unencumbered balance in the Topeka correctional facility – facilities operations account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however,* That expenditures from the Topeka correctional facility – facilities operations account for official hospitality shall not exceed \$500.

Winfield correctional facility –
facilities operations (712-00-1000-0303)\$23,954,881

Provided, That any unencumbered balance in the Winfield correctional facility – facilities operations account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however,* That expenditures from the Winfield correctional facility – facilities operations account for official hospitality shall not exceed \$500.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Supervision fees fund (521-00-2116-2100) No limit

Juvenile alternatives to

detention fund (521-00-2250) No limit

Provided, That, notwithstanding the provisions of K.S.A. 79-4803, and amendments thereto, or any other statute, expenditures may be made by the above agency from the juvenile alternatives to detention fund for per diem payments to detention centers: *Provided, however*, That expenditures from the juvenile alternatives to detention fund for per diem payments to detention centers shall not exceed \$100,000: *And provided further*, That the department of corrections is hereby authorized and directed to make expenditures from the juvenile alternatives to detention fund for fiscal year 2025 for purchase of services: *And provided further*, That, notwithstanding the provisions of K.S.A. 79-4803, and amendments thereto, or any other statute, expenditures may be made by the above agency from the juvenile alternatives to detention fund for graduated sanctions.

Juvenile justice fee fund central office (521-00-2257) No limit

Alcohol and drug abuse

treatment fund (521-00-2339-2110) No limit

Provided, That expenditures may be made from the alcohol and drug abuse treatment fund for payments associated with providing treatment services to offenders who were driving under the influence of alcohol or drugs regardless of when the services were rendered.

Department of corrections – general

fees fund (521-00-2427-2450) No limit

Provided, That expenditures may be made from the department of corrections – general fees fund for operating expenditures for training programs for correctional personnel, including official hospitality: *Provided further*, That the secretary of corrections is hereby authorized to fix, charge and collect fees for such programs: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*, That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the department of corrections – general fees fund.

Community corrections special

revenue fund (521-00-2447-2447) No limit

Department of corrections forensic psychologist fund (521-00-2492-2492).....	No limit
<i>Provided</i> , That expenditures may be made from the department of corrections forensic psychologist fund for general healthcare contract expenses.	
Community corrections supervision fund (521-00-2748-2748).....	No limit
Residential substance abuse treatment – federal fund (521-00-3006)	No limit
Title I program for neglected and delinquent children – federal fund (521-00-3009).....	No limit
Distance learning and telemedicine – federal fund (521-00-3025)	No limit
Ed Byrne memorial justice assistance grants – federal fund (521-00-3057)	No limit
Prisoner reentry intv demo – federal fund (521-00-3063)	No limit
Federal asset forfeiture – federal fund (521-00-3063-3713)	No limit
Violence against women – federal fund (521-00-3082)	No limit
Ed Byrne state and local law assistance – federal fund (521-00-3213-3213)	No limit
Violence against women – federal fund (521-00-3214)	No limit
Bulletproof vest partnership – federal fund (521-00-3216-3216)	No limit
Title VI-B special education – federal fund (521-00-3234)	No limit
Victims of crime act – federal fund (521-00-3260)	No limit
Juvenile justice delinquency prevention federal fund (521-00-3351)	No limit
Byrne grant – federal fund (521-00-3353-3200)	No limit
Medical assistance program – federal fund (521-00-3414)	No limit
Economic adjustment assistance – federal fund (521-00-3415)	No limit
USMS reimbursement – federal fund (521-00-3562-3562)	No limit
Elementary & secondary schools emergency relief – federal fund (521-00-3638)	No limit
Detection & mitigation of COVID-19 in confinement facilities – federal fund (521-00-3649)	No limit

Coronavirus relief fund – federal fund (521-00-3756)	No limit
Justice reinvestment technical assistance for state governments project – federal fund (521-00-3758-3758)	No limit
Prison rape elimination act (PREA) justice assistance grant – federal fund (521-00-3758)	No limit
JRI technical assistance and training – federal fund (521-00-3804-3804)	No limit
Second chance act – federal fund (521-00-3895-3895)	No limit
Department of corrections – alien incarceration grant fund – federal (521-00-3943-3800)	No limit
Second chance act reentry initiative – federal fund (521-00-3985-3901)	No limit
ICJR – federal fund.....	No limit
Juvenile delinquency prevention trust fund (521-00-7322-7000)	No limit
State of Kansas – department of corrections inmate benefit fund (521-00-7950-5350)	No limit
Ellsworth correctional facility – general fees fund (177-00-2227-2000)	No limit
El Dorado correctional facility – general fees fund (195-00-2252-2000)	No limit
Hutchinson correctional facility – general fees fund (313-00-2051-2000)	No limit
Kansas juvenile correctional complex – fee fund (352-00-2321-2300).....	No limit
Kansas juvenile correctional complex – title I neglected and delinquent children – federal fund (352-00-3009).....	No limit
National school breakfast program – federal fund – Kansas juvenile correctional complex (352-00-3529-3529)	No limit
National school lunch program – federal fund – Kansas juvenile correctional complex (352-00-3530-3530)	No limit
Kansas juvenile correctional complex – gifts, grants and donations fund (352-00-7016-7000).....	No limit

Lansing correctional facility – general fees fund (400-00-2040-2040)	No limit
Larned state correctional facility – general fees fund (408-00-2145-2000)	No limit
Correctional industries fund (522-00-6126-7300)	No limit
<i>Provided</i> , That expenditures may be made from the correctional industries fund for official hospitality.	
Norton correctional facility – general fees fund (581-00-2238-2000)	No limit
Topeka correctional facility – general fees fund (660-00-2090-2090)	No limit
Topeka correctional facility – community development block grant – federal fund (660-00-3669-3669)	No limit
Winfield correctional facility – general fees fund (712-00-2237-2000)	No limit

(c) During the fiscal year ending June 30, 2025, the secretary of corrections, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2025, from the state general fund for the department of corrections or any correctional institution or correctional facility under the general supervision and management of the secretary of corrections to another item of appropriation for fiscal year 2025 from the state general fund for the department of corrections or any correctional institution or correctional facility under the general supervision and management of the secretary of corrections. The secretary of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) Notwithstanding the provisions of K.S.A. 75-3731, and amendments thereto, or any other statute, the director of accounts and reports shall accept for payment from the secretary of corrections any duly authorized claim to be paid from the local jail payments account (521-00-1000-0510) of the state general fund during fiscal year 2025 for costs pursuant to K.S.A. 19-1930(b), and amendments thereto, even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act.

(e) Notwithstanding the provisions of K.S.A. 75-3731, and amendments thereto, or any other statute, the director of accounts and reports shall accept for payment from the director of Kansas correctional industries any duly authorized claim to be paid from the correctional industries fund (522-00-6126-7300) during fiscal year 2025 for operating or man-

ufacturing costs even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act. The director of Kansas correctional industries shall provide to the director of the budget on or before September 15, 2024, a detailed accounting of all such payments made from the correctional industries fund during fiscal year 2024.

(f) During the fiscal year ending June 30, 2025, the secretary of corrections, with the approval of the director of the budget, may make transfers from the correctional industries fund (522-00-6126-7300) to the department of corrections – general fees fund (521-00-2427-2450). The secretary of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(g) During the fiscal year ending June 30, 2025, all expenditures made by the department of corrections from the correctional industries fund (522-00-6126-7300) shall be made on budget for all purposes of state accounting and budgeting for the department of corrections.

(h) Notwithstanding the provisions of K.S.A. 75-52,164, and amendments thereto, or any other statute, during fiscal year 2025, the director of accounts and reports shall transfer the amount certified pursuant to K.S.A. 75-52,164(b), and amendments thereto, from each account of the state general fund of a state agency that has been determined by the secretary of corrections to be actual or projected cost savings to the evidence-based programs account of the state general fund of the department of corrections: *Provided*, That the secretary of corrections shall transmit a copy of each such certification to the director of legislative research.

(i) On July 1, 2024, the Larned correctional mental health facility – general fees fund (408-00-2145-2000) of the department of corrections is hereby redesignated as the Larned state correctional facility – general fees fund of the department of corrections.

Sec. 120.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (034-00-1000-0053)	\$33,908
Civil air patrol – operating expenditures (034-00-1000-0103)	\$202
Office of emergency communication (034-00-1000-0800)	\$2,558
Rehabilitation and repair projects (034-00-1000-8000)	\$1,620
Disaster relief (034-00-1000-0200)	\$1,000,000
Southwest border mission	\$15,716,000

Provided, That all expenditures from the southwest border mission account shall be for expenses to respond to the request for assistance from

the state of Texas pursuant to the emergency management assistance compact, K.S.A. 48-9a01, and amendments thereto, or a memorandum of understanding between the governor and the governor of Texas: *Provided*, That the above agency shall collaborate with the governor and the response and recovery bureau director to activate, mobilize and deploy state resources and implement the appropriate mutual aid plans and procedures: *Provided further*, That such assistance is being provided to assist in the prevention of crime drug trafficking, human trafficking, transactional criminal organizations and other related crimes contributing to an emergency.

Sec. 121.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (034-00-1000-0053)\$6,534,429

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,500.

Civil air patrol – operating
expenditures (034-00-1000-0103)\$50,068

Disaster relief (034-00-1000-0200).....\$2,500,000

Provided, That any unencumbered balance in the disaster relief account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Military activation payments (034-00-1000-0300)\$6,000

Provided, That any unencumbered balance in the military activation payments account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That all expenditures from the military activation payments account shall be for military activation payments authorized by and subject to the provisions of K.S.A. 75-3228, and amendments thereto.

Kansas military
emergency relief (034-00-1000-0400)\$9,881

Provided, That expenditures may be made from the Kansas military emergency relief account for grants and interest-free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and members and families of the reserve forces of the United States of America who are Kansas residents,

during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: *Provided further*, That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies: *And provided further*, That any moneys received by the adjutant general in repayment of any grants or interest-free loans made from the Kansas military emergency relief account shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas military emergency relief account.

Office of emergency
communication (034-00-1000-0800).....\$307,537

Provided, That any unencumbered balance in the office of emergency communication account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Shooting team grants.....\$50,000

Provided, That expenditures shall be made from the shooting team grants account for the adjutant general to provide grants to shooting teams from the Kansas air national guard or the Kansas army national guard for ammunition, equipment and travel expenses for marksmanship matches: *Provided further*, That an eligible team shall have participated in: (1) The 2024 adjutant general's combat marksmanship match; and (2) a national guard marksmanship regional or national competition: *And provided further*, That upon application from eligible teams, at least one grant shall be awarded to a Kansas air national guard team and at least one grant shall be awarded to a Kansas army national guard team: *Provided, however*, That, if no team from one branch of the Kansas national guard meets the requirements of this proviso, the adjutant general may award all grants to teams from the other branch of Kansas national guard that meet such requirements: *And provided, however*, That the adjutant general shall not award a single team all moneys in the shooting team grants account.

Any unencumbered balance in the southwest border mission account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas intelligence fusion center fund.....No limit
General fees fund (034-00-2102)No limit

Provided, That the adjutant general is hereby authorized to fix, charge and collect fees agreed upon in memorandums of understanding with other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *Provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred under the provisions of the memorandums of understanding with other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further*, That all fees received pursuant to such memorandums of understanding shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Office of emergency communications
fund (034-00-2496-2496) No limit

Provided, That the adjutant general is hereby authorized to fix, charge and collect fees for recovery of costs associated with the use of the above agency's communication equipment by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *Provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the above agency's communication equipment by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further*, That all fees received for use of the above agency's communication equipment by other state agencies, local government agencies, for-profit organizations or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the office of emergency communications fund.

Conversion of materials and equipment fund –
military division (034-00-2400-2030) No limit
Adjutant general expense fund (034-00-2357)..... No limit
State asset forfeiture fund (034-00-2498-2498) No limit
State emergency fund (034-00-2437) No limit
State emergency fund weather
disasters 5/4/2007 (034-00-2441) No limit
State emergency fund weather
disasters 12/06, 7/07 (034-00-2445) No limit
Disaster grants – public assistance
federal fund (034-00-3005) No limit
National guard military operations/maintenance
federal fund (034-00-3055-3300) No limit
Econ adjustment/military installation
federal fund (034-00-3196-3196) No limit
Disaster assistance to individual/household
federal fund (034-00-3405-3405) No limit

Interoperability communication equipment fund (034-00-3449-3449).....	No limit
Pre-disaster mitigation – federal fund (034-00-3268-3269)	No limit
Hazard material training and planning – federal fund (034-00-3121-3310)	No limit
State homeland security program federal fund (034-00-3629-3629)	No limit
Nuclear safety emergency management fee fund (034-00-2081-2200)	No limit

Provided, That, notwithstanding the provisions of any other statute, the adjutant general may make transfers of moneys from the nuclear safety emergency management fee fund to other state agencies for fiscal year 2025 pursuant to agreements, which are hereby authorized to be entered into by the adjutant general with other state agencies to provide appropriate emergency management plans to administer the Kansas nuclear safety emergency management act, K.S.A. 48-940 et seq., and amendments thereto.

Military fees fund – federal (034-00-2152)	No limit
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Provided, That all moneys received by the adjutant general from the federal government for reimbursement for expenditures made under agreements with the federal government shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the military fees fund – federal.

Armories and units general fees fund (034-00-2171-2100)	No limit
Emergency systems for advanced registration for volunteer health professionals – federal fund (034-00-3748-3748)	No limit
Civil air patrol – grants and contributions – federal fund (034-00-7315-7000)	No limit
Coronavirus relief fund – federal fund (034-00-3753)	No limit
Emergency management performance grant – federal fund (034-00-3342-3342)	No limit
NG – federal forfeiture fund (034-00-2184-2100).....	No limit
Inaugural expense fund (034-00-2003-2300)	No limit
Kansas military emergency relief fund (034-00-2658-2650)	No limit

Provided, That expenditures may be made from the Kansas military emergency relief fund for grants and interest-free loans, which are hereby authorized to be entered into by the adjutant general with repayment

provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and members and families of the reserve forces of the United States of America who are Kansas residents, during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: *Provided further*, That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies: *And provided further*, That any moneys received by the adjutant general in repayment of any grants or interest-free loans made from the Kansas military emergency relief fund shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas military emergency relief fund.

Emergency management assistance compact	
federal fund (034-00-3609-3605)	No limit
Public safety interoperable	
communications grant program	
federal fund (034-00-3340-3340)	No limit
Military construction national guard	
federal fund (034-00-3192-3192)	No limit
National guard civilian youth opportunities	
federal fund (034-00-3193-3193)	No limit
Hazard mitigation grant	
federal fund (034-00-3019)	No limit
Citizen corps federal fund (034-00-3341-3341)	No limit
Law enforcement terrorism prevention program	
federal fund (034-00-3613-3600)	No limit
Safe and drug-free schools and	
communities national programs	
federal fund (034-00-3569-3569)	No limit
Great plains joint regional training center	
fee fund (034-00-2688-2688)	No limit

Provided, That expenditures may be made from the great plains joint regional training center fee fund for use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *Provided further*, That the adjutant general is hereby authorized to fix, charge and collect fees for recovery of costs associated with the use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the great plains

joint regional training center by other state agencies, local government agencies, for-profit organizations and not-for-profit organizations: *And provided further*, That all fees received for use of the great plains joint regional training center by other state agencies, local government agencies, for-profit organizations or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the great plains joint regional training center fee fund.

State and local implementation grant program –
federal fund (034-00-3576-3576) No limit
Military honors funeral fund (034-00-2789-2789) No limit

Provided, That the adjutant general is hereby authorized to accept gifts and donations of money during fiscal year 2025 for military funeral honors or purposes related thereto: *Provided further*, That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the military honors funeral fund.

Fire management assistance grant –
federal fund (034-00-3320-3320) No limit
Kansas national guard counter drug state
forfeiture fund No limit
American rescue plan state
relief fund (034-00-3756-3536) No limit

(c) In addition to the other purposes for which expenditures may be made by the adjutant general from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2024 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2024 regular session of the legislature, expenditures may be made by the adjutant general from such moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025, notwithstanding the provisions of K.S.A. 48-205, and amendments thereto, or any other statute, in addition to other positions within the adjutant general's department in the unclassified service as prescribed by law for additional positions in the unclassified service under the Kansas civil service act: *Provided*, That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, the adjutant general may appoint a deputy adjutant general, who shall have no military command authority, and who may be a civilian and shall have served at least five years as a commissioned officer with the Kansas national guard, who will perform such duties as the adjutant general shall assign, and who will serve in the unclassified service under the Kansas civil service act: *Provided further*, That the position of

such deputy adjutant general in the unclassified service under the Kansas civil service act shall be established by the adjutant general within the position limitation established for the adjutant general on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 2025 made by this or other appropriation act of the 2024 regular session of the legislature.

(d) During the fiscal year ending June 30, 2025, the adjutant general, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2025, from the state general fund for the adjutant general to another item of appropriation for fiscal year 2025 from the state general fund for the adjutant general: *Provided*, That the adjutant general shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 122.

STATE FIRE MARSHAL

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 124(a) of chapter 82 of the 2023 Session Laws of Kansas on the fire marshal fee fund (234-00-2330) of the state fire marshal is hereby increased from \$7,056,575 to \$7,585,054.

Sec. 123.

STATE FIRE MARSHAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law, purchases of nationally recognized adopted codes for resale and federally reimbursed overtime, shall not exceed the following:

Boiler inspection fee fund (234-00-2128-2128) No limit

Provided, That, during the fiscal year ending June 30, 2025, notwithstanding the provisions of any statute, in addition to the other purposes for which expenditures may be made from the boiler inspection fee fund for fiscal year 2025 by the above agency by this or other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the above agency from the boiler inspection fee fund for operating expenses of the above agency.

Fire marshal fee fund (234-00-2330) \$8,872,333

Provided, That expenditures from the fire marshal fee fund for official hospitality shall not exceed \$1,000.

Explosives regulatory and
 training fund (234-00-2361-2361)..... No limit
 Emergency response fund (234-00-2589)..... No limit

Provided, That expenditures may be made by the state fire marshal from the emergency response fund for fiscal year 2025 for the purposes of responding to specific incidences of emergencies related to hazardous materials or search and rescue incidents without prior approval of the state finance council: *Provided, however*, That expenditures from the emergency response fund during fiscal year 2025 for the purposes of responding to any specific incidence of an emergency related to hazardous materials or search and rescue incidents without prior approval by the state finance council shall not exceed \$25,000, except upon approval by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, except that such approval also may be given while the legislature is in session.

State fire marshal liquefied petroleum gas
 fee fund (234-00-2608-2600) No limit

Non-fuel flammable or combustible
 liquid aboveground storage tank
 system fund (234-00-2626-2610) No limit

Fire safety standard and
 firefighter protection act
 enforcement fund (234-00-2694-2620) No limit

Cigarette fire safety standard
 and firefighter protection
 act fund (234-00-2696-2630)..... No limit

Elevator safety fee fund (234-00-2854-2854)..... No limit

FFY12 HMEP grant –
 federal fund (234-00-3121-3121) No limit

Contract inspections fund (234-00-6122-6122) No limit

Intragovernmental service fund (234-00-6160-6000)..... No limit

Gifts, grants and
 donations fund (234-00-7405-7400)..... No limit

(b) During the fiscal year ending June 30, 2025, notwithstanding the provisions of any other statute, the state fire marshal, with the approval of the director of the budget, may transfer funds from the fire marshal fee fund (234-00-2330-2000) to the emergency response fund (234-00-2589) of the state fire marshal. The state fire marshal shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research and the director of the budget: *Provided*, That the aggregate amount of such transfers for the fiscal year ending June 30, 2025, shall not exceed \$500,000.

(c) During the fiscal year ending June 30, 2025, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund (234-00-2330-2000) during fiscal year 2025, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2025 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2025 in accordance with the provisions of appropriation acts, the director of the budget shall certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the emergency response fund (234-00-2589) to the fire marshal fee fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the fire marshal fee fund for the remainder of fiscal year 2025 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(d) During the fiscal year ending June 30, 2025, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund (234-00-2330-2000) and any other resources available to the fire marshal fee fund during the fiscal year 2025, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2025 are insufficient to meet in full the estimated expenditures for fiscal year 2025 as they become due to meet the financial obligations imposed by law on the fire marshal fee fund as a result of a cash flow shortfall, within the authorized budgeted expenditures in accordance with the provisions of appropriation acts, the director of the budget is authorized and directed to certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of money specified in such certification from the state general fund to the fire marshal fee fund in order to maintain the cash flow of the fire marshal fee fund for such purposes for fiscal year 2025: *Provided*, That the aggregate amount of such transfers during fiscal year 2025 pursuant to this subsection shall not exceed \$500,000. Within one year from the date of each such transfer to the fire marshal fee fund pursuant to this subsection, the director of accounts and reports shall transfer the amount equal to the amount transferred from the state general fund to the fire marshal fee fund from

the fire marshal fee fund to the state general fund in accordance with a certification for such purpose by the director of the budget. At the same time as the director of the budget transmits any certification under this subsection to the director of accounts and reports during fiscal year 2025, the director of the budget shall transmit a copy of such certification to the director of legislative research.

(e) During the fiscal year ending June 30, 2025, notwithstanding the provisions of any other statute, the state fire marshal, may transfer funds from the contract inspections fund (234-00-6122-6122) of the state fire marshal to the fire marshal fee fund (234-00-2330-2000) of the state fire marshal. The state fire marshal shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research and the director of the budget.

(f) During the fiscal year ending June 30, 2025, notwithstanding the provisions of any other statute, the state fire marshal is hereby authorized to transfer moneys during fiscal year 2025 from the elevator safety fee fund (234-00-2854-2854) to the fire marshal fee fund (234-00- 2330-2000) to be expended during fiscal year 2025 by the state fire marshal to administer the provisions of the elevator safety act, K.S.A. 2023 Supp. 44-1801 through 44-1820, and amendments thereto.

[†]

Sec. 125.

KANSAS HIGHWAY PATROL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas highway patrol

operations fund (280-00-2034-1100)\$72,826,377

Provided, That expenditures from the Kansas highway patrol operations fund for official hospitality shall not exceed \$3,000: *Provided further*, That expenditures may be made from the Kansas highway patrol operations fund for the purchase of civilian clothing for members of the Kansas highway patrol assigned to duties pursuant to K.S.A. 74-2105, and amendments thereto: *And provided further*, That the superintendent shall make expenditures from the Kansas highway patrol operations fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto: *And provided further*, That expenditures shall be made from the Kansas highway patrol operations fund to provide a 10% adjustment to the career

progression plan for sworn law enforcement officers: *And provided further*, That expenditures shall be made from the Kansas highway patrol operations fund to provide a 10% salary increase for dispatchers.

General fees fund (280-00-2179-2200) No limit

Provided, That all moneys received from the sale of used equipment, recovery of and reimbursements for expenditures and any other source of revenue shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund, except as otherwise provided by law: *Provided further*, That, notwithstanding the provisions of article 66 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto, in addition to the other purposes for which expenditures may be made by the above agency from the general fees fund, expenditures shall be made by the above agency from such fund to sell the personal sidearm, with a trigger lock, of a part-time state law enforcement officer, who has 10 years or more of service, to such officer, subject to the following: (1) Such officer is resigning; (2) the sale of such personal sidearm shall be for the amount equal to the total of the fair market value of the sidearm, as fixed by the superintendent, plus the cost of the trigger lock; and (3) no sale of a personal sidearm shall be made to any resigning officer unless the superintendent determines that the employment record and performance evaluations of each such officer are satisfactory: *And provided further*, That all proceeds from the sale of personal sidearms and trigger locks shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Motor carrier safety assistance program
state fund (280-00-2208) No limit

Provided, That expenditures shall be made from the motor carrier safety assistance program state fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

Kansas highway patrol staffing and
training fund (280-00-2211-2211) No limit

Vehicle identification number
fee fund (280-00-2213) No limit

Highway safety fund (280-00-2217-2250) No limit

State forfeiture
fund – pending (280-00-2264-2264) No limit

Highway patrol training
center fund (280-00-2306) No limit

Provided, That expenditures may be made from the highway patrol training center fund for use of the highway patrol training center by other state

agencies, local government agencies and not-for-profit organizations: *Provided further*, That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for recovery of costs associated with use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the highway patrol training center by other state or local government agencies: *And provided further*, That all fees received for use of the highway patrol training center by other state agencies, local government agencies or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the highway patrol training center fund.

Highway patrol motor

vehicle fund (280-00-2317-2800) No limit
Aircraft fund – on budget (280-00-2368-2360) No limit

Provided, That expenditures shall be made from the aircraft fund – on budget by the above agency in an amount of not to exceed \$1,300,000 for the maintenance and operations of any aircraft of the above agency.

DUI – IID designation fund (280-00-2380-2380) No limit
Kansas highway patrol state

forfeiture fund (280-00-2413-2100) No limit
Provided, That, notwithstanding the provisions of K.S.A. 60-4117, and amendments thereto, or any other statute, during the fiscal year ending June 30, 2025, expenditures may be made from the Kansas highway patrol state forfeiture fund for salaries and wages, and associated fringe benefits of non-supervisory personnel.

For patrol of Kansas turnpike fund (280-00-2514-2500) No limit

Provided, That expenditures shall be made from the for patrol of Kansas turnpike fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

Drug tax stamp enforcement fund (280-00-2825-2825) No limit

Disaster grants – public assistance –

federal fund (280-00-3005-3005) No limit

Edward Byrne memorial justice assistance grant –

federal fund (280-00-3057) No limit

National motor carrier safety assistance program –

federal fund (280-00-3073) No limit

Provided, That expenditures shall be made from the national motor carrier safety assistance program – federal fund for necessary moving expenses in accordance with K.S.A. 75-3225, and amendments thereto.

BAU fund (280-00-3092)	No limit
Homeland security federal fund (280-00-3199).....	No limit
Edward Byrne memorial assistance grant – state and local law enforcement – federal fund (280-00-3213-3213)	No limit
Bulletproof vest partner – federal fund (280-00-3216-3216)	No limit
Public safety partnership and community policing federal fund (280-00-3218-3218)	No limit
Performance registration information system management – federal fund (280-00-3239-3239)	No limit
Commercial vehicle information system network – federal fund (280-00-3244-3244)	No limit
Highway planning and construction – federal fund (280-00-3333-3333)	No limit
KHP federal forfeiture – federal fund (280-00-3545)	No limit
<i>Provided</i> , That expenditures may be made from the KHP federal forfei- ture – fund by the above agency for the capital improvement project or projects for troop F headquarters.	
High intensity drug trafficking areas – federal fund (280-00-3615-3000)	No limit
Homeland security program – federal fund (280-00-3629)	No limit
American rescue plan state relief fund (280-00-3756)	No limit
Emergency ops cntr – federal fund (280-00-3808-3808)	No limit
State and community highway safety – federal fund (280-00-3815-3815)	No limit
Capitol area security fund (280-00-6143-6100)	No limit
Executive aircraft fund (280-00-6144-6120)	No limit

Provided, That expenditures may be made from the executive aircraft fund to provide aircraft services to other state agencies and to purchase liability and property damage insurance for state aircraft: *Provided further*, That the superintendent of the highway patrol is hereby authorized to fix, charge and collect fees for such aircraft services to other state agencies: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A.

75-4215, and amendments thereto, and shall be credited to the executive aircraft fund: *And provided further*, That expenditures shall be made from the executive aircraft fund by the above agency in an amount of not to exceed \$1,500,000 for the maintenance and operations of any aircraft of the above agency.

Motor vehicle fuel and storeroom

sales fund (280-00-6155-6200).....No limit

Provided, That expenditures may be made from the motor vehicle fuel and storeroom sales fund to acquire and sell commodities and to provide services to local governments and other state agencies: *Provided further*, That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for such commodities and services: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in acquiring or providing and selling such commodities and services: *And provided further*, That all fees received for such commodities and services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the motor vehicle fuel and storeroom sales fund.

1122 program clearing fund (280-00-7280)No limit

Homeland sec grant prog fund (280-00-7280).....No limit

Gifts and donations fund (280-00-7331)No limit

Provided, That expenditures from the gifts and donations fund for official hospitality shall not exceed \$1,000.

Ignition interlock devices program fund.....No limit

(b) On or before the 10th of each month during the fiscal year ending June 30, 2025, the director of accounts and reports shall transfer from the state general fund to the 1122 program clearing fund (280-00-7280-7280) interest earnings based on: (1) The average daily balance of moneys in the 1122 program clearing fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(c) Except as provided further, on July 1, 2024, October 1, 2024, January 1, 2025, and April 1, 2025, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer an amount specified by the executive director of the state corporation commission, with the approval of the director of the budget, of not more than \$500,000 from the motor carrier license fees fund (143-00-2812-5500) of the state corporation commission to the motor carrier safety assistance program state fund (280-00-2208) of the Kansas highway patrol: *Provided, however*, That the total of all transfers shall not exceed \$2,000,000 in fiscal year 2025.

(d) Except as provided further, on July 1, 2024, October 1, 2024, January 1, 2025, and April 1, 2025, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer \$18,206,594.25 from the state highway fund (276-00-4100-4100) of the department of transportation to the Kansas highway patrol operations fund (280-00-2034-1100) of the Kansas highway patrol for the purpose of financing the Kansas highway patrol operations. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2025 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2025 for support and maintenance of the Kansas highway patrol.

(e) On July 1, 2024, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$295,000 from the state highway fund (276-00-4100-4100) of the department of transportation to the highway safety fund (280-00-2217-2250) of the Kansas highway patrol for the purpose of financing the motorist assistance program of the Kansas highway patrol.

(f) On July 1, 2024, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$250,000 from the state highway fund (276-00-4100-4100) of the department of transportation to the general fees fund (280-00-2179-2200) of the Kansas highway patrol for the purpose of financing operating expenditures of the Kansas highway patrol.

(g) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,300,000 from the state highway fund (276-00-4100-4100) of the department of transportation to the aircraft fund – on budget (280-00-2368-2360) of the Kansas highway patrol.

(h) On July 1, 2024, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$1,500,000 from the state highway fund (276-00-4100-4100) of the department of transportation to the executive aircraft fund (280-00-6144-6120) of the Kansas highway patrol for the purpose of maintaining and operating the executive aircraft.

Sec. 126.

**ATTORNEY GENERAL – KANSAS
BUREAU OF INVESTIGATION**

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Meth lab cleanup (083-00-1000-0200)\$75

(b) On the effective date of this act, of the \$31,584,847 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 127(a) of chapter 82 of the 2023 Session Laws of Kansas from the state general fund in the operating expenditures account (083-00-1000-0083), the sum of \$41,215 is hereby lapsed.

Sec. 127.

ATTORNEY GENERAL – KANSAS
BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (083-00-1000-0083)\$41,230,732

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated to the operating expenditures account for fiscal year 2025: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$750.

Meth lab cleanup (083-00-1000-0200)\$50,310

Provided, That any unencumbered balance in the meth lab cleanup account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That the above agency is hereby authorized to make expenditures from the meth lab cleanup account to contract for services for remediation of sites determined by law enforcement as hazardous resulting from the production of methamphetamine.

LIMS replacement\$2,500,000

CMS replacement\$1,050,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas bureau of investigation state

forfeiture fund (083-00-2283) No limit

Provided, That expenditures made from the Kansas bureau of investigation state forfeiture fund shall not be considered a source of revenue to meet normal operating expenses, but for such special, additional law enforcement purposes including direct or indirect operating expenditures incurred for conducting educational classes and training for special agents and other personnel, including official hospitality.

Federal forfeiture fund (083-00-3940) No limit

Provided, That expenditures made from the federal forfeiture fund shall not be considered a source of revenue to meet normal operating expenses, but for such special, additional law enforcement purposes including direct or indirect operating expenditures incurred for conducting educational classes and training for special agents and other personnel, including official hospitality.

- High intensity drug trafficking area –
federal fund (083-00-3349-3100) No limit
- Federal grants – marijuana eradication –
federal fund (083-00-3350) No limit
- eCitation national priority safety program –
federal fund (083-00-3092) No limit
- Ncs-x grant – federal fund (083-00-3580-3580)..... No limit
- Criminal justice information system
line fund (083-00-2457) No limit

Provided, That in addition to the other purposes for which expenditures may be made from the criminal justice information system line fund pursuant to K.S.A. 74-5707, and amendments thereto, expenditures may be made from the criminal justice information system line fund for salaries and wages, contractual services, commodities and capital outlay for the maintenance and support of the Kansas criminal justice information system.

- DNA database fund (083-00-2676-2700) No limit
- Kansas bureau of investigation motor
vehicle fund (083-00-2344-2050) No limit

Provided, That expenditures may be made from the Kansas bureau of investigation motor vehicle fund to acquire and sell motor vehicles for the Kansas bureau of investigation: *Provided further*, That all moneys received for sale of motor vehicles of the Kansas bureau of investigation shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas bureau of investigation motor vehicle fund.

- Forensic laboratory and materials
fee fund (083-00-2077) No limit

Provided, That expenditures may be made from the forensic laboratory and materials fee fund for the acquisition of laboratory equipment and materials and for other direct or indirect operating expenditures for the forensic laboratory of the Kansas bureau of investigation: *Provided, however*, That all expenditures from this fund of moneys received as Kansas bureau of investigation laboratory analysis fees pursuant to K.S.A. 28-176, and amendments thereto, shall be for the purposes authorized by K.S.A. 28-176(e), and amendments thereto: *Provided further*, That all fees received for such laboratory tests, including all moneys received pursuant

to K.S.A. 28-176(a), and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the forensic laboratory and materials fee fund.

General fees fund (083-00-2140)..... No limit

Provided, That expenditures may be made from the general fees fund for direct or indirect operating expenditures incurred for the following activities: (1) Conducting education and training classes for special agents and other personnel, including official hospitality; (2) purchasing illegal drugs, making contacts and acquiring information leading to illegal drug outlets, contraband and stolen property, and conducting other activities for similar investigatory purposes; (3) conducting investigations and related activities for the Kansas lottery or the Kansas racing and gaming commission; (4) conducting DNA forensic laboratory tests and related activities; (5) preparing, publishing and distributing crime prevention materials; and (6) conducting agency operations: *Provided, however*, That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses incurred, except as otherwise hereinafter provided, for the following: (1) Education and training services made available to local law enforcement personnel in classes conducted for special agents and other personnel of the Kansas bureau of investigation; (2) investigations and related activities conducted for the Kansas lottery or the Kansas racing and gaming commission, except that the fees fixed for these activities shall be fixed in order to recover all of the direct and indirect expenses incurred for such investigations and related activities; (3) DNA forensic laboratory tests and related activities; and (4) sale and distribution of crime prevention materials: *Provided further*, That all fees received for such activities shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further*, That all moneys that are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and that are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further*, That all moneys received as gifts, grants or donations for the preparation, publication or distribution of crime prevention materials shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund: *And provided further*, That expenditures from any moneys received from the division of alcoholic beverage control and credited to the general fees fund may be made by the Kansas bureau of investigation for all purposes for which expenditures may be made for operating expenditures:

And provided further, That expenditures from any moneys received from the Kansas criminal justice information system committee and credited to the general fees fund may be made by the Kansas bureau of investigation for all purposes for which expenditures may be made for training activities and official hospitality.

Record check fee fund (083-00-2044-2010) No limit

Provided, That the director of the Kansas bureau of investigation is authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses for criminal history record checks conducted for noncriminal justice entities including government agencies and private organizations: *Provided, however,* That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the record check fee fund: *Provided further,* That expenditures may be made from the record check fee fund for operating expenditures of the Kansas bureau of investigation.

Intergovernmental

 service fund (083-00-6119-6100) No limit

Agency motor pool fund (083-00-6117) No limit

National criminal history improvement program

 federal fund (083-00-3189-3189) No limit

Public safety partnership
and community policing

 federal fund (083-00-3218-3218) No limit

Forensic DNA backlog reduction

 federal fund (083-00-3226-3226) No limit

Coverdell forensic sciences improvement

 federal fund (083-00-3227-3227) No limit

Anti-gang initiative

 federal fund (083-00-3229-3229) No limit

Homeland security federal fund (083-00-3199)..... No limit

State homeland security program

 federal fund (083-00-3629-3629) No limit

Convicted/arrestee DNA backlog reduction

 federal fund (083-00-3489-3489) No limit

Disaster grants – public assistance

 federal fund (083-00-3005-3005) No limit

Ed Byrne memorial justice assistance

 federal fund (083-00-3057) No limit

Ed Byrne state/local law enforcement

 federal fund (083-00-3213-3213) No limit

Violence against women – ARRA

 federal fund (083-00-3214) No limit

AWA implementation grant program	
federal fund (083-00-3228-3228)	No limit
Ed Byrne memorial JAG – ARRA	
federal fund (083-00-3455-3455)	No limit
Convicted offender/arrestee DNA backlog reduction	
federal fund (083-00-3489-3489)	No limit
KBI-FBI reimbursement	
federal fund (083-00-3506-3506)	No limit
Project safe neighborhoods fund (083-00-3217-3217)	No limit
Social security administration reimbursement –	
federal fund (083-00-3560-3560)	No limit
Bulletproof vest partnership –	
federal fund (083-00-3216-3211)	No limit
Sexual assault kit grant –	
federal fund (083-00-3146-3146)	No limit
Crime victim assistance	
discretionary grant (083-00-3250-3260)	No limit
Opioid summit fund	No limit
Coronavirus emergency	
supplemental fund (083-00-3671)	No limit
Byrne discretionary	
community fund (083-00-3654)	No limit
Substance use disorder	
federal fund (083-00-3294)	No limit
American rescue plan state relief fund (083-00-3756)	No limit

(c) During the fiscal year ending June 30, 2025, the attorney general may authorize full-time non-FTE unclassified permanent positions and regular part-time non-FTE unclassified permanent positions for the Kansas bureau of investigation that are paid from appropriations for the attorney general – Kansas bureau of investigation for fiscal year 2025 made by this act or other appropriation act of the 2024 regular session of the legislature, which shall be in addition to the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, authorized for fiscal year 2025 for the attorney general – Kansas bureau of investigation. The attorney general shall certify each such authorization for non-FTE unclassified permanent positions for the Kansas bureau of investigation to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the director of legislative research and the director of the budget.

Sec. 128.

EMERGENCY MEDICAL SERVICES BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all

moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Emergency medical services
operating fund (206-00-2326-4000).....\$2,029,012

Provided, That the emergency medical services board is hereby authorized to fix, charge and collect fees in order to recover costs incurred for distributing educational videos, replacing lost educational materials and mailing labels of those licensed by the board: *Provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the emergency medical services operating fund: *And provided further*, That, notwithstanding the provisions of K.S.A. 65-6128 or 65-6129b, and amendments thereto, or of any other statute, all moneys received by the emergency medical services board for fees authorized by law for licensure or the issuance of permits, or for any other regulatory duties and functions prescribed by law in the field of emergency medical services, shall be deposited in the state treasury to the credit of the emergency medical services operating fund of the emergency medical services board: *And provided further*, That expenditures from the emergency medical services operating fund for official hospitality shall not exceed \$2,000.

Education incentive grant
payment fund (206-00-2396-2510)No limit

Provided, That the priority for award of education incentive grants shall be to award such grants to rural areas.

EMS revolving fund (206-00-2449-2400)No limit

Provided, That, if an organization agrees to receive money from the EMS revolving fund, the organization shall enter into a grant agreement requiring such organization to submit a written report to the emergency medical services board detailing and accounting for all expenditures and receipts related to the use of the moneys received from the EMS revolving fund: *Provided further*, That the emergency medical services board shall prepare a written report specifying and accounting for all moneys allocated to and expended from the EMS revolving fund: *And provided further*, That such report shall be submitted to the house of representatives committee on appropriations and the senate committee on ways and means on or before February 1, 2025.

EMS criminal history and
fingerprinting fund (206-00-2806-2806).....No limit

(b) In addition to the other purposes for which expenditures may be made by the emergency medical services board from the emergency medical services operating fund (206-00-2326-4000) for fiscal year 2025 by this or other appropriation act of the 2024 regular session of the legislature, expenditures may be made by the emergency medical services board from the emergency medical services operating fund for fiscal year 2025 for the purpose of implementing a grant program for emergency medical services training and educational assistance for persons in underserved areas: *Provided*, That when issuing such grants, first priority shall be given to ambulance services submitting applications seeking grants to pay the cost of recruiting volunteers and cost of the initial courses of training for emergency medical service providers: *Provided further*, That the second priority shall be given to ambulance services submitting applications seeking grants to pay the cost of continuing education for emergency medical service providers: *And provided further*, That the third priority shall be given to ambulance services submitting applications seeking grants to pay the cost of education for emergency medical service providers who are obtaining a postsecondary education degree for the purpose of becoming instructors of emergency medical services educational courses.

(c) In addition to the other purposes for which expenditures may be made by the emergency medical services board from the moneys appropriated from the state general fund or from any special revenue fund or funds for the emergency medical services board for fiscal year 2025, as authorized by this or any other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the emergency medical services board from moneys appropriated from the state general fund or from any special revenue fund or funds for the emergency medical services board for fiscal year 2025 to require emergency medical services agencies in each of the six EMS regions of the state to prepare and submit a report of the expenditures made and moneys received in each of the EMS regions that are related to the operation and administration of the Kansas emergency medical services regional operations to the emergency medical services board: *Provided*, That the report for each EMS region shall specify and account for all moneys appropriated from the state treasury for the emergency medical services board and disbursed to each such EMS region for the operation of the education and training of emergency medical service providers in each such EMS region.

(d) On July 1, 2024, and January 1, 2025, or as soon thereafter each such date as moneys are available, the director of accounts and reports shall transfer \$150,000 from the emergency medical services operating fund (206-00-2326-4000) to the educational incentive grant payment fund (206-00-2396-2510) of the emergency medical services board.

(e) During the fiscal year ending June 30, 2025, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the emergency medical services operating fund (206-00-2326-4000) during fiscal year 2025, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the emergency medical services operating fund during fiscal year 2025 are insufficient to fund the budgeted expenditures and transfers from the emergency medical services operating fund for fiscal year 2025 in accordance with the provisions of appropriation acts, the director of the budget shall certify such funding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the education incentive grant payment fund (206-00-2396-2510) to the emergency medical services operating fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the emergency medical services operating fund for the remainder of fiscal year 2025 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(f) During the fiscal year ending June 30, 2025, if any EMS regional council enters into a grant agreement with the emergency medical services board, such council shall be required to submit pursuant to such grant agreement a written report detailing and accounting for all expenditures and receipts of such council during such fiscal year. The emergency medical services board shall prepare a written report specifying and accounting for all moneys received by and expended by each individual council that has reported to the emergency medical services board pursuant to such grant agreement and submit such report to the house of representatives committee on appropriations and the senate committee on ways and means on or before February 1, 2025.

Sec. 129.

KANSAS SENTENCING COMMISSION

(a) On the effective date of this act, of the \$1,405,235 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 130(a) of chapter 82 of the 2023 Session Laws of Kansas from the state general fund in the operating expenditures account (626-00-1000-0303), the sum of \$137,867 is hereby lapsed.

(b) On the effective date of this act, of the \$8,778,903 appropriated for the above agency for the fiscal year ending June 30, 2024, by section 130(a) of chapter 82 of the 2023 Session Laws of Kansas from the state general fund in the substance abuse treatment programs account (626-00-1000-0600), the sum of \$2,246,141 is hereby lapsed.

Sec. 130.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (626-00-1000-0303).....\$1,378,186

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$900.

Substance abuse

treatment programs (626-00-1000-0600)\$10,840,817

Provided, That any unencumbered balance in the substance abuse treatment programs account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That, notwithstanding the provisions of K.S.A. 21-6824, and amendments thereto, or any other statute, in addition to other purposes for which expenditures may be made by the above agency from the substance abuse treatment program account of the state general fund during fiscal year 2025, expenditures may be made from such account for operating costs.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund (626-00-2201).....No limit

Statistical analysis – federal fund (626-00-3600).....No limit

Coronavirus relief fund (626-00-3753).....No limit

Sec. 131.

KANSAS COMMISSION ON PEACE OFFICERS’
STANDARDS AND TRAINING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 132(a) of chapter 82 of the 2023 Session Laws of Kansas on the Kansas commission on peace officers’ standards and training fund (529-00-2583-2580) of the Kansas commission on peace officers’ standards and training is hereby increased from \$916,965 to \$975,559.

Sec. 132.

KANSAS COMMISSION ON PEACE OFFICERS’
STANDARDS AND TRAINING

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all

moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas commission on
peace officers' standards and
training fund (529-00-2583-2580).....\$903,574

Provided, That expenditures from the Kansas commission on peace officers' standards and training fund for official hospitality shall not exceed \$1,000.

Local law enforcement training
reimbursement fund (529-00-2746-2700)No limit

Sec. 133.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (046-00-1000-0053)\$285,977

Sec. 134.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (046-00-1000-0053)\$13,560,600

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$10,000.

Agency legal services.....\$50,000

Animal facilities inspection program
emergency animal shelter.....\$50,000

Provided, That expenditures shall be made by the above agency from the animal facilities inspection program emergency animal shelter account in an amount of at least \$25,000 to spay or neuter animals located at such shelter.

Local farm to food program.....\$900,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Meat and poultry inspection
fee fund (046-00-2004-0700)No limit

Entomology fee fund (046-00-2006-0900).....	No limit
Livestock market brand inspection fee fund (046-00-2007-2010)	No limit
Veterinary inspection fee fund (046-00-2009-2020)	No limit
Livestock brand fee fund (046-00-2011-2030).....	No limit
Grain commodity commission services fund (046-00-2018-1070).....	No limit
Water structures fund (046-00-2037-1075).....	No limit
Water structures – state highway fund (046-00-2043-1080)	No limit
Kansas agricultural remediation fund (046-00-2095-1090).....	No limit
Dairy fee fund (046-00-2105-1015).....	No limit
Water resources cost fund (046-00-2110-1020)	No limit
<i>Provided</i> , That all moneys received by the secretary of agriculture from any governmental or nongovernmental source to implement the provisions of the Kansas water banking act, K.S.A. 82a-761 through 82a-773, and amendments thereto, which are hereby authorized to be applied for and received, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the water resources cost fund.	
Soil amendment fee fund (046-00-2117-1100).....	No limit
Agricultural liming materials fee fund (046-00-2118-1200)	No limit
Weights and measures fee fund (046-00-2165-1500)	No limit
Water appropriation certification fund (046-00-2168-1600).....	No limit
Agriculture seed fee fund (046-00-2187-2720).....	No limit
Chemigation fee fund (046-00-2194-1800).....	No limit
Animal disease control fund (046-00-2202-2500).....	No limit
<i>Provided</i> , That expenditures from the animal disease control fund for official hospitality shall not exceed \$450.	
Animal dealers fee fund (046-00-2207-2050)	No limit
<i>Provided</i> , That expenditures from the animal dealers fee fund for official hospitality shall not exceed \$300; <i>Provided further</i> , That expenditures shall be made from the animal dealers fee fund by the livestock commissioner for operating expenditures for an educational course regarding animals and their care and treatment as authorized by K.S.A. 47-1707, and amendments thereto, to be provided through the internet or printed booklets.	
Plant pest emergency response fund (046-00-2210-1805)	No limit

Water transfer hearing fund (046-00-2278-1900) No limit
Publications fee fund (046-00-2322-2000)..... No limit
Provided, That expenditures may be made from the publications fee fund for operating expenditures related to preparation and publication of informational or educational materials related to the programs or functions of the Kansas department of agriculture: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-1005, and amendments thereto, to the contrary, the secretary of agriculture is hereby authorized to enter into a contract with a commercial publisher for the printing, distribution and sale of such materials: *And provided further*, That the secretary of agriculture is hereby authorized to collect fees from such commercial publisher pursuant to contract with the publisher for the sale of such materials: *And provided further*, That the secretary of agriculture is hereby authorized to receive and accept grants, gifts, donations or funds from any non-federal source for the printing, publication and distribution of such materials: *And provided further*, That all moneys received from such fees or for such grants, gifts, donations or other funds received for such purpose shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the publications fee fund.

Market development fund (046-00-2331-2351)..... No limit
Provided, That expenditures may be made from the market development fund for official hospitality: *Provided further*, That expenditures may be made from the market development fund for loans pursuant to loan agreements, which are hereby authorized to be entered into by the secretary of agriculture: *And provided further*, That all moneys received by the department of agriculture for repayment of loans made under the agricultural value added center program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the market development fund.

Trademark fund (046-00-2333-2360) No limit
Commercial industrial hemp act licensing fee fund (046-00-2343-2343) No limit
General fees fund (046-00-2346-2100) No limit
Provided, That expenditures may be made from the general fees fund for operating expenditures for the regulatory programs of the Kansas department of agriculture and for official hospitality: *Provided further*, That the director of accounts and reports shall transfer an amount or amounts specified by the secretary of agriculture from any special revenue fund or funds of the department of agriculture that have available moneys to the general fees fund: *And provided further*, That the director of accounts and reports shall transmit a copy of such transfer request to the director of legislative research.

Conversion of materials and

equipment fund (046-00-2402-2200)..... No limit

Lodging fee fund (046-00-2456-2400) No limit

Buffer participation

incentive fund (046-00-2517-2510)..... No limit

Land reclamation fee fund (046-00-2542-2090) No limit

Petroleum inspection

fee fund (046-00-2550-2550) No limit

U.S. geological survey

cooperative gauge agreement

grants fund (046-00-2629-2800)..... No limit

Provided, That the secretary of agriculture is hereby authorized to enter into a cooperative gauge agreement with the United States geological survey: *Provided further*, That all moneys collected for the construction or operation of river water intake gauges shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the U.S. geological survey cooperative gauge agreement grants fund: *And provided further*, That expenditures may be made from this fund to pay the costs incurred in the construction or operation of river water intake gauges.

Laboratory equipment fund (046-00-2710-2700) No limit

Arkansas river gaging fund (046-00-2751-2751) No limit

Laboratory testing services

fee fund (046-00-2752-2752) No limit

Provided, That expenditures may be made from the laboratory testing services fee fund for administrative operating expenditures of the agriculture laboratory of the Kansas department of agriculture: *Provided further*, That the director of accounts and reports shall transfer an amount or amounts specified by the secretary of agriculture from any special revenue fund or funds of the department of agriculture that have available moneys to the laboratory testing services fee fund: *And provided further*, That the director of accounts and reports shall transmit a copy of such transfer request to the director of legislative research.

Compliance education fee fund (046-00-2757-2757) No limit

Provided, That all expenditures from the compliance education fee fund shall be for the purposes of compliance education: *Provided further*, That, notwithstanding the provisions of any statute to the contrary, during fiscal year 2025, the secretary of agriculture is hereby authorized to remit and designate amounts of moneys collected for civil fines and penalties by the department of agriculture to the state treasurer for deposit in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the compliance education fee fund: *And*

provided further, That, upon receipt of each such remittance and designation, the state treasurer shall credit the entire amount of such remittance to the compliance education fee fund.

Conference registration and
disbursement fund (046-00-2772-2101) No limit

Provided, That expenditures may be made from the conference registration and disbursement fund for official hospitality.

Reimbursement and
recovery fund (046-00-2773-2294) No limit

Provided, That expenditures may be made from the reimbursement and recovery fund for official hospitality.

Agricultural chemical
fee fund (046-00-2800-2900) No limit

Feeding stuffs
fee fund (046-00-2801-4000) No limit

Fertilizer fee fund (046-00-2802-4100)..... No limit

Pesticide use fee fund (046-00-2804-4300)..... No limit

Egg fee fund (046-00-2808-4600) No limit

Warehouse fee fund (046-00-2809-4700)..... No limit

Food safety fee fund (046-00-2813-4805)..... No limit

Pesticide disposal fund (046-00-2831-2831) No limit

Water structures emergency
fund (046-00-2868-2868)..... No limit

Meat and poultry inspection
fund – federal (046-00-3013-3100) No limit

NRCS grant CFDA
10.932 fund (046-00-3022-3903)..... No limit

Water structures NRCS
LIDAR grant (046-00-3081-3081) No limit

Market protection/
promotion fund (046-00-3104-3315) No limit

Homeland security grant –
federal fund (046-00-3199-3436) No limit

Cooperating technical partners –
federal fund (046-00-3203-3213) No limit

NRCS grant CFDA 10.931 fund (046-00-3228-3220)..... No limit

EPA pesticide performance partnership grant –
federal fund (046-00-3295-3290) No limit

Plant/animal disease and
pest control (046-00-3360) No limit

FEMA dam safety –
federal fund (046-00-3362-3353) No limit

USDA Kansas forestry service –	
federal fund (046-00-3426-3380)	No limit
Ag stats report fund (046-00-3427-3390)	No limit
National floodplain insurance assistance (CAP) –	
federal fund (046-00-3445-3330)	No limit
Food/drug administration/research (046-00-3462)	No limit
Specialty crop block grant fund (046-00-3463-3300)	No limit
Local food purchase agreement –	
federal fund (046-00-3662-3662)	No limit
Watershed protect approach/WTR	
RSRCE MGT fund (046-00-3889)	No limit
NRCS stream bank water quality –	
federal fund (046-00-3917)	No limit
NRCS grant CFDA	
10.069 fund (046-00-3952-3901)	No limit
NRCS grant CFDA	
10.924 fund (046-00-3953-3902)	No limit
Flx finding mdl coop	
agrmt fund (046-00-3954-3905)	No limit
NRCS grant CFDA	
10.912 fund (046-00-3955-3904)	No limit
Gifts and donations fund (046-00-7305-7000)	No limit

Provided, That the secretary of agriculture is hereby authorized to receive gifts and donations of resources and money for services for the benefit and support of agriculture and purposes related thereto: *Provided further*, That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the gifts and donations fund.

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2025, for the water plan project or projects specified, the following:

Interstate water issues (046-00-1800-0070)	\$527,927
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Provided, That any unencumbered balance in the interstate water issues account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Water use (046-00-1800-0075)	\$100,000
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Provided, That any unencumbered balance in the water use account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Basin management (046-00-1800-0080)	\$673,847
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Provided, That any unencumbered balance in the basin management account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Irrigation technology (046-00-1800-0088)\$550,000
Provided, That any unencumbered balance in the irrigation technology account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Crop and livestock research (046-00-1800-0089)\$350,000
Provided, That any unencumbered balance in the crop and livestock research account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Soil health initiative (046-00-1800-0090)\$400,000
Provided, That any unencumbered balance in the soil health initiative account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Water resources
cost share (046-00-1800-1205)\$2,834,714
Provided, That any unencumbered balance in the water resources cost share account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That the initial allocation for grants to conservation districts for fiscal year 2025 shall be made on a priority basis, as determined by the secretary of agriculture and the provisions of the state water plan: *And provided further*, That expenditures from this account for contractual technical expertise and/or non-salary administration expenditures for the division of conservation of the Kansas department of agriculture shall not exceed the amount equal to 6.0% of the budget amount for fiscal year 2025 for the water resources cost share account.

Nonpoint source
pollution assistance (046-00-1800-1210)\$1,866,598
Provided, That any unencumbered balance in the nonpoint source pollution assistance account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Conservation district aid (046-00-1800-1220).....\$2,502,706
Provided, That any unencumbered balance in the conservation district aid account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Kansas conservation reserve enhancement
program fund (046-00-1800-1225).....\$554,142
Provided, That any unencumbered balance in the Kansas conservation reserve enhancement program fund account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Watershed dam
construction (046-00-1800-1240).....\$650,000

Provided, That any unencumbered balance in the watershed dam construction account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That expenditures from the watershed dam construction account are hereby authorized for engineering contracts for watershed planning as determined by the secretary of agriculture.

Kansas water quality

buffer initiatives (046-00-1800-1250)\$0

Provided, That any unencumbered balance in the Kansas water quality buffer initiatives account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That all expenditures from the Kansas water quality buffer initiatives account shall be for grants or incentives to install water quality best management practices: *And provided further*, That such expenditures may be made from this account from the approved budget amount for fiscal year 2025 in accordance with contracts, which are hereby authorized to be entered into by the secretary of agriculture, for such grants or incentives.

Riparian and wetland program (046-00-1800-1260).....\$154,024

Provided, That any unencumbered balance in the riparian and wetland program account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Streambank stabilization

projects (046-00-1800-1290)\$750,000

Provided, That any unencumbered balance in the streambank stabilization projects account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Kansas reservoir protection initiative administration\$0

(d) During the fiscal year ending June 30, 2025, the secretary of agriculture, with the approval of the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, or upon specific authorization in an appropriation act of the legislature, may transfer any part of any item of appropriation for fiscal year 2025 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2025 from the state water plan fund for the Kansas department of agriculture: *Provided*, That the secretary of agriculture shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to: (1) The director of the budget; (2) the director of legislative research; (3) the chairperson of the house of representatives agriculture and natural resources budget committee; and (4) the appropriate

chairperson of the subcommittee on agriculture of the senate committee on ways and means.

(e) On July 1, 2024, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$128,379 from the state highway fund (276-00-4100-4100) of the department of transportation to the water structures – state highway fund (046-00-2043-1080) of the Kansas department of agriculture.

(f) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2025, the following:

Agriculture marketing program (046-00-1900-1110)\$1,030,744
Provided, That expenditures may be made from the agriculture marketing program account for loans pursuant to loan agreements, which are hereby authorized to be entered into by the secretary of agriculture in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary of agriculture therefor under the agricultural value added center program.

(g) Notwithstanding the provisions of K.S.A. 82a-767, and amendments thereto, or any other statute concerning the length of time for conducting water bank evaluations, in addition to the other purposes for which expenditures may be made by the department of agriculture from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2025, as authorized by this or other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the department of agriculture from such moneys for fiscal year 2025 for the chief engineer, in consultation with the director of the Kansas water office, to develop a request for proposal and select an independent consultant to conduct the evaluation, as described in K.S.A. 82a-767, and amendments thereto, of the operations of the central Kansas water bank: *Provided*, That such evaluation shall include specific findings regarding the consumptive use and potential impairment impacts involved with the use of safe deposit accounts in the Rattlesnake Creek hydrologic unit: *Provided further*, That the results of such evaluation shall be submitted to the house of representatives committee on water and the senate committee on agriculture and natural resources on or before January 12, 2026.

Sec. 135.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Operating expenditures (373-00-1000-0103)\$300,000

Sec. 136.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (373-00-1000-0103)\$235,000

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law and remittances of sales tax to the department of revenue, shall not exceed the following:

State fair fee fund (373-00-5182-5100)No limit

Provided, That expenditures from the state fair fee fund for official hospitality shall not exceed \$10,000.

State fair special cash fund (373-00-9088-9000)No limit

State fair debt service special revenue fund (373-00-2267-2200)No limit

Sec. 137.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

Water resources operating expenditures (709-00-1000-0303)\$10,764

(b) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2024, the following:

Water injection dredging (709-00-1800-1290)\$2,000,000

(c) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,000,000 from the state water plan fund to the water projects grant fund (709-00-2881-2881) of the Kansas water office.

Sec. 138.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Water resources operating expenditures (709-00-1000-0303)\$1,351,356

Provided, That any unencumbered balance in the water resources operating expenditures account in excess of \$100 as of June 30, 2024, is hereby

reappropriated for fiscal year 2025: *Provided, however,* That expenditures from this account for official hospitality shall not exceed \$1,500.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund (709-00-2022).....No limit

Provided, That expenditures may be made from the general fees fund for operating expenditures for the Kansas water office, including training and informational programs and official hospitality: *Provided further,* That the director of the Kansas water office is hereby authorized to fix, charge and collect fees for such programs: *And provided further,* That fees for such programs shall be fixed in order to recover all or part of the operating expenses incurred for such programs, including official hospitality: *And provided further,* That all fees received for such programs and all fees received for providing access to or for furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund.

Lower Smoky Hill water supply
access fund (709-00-2203-2203).....No limit

Water marketing fund (709-00-2255-2100)No limit

Provided, That expenditures may be made from the water marketing fund for the purchase of vessel liability insurance.

Indirect cost fund (709-00-2419-2419)No limit

State conservation storage water

supply fund (709-00-2502-2600).....No limit

Provided, That expenditures may be made by the above agency from the State conservation storage water supply fund for acquisition of storage or to complete studies or take actions necessary to ensure reservoir storage sustainability, subject to the availability of moneys credited to the state conservation storage water supply fund.

Equipment leasing
fee fund (709-00-2892-2892)No limit

Local water project

match fund (709-00-2620-3200)No limit

Provided, That all moneys received from local government entities and instrumentalities to be used to match funds for water projects shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local water project match fund: *Provided further,* That all moneys cred-

ited to this fund shall be used to match state funds or federal funds, or both, for water projects.

Water supply storage assurance fund (709-00-2631) No limit

Provided, That no additional water supply storage space shall be purchased in Milford, Perry, Big Hill or Hillsdale reservoirs during fiscal year 2025 unless a contract is entered into under the state water plan storage act, K.S.A. 82a-1301 et seq., and amendments thereto, to supply water to users that is not held under contract in such reservoirs.

Republican river water conservation projects –

Nebraska moneys fund (709-00-2690-2640) No limit

Republican river water conservation projects –

Colorado moneys fund (709-00-2691-2680) No limit

South fork Republican river water conservation

projects fund (709-00-2824-2824) No limit

Provided, That during the fiscal year ending June 30, 2025, the above agency shall pay an amount equal to the amount certified pursuant to subsection (k) from the south fork Republican river water conservation projects fund as a grant pursuant to the grant agreement entered into by the Kansas water office and the Cheyenne county conservation district: *Provided further*, That in accordance with the grant agreement, such moneys shall be used exclusively for the purposes of paying all or a portion of the costs of the projects specified in K.S.A. 82a-1804(g), and amendments thereto, in the area lying in the south fork of the upper Republican river basin in northwest Kansas in all or parts of Cheyenne and Sherman counties: *And provided further*, That in accordance with the grant agreement, all expenditures of such moneys shall be approved by the Cheyenne county conservation district and the Kansas water office: *And provided further*, That, in accordance with the grant agreement, such moneys shall be administered by the Cheyenne county conservation district and any interest earned on such moneys shall be used for the purposes prescribed by this subsection: *And provided further*, That in accordance with the grant agreement, all expenditures and the status of new projects approved by the Cheyenne county conservation district shall be reported not later than November 1, 2024, to the Kansas water office.

Milford RCPP federal fund (709-00-3022-3022) No limit

Multipurpose grant fund (709-00-3103-3103) No limit

Emergency management performance

grant fund (709-00-3342-3342) No limit

HHPD rehabilitation

grant fund (709-00-3362-3362) No limit

Water reclamation and reuse

grant fund (709-00-3731-3731) No limit

EPA wetland development
grant fund (709-00-3914) No limit
Motor pool vehicle replacement fund (709-00-6120-6100) No limit
Water projects grant fund (709-00-2881-2881) No limit
Water technical assistance fund (709-00-2875-2875) No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2025, for the state water plan project or projects specified, the following:

Assessment and evaluation (709-00-1800-1110).....\$1,050,414

Provided, That any unencumbered balance in the assessment and evaluation account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

MOU – storage operations
and maintenance (709-00-1800-1150).....\$719,824

Provided, That any unencumbered balance in the MOU – storage operations and maintenance account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Stream gaging (709-00-1800-1190)\$448,708

Provided, That any unencumbered balance in the stream gaging account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Conservation assistance for
water users (709-00-1800-1200).....\$425,000

Provided, That any unencumbered balance in the conservation assistance for water users account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Reservoir and water quality research (709-00-1800-1275).....\$450,000

Provided, That any unencumbered balance in the reservoir bathymetric surveys and biological research account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Water quality partnerships (709-00-1800-1280)\$884,176

Provided, That any unencumbered balance in the water quality partnerships account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Kansas water plan education
and outreach strategy (709-00-1800-1281).....\$250,000

Provided, That any unencumbered balance in the Kansas water plan education and outreach strategy account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

High plains aquifer
partnerships (709-00-1800-1282).....\$850,000

Provided, That any unencumbered balance in the high plains aquifer partnerships account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Kansas reservoir protection
initiative (709-00-1800-1286).....\$1,000,000

Provided, That any unencumbered balance in the Kansas reservoir protection initiative account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Equus beds chloride plume
remediation project (709-00-1800-1287).....\$50,000

Provided, That any unencumbered balance in the equus beds chloride plume remediation project account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Flood response study (709-00-1800-1288).....\$0

Provided, That any unencumbered balance in the flood response study account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Arbuckle study (709-00-1800-1289).....\$150,000

Provided, That any unencumbered balance in the arbuckle study account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

HB 2302 projects (709-00-1800-1300).....\$18,000,000

Provided, That any unencumbered balance in the HB 2302 projects account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Water injection dredging (709-00-1800-1290).....\$0

Provided, That any unencumbered balance in the water injection dredging account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(d) During the fiscal year ending June 30, 2025, the director of the Kansas water office, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2025 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2025 from the state water plan fund for the Kansas water office: *Provided*, That the director of the Kansas water office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to: (1) The director of legislative research; (2) the chairperson of the house of representatives agriculture

and natural resources budget committee; and (3) the appropriate chairperson of the subcommittee on natural resources of the senate committee on ways and means.

(e) During the fiscal year ending June 30, 2025, the director of the Kansas water office, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2025 from the state water plan fund for the Kansas water office to any item of appropriation for fiscal year 2025 from the state water plan fund for the Kansas department of agriculture, university of Kansas, Kansas department of wildlife and parks or the department of health and environment – division of environment: *Provided*, That the director of the Kansas water office shall certify each such transfer to the director of accounts and reports and upon receipt of such certification, the director of accounts and reports shall transfer such certified amount to the certified item of appropriation; *Provided further*, That when the director of the Kansas water office provides certification to the director of accounts and reports under this section, the director shall transmit a copy of each such certification to the director of legislative research, the chairperson of the house of representatives agriculture and natural resources budget committee and the appropriate chairperson of the subcommittee on natural resources of the senate committee on ways and means.

(f) During the fiscal year ending June 30, 2025, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund (709-00-2255-2100) of the Kansas water office as a result of a cash flow shortfall, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to maintain the cash flow of the water marketing fund upon approval of each such loan by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto. No such loan shall be made unless the terms have been approved by the director of the budget. A copy of the terms of each such loan shall be submitted to the director of legislative research. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall be repaid without interest within one year from the date of the loan.

(g) During the fiscal year ending June 30, 2025, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund (709-00-2255-2100) of the Kansas water office as a result of increases in water rates, fees or charges imposed by the federal gov-

ernment, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to reimburse the water marketing fund for increases in water rates, fees or charges imposed by the federal government and to allow the Kansas water office to spread such increases to consumers over a longer period, except that no such loan shall be made unless the terms thereof have been approved by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall bear interest at a rate equal to the net earnings rate for the pooled money investment portfolio at the time of the making of such loan. Such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Upon certification to the pooled money investment board by the director of the Kansas water office of the amount of each loan authorized pursuant to this subsection, the pooled money investment board shall transfer each such amount certified by the director of the Kansas water office from the state bank account or accounts to the water marketing fund of the Kansas water office. The principal and interest of each loan authorized pursuant to this subsection shall be repaid in payments payable at least annually for a period of not more than five years.

(h) During the fiscal year ending June 30, 2025, the director of accounts and reports shall transfer an amount or amounts specified by the director of the Kansas water office prior to April 1, 2025, from the water marketing fund (709-00-2255-2100) to the state general fund, in accordance with the provisions of the state water plan storage act, K.S.A. 82a-1301 et seq., and amendments thereto, and rules and regulations adopted thereunder, for the purposes of making repayments to the state general fund for moneys advanced for annual capital cost payments for water supply storage space in reservoirs.

(i) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the Kansas water office from moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2025 by this or other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the Kansas water office from the state general fund or from any special revenue fund or funds for fiscal year 2025 to provide for the Kansas water office to lead database coordination of water quality and quantity data for all state water agencies and cooperating federal agencies to facilitate policy-making and such other matters relating thereto.

(j) During the fiscal year ending June 30, 2025, the director of the Kansas water office shall certify to the director of accounts and reports the amount of moneys expended by the Kansas department of agriculture from the state general fund that is attributable to the administration of the state water plan storage act, K.S.A. 82a-1301 et seq., and amendments thereto, or the water assurance program act, K.S.A. 82a-1330 et seq., and amendments thereto: *Provided*, That upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount certified from the water marketing fund (709-00-2255-2100) of the Kansas water office to the state general fund: *Provided further*, That the director of the Kansas water office shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(k) During the fiscal year ending June 30, 2025, the director of the Kansas water office shall certify the amount of moneys in the Republican river water conservation projects – Colorado moneys fund and shall transmit such certification, along with the amount to be transferred, to the director of accounts and reports. Upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount specified by the director of the Kansas water office from the Republican river water conservation projects – Colorado moneys fund to the south fork Republican river water conservation projects fund: *Provided*, That the director of the Kansas water office shall transmit a copy of such certification to the director of the budget and to the director of legislative research.

(l) During the fiscal year ending June 30, 2025, the director of the Kansas water office, with approval of the director of the budget, may transfer moneys from the water marketing fund (709-00-2255-2100) of the Kansas water office to the state conservation storage water supply fund (709-00-2502-2600) of the Kansas water office: *Provided*, That the director of the Kansas water office shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(m) On July 1, 2024, the technical assistance to water users account (709-00-1800-1200) of the state water plan fund of the Kansas water office is hereby redesignated as the conservation assistance for water users account (709-00-1800-1200) of the state water plan fund of the Kansas water office.

Sec. 139.

KANSAS DEPARTMENT OF WILDLIFE AND PARKS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2024, the following:

El Dorado shower house.....\$200,000
Flint hills trail system.....\$3,000,000

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 138(c) of chapter 82 of the 2023 Session Laws of Kansas on the wildlife fee fund (710-00-2300-2890) of the Kansas department of wildlife and parks is hereby increased from \$37,021,157 to \$37,605,154.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 138(c) of chapter 82 of the 2023 Session Laws of Kansas on the parks fee fund (710-00-2122-2053) of the Kansas department of wildlife and parks is hereby increased from \$12,857,301 to \$14,072,053.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 138(c) of chapter 82 of the 2023 Session Laws of Kansas on the boating fee fund (710-00-2245-2813) of the Kansas department of wildlife and parks is hereby increased from \$1,103,187 to \$1,170,847.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 138(c) of chapter 82 of the 2023 Session Laws of Kansas on the department access road fund (710-00-2178-2761) of the Kansas department of wildlife and parks is hereby increased from \$1,746,736 to \$2,075,150.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 170(g) of chapter 82 of the 2023 Session Laws of Kansas on the parks rehabilitation and repair projects account (710-00-2122-2066) of the Kansas department of wildlife and parks is hereby decreased from \$2,055,000 to \$1,260,000.

(g) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 170(i) of chapter 82 of the 2023 Session Laws of Kansas on the shooting range development account (710-00-2300-2301) of the Kansas department of wildlife and parks is hereby decreased from \$302,256 to \$300,000.

(h) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 170(i) of chapter 82 of the 2023 Session Laws of Kansas on the rehabilitation and repair account (710-00-2300-3262) of the Kansas department of wildlife and parks is hereby decreased from \$2,535,000 to \$546,492.

(i) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 170(j) of chapter 82 of the 2023 Session Laws of Kansas on the cabin site preparation account (710-00-2668-2660) of the Kansas department of wildlife and parks is hereby increased from \$500,000 to \$1,000,000.

(j) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 170(n) of chapter 82 of the 2023 Session Laws of Kansas on the land and water conservation development account (710-00-3794-3794) of the Kansas department of wildlife and parks is hereby increased from \$800,000 to \$1,225,000.

(k) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 170(o) of chapter 82 of the 2023 Session Laws of Kansas on the recreational trails program account (710-00-3238-3238) of the Kansas department of wildlife and parks is hereby increased from \$730,421 to \$1,030,421.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2024, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2024 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Coast guard boating projects (710-00-2300-3000).....	\$150,000
State fishing lakes projects (710-00-2300-4320)	\$1,060,000
Fish hatchery renovation (710-00-2300-3030).....	\$500,000
Bison herd cmpd fencing se ks (710-00-2300-4370)	\$137,500

(m) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2024, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2024 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

River access (710-00-2245-2830).....	\$25,000
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(n) In addition to the other purposes for which expenditures may be made by the above agency from the highway planning and construction fund for fiscal year 2024, expenditures may be made by the above agency from the following capital improvement account or accounts of the highway planning and construction fund for fiscal year 2024 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Flint hills trails.....	No limit
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(o) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife restoration fund for fiscal year 2024, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife restoration fund for fiscal year 2024 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Operations/maintenance (710-00-3418-3418)No limit
Wetlands acquisition/development (710-00-3418-3420)No limit

(p) In addition to the other purposes for which expenditures may be made by the above agency from the sport fish restoration program fund for fiscal year 2024, expenditures may be made by the above agency from the following capital improvement account or accounts of the sport fish restoration program fund for fiscal year 2024 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Federally mandated boating (710-00-3490-3492)No limit

(q) In addition to the other purposes for which expenditures may be made by the above agency from the federally licensed wildlife areas fund for fiscal year 2024, expenditures may be made by the above agency from the following capital improvement account or accounts of the federally licensed wildlife areas fund for fiscal year 2024 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wilson (710-00-2670-3520)\$50,000

Sec. 140.

KANSAS DEPARTMENT OF
WILDLIFE AND PARKS

(a) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2025, the following:

Stream monitoring (710-00-1800-1801).....\$224,457

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2025, the following:

Operating expenditures (710-00-1900-1910).....\$1,946,682

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,500: *Provided further*, That, in addition to the other purposes for which expenditures may be made by the above agency from the operating expenditures account for fiscal year 2025, expenditures shall be made by the above agency from the operating expenditures account for fiscal year 2025 to include a provision on the calendar year 2025 applications for hunting licenses, fishing licenses and annual park permits for the applicant to make a voluntary contribution of \$2 or more to support the annual licenses issued to Kansas disabled veterans, annual licenses issued to Kansas national guard members, and annual park permits issued to Kansas national guard members: *And provided*

further, That all moneys received as voluntary contributions to support the annual licenses issued to Kansas disabled veterans, annual licenses issued to Kansas national guard members, and annual park permits issued to Kansas national guard members shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the free licenses and permits fund.

State parks operating
expenditures (710-00-1900-1920)\$2,274,806

Provided, That any unencumbered balance in the state parks operating expenditures account in excess of \$100 as of June 30, 2024, is hereby re-appropriated for fiscal year 2025.

Reimbursement for annual
licenses issued to national
guard members (710-00-1900-1930)\$36,342

Provided, That any unencumbered balance in the reimbursement for annual licenses issued to national guard members account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That all moneys in the reimbursement for annual licenses issued to national guard members account shall be expended to pay the wildlife fee fund for the cost of fees for annual hunting and annual fishing licenses issued for the calendar year 2025 to Kansas army or air national guard members, which licenses are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife and parks therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual licenses issued to national guard members account to pay the wildlife fee fund for such licenses.

Reimbursement for annual
park permits issued to national
guard members (710-00-1900-1940)\$17,922

Provided, That any unencumbered balance in the reimbursement for annual park permits issued to national guard members account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That all moneys in the reimbursement for annual park permits issued to national guard members account shall be expended to pay the parks fee fund for the cost of fees for annual park vehicle permits issued for the calendar year 2025 to Kansas army or air national guard members, which annual park vehicle permits are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife and parks therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual park permits issued to national guard members

account to pay the parks fee fund for such permits: *Provided further*, That not more than one annual park vehicle permit per family shall be eligible to be paid from this account.

Reimbursement for annual
licenses issued to Kansas

disabled veterans (710-00-1900-1950).....\$69,627

Provided, That any unencumbered balance in the reimbursement for annual licenses issued to Kansas disabled veterans account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That all moneys in the reimbursement for annual licenses issued to Kansas disabled veterans account shall be expended to pay the wildlife fee fund for the cost of fees for annual hunting and annual fishing licenses issued for the calendar year 2025 to Kansas disabled veterans, which licenses are hereby authorized to be issued without charge to such veterans in accordance with policies and procedures prescribed by the secretary of wildlife and parks therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual licenses issued to Kansas disabled veterans account to pay the wildlife fee fund for such licenses: *Provided, however*, That to qualify for such license without charge, the resident disabled veteran shall have been separated from the armed services under honorable conditions, have a disability certified by the Kansas commission on veterans affairs as being service connected and such service-connected disability is equal to or greater than 30%: *And provided further*, That no other hunting or fishing licenses or permits shall be eligible to be paid from this account.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Wildlife fee fund (710-00-2300-2890).....\$37,778,738

Provided, That additional expenditures may be made from the wildlife fee fund for fiscal year 2025 for the purposes of compensating federal aid program expenditures, if necessary, in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the wildlife fee fund for fiscal year 2025: *And provided further*, That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate: *And provided further*, That expenditures from the wildlife fee fund for official hospitality shall not exceed \$4,000.

Parks fee fund (710-00-2122-2053).....\$14,042,026

Provided, That additional expenditures may be made from the parks fee fund for fiscal year 2025 for the purposes of compensating federal aid program expenditures, if necessary, in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the parks fee fund for fiscal year 2025: *And provided further*, That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate.

Boating fee fund (710-00-2245-2813)\$1,164,788

Provided, That additional expenditures may be made from the boating fee fund for fiscal year 2025 for the purposes of compensating federal aid program expenditures, if necessary, in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the boating fee fund for fiscal year 2025: *And provided further*, That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate.

Central aircraft fund (710-00-6145-6100)No limit

Provided, That expenditures may be made by the above agency from the central aircraft fund for aircraft operating expenditures, for aircraft maintenance and repair, to provide aircraft services to other state agencies and for the purchase of state aircraft insurance: *Provided further*, That the secretary of wildlife and parks is hereby authorized to fix, charge and collect fees for the provision of aircraft services to other state agencies: *And provided further*, That such fees shall be fixed to recover all or part of the operating expenditures incurred in providing such services: *And provided further*, That all fees received for such services shall be credited to the central aircraft fund.

Department access
roads fund (710-00-2178-2761).....\$2,084,033

Wildlife and parks
nonrestricted fund (710-00-2065-2120).....No limit

Prairie spirit rails-to-trails
fee fund (710-00-2025-2030)No limit

Plant and animal disease and pest
control fund (710-00-3360-3361)No limit

Nongame wildlife
improvement fund (710-00-2593-3300)No limit

Wildlife conservation
fund (710-00-2100-2020).....No limit

Federally licensed wildlife areas fund (710-00-2670-3400)	No limit
State agricultural production fund (710-00-2050-5100)	No limit
Land and water conservation fund – state (710-00-3794-3920)	No limit
Land and water conservation fund – local (710-00-3794-3795)	No limit
Development and promotions fund (710-00-2097-2010)	No limit
Department of wildlife and parks private gifts and donations fund (710-00-7335-7000)	No limit
Fish and wildlife restitution fund (710-00-2166-2750)	No limit
Parks restitution fund (710-00-2156-2100)	No limit
Nonfederal grants fund (710-00-2063-2090)	No limit
Disaster grants – public assistance fund (710-00-3005-3005)	No limit
Soil/water conservation fund (710-00-3083-3083)	No limit
Navigation projects fund (710-00-3191-3191)	No limit
Recreation resource management fund (710-00-3197-3197)	No limit
Cooperative endangered species conservation fund (710-00-3198-3198)	No limit
Landowner incentive program fund (710-00-3200-3210)	No limit
Bulletproof vest partnership fund (710-00-3216-3216)	No limit
Recreational trails program fund (710-00-3238-3238)	No limit
Highway planning/ construction fund (710-00-3333-3333)	No limit
Americorps – ARRA fund (710-00-3404-3405)	No limit
Cooperative forestry assistance fund (710-00-3426-3426)	No limit
North America wetland conservation fund (710-00-3453-3453)	No limit
Wildlife services fund (710-00-3485-3485)	No limit
Fish/wildlife management assistance fund (710-00-3495-3495)	No limit
Fish/wildlife core act fund (710-00-3513-3513)	No limit

Great plains LCC	No limit
USDA grant manual update	No limit
Watershed protection/flood	
prevention fund (710-00-3906-3906).....	No limit
Suspense fund (710-00-9159-9000).....	No limit
Employee maintenance deduction	
clearing fund (710-00-9120-9100)	No limit
Cabin revenue fund (710-00-2668-2660).....	No limit
Feed the hungry fund (710-00-2642-2640).....	No limit
State wildlife grants fund (710-00-3204-3204).....	No limit
Boating safety financial	
assistance fund (710-00-3251-3250)	No limit
Wildlife restoration fund (710-00-3418-3418)	No limit
Sport fish restoration fund (710-00-3490-3490).....	No limit
Outdoor recreation	
acquisition, development and	
planning fund (710-00-3794-3794)	No limit
Publication and other	
sales fund (710-00-2399-2399)	No limit
<i>Provided</i> , That, in addition to other purposes for which expenditures may be made by the above agency from moneys appropriated from the publication and other sales fund for fiscal year 2025, expenditures may be made from such fund for the purpose of compensating federal aid program expenditures, if necessary, in order to comply with the requirements established by the United States fish and wildlife service for utilization of federal aid funds: <i>Provided further</i> , That all such expenditures shall be in addition to any expenditures made from the publication and other sales fund for fiscal year 2025: <i>And provided further</i> , That the secretary of wildlife and parks shall report all such expenditures to the governor and legislature as appropriate.	
Free licenses and	
permits fund (710-00-2493-2493)	No limit
Enforce underage drinking	
law fund (710-00-3219-3219)	No limit
Migratory bird monitoring (710-00-3504-3504)	No limit
Voluntary public access (710-00-3557-3557)	No limit
Energy efficiency/conservation block	
grant fund (710-00-3157-3157)	No limit
Endangered species –	
recovery fund (710-00-3209-3209)	No limit
Wetlands reserve	
program fund (710-00-3007-3060).....	No limit
Adaptive science fund (710-00-3015-3050)	No limit

Economic adjustment assistance fund No limit
 Law enforcement agency support fund..... No limit
 Enhanced hunter education program (710-00-3929-3929)..... No limit
 White-nose syndrome response (710-00-3904-3904) No limit
 FHT RAISE grant federal fund No limit
 American rescue plan state relief fund (710-00-3756-3536) No limit

(d) During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from any special revenue fund or funds for fiscal year 2025, from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2024 regular session of the legislature, expenditures may be made by the above agency from such moneys appropriated from any special revenue fund or funds for fiscal year 2025, from which expenditures may be made for salaries and wages, for progression within the existing pay structure for natural resource officers of the Kansas department of wildlife and parks: *Provided, however,* That, notwithstanding the provisions of K.S.A. 75-2935, and amendments thereto, or any other statute, the secretary of wildlife and parks shall not require such officer to transfer into the unclassified service in order to progress within the existing pay structure pursuant to this subsection.

(e) Notwithstanding the provisions of K.S.A. 32-9,100, and amendments thereto, or any other statute to the contrary, in addition to the other purposes for which expenditures may be made by the Kansas department of wildlife and parks from moneys appropriated from the wildlife fee fund (710-00-2300-2880) of the Kansas department of wildlife and parks for the fiscal year ending June 30, 2025, by this or any other appropriation act of the 2024 regular session of the legislature, expenditures may be made by the above agency from such moneys during fiscal year 2025 to issue senior lifetime hunting and fishing licenses to Kansas resident disabled veterans who are 65 years of age or older: *Provided,* That such licenses are hereby authorized to be issued without charge to such veterans in accordance with policies and procedures prescribed by the secretary of wildlife and parks: *Provided further,* That, to qualify for such license without charge, the resident disabled veteran shall have been separated from the armed services under honorable conditions and have a disability certified by the Kansas commission on veterans affairs office as being service-related and such service-connected disability is equal to or greater than 30%.

Sec. 141.

DEPARTMENT OF TRANSPORTATION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 140(c) of chapter 82 of the 2023 Session Laws of Kansas on the buildings – rehabilitation

and repair account (276-00-4100-8005) of the state highway fund (276-00-4100-4100) of the department of transportation is hereby decreased from \$6,103,480 to \$5,947,395.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2024, by section 140(c) of chapter 82 of the 2023 Session Laws of Kansas on the buildings – other construction, renovation and repair account (276-00-4100-8070) of the state highway fund (276-00-4100-4100) of the department of transportation is hereby decreased from \$42,045,554 to \$41,159,062.

(c) In addition to the other purposes for which expenditures may be made by the department of transportation from the state highway fund (276-00-4100-4100) for fiscal year 2024, as authorized by this or any other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the above agency from the state highway fund for fiscal year 2024 to review and study the costs and feasibility for a culvert improvement project on the culvert located east of the intersection of east Lunger road and United States highway 54 and United States highway 400 in Augusta, Kansas, for purposes of resolving flooding issues to surrounding industrial parks and commercial property: *Provided*, That the department of transportation shall submit a report on the costs and feasibility of such culvert improvement project to the house committee on appropriations and the senate committee on ways and means on or before April 24, 2024.

Sec. 142.

DEPARTMENT OF TRANSPORTATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

State highway fund (276-00-4100-4100)	No limit
<i>Provided</i> , That no expenditures may be made from the state highway fund other than for the purposes specifically authorized by this or other appropriation act.	
Special city and county	
highway fund (276-00-4220-4220)	No limit
County equalization and	
adjustment fund (276-00-4210-4210)	\$2,500,000
Highway special	
permits fund (276-00-2576-2576)	\$0
Highway bond debt	
service fund (276-00-4707-9000)	No limit
Rail service improvement fund (276-00-2008-2100)	No limit

Transportation

revolving fund (276-00-7511-1000)	No limit
Rail service assistance program loan guarantee fund (276-00-7502-7200)	No limit
Railroad rehabilitation loan guarantee fund (276-00-7503-7500)	No limit

Provided, That expenditures from the railroad rehabilitation loan guarantee fund shall not exceed the amount that the secretary of transportation is obligated to pay during the fiscal year ending June 30, 2025, in satisfaction of liabilities arising from the unconditional guarantee of payment that was entered into by the secretary of transportation in connection with the mid-states port authority federally taxable revenue refunding bonds, series 1994, dated May 1, 1994, authorized by K.S.A. 12-3420, and amendments thereto, and guaranteed pursuant to K.S.A. 75-5031, and amendments thereto.

Interagency motor vehicle fuel

sales fund (276-00-2298-2400)	No limit
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Provided, That expenditures may be made from the interagency motor vehicle fuel sales fund to provide and sell motor vehicle fuel to other state agencies: *Provided further*, That the secretary of transportation is hereby authorized to fix, charge and collect fees for motor vehicle fuel sold to other state agencies: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing motor vehicle fuel to other state agencies: *And provided further*, That all fees received for such sales of motor vehicle fuel shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the interagency motor vehicle fuel sales fund.

Coordinated public transportation

assistance fund (276-00-2572-0300)	No limit
Public use general aviation airport development fund (276-00-4140-4140)	No limit
Highway bond proceeds fund (276-00-4109-4110)	No limit
Communication system revolving fund (276-00-7524-7700)	No limit
Traffic records enhancement fund (276-00-2356-2000)	No limit
Other federal grants fund (276-00-3122-3100)	No limit
Kansas intermodal transportation revolving fund (276-00-7552-7551)	No limit
Conversion of materials and equipment fund (276-00-2256-2256)	No limit

Seat belt safety fund (276-00-2216-2216)	No limit
Driver's education scholarship grant fund (276-00-2851-2851)	No limit
Transportation technology development fund (276-00-2835-2835)	No limit
Broadband infrastructure construction grant fund (276-00-2836-2836)	No limit
Short line rail improvement fund (276-00-2837-2837)	No limit
American rescue plan state relief fund (276-00-3756-3536)	No limit
Passenger rail service revolving fund.....	No limit

Provided, That, notwithstanding the provisions of K.S.A. 75-5089, and amendments thereto, or any other statute, expenditures may be made by the above agency from the passenger rail service revolving fund during the fiscal year ending June 30, 2025, to make loans or grants for the costs of qualifying projects and operating support for Amtrak or any common rail carrier approved by the federal railroad administration for operation of an intercity passenger rail service program to connect Kansas by rail to other member states of the midwest interstate passenger rail commission, the midwest regional rail system, the national passenger rail network and any other passenger rail service operations serving Kansas: *Provided, however*, That no expenditures shall be made from this fund for loans or grants until such loans or grants have been approved by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto, except that such approval also may be given while the legislature is in session.

(b) Expenditures may be made by the above agency for the fiscal year ending June 30, 2025, from the state highway fund (276-00-4100-4100) for the following specified purposes: *Provided*, That expenditures from the state highway fund for fiscal year 2025, other than refunds authorized by law for the following specified purposes, shall not exceed the limitations prescribed therefor as follows:

Agency operations (276-00-4100-0403)	\$334,537,478
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Provided, That expenditures from the agency operations account of the state highway fund for official hospitality by the secretary of transportation shall not exceed \$5,000: *Provided further*, That expenditures may be made from this account for engineering services furnished to counties for road and bridge projects under K.S.A. 68-402e, and amendments thereto.

Conference fees (276-00-4100-2200)	No limit
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Provided, That the secretary of transportation is hereby authorized to fix, charge and collect conference, training and workshop attendance and

registration fees for conferences, training seminars and workshops sponsored or cosponsored by the department: *Provided further*, That such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the conference fees account of the state highway fund: *And provided further*, That expenditures may be made from this account to defray all or part of the costs of the conferences, training seminars and workshops.

Categorical aid NHTSA national priority (276-00-4100-3035) No limit
Unmanned aerial systems –

UAS aviation only (276-00-4100-6400) No limit

Substantial maintenance (276-00-4100-0700) No limit

Claims (276-00-4100-1150) No limit

Payments for city

connecting links (276-00-4100-6200) \$5,360,000

Federal local aid programs (276-00-4100-3000) No limit

Bond services fees (276-00-4100-0580) No limit

Other capital improvements (276-00-4100-8075) No limit

Provided, That the secretary of transportation is authorized to make expenditures from the other capital improvements account to undertake a program to assist cities and counties with railroad crossings of roads not on the state highway system.

(c) (1) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund (276-00-4100-4100) for fiscal year 2025, expenditures may be made by the above agency from the following capital improvement account or accounts of the state highway fund for fiscal year 2025 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Buildings – rehabilitation

and repair (276-00-4100-8005) \$5,200,000

Buildings – reroofing (276-00-4100-8010) \$659,080

Buildings – other construction, renovation

and repair (276-00-4100-8070) \$6,688,936

(2) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund (276-00-4100-4100) for fiscal year 2025, expenditures may be made by the above agency from the state highway fund for fiscal year 2025 from the unencumbered balance as of June 30, 2024, in each capital improvement project account for a building or buildings in the state highway fund for one or more projects approved for prior fiscal years: *Provided*, That all expenditures from the unencumbered balance in any such project account of the state highway fund for fiscal year 2025 shall not exceed the amount of the unencum-

bered balance in such project account on June 30, 2024, subject to the provisions of subsection (d): *Provided further*, That all expenditures from any such project account shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2025.

(d) During the fiscal year ending June 30, 2025, the secretary of transportation, with the approval of the director of the budget, may transfer any part of any item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2025 from the state highway fund (276-00-4100-4100) for the department of transportation to another item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2025 from the state highway fund for the department of transportation: *Provided*, That the secretary of transportation shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) On April 1, 2025, the director of accounts and reports shall transfer from the motor pool service fund (173-00-6109-4020) of the department of administration to the state highway fund (276-00-4100-4100) of the department of transportation an amount determined to be equal to the sum of the annual vehicle registration fees for each vehicle owned or leased by the state or any state agencies in accordance with K.S.A. 75-4611, and amendments thereto.

(f) During the fiscal year ending June 30, 2025, upon notification from the secretary of transportation that an amount is due and payable from the railroad rehabilitation loan guarantee fund (276-00-7503-7500), the director of accounts and reports shall transfer from the state highway fund (276-00-4100-4100) to the railroad rehabilitation loan guarantee fund the amount certified by the secretary as due and payable.

(g) Any payment for services during the fiscal year ending June 30, 2025, from the state highway fund (276-00-4100-4100) to other state agencies shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2025.

(h) Notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, for the fiscal year ending June 30, 2025, the secretary of transportation shall apportion and distribute quarterly, on the first day of January, April, July and October, to cities on the state highway system from the state highway fund moneys at the rate of \$5,000 per year per lane per mile for the maintenance of streets and highways in cities designated by the secretary as city connecting links: *Provided*, That all moneys so distributed shall be used solely for the maintenance of city connecting links: *Provided further*, That such apportionment shall apply only to those city connecting link lanes maintained by the city, and shall not apply to city connecting link lanes maintained by the secretary

pursuant to agreement with the city: *And provided further*, That, as used in this subsection, “lane” means the portion of the roadway for use of moving traffic of a standard width prescribed by the secretary.

(i) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,000,000 from the state highway fund (276-00-4100-4100) to the public use general aviation airport development fund (276-00-4140-4140) of the department of transportation: *Provided*, That if 2024 Senate Bill No. 272, or any other substantially similar legislation that transfers any moneys from the state highway fund to the public use general aviation airport development fund, is passed by the legislature during the 2024 regular session and enacted into law, then: (1) The director of accounts and reports shall not transfer \$5,000,000 from the state highway fund to the public use general aviation airport development fund pursuant to this subsection; and (2) on July 1, 2024, the provisions of this subsection are hereby declared to be null and void and shall have no force and effect.

(j) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$5,000,000 from the state highway fund (276-00-4100-4100) to the passenger rail service revolving fund of the department of transportation.

(k) In addition to other purposes for which expenditures may be made by the department of transportation from the economic development account (276-00-4100-0860) of the state highway fund (276-00-4100-4100) for fiscal year 2025, expenditures shall be made by the above agency from the economic development account of the state highway fund for fiscal year 2025 for the department of transportation’s economic development grant program to assist local governments in upgrading county roads impacted by dairy industry expansion in southwest Kansas: *Provided*, That expenditures for such purpose from the economic development account of the state highway fund for fiscal year 2025 shall not exceed \$6,000,000: *Provided further*, That all such expenditures for such purpose shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2025.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund (276-00-4100-4100) for fiscal year 2025, as authorized by this or other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the above agency from the state highway fund for fiscal year 2025, in an amount of not to exceed \$250,000, to install a tree barrier in the department of transportation right-of-way along interstate highway 135 in Saline county, Kansas: *Provided*, That the east side of such tree barrier shall be along the northbound lane of interstate highway 135 from magnolia road north to dover drive: *Provided further*, That

the west side of such tree barrier shall be along the southbound lane of interstate highway 135 from 200 feet north of greenbrier circle south to 200 feet south of cedar creek drive.

Sec. 143. In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2025, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2025 for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by K.S.A. 46-137a(c), and amendments thereto, an aggregate amount of allowance equal to \$354.15 for the two-week period that coincides with the first biweekly payroll period, which is chargeable to fiscal year 2025 and for each of the 14 ensuing two-week periods thereafter for each member of the legislature to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, which are chargeable to fiscal year 2025, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided*, That all expenditures under this section for such purposes shall be made otherwise in the same manner that such allowance is payable to such members of the legislature for such two-week periods, for which such allowance is payable in accordance with this section and which are chargeable to fiscal year 2025.

Sec. 144. (a) On June 30, 2025, notwithstanding the provisions of K.S.A. 74-8768, and amendments thereto, or any other statute, the director of accounts and reports shall transfer the amount of any unencumbered balance in the expanded lottery act revenues fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the expanded lottery act revenues fund to the state general fund as prescribed by law.

(b) On June 30, 2025, the director of accounts and reports shall determine and notify the director of the budget if the amount of revenue collected in the expanded lottery act revenues fund for the fiscal year ending June 30, 2025, is insufficient to fund the appropriations and transfers that are authorized from the expanded lottery act revenues fund for the fiscal year ending June 30, 2025, in accordance with the provisions of appropriation acts. The director of the budget shall certify to the director of accounts and reports the amount necessary to be transferred from the state general fund to the expanded lottery act revenues fund in order to fund all such appropriations and transfers that are authorized from the expanded lottery act revenues fund for the fiscal year ending June 30, 2025. Upon receipt of such certification, the director of accounts and reports

shall transfer the amount of moneys from the state general fund to the expanded lottery act revenues fund that is required in accordance with the certification by the director of the budget under this section. At the same time as the director of the budget transmits this certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research.

Sec. 145.

STATE FINANCE COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

State employee pay increase.....\$61,000,000

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state general fund of the salary increase, including associated employer contributions, during fiscal year 2025.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2025, the following:

State employee pay increase.....\$718,307

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state economic development initiatives fund of the salary increase, including associated employer contributions, during fiscal year 2025.

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2025, the following:

State employee pay increase.....\$94,514

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the state water plan fund of the salary increase, including associated employer contributions, during fiscal year 2025.

(d) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2025, the following:

State employee pay increase.....\$18,732

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the children's initiatives fund of the salary increase, including associated employer contributions, during fiscal year 2025.

(e) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2025, the following:

State employee pay increase.....\$8,526

Provided, That all moneys in the state employee pay increase account shall be used for the purpose of paying the proportionate share of the cost to the Kansas endowment for youth fund of the salary increase, including associated employer contributions, during fiscal year 2025.

(f) Upon recommendation of the director of the budget, the state finance council, acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, is hereby authorized to approve: (1) Increases in expenditure limitations on special revenue funds and accounts and increase the transfers between special revenue funds as necessary to pay the salary increases under this section for the fiscal year ending June 30, 2025; and (2) the expenditure of any remaining moneys in any account appropriated in subsections (a) through (e) to address salary inequities in any state agency as identified by the director of the budget in consultation with the director of personnel services. The director of accounts and reports is hereby authorized and directed to increase expenditure limitations on such special revenue funds and accounts and increase the transfers between special revenue funds in accordance with such approval for the purpose of paying from such funds or accounts the proportionate share of the cost to such funds or accounts, including associated employer contributions, of the salary increases and other amounts specified for the fiscal year ending June 30, 2025.

(g) (1) Except as provided in subsection (h), effective with the first payroll period chargeable to the fiscal year ending June 30, 2025, all employees in the classified or unclassified service who are being paid at an hourly rate of \$15.02 or less shall receive an increase to the hourly rate of \$15.03.

(2) Based on the department of administration's 2023 market survey summary, effective with the first payroll period chargeable to the fiscal year ending June 30, 2025, the following executive branch benefits-eligible employees shall receive a salary increase, as close as possible based on the closest available step for classified employees, as follows:

(A) If an employee's class/job title is under market pay by 10% or greater, such employee's salary shall be increased by the percentage that equals the difference between such under market pay percentage and 10% under market or by 5%, whichever is greater.

(B) If an employee's class/job title is under market pay by less than 10% and not greater than 10% over market pay, such employee's salary shall be increased by 5%.

(C) If an employee's class/job title is over market pay by greater than 10%, such employee's salary shall be increased by 2.5%.

(3) Notwithstanding the provisions of paragraph (2), effective with the first payroll period chargeable to the fiscal year ending June 30, 2025, all capitol area guards shall receive a salary increase of 5.0%.

(4) Except as provided in subsection (h), effective with the first payroll period chargeable to the fiscal year ending June 30, 2025, a benefits-eligible employee shall be eligible for a salary increase of two steps for employees in the classified service, including associated employer contributions, and each pay grade of the classified pay matrix shall be extended upward by two steps.

(5) Effective with the first payroll period chargeable to the fiscal year ending June 30, 2025, an executive branch benefits-eligible employee whose class/job title is not listed in such market survey summary and is in the unclassified service shall receive a salary increase of 5.0%.

(6) Effective with the first payroll period chargeable to the fiscal year ending June 30, 2025, all legislative branch state agencies shall receive a sum equivalent to the total of 5.0%, rounded to the nearest penny, of the salaries of all benefits-eligible unclassified employees in such agency, to be distributed as a merit pool.

(7) Effective with the first payroll period chargeable to the fiscal year ending June 30, 2025, the judicial branch shall receive a sum equivalent to the total of 5.0%, rounded to the nearest penny, of the salaries of all benefits-eligible non-judge judicial branch employees in such agency, to be distributed as a merit pool.

(8) Effective with the first payroll period chargeable to the fiscal year ending June 30, 2025, the state board of regents and the universities shall receive a sum equivalent to the total of 2.5%, rounded to the nearest penny, of the salaries of all benefits-eligible employees in such agency, to be distributed as a merit pool.

(h) (1) Notwithstanding the provisions of K.S.A. 46-137a and 46-137b, and amendments thereto, or any other statute, the provisions of subsection (g) shall not apply to the compensation or bi-weekly allowance paid to each member of the legislature.

(2) Notwithstanding the provisions of K.S.A. 75-3111a, and amendments thereto, or any other statute, the provisions of subsection (g) shall not apply to state officers elected on a statewide basis.

(3) Notwithstanding the provisions of K.S.A. 75-3120l, and amendments thereto, or any other statute, the provisions of subsection (g) shall not apply to justices of the supreme court, judges of the court of appeals, district court judges and district magistrate judges.

(4) The provisions of subsection (g) shall not apply to:

(A) Teachers and licensed personnel at the Kansas state school for the deaf or the Kansas state school for the blind.

(B) Any other employees on a formal, written career progression plan implemented by executive directive.

(i) After implementation of subsections (g) and (h), the governor is hereby authorized and directed to modify the pay plan for fiscal year 2025 in accordance with this subsection and to adopt such pay plan so modified.

(j) Pursuant to the provisions of K.S.A. 75-2938(f), and amendments thereto, during the fiscal year ending June 30, 2025, the director of personnel services, in consultation with the director of the Kansas bureau of investigation and the superintendent of the Kansas highway patrol, shall modify the Kansas civil service basic pay plan to eliminate the bottom five steps and add five steps to the top of such pay plan for employees assigned to a trooper or officer classification, including the capitol police, of the Kansas highway patrol and Kansas bureau of investigation commissioned officers and forensic scientists.

(k) During the fiscal year ending June 30, 2025: (1) The secretary of administration, in consultation with the director of personnel services, shall conduct a comprehensive study of market pay and benefits of job classifications in both the public and private sectors; and (2) the state board of regents shall conduct a comprehensive study of market pay and benefits of professors and employees at both the public and private postsecondary educational institutions: *Provided*, That on or before January 13, 2025, such studies shall be submitted to the house of representatives committee on appropriations and the senate committee on ways and means.

Sec. 146.

STATE FINANCE COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:

Regents institutions increase\$35,727,371

Provided, That all moneys in the regents institutions increase account shall be used for the purpose of providing each regents institution an amount equal to 5% of each account of the state general fund appropriated for fiscal year 2025 for salaries, contractual services or commodities for each such regents institution.

(b) Except as provided further, each chief executive officer of a regents institution shall certify to the members of the state finance council that such regents institution has eliminated:

(1) Asking for statements of commitment to or requiring examples of past, current or future experience with diversity, equity and inclusion in:

- (A) The application and hiring process for any employee or volunteer position;
- (B) the admissions process;
- (C) the tenure review process;
- (D) the annual review process;
- (E) the promotion process; and
- (F) research proposals; and
- (2) training requirements in diversity, equity and inclusion for any:
 - (A) Employee or volunteer position;

- (B) student;
 - (C) tenure review;
 - (D) annual review;
 - (E) promotion; and
 - (F) research proposal.
- (c) Upon receipt of such certification from any such chief executive officer, the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, is hereby authorized to approve the expenditure of moneys from the regents institutions increase account to provide each regents institution an amount equal to 5% of each account of state general fund for fiscal year 2025 for salaries, contractual services or commodities for each such regents institution, except that such expenditure shall be approved by the governor and six legislative members of the state finance council and that such approval also may be given while the legislature is in session.
- (d) If 2024 Substitute for House Bill No. 2460, House Bill No. 2105 or any other legislation that is substantially similar to the provisions of such House Bills is passed by the legislature during the 2024 regular session and enacted into law, then on and after the effective date of such legislation during fiscal year 2025, the state finance council may meet to approve the expenditures of moneys from such account without requiring the certification from the chief executive officers of each regents institution.
- (e) For the purposes of this section, “regents institution” means Fort Hays state university, Kansas state university, Kansas state university extension systems and agriculture research programs, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, the university of Kansas, the university of Kansas medical center and Wichita state university.

Sec. 147.

STATE FINANCE COUNCIL

- (a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, the following:
- | | |
|-------------------------------|--------------|
| Regents institutions aid..... | \$21,784,260 |
|-------------------------------|--------------|
- Provided*, That all expenditures from the regents institutions aid account shall be for the purpose of providing each regents institution an amount equal to each student aid for financial need account for a regents institution and the Washburn university student aid for financial need account of the state general fund appropriated for the state board of regents for fiscal year 2024 as authorized by chapter 82 of the 2023 Session Laws of Kansas.
- (b) During fiscal year 2025, the chief executive officer of the state board of regents shall certify to the members of the state finance council

that the state board of regents has adopted a policy for expenditures of the comprehensive grant program, including expenditures of the moneys appropriated in section 116(a) of chapter 82 of the 2023 Session Laws of Kansas, in a manner that distributes 50% of such comprehensive grant program moneys to state educational institutions as defined in K.S.A. 76-711, and amendments thereto, and Washburn university and 50% to not-for-profit independent institutions of higher education as defined in K.S.A. 74-32,120, and amendments thereto.

(c) Upon receipt of such certification from such chief executive officer, the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c), and amendments thereto, is hereby authorized to approve the expenditure of moneys from the regents institutions aid account to provide each regents institution an amount equal to each student aid for financial need account for such regents institution and the Washburn university student aid for financial need account of the state general fund appropriated for the state board of regents for fiscal year 2024 as authorized by chapter 82 of the 2023 Session Laws of Kansas, except that such expenditure shall be approved by the governor and six legislative members of the state finance council and that such approval also may be given while the legislature is in session.

(d) For the purposes of this section, “regents institution” means Fort Hays state university, Kansas state university, Emporia state university, Pittsburg state university, the university of Kansas, the university of Kansas medical center and Wichita state university.

Sec. 148. During the fiscal year ending June 30, 2025, in addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated from the state general fund or any special revenue fund or funds for the department of administration for fiscal year 2025 by this or any other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the department of administration from the state general fund or from any special revenue fund or funds for fiscal year 2025, for and on behalf of the Kansas department for aging and disability services, to convey, without consideration, all of the rights, title and interest in approximately 15 acres of real estate described in section 145(a) of chapter 82 of the 2023 Session Laws of Kansas, and any improvements thereon, to the Kansas commission on veterans affairs office subject to the provisions, including all contingencies and limitations, of section 145 of chapter 82 of the 2023 Session Laws of Kansas: *Provided, however,* That conveyance of the real property authorized by this section shall not occur in the event the United States department of veterans affairs does not provide funding through its construction grant program for fiscal year 2024 or 2025.

Sec. 149. (a) During the fiscal years ending June 30, 2024, and June 30, 2025, in addition to the other purposes for which expenditures may be made by the state board of regents from moneys appropriated from the state general fund or any special revenue fund or funds for the state board of regents for fiscal year 2024 or 2025 by chapter 82 or 97 of the 2023 Session Laws of Kansas, this act or any other appropriation act of the 2024 regular session of the legislature, expenditures shall be made by the state board of regents from the state general fund or from any special revenue fund or funds for fiscal year 2024 or 2025, for and on behalf of Kansas state university, to sell and convey all of the rights, title and interest subject to all easements and appurtenances in the following described real estate located in the city of Manhattan, Riley county, Kansas:

FRATERNITY KNOLL ADDITION, S12, T10, R07E, Lot 3, ACRES 1.3, (1930 College Heights Road, Manhattan, Riley County, Kansas also known as Parcel ID# 081-211-12-0-40-20-003.00.0) in Riley County, Kansas.

Commencing at a point on the southeast corner of Lot 3 Fraternity Knoll Addition, S12, T10, R07E, 222.44 feet West, thence North 263.31feet, thence East 222.48 feet, thence South 263.37 feet to the place of beginning.

(b) Conveyance of such rights, title and interest in such real estate shall be executed in the name of the state board of regents by its chairperson and executive officer. All proceeds from the sale and conveyance thereof shall be deposited in the housing system repair, equipment and improvement fund (367-00-5641-4740) of Kansas state university.

(c) No conveyance of real estate authorized by this section shall be made or accepted by the state board of regents until the deeds, titles and conveyances have been reviewed and approved by the attorney general. In the event that the state board of regents determines that the legal description of the real estate described in this section is incorrect, the state board of regents may convey the property utilizing the correct legal description, but the deed conveying the property shall be subject to the approval of the attorney general. The conveyance authorized by this section shall not be subject to the provisions of K.S.A. 75-3043a or 75-6609, and amendments thereto.

Sec. 150. (a) During the fiscal years ending June 30, 2025, and June 30, 2026, notwithstanding the provisions of any statute to the contrary, no state agency named in this or any other appropriation act of the 2024 or 2025 regular session of the legislature shall expend any moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal years 2025 and 2026 as authorized by this or any other appropriation act of the 2024 or 2025 regular session of the legislature, through grants, direct funds or any other state program providing resources to any

federally qualified health center unless the recipient certifies that such recipient will not utilize sensitive patient information for any non-medical purpose not related to the recipient organization’s directly provided medical, mental, behavioral health or transit services, or for billing.

(b) For the purposes of this section:

(1) “Federally qualified health center” means the same as defined in K.S.A. 65-1669, and amendments thereto;

(2) “sensitive patient information” means name, date of birth, address, social security number, phone number, email address or any other personally identifiable information collected in the process of serving patients; and

(3) “non-medical purpose” includes, but is not limited to, lobbying, express advocacy or communications for the purposes of effecting election turnout.

Sec. 151. (a) On July 1, 2024, in addition to the provisions of section 64 of chapter 97 of the 2023 Session Laws of Kansas, the provisions of section 144(c), (d) and (e) of chapter 82 of the 2023 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 152.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated from the above agency from the state general fund for the fiscal year ending June 30, 2024, for the capital improvement project or projects specified, the following:

Debt service

refunding – 2016H (173-00-1000-0464).....\$19,985,062

Provided, That during the fiscal year ending June 30, 2025, expenditures shall be made from the debt service refunding – 2016H account by the above agency, in consultation with the Kansas development finance authority, solely for the purpose of paying the costs, including transaction costs, of prepaying, redeeming, defeasing or purchasing, on the open market or through a tender offer or other transaction, all of the outstanding maturities of the Kansas development finance authority refunding revenue bonds (state of Kansas projects), series 2016H: *Provided further*, That all such transactions shall be on the terms of and pursuant to all necessary and appropriate agreements by, between or among the above agency, the Kansas development finance authority and such other agencies or parties as deemed necessary by the above agency or the Kansas development finance authority to complete such transactions: *And provided further*, That any 2016H bonds that are purchased on the open market or through a tender offer or other transaction shall promptly be retired: *And provided further*, That the director of the budget, in consultation with the Kansas development finance authority, shall determine any amount

required to be paid for arbitrage rebate and yield restriction liability related to such transaction on all of the outstanding maturities of the Kansas development finance authority refunding revenue bonds (state of Kansas projects), series 2016H: *And provided further*, That the director of the budget shall certify the amount of such arbitrage rebate and yield restriction liability to the director of accounts and reports and upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall immediately transfer such certified amount from the state general fund to the 2016H state of Kansas projects rebate account (176-7261- 7259) of the Kansas development finance authority: *And provided further*, That at the same time as the director of the budget transmits certification to the director of accounts and reports, the director of the budget shall transmit a copy of such certification to the director of legislative research: *Provided, however*, That if any other legislation that appropriates moneys for the debt service refunding transaction of series 2016H bonds is passed by the legislature during the 2024 regular session and enacted into law, then on the effective date of such legislation, the \$19,985,062 appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, by this subsection in the debt service refunding – 2016H account is hereby lapsed.

Debt service

 refundng – 2020S (173-00-1000-8564)\$4,673,600

Provided, That during the fiscal year ending June 30, 2025, expenditures shall be made from the debt service refunding – 2020S account by the above agency, in consultation with the Kansas development finance authority, solely for the purpose of paying the costs, including transaction costs, of prepaying, redeeming, defeasing or purchasing, on the open market or through a tender offer or other transaction, all of the outstanding maturities of the Kansas development finance authority taxable refunding revenue bonds (state of Kansas projects), series 2020S: *Provided further*, That all such transactions shall be on the terms of and pursuant to all necessary and appropriate agreements by, between or among the above agency, the Kansas development finance authority and such other agencies or parties as deemed necessary by the above agency or the Kansas development finance authority to complete such transactions: *And provided further*, That any 2020S bonds that are purchased on the open market or through a tender offer or other transaction shall promptly be retired: *Provided, however*, That no expenditures shall be made from this fund for the debt service refunding transaction of series 2020S bonds until such transaction is approved by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711(c), and amendments thereto, except that such approval

also may be given while the legislature is in session: *And provided however*, That if any other legislation that appropriates moneys for the debt service refunding transaction of series 2020S bonds is passed by the legislature during the 2024 regular session and enacted into law, then on the effective date of such legislation, the \$4,673,600 appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, by this subsection in the debt service refunding – 2020S account is hereby lapsed.

Sec. 153.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, for the capital improvement project or projects specified, the following:

Rehabilitation and repair for	
state facilities (173-00-1000-8500)	\$5,000,000
<i>Provided</i> , That any unencumbered balance in the rehabilitation and repair for state facilities account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.	
Debt service	
refunding – 2019F/G (173-00-1000-0465)	\$6,570,820
Debt service	
refunding – 2020R (173-00-1000-8563)	\$8,234,075
Debt service	
refunding – 2021P (173-00-1000-8562)	\$3,424,500
Debt service refunding –	
2020S (173-00-1000-8564)	\$778,000

Provided, That during the fiscal year ending June 30, 2025, expenditures shall be made from the debt service refunding – 2020S account by the above agency, in consultation with the Kansas development finance authority, solely for the purpose of paying the costs, including transaction costs, of prepaying, redeeming, defeasing or purchasing, on the open market or through a tender offer or other transaction, some or all of the outstanding maturities of the Kansas development finance authority taxable refunding revenue bonds (state of Kansas projects), series 2020S: *Provided further*, That all such transactions shall be on the terms of and pursuant to all necessary and appropriate agreements by, between or among the above agency, the Kansas development finance authority and such other agencies or parties as deemed necessary by the above agency or the Kansas development finance authority to complete such transactions: *And provided further*, That any 2020S bonds that are purchased on the open market or through a tender offer or other transaction shall promptly be retired.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Veterans memorial fund (173-00-7253-7250)	No limit
State facilities gift fund (173-00-7263-7290).....	No limit
Master lease program fund (173-00-8732).....	No limit
State buildings	
depreciation fund (173-00-6149-4500)	No limit
Executive mansion gifts fund (173-00-7257-7270)	No limit
Topeka state hospital cemetery memorial	
gift fund (173-00-7337-7240)	No limit
Capitol area plaza authority	
planning fund (173-00-7121-7035)	No limit

Provided, That the secretary of administration may accept gifts, donations and grants of money, including payments from local units of city and county government, for the development of a new master plan for the capitol plaza and the state zoning area described in K.S.A. 75-3619, and amendments thereto: *Provided further*, That all such gifts, donations and grants shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the capitol area plaza authority planning fund.

Statehouse debt service – state	
highway fund (173-00-2861-2861)	No limit
Debt service refunding – 2019F/G –	
state highway fund (173-00-2823-2823)	No limit
Debt service refunding – 2020R –	
state highway fund (173-00-2865-2865)	No limit
Debt service refunding – 2020S –	
state highway fund (173-00-2866-2866)	No limit
Printing plant improvement fund	No limit

(c) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund (173-00-2028) for fiscal year 2025, expenditures may be made by the above agency from the following capital improvement account or accounts of the building and ground fund for fiscal year 2025 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parking improvements and repair (173-00-2028-2085).....	No limit
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(d) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund (173-00-6149) for fiscal year 2025, expenditures may be made by the

above agency from the following capital improvement account or accounts of the state buildings depreciation fund for fiscal year 2025 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

State of Kansas facilities projects –
debt service (173-00-6149-4520) No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the state buildings depreciation fund for fiscal year 2025.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings operating fund (173-00-6148) for fiscal year 2025, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings operating fund for fiscal year 2025 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Eisenhower building purchase and renovation –
debt service (173-00-6148-4610) No limit

(f) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund (173-00-2028), the state buildings depreciation fund (173-00-6149), and the state buildings operating fund (173-00-6148) for fiscal year 2025, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2025 from the unencumbered balance as of June 30, 2024, in each existing capital improvement account of each such special revenue fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2024: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on each such special revenue fund for fiscal year 2025 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2025.

Sec. 154.

DEPARTMENT OF COMMERCE

(a) In addition to the other purposes for which expenditures may be made by the above agency from the reimbursement and recovery fund (300-00-2275) for fiscal year 2025, expenditures may be made by the above agency from the following capital improvement account or accounts of the reimbursement and recovery fund during the fiscal year 2025, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair (300-00-2275) No limit

(b) In addition to the other purposes for which expenditures may be made by the above agency from the Wagner Peyser employment services – federal fund (300-00-3275) for fiscal year 2025, expenditures may be made by the above agency from the following capital improvement account or accounts of the Wagner Peyser employment services – federal fund during the fiscal year 2025, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair (300-00-3275) No limit

Sec. 155.

KANSAS DEPARTMENT FOR
AGING AND DISABILITY SERVICES

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2025, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (039-00-8100-8240).....\$8,827,350

Provided, That the secretary for aging and disability services is hereby authorized to transfer moneys during fiscal year 2025 from the rehabilitation and repair projects account to a rehabilitation and repair account for any institution, as defined by K.S.A. 76-12a01, and amendments thereto, for projects approved by the secretary for aging and disability services: *Provided further*, That expenditures also may be made from this account during fiscal year 2025 for the purposes of rehabilitation and repair for facilities of the Kansas department for aging and disability services other than any institution, as defined by K.S.A. 76-12a01, and amendments thereto.

Razing of buildings (039-00-8100-8250)\$3,150,200

Provided, That any unencumbered balance in the razing of buildings account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Biddle courtyard (494-00-8100-8200)\$492,886

Provided, That any unencumbered balance in the biddle courtyard account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Larned state hospital – city of Larned

wastewater treatment (410-00-8100-8300).....\$129,620

Provided, That, notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, expenditures may be made by the above agency from the Larned state hospital – city of Larned wastewater treatment ac-

count of the state institutions building fund for payment of Larned state hospital's portion of the city of Larned's wastewater treatment system.

Sec. 156.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, for the capital improvement project or projects specified, the following:

Capital improvements (296-00-1000-8010)\$696,000

Provided, That any unencumbered balance in the capital improvements account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Employment security administration property

sale fund (296-00-3336-3110)No limit

Provided, That the secretary of labor is hereby authorized to make expenditures from the employment security administration property sale fund during fiscal year 2025 for the unemployment insurance program: *Provided, however*, That no expenditures shall be made from this fund for the proposed purchase or other acquisition of additional real estate to provide space for the unemployment insurance program of the department of labor until such proposed purchase or other acquisition, including the preliminary plans and program statement for any capital improvement project that is proposed to be initiated and completed by or for the department of labor have been reviewed by the joint committee on state building construction.

(c) In addition to the other purposes for which expenditures may be made by the department of labor from moneys appropriated from any special revenue fund or funds for fiscal year 2025 as authorized by this or other appropriation act of the 2024 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2025 from the moneys appropriated from any special revenue fund for the expenses of the sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor: *Provided*, That such expenditures may be made and such sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor may be executed or otherwise effectuated only upon specific authorization by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in K.S.A. 75-3711c(c),

and amendments thereto, and acting after receiving the recommendations of the joint committee on state building construction: *Provided, however,* That no such sale, exchange or other disposition conveying title for any portion of the real estate of the department of labor shall be executed until the proposed sale, exchange or other disposition conveying title for such real estate has been reviewed by the joint committee on state building construction: *Provided further,* That the net proceeds from the sale of any of the real estate of the department of labor shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the employment security administration property sale fund of the department of labor: *And provided further,* That expenditures from the employment security administration property sale fund shall not exceed the limitation established for fiscal year 2025 by this or other appropriation act of the 2024 regular session of the legislature except upon approval of the state finance council.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the workmen’s compensation fee fund (296-00-2124) for fiscal year 2025, expenditures may be made by the above agency from the workmen’s compensation fee fund for fiscal year 2025 for the following capital improvement projects: Payment of rehabilitation and repair projects: *Provided,* That expenditures from the workmen’s compensation fee fund (296-00-2124-2228) for fiscal year 2025 for such capital improvement purposes shall not exceed \$464,000.

Sec. 157.

KANSAS COMMISSION ON
VETERANS AFFAIRS OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, for the capital improvement project or projects specified, the following:

Veterans cemetery program rehabilitation and
repair projects (694-00-1000-0904)\$201,980

Provided, That any unencumbered balance in the veterans cemetery program rehabilitation and repair projects account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2025, for the capital improvement project or projects specified, the following:

Soldiers’ home rehabilitation and
repair projects (694-00-8100-7100)\$1,244,612
Veterans’ home rehabilitation and
repair projects (694-00-8100-8250)\$1,738,442

Any unencumbered balance in the northeast Kansas veterans’ home account (694-00-8100-8290) in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Kansas soldiers home demolition
of structures (694-00-8100-8252).....\$600,000

Provided, That expenditures may be made by the above agency from this account to preserve or stabilize the junior officers quarters and Walt hall at Fort Dodge: *Provided, however*, That, during the fiscal year ending June 30, 2025, no expenditures shall be made by the above agency from this account to demolish or prepare for demolition the junior officers quarters or Walt hall at Fort Dodge.

(c) During the fiscal year ending June 30, 2025, no moneys appropriated from the state general fund or any special revenue fund or funds for the above agency for fiscal year 2025, as authorized by this or other appropriation act of the 2024 regular session of the legislature, shall be expended by the above agency for fiscal year 2025 to demolish or prepare for demolition the junior officers quarters or Walt hall at Fort Dodge.

Sec. 158.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2025, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (604-00-8100-8108).....\$482,986
Security system upgrade project (604-00-8100-8130)\$277,469
Campus boilers and HVAC upgrades (604-00-8100-8145)\$1,155,054
Hazardous materials abatement\$180,000
Edlund building improvements.....\$250,000
Johnson gym improvements\$886,789
Window replacement project\$255,256

Sec. 159.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2024, for the capital improvement project or projects specified, the following:

Utility tunnel repairs\$100,000
Elevator repairs\$220,000

Sec. 160.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2025, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects (610-00-8100-8108).....	\$545,128
Campus life safety and security (610-00-8100-8130).....	\$364,149
Campus boilers and HVAC upgrades (610-00-8100-8145)	\$655,000
Electrical service upgrade (610-00-8100-8170)	\$187,500
Dorm remodel (610-00-8100-8185)	\$250,000
Hazardous materials abatement	\$180,000
ADA playground.....	\$400,000
Utility tunnel repairs	\$300,000
Elevator repairs	\$307,030
Window replacement project	\$260,811

Sec. 161.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, for the capital improvement project or projects specified, the following:

Rehabilitation and repair

projects (288-00-1000-8088)\$375,000

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Museum of history air handling units/chiller

replacement (288-00-1000)\$2,760,000

Any unencumbered balance in the Shawnee mission roofs replacement account (288-00-1000) in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the private gifts, grants and bequests fund (288-00-7302) for fiscal year 2025, expenditures may be made by the above agency from the following capital improvement account or accounts of the private gifts, grants and bequests fund for fiscal year 2025 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair projectsNo limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the private gifts, grants and bequests fund for fiscal year 2025.

(c) In addition to the other purposes for which expenditures may be made by the above agency from the historical preservation grant in aid fund (288-00-3089) for fiscal year 2025, expenditures may be made by the above agency from the following capital improvement account or ac-

counts of the historical preservation grant in aid fund for fiscal year 2025 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair projects No limit
Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the historical preservation grant in aid fund for fiscal year 2025.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the private gifts, grants and bequests fund, historic properties fee fund, state historical facilities fund, save America's treasures fund, historical society capital improvement fund, law enforcement memorial fund and historical preservation grant in aid fund for fiscal year 2025, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2025 from the unencumbered balance as of June 30, 2024, in each existing capital improvement account of each such special revenue fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2024; *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on each such special revenue fund for fiscal year 2025 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2025.

Sec. 162.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Memorial union project –
 debt service 2020F (379-00-5161-5040)..... No limit
Student housing projects –
 debt service 2017D (379-00-5169-5050) No limit
Twin towers housing project –
 debt service 2017D (379-00-5120-5030) No limit
Parking maintenance projects (379-00-5186-5060)..... No limit
Rehabilitation and repair projects
 (379-00-2526-2040; 379-00-2069-2010) No limit
Student housing projects (379-00-5650-5120;
 379-00-5169-5050)..... No limit
Deferred maintenance projects (379-00-2485-2485) No limit
Morris central renovation (379-00-2526-2040)..... No limit

Welch stadium renovation (379-00-2526-2040).....No limit
King hall theatre (379-00-2526-2040)No limit

(b) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2024 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2023.

(c) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the state universities facilities capital renewal initiative account of the state general fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2024 regular session of the legislature.

(d) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the demolition of buildings account of the state general fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2024 regular session of the legislature.

(e) Any unencumbered balance in the following accounts in excess of \$100 as of June 30, 2024, are hereby reappropriated for fiscal year 2025: State universities facilities capital renewal initiative (379-00-1000-0320) and demolition of buildings (379-00-1000-8510).

(f) In addition to the other purposes for which expenditures may be made by Emporia state university from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2025, as authorized by this or other appropriation act of the 2024 regular session of the legislature, expenditures may be made by Emporia state university from such moneys for fiscal year 2025 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to upgrade all campus lighting, improve building energy efficiency, implement campus-wide water conservation and replace and upgrade HVAC systems: *Provided*, That such capital improvement project is hereby approved for Emporia state university for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with such statute: *Provided further*, That Emporia state university may make expenditures from the moneys received from the issuance of any such

bonds for such capital improvement project: *Provided, however,* That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$10,200,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction and renovation of such project and, for a period of not more than one year following completion of such project, credit enhancement costs and any required reserves for the payment of principal and interest on the bonds: *And provided further,* That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further,* That debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further,* That any such bonds and interest thereon shall be an obligation only of the Kansas development finance authority, shall not constitute a debt of the state of Kansas within the meaning of section 6 or 7 of article 11 of the constitution of the state of Kansas and shall not pledge the full faith and credit or the taxing power of the state of Kansas: *And provided further,* That Emporia state university shall make provisions for the maintenance of the such capital improvement project.

Sec. 163.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, for the capital improvement project or projects specified, the following:

Western Kansas nursing workforce
development facility improvements.....\$15,000,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Lewis field/Wiest hall renovation –
debt service 2016B (246-00-5103-5020)..... No limit
Memorial union renovation –
debt service 2005G (246-00-5102-5010) No limit
Memorial union addition –
debt service 2020C (246-00-2510-2040)..... No limit
Memorial union project (246-00-2510-2040)..... No limit
Energy conservation –
debt service (246-00-2035-2000) No limit
Wiest hall replacement –
debt service 2016B (246-00-5103-5020)..... No limit

Deferred maintenance projects (246-00-2483-2483)	No limit
Forsyth library renovation (246-00-2035-2000)	No limit
Rarick hall renovation (246-00-2035-2000)	No limit
Akers energy center project (246-00-2035-2000)	No limit
Student union rehabilitation and repair projects (246-00-5102-5010)	No limit
Rehabilitation and repair projects (246-00-2035-2000; 246-00-2510-2040)	No limit
Student housing rehabilitation and repair projects (246-00-5103-5020)	No limit
Parking maintenance projects (246-00-5185-5050)	No limit
Gross coliseum parking lot project (246-00-2035-2000; 246-00-5185-5050)	No limit

(c) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2024 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2023.

(d) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the state universities facilities capital renewal initiative account of the state general fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2024 regular session of the legislature.

(e) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the demolition of building account of the state general fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2024 regular session of the legislature.

(f) Any unencumbered balance in the following accounts in excess of \$100 as of June 30, 2024, are hereby reappropriated for fiscal year 2025: State universities facilities capital renewal initiative (246-00-1000-0320) and demolition of buildings (246-00-1000-8510).

Sec. 164.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all

moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Energy conservation projects –

debt service 2021A, 2012F/H, 2017B
(367-00-2062-2000; 367-00-5163-4500) No limit

Research initiative debt service

2021A (367-00-2901-2106)..... No limit

Chiller plant project –

debt service 2015B (367-00-2062-2000)..... No limit

Recreation complex project – debt service

2021A, 2010G1/2 (367-00-2520-2080)..... No limit

Student union renovation project –

debt service 2016A (367-00-2520-2080)..... No limit

Electrical upgrade project – debt service 2017E

(367-00-2520-2080; 367-00-2484-2484) No limit

Salina student life center project – debt service

2008D (367-00-5111-5120) No limit

Childcare development center project –

debt service 2019C (367-00-5125-5101)..... No limit

Jardine housing project – debt service 2022D/

2014D/2015B/2011G-1 (367-00-5163-4500)..... No limit

Wefald dining and residence hall project – debt

service 2022D/2014D-2 (367-00-5163-4500)..... No limit

Union parking – debt service 2016A (367-00-5181-4630)..... No limit

Seaton hall renovation –

debt service 2016A (367-00-2520-2080)..... No limit

Chemical landfill – debt service

refunding 2011G-2 (367-00-2901-2160)..... No limit

Derby dining center project – debt

service 2019C (367-00-5163-4500) No limit

K-state Salina residence hall – debt service

2022A (367-00-5117-4430)..... No limit

Debt service refunding 2022D (367-00-5163-4500) No limit

Capital lease – debt service

(367-00-2062-2000; 367-00-520-2080;
367-00-5117-4430)..... No limit

Rehabilitation and repair projects

(367-00-2062-2000; 367-00-2062-2080;
367-00-2520-2080; 367-00-2901-2160)..... No limit

Deferred maintenance projects (367-00-2484-2484) No limit

Parking maintenance projects (367-00-5181-4638) No limit

Student housing projects

(367-00-5163-4500; 367-00-5117-4430) No limit

Engineering hall renovation
 project (367-00-2062-2000)..... No limit
 Building retro-commissioning
 project (367-00-2901-2160)..... No limit

(b) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2024 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2023.

(c) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the state universities facilities capital renewal initiative account of the state general fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2024 regular session of the legislature.

(d) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the demolition of building account of the state general fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2024 regular session of the legislature.

(e) Any unencumbered balance in the following accounts in excess of \$100 as of June 30, 2024, are hereby reappropriated for fiscal year 2025: State universities facilities capital renewal initiative (367-00-1000-0320) and demolition of buildings (367-00-1000-8510).

(f) In addition to the other purposes for which expenditures may be made by Kansas state university from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2025, as authorized by this or other appropriation act of the 2024 regular session of the legislature, expenditures may be made by Kansas state university from such moneys for fiscal year 2025 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct, renovate, develop and equip the Strong complex residence halls at Kansas state university: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with such statute: *Provided further*, That Kansas state uni-

versity may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however,* That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$25,000,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction and renovation of such project and, for a period of not more than one year following completion of such project, credit enhancement costs and any required reserves for the payment of principal and interest on the bonds: *And provided further,* That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further,* That debt service for any such bonds for such capital improvement project shall be financed by appropriations from any appropriate special revenue fund or funds: *And provided further,* That any such bonds and interest thereon shall be an obligation only of the Kansas development finance authority, shall not constitute a debt of the state of Kansas within the meaning of section 6 or 7 of article 11 of the constitution of the state of Kansas and shall not pledge the full faith and credit or the taxing power of the state of Kansas: *And provided further,* That Kansas state university shall make provisions for the maintenance of the Strong complex residence halls.

(g) In addition to the other purposes for which expenditures may be made by Kansas state university from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2025, as authorized by this or other appropriation act of the 2024 regular session of the legislature, expenditures may be made by Kansas state university from such moneys for fiscal year 2025 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct, renovate, develop and equip the pure imagination facility (Kansas advanced immersive research for emerging systems center) on the Salina campus of Kansas state university: *Provided,* That such capital improvement project is hereby approved for Kansas state university for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with such statute: *Provided further,* That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however,* That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$45,000,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction and renovation of such project and, for a period

of not more than one year following completion of such project, credit enhancement costs and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund: *And provided further*, That any such bonds and interest thereon shall be an obligation only of the Kansas development finance authority, shall not constitute a debt of the state of Kansas within the meaning of section 6 or 7 of article 11 of the constitution of the state of Kansas and shall not pledge the full faith and credit or the taxing power of the state of Kansas: *And provided further*, That Kansas state university shall make provisions for the maintenance of the pure imagination facility (K-AIRES center): *And provided further*, That, notwithstanding the provisions of K.S.A. 75-3739 through 75-3744, and amendments thereto, or any other statute to the contrary, all procurement approvals by the department of commerce concerning such pure imagination facility during fiscal year 2024 shall be deemed to be approvals by Kansas state university and shall not require any resubmission or rebidding.

Sec. 165.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS
AND AGRICULTURE RESEARCH PROGRAMS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Capital lease – debt service (369-00-2697-1100; 369-00-2921-1200)	No limit
Rehabilitation and repair projects (369-00-2697-1100)	No limit

Sec. 166.

KANSAS STATE UNIVERSITY
VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Capital lease – debt service (368-00-5160-5300)	No limit
Rehabilitation and repair projects (368-00-2129-5500; 368-00-5160-5300; 368-00-2590-5530)	No limit

AHU replacement project (368-00-2590-5530).....	No limit
Mosier lab renovation (368-00-2590-5530).....	No limit

Sec. 167.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, for the capital improvement project or projects specified, the following:

American center for reading facility.....	\$2,000,000
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Building renovations – debt service 2014A1, 2022E (385-00-2833-2831; 385-00-5106-5105)	No limit
Overman student center – debt service 2014A2 (385-00-2820-2820)	No limit
Energy conservation projects – debt service 2011D/D3, 2015M, 2014A-1 (385-00-5165-5050; 385-00-2070-2010; 385-00-5646-5160).....	No limit
Student housing projects – debt service 2011D1, 2020H, 2014A1 (385-00-2833-2831; 385-00-5165-5050).....	No limit
Parking facility – debt service 2020H (385-00-5187-5060)	No limit
Debt service refunding – 2022E (385-00-2070-2010; 385-00-5106-5105)	No limit
Deferred maintenance projects (385-00-2486-2486)	No limit
Overman student center project (385-00-2820-2820)	No limit
Rehabilitation and repair projects (385-00-2833-2831; 385-00-2070-2010; 385-00-2529-2040).....	No limit
Student housing maintenance projects (385-00-5646-5160).....	No limit
Parking maintenance projects (385-00-5187-5060)	No limit

(c) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2024

regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2023.

(d) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the state universities facilities capital renewal initiative account of the state general fund of the above agency of moneys transferred to such account by the state board of regents by the provisions of this or other appropriation act of the 2024 regular session of the legislature.

(e) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the demolition of building account of the state general fund of the above agency of moneys transferred to such account by the state board of regents by the provisions of this or other appropriation act of the 2024 regular session of the legislature.

(f) Any unencumbered balance in the following accounts in excess of \$100 as of June 30, 2024, are hereby reappropriated for fiscal year 2025: State universities facilities capital renewal initiative (385-00-1000-0320) and demolition of buildings (385-00-1000-8510).

Sec. 168.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student housing projects –

debt service 2014C, 2017A,

2020B, 2021D (682-00-5142-5050) No limit

Engineering facility – debt service 2021D

(682-00-2153-2153; 682-00-2545-2080) No limit

Student recreation center –

debt service 2017A (682-00-2864-2860)..... No limit

Parking facilities – debt service

2014C, 2017A (682-00-5175-5070)..... No limit

McCollum hall parking facility – debt

service 2014C (682-00-5175-5070) No limit

Energy conservation projects – debt service

2020B (682-00-2107-2000;

682-00-2545-2080)..... No limit

Energy conservation projects –

debt service (682-00-2545-2080) No limit

Earth, energy and environment center –

debt service 2017A (682-00-2545-2080)..... No limit

Parking maintenance projects (682-00-5175-5070)	No limit
Student housing maintenance projects (682-00-5621-5110; 682-00-5142-5050; 682-00-2545-2080; 682-00-2905-2160)	No limit
Rehabilitation and repair projects (682-00-2107-2000; 682-00-2545-2080)	No limit
Kansas law enforcement training center projects (682-00-2133-2020)	No limit
Rehabilitation and repair projects (682-00-2545-2080)	No limit
Deferred maintenance projects (682-00-2487-2487)	No limit
Student health facility rehabilitation and repair projects (682-00-5640-5120)	No limit
Student recreation center rehabilitation and repair (682-00-2864-2860)	No limit
Law enforcement training center capital improvement ARPA fund (682-00-3756)	No limit

(b) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2024 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2023.

(c) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the state universities facilities capital renewal initiative account of the state general fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2024 regular session of the legislature.

(d) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the demolition of building account of the state general fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2024 regular session of the legislature.

(e) Any unencumbered balance in the following accounts in excess of \$100 as of June 30, 2024, are hereby reappropriated for fiscal year 2025: State universities facilities capital renewal initiative (682-00-1000-0420) and demolition of buildings (682-00-1000-8510).

(f) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$20,000,000 from the American rescue plan state relief fund (422-00-3756-3502) of the legislative coordinating council, formerly designated as the legislature employment security fund of the legislative coordinating council, to the law enforcement training center capital improvement ARPA fund (682-00-3756).

Sec. 169.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Health education building –	
debt service 2017A (683-00-2108-2500).....	No limit
Energy conservation –	
debt service 2020B (683-00-2108-2500).....	No limit
Hemenway research initiative – debt service	
2020B (683-00-2907-2800; 683-00-2108).....	No limit
KUMC research institute – debt service	
2020B (683-00-2907-2800; 683-00-2108).....	No limit
Parking garage 3 –	
debt service 2014C (683-00-5176-5550).....	No limit
Parking garage 4 – debt service	
2020B (683-00-5176-5550).....	No limit
Parking garage 5 –	
debt service 2016C (683-00-5176-5550).....	No limit
Deferred maintenance projects (683-00-2488-2488)	No limit
Rehabilitation and repair projects	
(683-00-2108-2500; 683-00-2394-2390;	
683-00-2551-2600; 683-00-2907-2800;	
683-00-2915-2915).....	No limit
Parking maintenance projects (683-00-5176-5550).....	No limit

(b) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2024 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2023.

(c) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the state universities facilities capital renewal initiative account of the state general fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2024 regular session of the legislature.

(d) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the demolition of building account of the state general fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2024 regular session of the legislature.

(e) Any unencumbered balance in the following accounts in excess of \$100 as of June 30, 2024, are hereby reappropriated for fiscal year 2025: State universities facilities capital renewal initiative (683-00-1000-0320) and demolition of buildings (683-00-1000-8510).

Sec. 170.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Energy conservation –	
debt service (715-00-2112-2000)	No limit
Rhatigan student center –	
debt service 2020P (715-00-2558-2030)	No limit
Engineering research lab – debt	
service 2016J (715-00-2558-2030)	No limit
Shocker residence hall –	
debt service 2021L (715-00-5100-5250)	No limit
Parking garage – debt	
service 2016J (715-00-5148-5000)	No limit
Fairmont towers – debt	
service 2012A2 (715-00-5620-5270)	No limit
Woolsey hall – school of business	
debt service 2020P (715-00-2112-2000; 715-00-2558-2030)	No limit
Flats and suites –	
debt service 2020P (715-00-5100-5250)	No limit
Convergence sciences 2 – debt	
service 2021L (715-00-2558)	No limit
Honors colleges foundation –	
debt service (715-00-2112-2000)	No limit
Deferred maintenance projects (715-00-2489-2489)	No limit

Rehabilitation and repair projects

(715-00-2558-2030; 715-00-2908-2080; 715-00-2558-3000; 715-00-2112-2000).....	No limit
Parking maintenance projects (715-00-5159-5040).....	No limit
Clinton hall shocker student success center – debt service 2022G (715-00-2112-2000; 715-00-2558-2030)	No limit
Marcus welcome center project (715-00-2558; 715-00-2112-2000).....	No limit
Student housing projects (715-00-5100-5250).....	No limit
NIAR/engineering/industry & defense projects (715-00-2908-2080; 715-00-2558-2030; 715-00-2558-3000).....	No limit
Cessna stadium demolition (715-00-2558-2030)	No limit

(b) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2024 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2023.

(c) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the state universities facilities capital renewal initiative account of the state general fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2024 regular session of the legislature.

(d) During the fiscal year ending June 30, 2025, the above agency may make expenditures from the demolition of building account of the state general fund of the above agency of moneys transferred to such account by the state board of regents by any provision of this or other appropriation act of the 2024 regular session of the legislature.

(e) Any unencumbered balance in the following accounts in excess of \$100 as of June 30, 2024, are hereby reappropriated for fiscal year 2025: State universities facilities capital renewal initiative (715-00-1000-0320) and demolition of buildings (715-00-1000-8510).

Sec. 171.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, for the capital improvement project or projects specified, the following:

State universities facilities capital
renewal initiative (561-00-1000-0320)\$20,000,000

Provided, That any unencumbered balance in the state universities facilities capital renewal initiative account of the state general fund for the above agency or for any institution under the control and supervision of the state board of regents in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, That the state board of regents is hereby authorized to transfer moneys from the state universities facilities capital renewal initiative account of the state general fund to the state universities facilities capital renewal initiative account of the state general fund of any institution under the control and supervision of the state board of regents, which is hereby created, to be expended by the institution for the state universities facilities capital renewal initiative approved by the state board of regents: *And provided further*, That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of legislative research: *And provided further*, That any expenditures made by the board of regents or a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, from such account during fiscal year 2025 shall require a match of nonstate moneys on a \$1-for-\$1 basis, from either the state educational institution or private moneys with such match to be calculated on a project basis and not on a per fiscal year basis.

Demolition of buildings (561-00-1000-8510).....\$5,000,000

Provided, That any unencumbered balance in the demolition of buildings account of the state general fund for the above agency or for any institution under the control and supervision of the state board of regents in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025: *Provided further*, The state board of regents is hereby authorized to transfer moneys from the demolition of buildings account of the state general fund to a demolition of buildings account of the state general fund of any institution under the control and supervision of the state board of regents, which is hereby created, to be expended by the institution for demolition projects approved by the state board of regents: *And provided further*, That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of legislative research: *And provided further*, That all expenditures from the demolition of buildings account in fiscal year 2025 shall be only for the demolition or razing of buildings on the campus of state educational institutions as defined by K.S.A. 76-711, and amendments thereto: *Provided, however*, That expenditures of \$750,000 shall be made in fiscal year 2025 for demolition of buildings at Washburn university in Topeka, Kansas.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all

moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas educational

building fund (561-00-8001-8108).....No limit
Provided, That the state board of regents is hereby authorized to transfer moneys from the Kansas educational building fund to an account or accounts of the Kansas educational building fund of any institution under the control and supervision of the state board of regents to be expended by the institution for projects, including planning, new construction and razing, approved by the state board of regents: *Provided, however*, That no expenditures shall be made from any such account until the proposed projects have been reviewed by the joint committee on state building construction: *Provided further*, That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys from the Kansas educational building fund: *And provided further*, That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.

Sec. 172.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated from the above agency from the state general fund for the fiscal year ending June 30, 2024, for the capital improvement project or projects specified, the following:

Lansing future prison museum stabilization\$490,000

Provided, That all expenditures from the Lansing future prison museum stabilization account shall be for assessing and making stabilization repairs in areas of the Lansing correctional facility to be used for a future prison museum.

Lansing correctional facility career campus (521-00-1000).....\$10,000,000

Provided, That all expenditures made by the above agency from such account shall require a match of local nonstate or private moneys on a \$1-for-\$1 basis.

Sec. 173.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated from the above agency from the state general fund for the fiscal year ending June 30, 2025, for the capital improvement project or projects specified, the following:

Lansing correctional facility

career campus (521-00-1000).....\$10,000,000

Provided, That all expenditures made by the above agency from such account shall require a match of local nonstate or private moneys on a \$1-for-\$1 basis.

Any unencumbered balance in the priority capital improvement projects account (521-00-1000-0800) in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2025, for the capital improvement project or projects specified, the following:

Capital improvements – rehabilitation and repair of
correctional institutions (521-00-8600-8240)\$4,276,735

Provided, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2025 from the capital improvements – rehabilitation and repair of correctional institutions account of the correctional institutions building fund to an account or accounts of the correctional institutions building fund of any institution or facility under the jurisdiction of the secretary of corrections to be expended during fiscal year 2025 by the institution or facility for capital improvement projects and for security improvement projects including acquisition of security equipment.

(c) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2025, for the capital improvement project or projects specified, the following:

Capital improvements –
rehabilitation and repair of juvenile
correctional facilities (521-00-8100-8000)\$685,144

Provided, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2025 from the capital improvements – rehabilitation and repair account of the state institutions building fund to any account or accounts of the state institutions building fund of any juvenile correctional facility or institution under the general supervision and management of the secretary of corrections to be expended during fiscal year 2025 for capital improvement projects approved by the secretary:

Provided further, That the secretary of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Correctional facility
infrastructure project (521-00-2834)No limit
Correctional industries fund capital unit
(522-00-6126-7301)No limit

(e) In addition to the other purposes for which expenditures may be made by the department of corrections from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2025, as authorized by this or other appropriation act of the 2024 regular session of the legislature, expenditures may be made by the department of corrections from such moneys for fiscal year 2025 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct a central medical and behavioral health support building at the Topeka correctional facility: *Provided*, That such capital improvement project is hereby approved for the department of corrections for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with such statute: *Provided further*, That the department of corrections may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$40,235,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction and renovation of such project and, for a period of not more than one year following completion of such project, credit enhancement costs and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund: *And provided further*, That any such bonds and interest thereon shall be an obligation only of the Kansas development finance authority, shall not constitute a debt of the state of Kansas within the meaning of section 6 or 7 of article 11 of the constitution of the state of Kansas and shall not pledge the full faith and credit or the taxing power of the state of Kansas: *And provided further*, That the department of corrections shall make provisions for the maintenance of the building.

Sec. 174.

ATTORNEY GENERAL –
KANSAS BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, for the capital improvement project or projects specified, the following:

Rehabilitation and
repair projects (083-00-1000-0100)\$300,000

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Regional crime center and laboratory
debt service\$3,050,000

(b) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025, as authorized by this or other appropriation act of the 2024 regular session of the legislature, expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2025 to provide for the issuance of 20-year bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct, renovate, develop and equip a regional crime center and laboratory in Pittsburg, Kansas: *Provided*, That such capital improvement project is hereby approved for the above agency for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with such statute: *Provided further*, That the above agency may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$40,000,000 plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction and renovation of such project and, for a period of not more than one year following completion of such project, credit enhancement costs and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund and any appropriate special revenue fund or funds: *And provided further*, That any such bonds and interest thereon shall be an obligation only of the Kansas development finance authority, shall not constitute a debt of the state of Kansas within the meaning of section 6 or 7 of article 11 of the constitution of the state of Kansas and shall not pledge the full faith and credit or the taxing power of the state of Kansas: *And provided further*, That the above agency shall make provisions for the maintenance of the regional crime center and laboratory.

Sec. 175.

KANSAS HIGHWAY PATROL

(a) In addition to the other purposes for which expenditures may be made from the highway patrol training center fund for fiscal year 2025, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2025 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair – training
center – Salina (280-00-2306-2004).....No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the highway patrol training center fund for fiscal year 2025.

(b) In addition to the other purposes for which expenditures may be made from the vehicle identification number fee fund (280-00-2213) for fiscal year 2025, expenditures may be made by the above agency from the vehicle identification number fee fund for fiscal year 2025 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Training academy rehabilitation
and repair (280-00-2213-2401) No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the vehicle identification number fee fund for fiscal year 2025.

(c) In addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2025, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2025 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Scale replacement and rehabilitation and
repair of buildings (280-00-2034-1115)\$575,181

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the Kansas highway patrol operations fund for fiscal year 2025.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2025, expenditures may be made by the above agency from each such special revenue fund for fiscal year 2025 from the unencumbered balance as of June 30, 2024, in each existing capital improvement account of each such special revenue fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered

balance in such account on June 30, 2024: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on each such special revenue fund for fiscal year 2025 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2025.

(e) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$575,181 from the state highway fund (276-00-4100-4100) of the department of transportation to the Kansas highway patrol operations fund (280-00-2034-1115). In addition to the other purposes for which expenditures may be made from the state highway fund during fiscal year 2025 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2025 for support and maintenance of the Kansas highway patrol.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the KHP federal forfeiture – federal fund (280-00-3545) for fiscal year 2025, expenditures may be made by the above agency from the following account or accounts of the KHP federal forfeiture – federal fund for fiscal year 2025 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Training academy rehabilitation	
and repair (280-00-3545-3548)	No limit
Troop F storage building (280-00-3545-3545)	No limit
KHP federal forfeiture – new construction	No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the KHP federal forfeiture – federal fund for fiscal year 2025.

Sec. 176.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2025, for the capital improvement project or projects specified, the following:

Rehabilitation and	
repair projects (034-00-1000-8000)	\$3,500,000

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2024, is hereby reappropriated for fiscal year 2025.

Any unencumbered balance in excess of \$100 as June 30, 2024, in the following accounts are hereby reappropriated for fiscal year 2025: Hays armory (034-00-1000-8040); SDB remodel (034-00-1000-8030); deferred maintenance (034-00-1000-0700).

Sec. 177.

STATE FAIR BOARD

(a) Any unencumbered balance in the following accounts of the state general fund for the above agency in excess of \$100 as of June 30, 2024, are hereby reappropriated for fiscal year 2025: Bison arena renovation (373-00-1000-8105) and state fair facilities upgrades (373-00-1000-8110).

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State fair capital

improvements fund (373-00-2533-2500) No limit

(c) On or before the 10th day of each month during the fiscal year ending June 30, 2025, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund interest earnings based on: (1) The average daily balance of moneys in the state fair capital improvements fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 178.

KANSAS DEPARTMENT OF
WILDLIFE AND PARKS

(a) Any unencumbered balance in the following accounts in excess of \$100 as of June 30, 2024, are hereby reappropriated for fiscal year 2025: dam repair (710-00-1000-0700), El Dorado shower house (710-00-1000), flint hills trail system (710-00-1000), state parks operating expenditures (710-00-1900-1920).

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2025, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Department access road fund (710-00-2178-2760) No limit

Provided, That, in addition to the other purposes for which expenditures may be made by the above agency from the department access road fund, expenditures may be made from this fund for road improvement projects administered by the department of transportation in state parks and on public lands.

Bridge maintenance fund (710-00-2045-2070) No limit

Office of the secretary building fund No limit

(c) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$3,400,000 from the state

highway fund (276-00-4100-4100) of the department of transportation to the department access road fund (710-00-2178-2760) of the Kansas department of wildlife and parks.

(d) On July 1, 2024, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the state highway fund (276-00-4100-4100) of the department of transportation to the bridge maintenance fund (710-00-2045-2070) of the Kansas department of wildlife and parks.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the state agricultural production fund for fiscal year 2025, expenditures may be made by the above agency from the following capital improvement account or accounts of the state agricultural production fund for fiscal year 2025 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Agricultural land capital improvement.....No limit
Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the state agricultural production fund for fiscal year 2025.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2025, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2025 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Parks rehabilitation and
repair projects (710-00-2122-2066)\$1,260,000
Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the parks fee fund for fiscal year 2025.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2025, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2025 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Coast guard boating projects (710-00-2245-2840).....\$150,000
Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the boating fee fund for fiscal year 2025.

River access (710-00-2245-2830).....\$75,000

(h) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2025, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2025 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Shooting range development (710-00-2300-2301)	\$300,000
Land acquisition (710-00-2300-3040)	\$400,000
Federally mandated boating access (710-00-2300-4360)	\$854,750
Rehabilitation and repair (710-00-2300-3262)	\$1,290,834
Coast guard boating projects (710-00-2300-3000)	\$150,000
State fishing lakes projects (710-00-2300-4320)	\$625,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the wildlife fee fund for fiscal year 2025.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the cabin revenue fund for fiscal year 2025, expenditures may be made by the above agency from the following capital improvement account or accounts of the cabin revenue fund for fiscal year 2025 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Cabin site preparation (710-00-2668-2660)	\$700,046
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Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the cabin revenue fund for fiscal year 2025.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2025, expenditures may be made by the above agency from the following capital improvement account or accounts of the migratory waterfowl propagation and protection fund for fiscal year 2025 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition (710-00-2600-3330)	\$700,046
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Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the migratory waterfowl propagation and protection fund for fiscal year 2025.

(k) In addition to the other purposes for which expenditures may be made by the above agency from the federally licensed wildlife areas fund for fiscal year 2025, expenditures may be made by the above agency from the following capital improvement account or accounts of the federally licensed wildlife areas fund for fiscal year 2025 for the following capital

improvement project or projects, subject to the expenditure limitations prescribed therefor:

FLW-AG Wilson (710-00-2670-3520)\$50,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the federally licensed wildlife areas fund for fiscal year 2025.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the boating safety and financial assistance fund for fiscal year 2025, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating safety and financial assistance fund for fiscal year 2025 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Coast guard boating projects (710-00-3251-3251).....No limit

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitations imposed on the boating safety and financial assistance fund for fiscal year 2025.

(m) In addition to the other purposes for which expenditures may be made by the above agency from the state agricultural production fund for fiscal year 2025, expenditures may be made by the above agency from the following capital improvement account or accounts of the state agricultural production fund for fiscal year 2025 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Pratt Sandhills\$50,000

(n) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund, boating fee fund, boating safety and financial assistance fund, wildlife fee fund, wildlife conservation fund, cabin revenue fund, wildlife restoration fund, sport fish restoration program fund, migratory waterfowl propagation and protection fund, nongame wildlife improvement fund, plant and animal disease and pest control fund, land and water conservation fund – local, outdoor recreation acquisition, development and planning fund, recreational trails program fund, federally licensed wildlife areas fund, department of wildlife and parks gifts and donations fund, highway planning/construction fund, state wildlife grants fund, disaster grants – public assistance, non-federal grants fund, bridge maintenance fund, state agricultural production fund, department access road fund, wildlife restoration fund, state agricultural production fund, highway planning and construction fund, American rescue plan state relief fund, navigation projects fund, other federal grants fund and recreation resource management fund for fiscal year 2025, expenditures may be made by the above agency from each

such special revenue fund for fiscal year 2025 from the unencumbered balance as of June 30, 2024, in each existing capital improvement account of each such special revenue fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2024: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on each such special revenue fund for fiscal year 2025 and shall be in addition to any other expenditure limitation imposed on any such account of each such special revenue fund for fiscal year 2025.

Sec. 179. K.S.A. 2023 Supp. 2-223 is hereby amended to read as follows: 2-223. (a) There is hereby established in the state treasury the state fair capital improvements fund. All expenditures of moneys in the state fair capital improvements fund shall be used for the payment of capital improvements and maintenance for the state fairgrounds and the payment of capital improvement obligations that have been financed. Capital improvement projects for the Kansas state fairgrounds are hereby approved for the purposes of K.S.A. 74-8905(b), and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute.

(b) Except as provided further, on each June 30, the state fair board shall certify to the director of accounts and reports an amount to be transferred from the state fair fee fund to the state fair capital improvements fund, which amount shall be not less than the amount equal to 5% of the total gross receipts during the current fiscal year from state fair activities and non-fair days activities. For the fiscal year ending June 30, ~~2023~~ 2024, notwithstanding the other provisions of this section, on March 1, ~~2023~~ 2024, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of \$300,000 or the amount equal to 5% of the total gross receipts during fiscal year ~~2023~~ 2024 from state fair activities and non-fair days activities through March 1, ~~2023~~ 2024, except that, subject to approval by the director of the budget prior to March 1, ~~2023~~ 2024, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, cash flow considerations for the state fair fee fund, and the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, ~~2023~~ 2024, the state fair board may certify an amount on March 1, ~~2023~~ 2024, to the director of accounts and reports to be transferred from the state fair fee fund to the state fair capital improvements fund that is equal to the amount required to be credited to the state fair

capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, ~~2023~~ 2024, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year ~~2023~~ 2024. Upon receipt of any such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification. For the fiscal year ending June 30, ~~2024~~ 2025, notwithstanding the other provisions of this section, on March 1, ~~2024~~ 2025, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state fair fee fund to the state fair capital improvements fund the amount equal to the greater of \$300,000 or the amount equal to 5% of the total gross receipts during fiscal year ~~2024~~ 2025 from state fair activities and non-fair days activities through March 1, ~~2024~~ 2025, except that, subject to approval by the director of the budget prior to March 1, ~~2024~~ 2025, after reviewing the amounts credited to the state fair fee fund and the state fair capital improvements fund, cash flow considerations for the state fair fee fund, and the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, ~~2024~~ 2025, the state fair board may certify an amount on March 1, ~~2024~~ 2025, to the director of accounts and reports to be transferred from the state fair fee fund to the state fair capital improvements fund that is equal to the amount required to be credited to the state fair capital improvements fund pursuant to this subsection to pay the bonded debt service payment due on April 1, ~~2024~~ 2025, and shall certify to the director of accounts and reports on the date specified by the director of the budget the amount equal to the balance of the aggregate amount that is required to be transferred from the state fair fee fund to the state fair capital improvements fund for fiscal year ~~2024~~ 2025. Upon receipt of any such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification.

Sec. 180. K.S.A. 2023 Supp. 12-1775a is hereby amended to read as follows: 12-1775a. (a) Prior to December 31, 1996, the governing body of each city that, pursuant to K.S.A. 12-1771, and amendments thereto, has established a redevelopment district prior to July 1, 1996, shall certify to the director of accounts and reports the amount equal to the amount of revenue realized from ad valorem taxes imposed pursuant to K.S.A. 72-5142, and amendments thereto, within such redevelopment district. Except as provided further, to February 1, 1997, and annually on that date thereafter, the governing body of each such city shall certify to the

director of accounts and reports an amount equal to the amount by which revenues realized from such ad valorem taxes imposed in such redevelopment district are estimated to be reduced for the ensuing calendar year due to legislative changes in the statewide school finance formula. Prior to March 1 of each year, the director of accounts and reports shall certify to the state treasurer each amount certified by the governing bodies of cities under this section for the ensuing calendar year and shall transfer from the state general fund to the city tax increment financing revenue replacement fund the aggregate of all amounts so certified. Prior to April 15 of each year, the state treasurer shall pay from the city tax increment financing revenue replacement fund to each city certifying an amount to the director of accounts and reports under this section for the ensuing calendar year the amount so certified. During fiscal years ~~2023, 2024 and, 2025 and 2026~~, no moneys shall be transferred from the state general fund to the city tax increment financing revenue replacement fund pursuant to this subsection.

(b) There is hereby created the tax increment financing revenue replacement fund, which shall be administered by the state treasurer. All expenditures from the tax increment financing revenue replacement fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the state treasurer or a person or persons designated by the state treasurer.

Sec. 181. K.S.A. 2023 Supp. 12-5256 is hereby amended to read as follows: 12-5256. (a) All expenditures from the state housing trust fund made for the purposes of K.S.A. 12-5253 through 12-5255, and amendments thereto, shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the president of the Kansas housing resources corporation.

(b) (1) ~~On July 1, 2022, July 1, 2023, and July 1, 2024, and July 1, 2025,~~ the director of accounts and reports shall transfer \$2,000,000 from the state economic development initiatives fund to the state housing trust fund established by K.S.A. 74-8959, and amendments thereto.

(2) Notwithstanding the provisions of K.S.A. 74-8959, and amendments thereto, to the contrary, during fiscal year ~~2023, fiscal year 2024 and, fiscal year 2025 and fiscal year 2026~~, moneys in the state housing trust fund shall be used solely for the purpose of loans or grants to cities or counties for infrastructure or housing development in rural areas. During such fiscal years, on or before ~~January 8, 2024, January 13, 2025, and January 12, 2026, and January 11, 2027~~, the president of the Kansas housing resources corporation shall submit a report concerning the activities of the state housing trust fund to the house of representatives committee on appropriations and the senate committee on ways and means.

Sec. 182. K.S.A. 2023 Supp. 65-180 is hereby amended to read as follows: 65-180. The secretary of health and environment shall:

(a) Institute and carry on an intensive educational program among physicians, hospitals, public health nurses and the public concerning congenital hypothyroidism, galactosemia, phenylketonuria and other genetic diseases detectable with the same specimen. This educational program shall include information about the nature of such conditions and examinations for the detection thereof in early infancy in order that measures may be taken to prevent intellectual disability or morbidity resulting from such conditions.

(b) Provide recognized screening tests for phenylketonuria, galactosemia, hypothyroidism and such other diseases as may be appropriately detected with the same specimen. The initial laboratory screening tests for these diseases shall be performed by the department of health and environment or its designee for all infants born in the state. Such services shall be performed without charge.

(c) Provide a follow-up program by providing test results and other information to identified physicians; locate infants with abnormal newborn screening test results; with parental consent, monitor infants to assure appropriate testing to either confirm or not confirm the disease suggested by the screening test results; with parental consent, monitor therapy and treatment for infants with confirmed diagnosis of congenital hypothyroidism, galactosemia, phenylketonuria or other genetic diseases being screened under this statute; and establish ongoing education and support activities for individuals with confirmed diagnosis of congenital hypothyroidism, galactosemia, phenylketonuria and other genetic diseases being screened under this statute and for the families of such individuals.

(d) Maintain a registry of cases including information of importance for the purpose of follow-up services to prevent intellectual disability or morbidity.

(e) Provide, within the limits of appropriations available therefor, the necessary treatment product for diagnosed cases for as long as medically indicated, when the product is not available through other state agencies. In addition to diagnosed cases under this section, diagnosed cases of maple syrup urine disease shall be included as a diagnosed case under this subsection. Where the applicable income of the person or persons who have legal responsibility for the diagnosed individual meets medicaid eligibility, such individuals' needs shall be covered under the medicaid state plan. Where the applicable income of the person or persons who have legal responsibility for the diagnosed individual is not medicaid eligible, but is below 300% of the federal poverty level established under the most recent poverty guidelines issued by the United States department of health and human services, the department of health and environment

shall provide reimbursement of between 50% to 100% of the product cost in accordance with rules and regulations adopted by the secretary of health and environment. Where the applicable income of the person or persons who have legal responsibility for the diagnosed individual exceeds 300% of the federal poverty level established under the most recent poverty guidelines issued by the United States department of health and human services, the department of health and environment shall provide reimbursement of an amount not to exceed 50% of the product cost in accordance with rules and regulations adopted by the secretary of health and environment.

(f) Provide state assistance to an applicant pursuant to subsection (e) only after it has been shown that the applicant has exhausted all benefits from private third-party payers, medicare, medicaid and other government assistance programs and after consideration of the applicant's income and assets. The secretary of health and environment shall adopt rules and regulations establishing standards for determining eligibility for state assistance under this section.

(g) (1) Except for treatment products provided under subsection (e), if the medically necessary food treatment product for diagnosed cases must be purchased, the purchaser shall be reimbursed by the department of health and environment for costs incurred up to \$1,500 per year per diagnosed child age 18 or younger at 100% of the product cost upon submission of a receipt of purchase identifying the company from which the product was purchased. For a purchaser to be eligible for reimbursement under this subsection, the applicable income of the person or persons who have legal responsibility for the diagnosed child shall not exceed 300% of the poverty level established under the most recent poverty guidelines issued by the federal department of health and human services.

(2) As an option to reimbursement authorized under subsection (g) (1), the department of health and environment may purchase food treatment products for distribution to diagnosed children in an amount not to exceed \$1,500 per year per diagnosed child age 18 or younger. For a diagnosed child to be eligible for the distribution of food treatment products under this subsection, the applicable income of the person or persons who have legal responsibility for the diagnosed child shall not exceed 300% of the poverty level established under the most recent poverty guidelines issued by the federal department of health and human services.

(3) In addition to diagnosed cases under this section, diagnosed cases of maple syrup urine disease shall be included as a diagnosed case under this subsection.

(h) The department of health and environment shall continue to receive orders for both necessary treatment products and necessary food treatment products, purchase such products, and shall deliver the prod-

ucts to an address prescribed by the diagnosed individual. The department of health and environment shall bill the person or persons who have legal responsibility for the diagnosed patient for a pro-rata share of the total costs, in accordance with the rules and regulations adopted pursuant to this section.

(i) The secretary of health and environment shall adopt rules and regulations as needed to require, to the extent of available funding, newborn screening tests to screen for treatable disorders listed in the core uniform panel of newborn screening conditions recommended in the 2005 report by the American college of medical genetics entitled “Newborn Screening: Toward a Uniform Screening Panel and System” or another report determined by the department of health and environment to provide more appropriate newborn screening guidelines to protect the health and welfare of newborns for treatable disorders.

(j) In performing the duties under subsection (i), the secretary of health and environment shall appoint an advisory council to advise the department of health and environment on implementation of subsection (i).

(k) The department of health and environment shall periodically review the newborn screening program to determine the efficacy and cost effectiveness of the program and determine whether adjustments to the program are necessary to protect the health and welfare of newborns and to maximize the number of newborn screenings that may be conducted with the funding available for the screening program.

(l) There is hereby established in the state treasury the Kansas newborn screening fund that shall be administered by the secretary of health and environment. All expenditures from the fund shall be for the newborn screening program. All expenditures from the fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of health and environment or the secretary’s designee. On July 1 of each year, the director of accounts and reports shall determine the amount credited to the medical assistance fee fund pursuant to K.S.A. 40-3213, and amendments thereto, and shall transfer the estimated portion of such amount that is necessary to fund the newborn screening program for the ensuing fiscal year as certified by the secretary of health and environment or the secretary’s designee to the Kansas newborn screening fund. Such amount shall not exceed \$5,000,000 in fiscal years ~~2023, 2024 and, 2025 and 2026.~~

Sec. 183. K.S.A. 2023 Supp. 74-50,107 is hereby amended to read as follows: 74-50,107. (a) Commencing on July 1, 2021, and on the first day of each month thereafter during ~~fiscal year 2023, fiscal year 2024 and, fiscal year 2025 and fiscal year 2026,~~ the secretary of revenue shall apply a rate of 2% to that portion of moneys withheld from the wages of indi-

viduals and collected under the Kansas withholding and declaration of estimated tax act, K.S.A. 79-3294 et seq., and amendments thereto. The amount so determined shall be credited on a monthly basis as follows: (1) An amount necessary to meet obligations of the debt services for the IMPACT program repayment fund; (2) an amount to the IMPACT program services fund as needed for program administration; and (3) any remaining amounts to the job creation program fund created pursuant to K.S.A. 74-50,224, and amendments thereto. ~~During fiscal year 2023, fiscal year 2024 and, fiscal year 2025 and fiscal year 2026,~~ the aggregate amount that is credited to the job creation program fund pursuant to this subsection shall not exceed \$20,000,000 for each such fiscal year.

(b) Commencing on July 1, ~~2025~~ 2026, and on an annual basis thereafter, the secretary of revenue shall estimate the amount equal to the amount of net savings realized from the elimination, modification or limitation of any credit, deduction or program pursuant to the provisions of this act as compared to the expense deduction provided for in K.S.A. 79-32,143a, and amendments thereto. Whereupon such amount of savings in accordance with appropriation acts shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount to the credit of the job creation program fund created pursuant to K.S.A. 74-50,224, and amendments thereto. In addition, such other amount or amounts of money may be transferred from the state general fund or any other fund or funds in the state treasury to the job creation program fund in accordance with appropriation acts.

Sec. 184. K.S.A. 2023 Supp. 74-8711 is hereby amended to read as follows: 74-8711. (a) There is hereby established in the state treasury the lottery operating fund.

(b) Except as provided by K.S.A. 74-8724 and the Kansas expanded lottery act, and amendments thereto, the executive director shall remit all moneys collected from the sale of lottery tickets and shares and any other moneys received by or on behalf of the Kansas lottery to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the lottery operating fund. Moneys credited to the fund shall be expended or transferred only as provided by this act. Expenditures from such fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director or by a person designated by the executive director.

(c) Moneys in the lottery operating fund shall be used for:

(1) The payment of expenses of the lottery, which shall include all costs incurred in the operation and administration of the Kansas lottery;

all costs resulting from contracts entered into for the purchase or lease of goods and services needed for operation of the lottery, including but not limited to supplies, materials, tickets, independent studies and surveys, data transmission, advertising, printing, promotion, incentives, public relations, communications and distribution of tickets and shares; and reimbursement of costs of facilities and services provided by other state agencies;

- (2) the payment of compensation to lottery retailers;
- (3) transfers of moneys to the lottery prize payment fund pursuant to K.S.A. 74-8712, and amendments thereto;
- (4) transfers to the state general fund pursuant to K.S.A. 74-8713, and amendments thereto;

(5) transfers to the community crisis stabilization centers fund and clubhouse model program fund of the Kansas department for aging and disability services pursuant to subsection (e);

(6) transfers to the state gaming revenues fund pursuant to subsection (d) and as otherwise provided by law;

(7) transfers to the white collar crime fund of the governor pursuant to subsection (f);

(8) transfers to the problem gambling and addictions grant fund of the department for aging and disability services pursuant to subsection (g);

(9) transfers to the attracting professional sports to Kansas fund of the department of commerce pursuant to subsection (h); and

(10) transfers to the county reappraisal fund as prescribed by law.

(d) The director of accounts and reports shall transfer moneys in the lottery operating fund to the state gaming revenues fund created by K.S.A. 79-4801, and amendments thereto, on or before the 15th day of each month in an amount certified monthly by the executive director and determined as follows, whichever is greater:

(1) An amount equal to the moneys in the lottery operating fund in excess of those needed for the purposes described in subsections (c)(1) through (c)(6); or

(2) except for pull-tab lottery tickets and shares, an amount equal to not less than 30% of total monthly revenues from the sales of lottery tickets and shares less estimated returned tickets. In the case of pull-tab lottery tickets and shares, an amount equal to not less than 20% of the total monthly revenues from the sales of pull-tab lottery tickets and shares less estimated returned tickets.

(e) (1) Subject to the limitations set forth in paragraph (2), commencing in fiscal year 2020, on or before the 10th day of each month, the director of the lottery shall certify to the director of accounts and reports all net profits from the sale of lottery tickets and shares via lottery ticket vending machines. Of such certified amount, the director of accounts and

reports shall transfer 75% from the lottery operating fund to the community crisis stabilization centers fund of the Kansas department for aging and disability services and 25% from the lottery operating fund to the clubhouse model program fund of the Kansas department for aging and disability services.

(2) Moneys transferred pursuant to paragraph (1) shall not exceed in the aggregate \$9,000,000 in fiscal years ~~2023 and~~ year 2024, *shall not exceed in the aggregate \$10,000,000 in fiscal year 2025*, and shall not exceed in the aggregate \$8,000,000 in fiscal year ~~2025~~ 2026 and each fiscal year thereafter.

(f) On July 1, 2023, and each July 1 thereafter, or as soon thereafter as moneys are available, the first \$750,000 credited to the lottery operating fund from sports wagering revenues deposited in the lottery operating fund shall be transferred by the director of accounts and reports from the lottery operating fund to the white collar crime fund established in K.S.A. 2023 Supp. 74-8792, and amendments thereto.

(g) On July 1, 2023, and each July 1 thereafter, or as soon thereafter as moneys are available, after the transfer required under subsection (f) has been made, 2% of the remaining moneys credited to the lottery operating fund from sports wagering revenues deposited in the lottery operating fund shall be transferred by the director of accounts and reports from the lottery operating fund to the problem gambling and addictions grant fund established in K.S.A. 79-4805, and amendments thereto.

(h) On July 1, 2023, and each July 1 thereafter, or as soon thereafter as moneys are available, after the transfer required under subsection (f) has been made, 80% of the remaining moneys credited to the lottery operating fund from sports wagering revenues deposited in the lottery operating fund shall be transferred by the director of accounts and reports from the lottery operating fund to the attracting professional sports to Kansas fund established in K.S.A. 2023 Supp. 74-8793, and amendments thereto.

Sec. 185. K.S.A. 2023 Supp. 74-99b34 is hereby amended to read as follows: 74-99b34. (a) The bioscience development and investment fund is hereby created. The bioscience development and investment fund shall not be a part of the state treasury and the funds in the bioscience development and investment fund shall belong exclusively to the authority.

(b) Distributions from the bioscience development and investment fund shall be for the exclusive benefit of the authority, under the control of the board and used to fulfill the purpose, powers and duties of the authority pursuant to the provisions of K.S.A. 74-99b01 et seq., and amendments thereto.

(c) The secretary of revenue and the authority shall establish the base year taxation for all bioscience companies and state universities. The secretary of revenue, the authority and the board of regents shall establish

the number of bioscience employees associated with state universities and report annually and determine the increase from the taxation base annually. The secretary of revenue and the authority may consider any verifiable evidence, including, but not limited to, the NAICS code assigned or recorded by the department of labor for companies with employees in Kansas, when determining which companies should be classified as bioscience companies.

(d) (1) Except as provided in subsection (h), for a period of 15 years from the effective date of this act, the state treasurer shall pay annually 95% of withholding above the base, as certified by the secretary of revenue, upon Kansas wages paid by bioscience employees to the bioscience development and investment fund. Such payments shall be reconciled annually. On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the bioscience development and investment fund interest earnings based on:

(A) The average daily balance of moneys in the bioscience development and investment fund for the preceding month; and

(B) the net earnings rate of the pooled money investment portfolio for the preceding month.

(2) There is hereby established in the state treasury the center of innovation for biomaterials in orthopaedic research – Wichita state university fund, which shall be administered by Wichita state university. All moneys credited to the fund shall be used for research and development. All expenditures from the center of innovation for biomaterials in orthopaedic research – Wichita state university fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the president of Wichita state university or by the person or persons designated by the president of Wichita state university.

(3) There is hereby established in the state treasury the national bio agro-defense facility fund, which shall be administered by Kansas state university in accordance with the strategic plan adopted by the governor's national bio agro-defense facility steering committee. All moneys credited to the fund shall be used in accordance with the governor's national bio agro-defense facility steering committee's plan with the approval of the president of Kansas state university. All expenditures from the national bio agro-defense facility fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the steering committee and the president of Kansas state university or by the person or persons designated by the president of Kansas state university.

(e) The cumulative amounts of funds paid by the state treasurer to the bioscience development and investment fund shall not exceed \$581,800,000.

(f) The division of post audit is hereby authorized to conduct a post audit in accordance with the provisions of the legislative post audit act, K.S.A. 46-1106 et seq., and amendments thereto.

(g) At the direction of the authority, the fund may be held in the custody of and invested by the state treasurer, provided that the bioscience development and investment fund shall at all times be accounted for in a separate report from all other funds of the authority and the state.

(h) During fiscal years ~~2023, 2024 and~~ 2025 and 2026, no moneys shall be transferred from the state general fund to the bioscience development and investment fund pursuant to subsection (d)(1).

Sec. 186. K.S.A. 2023 Supp. 75-6707 is hereby amended to read as follows: 75-6707. (a) For the fiscal years ending June 30, 2023, June 30, 2024, and June 30, 2025, the director of the budget, in consultation with the director of legislative research, shall certify, at the end of each such fiscal year, the amount of actual tax receipt revenues to the state general fund that is in excess of, or is less than, the amount of estimated tax receipt revenues to the state general fund pursuant to the most recent joint estimate of revenue under K.S.A. 75-6701, and amendments thereto, for such fiscal year, and shall transmit such certification to the director of accounts and reports.

(b) (1) Except as provided in paragraph (2), upon receipt of such certification, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer 50% of such certified excess amount from the state general fund for the fiscal years ending June 30, 2023, ~~June 30, 2024,~~ and June 30, 2025, to the budget stabilization fund established by K.S.A. 75-6706, and amendments thereto.

(2) During the fiscal years ending June 30, 2023, ~~June 30, 2024,~~ and June 30, 2025, if the balance of the budget stabilization fund is 20% or greater of the amount of actual tax receipt revenues to the state general fund at the end of each such fiscal year, no transfers from the state general fund to the budget stabilization fund shall be made pursuant to this subsection. *No transfer from the state general fund to the budget stabilization fund shall be made in fiscal year 2025 based on a certification for fiscal year 2024.*

(c) If the amount of actual tax receipt revenues to the state general fund is less than the amount of estimated tax receipt revenues to the state general fund, then no transfers shall be made pursuant to this section.

Sec. 187. K.S.A. 2023 Supp. 76-775 is hereby amended to read as follows: 76-775. (a) Subject to the other provisions of this act, on the first day of the first state fiscal year commencing after receiving a certification of receipt of a qualifying gift under K.S.A. 76-774, and amendments thereto, the director of accounts and reports shall transfer from the state general fund the amount determined by the director of accounts and reports to

be the earnings equivalent award for such qualifying gift for the period of time between the date of certification of the qualifying gift and the first day of the ensuing state fiscal year to either: (1) The endowed professorship account of the faculty of distinction matching fund of the eligible educational institution, in the case of a certification of a qualifying gift to an eligible educational institution that is a state educational institution; or (2) the faculty of distinction program fund of the state board of regents, in the case of a certification of a qualifying gift to an eligible institution that is not a state educational institution. Subject to the other provisions of this act, on each July 1 thereafter, the director of accounts and reports shall make such transfer from the state general fund of the earnings equivalent award for such qualifying gift for the period of the preceding state fiscal year. All transfers made in accordance with the provisions of this subsection shall be considered demand transfers from the state general fund, except that all such transfers during the fiscal years ending ~~June 30, 2023~~, June 30, 2024, June 30, 2025, and June 30, 2026, shall be considered to be revenue transfers from the state general fund.

(b) There is hereby established in the state treasury the faculty of distinction program fund, which shall be administered by the state board of regents. All moneys transferred under this section to the faculty of distinction program fund of the state board of regents shall be paid to eligible educational institutions that are not state educational institutions for earnings equivalent awards for qualifying gifts to such eligible educational institutions. The state board of regents shall pay from the faculty of distinction program fund the amount of each such transfer to the eligible educational institution for the earnings equivalent award for which such transfer was made under this section.

(c) The earnings equivalent award for an endowed professorship shall be determined by the director of accounts and reports and shall be the amount of interest earnings that the amount of the qualifying gift certified by the state board of regents would have earned at the average net earnings rate of the pooled money investment board portfolio for the period for which the determination is being made.

(d) The total amount of new qualifying gifts that may be certified to the director of accounts and reports under this act during any state fiscal year for all eligible educational institutions shall not exceed \$30,000,000. The total amount of new qualifying gifts that may be certified to the director of accounts and reports under this act during any state fiscal year for any individual eligible educational institution shall not exceed \$10,000,000. No additional qualifying gifts shall be certified by the state board of regents under this act when the total of all transfers from the state general fund for earnings equivalent awards for qualifying gifts pursuant to this section, and amendments thereto, for a fiscal year is equal to

or greater than ~~\$8,000,000~~ \$9,000,000 in fiscal year ~~2011~~ 2024 and in each fiscal year thereafter.

Sec. 188. K.S.A. 2023 Supp. 76-7,107 is hereby amended to read as follows: 76-7,107. (a) (1) On July 1, 2008, or as soon thereafter as sufficient moneys are available, \$7,000,000 shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 76-7,104, and amendments thereto.

(2) No moneys shall be transferred by the director of accounts and reports from the state general fund to the infrastructure maintenance fund established by K.S.A. 76-7,104, and amendments thereto, during the fiscal years ending ~~June 30, 2023~~, June 30, 2024, ~~and June 30, 2025~~, and June 30, 2026, pursuant to this section.

(b) All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

(c) All moneys credited to the infrastructure maintenance fund shall be expended or transferred only for the purpose of paying the cost of projects approved by the state board pursuant to the state educational institution long-term infrastructure maintenance program.

Sec. 189. K.S.A. 2023 Supp. 79-2959 is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts that in the aggregate equal 3.63% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that: (1) No moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal years ~~2023, 2024 and~~, 2025, 2026, 2027 and 2028; and (2) the amount of the transfer on each such date shall be \$27,000,000 during fiscal year ~~2026~~ 2029 and all fiscal years thereafter. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be revenue transfers from the state general fund.

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

such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by the director of property valuation.

Sec. 190. K.S.A. 2023 Supp. 79-2964 is hereby amended to read as follows: 79-2964. There is hereby created the county and city revenue sharing fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be allocated and distributed in the manner provided herein. The director of accounts and reports in each year on July 15 and December 10, shall make transfers in equal amounts that in the aggregate equal 2.823% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, during the preceding calendar year from the state general fund to the county and city revenue sharing fund, except that no moneys shall be transferred from the state general fund to the county and city revenue sharing fund during state fiscal years ~~2023, 2024 and, 2025 and~~ 2026. All such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

Sec. 191. K.S.A. 2023 Supp. 79-3425i is hereby amended to read as follows: 79-3425i. On January 15 and July 15 of each year, the director of accounts and reports shall transfer a sum equal to the total taxes collected under the provisions of K.S.A. 79-6a04 and 79-6a10, and amendments thereto, and annual commercial vehicle fees collected pursuant to K.S.A. 8-143m, and amendments thereto, and credited to the state general fund during the six months next preceding the date of transfer, from the state general fund to the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto, except that: (1) Such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto; (2) no moneys shall be transferred from the state general fund to the special city and county highway fund during ~~state fiscal year 2023, state fiscal year 2024 or, state fiscal year 2025 or state fiscal year 2026;~~ and (3) all transfers under this section shall be considered to be demand transfers from the state general fund.

Sec. 192. K.S.A. 2023 Supp. 79-34,171 is hereby amended to read as follows: 79-34,171. (a) On January 1, 2009, and quarterly thereafter, the director of accounts and reports shall transfer \$400,000 from the state general fund to the Kansas retail dealer incentive fund, except that no moneys shall be transferred pursuant to this section from the state general fund to the Kansas retail dealer incentive fund during the fiscal years ending ~~June 30, 2023, June 30, 2024, or June 30, 2025, or June 30, 2026.~~ On and after July 1, 2009, the unobligated balance in the Kansas retail dealer

incentive fund shall not exceed \$1.5 million. If the unobligated balance of the fund exceeds \$1.1 million at the time of a quarterly transfer, the transfer shall be limited to the amount necessary for the fund to reach a total of \$1.5 million.

(b) There is hereby created in the state treasury the Kansas retail dealer incentive fund. All moneys in the Kansas retail dealer incentive fund shall be expended by the secretary of the department of revenue for the payment of incentives to Kansas retail dealers who sell and dispense renewable fuels or biodiesel through a motor fuel pump in accordance with the provisions of K.S.A. 79-34,170 through 79-34,175, and amendments thereto.

(c) All moneys remaining in the Kansas retail dealer incentive fund upon the expiration of K.S.A. 79-34,170 through 79-34,175, and amendments thereto, shall be credited by the state treasurer to the state general fund.

Sec. 193. K.S.A. 2023 Supp. 82a-955 is hereby amended to read as follows: 82a-955. (a) On July 1, ~~2023~~ *2024 and July 1, 2025*, the director of accounts and reports shall transfer \$35,000,000 from the state general fund to the state water plan fund. It is the intent of the legislature to provide for the transfer of \$35,000,000 from the state general fund to the state water plan fund on ~~July 1, 2024, July 1, 2025,~~ July 1, 2026, and July 1, 2027.

(b) (1) The state water plan fund shall continue to be appropriated and expended for the purposes prescribed in K.S.A. 82a-951, and amendments thereto, except that if an appropriation is made for any fiscal year as intended in subsection (a), on July 1 of such fiscal year, or as soon thereafter on such dates as moneys are available:

(A) \$5,000,000 shall be transferred from the state water plan fund to the water technical assistance fund established in K.S.A. 2023 Supp. 82a-956, and amendments thereto; and

(B) \$12,000,000 shall be transferred from the state water plan fund to the water projects grant fund established in K.S.A. 2023 Supp. 82a-957, and amendments thereto.

(2) The provisions of this section shall expire on July 1, 2028. On July 1, 2028, the director of accounts and reports shall transfer all moneys in the water technical assistance fund and the water projects grant fund to the state water plan fund and all liabilities of the water technical assistance fund and the water projects grant fund shall be imposed upon the state water plan fund. On July 1, 2028, the water technical assistance fund and the water projects grant fund shall be abolished.

(c) (1) (A) Notwithstanding any restrictions in K.S.A. 82a-951, and amendments thereto, the Kansas water authority may recommend to the legislature the appropriation of up to 10% of the unencumbered balance of the state water plan fund to be used to supplement salaries of existing state agency full-time equivalent employees and for funding new full-time

equivalent positions created to implement the state water plan. Moneys from such appropriation may be used to supplement existing positions, but such moneys shall not be used to replace state general fund moneys, any fee fund moneys or other funding for positions existing on July 1, 2023.

(B) Eligible full-time equivalent positions that moneys may be used for pursuant to this paragraph include engineers, geologists, hydrologists, environmental scientists, attorneys, resource planners, grant specialists and any other similar positions.

(2) If at least two conservation districts present a joint proposal to the Kansas water authority for a position or positions to provide shared services to all districts involved in such proposal, the Kansas water authority may recommend that moneys be used to supplement the salary or salaries of such position or positions pursuant to paragraph (1).

(3) The Kansas water authority shall encourage funding requests from state and local entities that cooperate with qualified nonprofit entities on projects that provide a direct benefit to water quantity and quality, including water infrastructures that are both natural and constructed, and include matching funds from non-state sources.

(4) The Kansas water authority may direct the Kansas water office to provide funding pursuant to K.S.A. 2023 Supp. 82a-956 or 82a-957, and amendments thereto, for the improvement of water infrastructure in an unincorporated area related to or serving a national park site or state historic site if the request for funding is made by a nonprofit organization or state agency that is willing to administer the moneys and oversee the project, and the Kansas water authority deems such applicant capable of successfully managing the project. Upon receipt of such a request, the Kansas water office may award moneys in any fiscal year prior to July 1, 2028, with such awarding of moneys to be made at the discretion of the Kansas water office.

(5) The Kansas water authority shall encourage the creation of grant programs for stockwatering conservation projects. Such grant programs shall prioritize the use of fees collected pursuant to K.S.A. 82a-954(a)(3), and amendments thereto.

(d) All reporting requirements established in K.S.A. 82a-951, and amendments thereto, shall continue and such reporting requirements shall apply to the water technical assistance fund established in K.S.A. 2023 Supp. 82a-956, and amendments thereto, and the water projects grant fund established in K.S.A. 2023 Supp. 82a-957, and amendments thereto.

Sec. 194. K.S.A. 2023 Supp. 2-223, 12-1775a, 12-5256, 65-180, 74-50,107, 74-8711, 74-99b34, 75-6707, 76-775, 76-7,107, 79-2959, 79-2964, 79-3425i, 79-34,171 and 82a-955 are hereby repealed.

Sec. 195. If any fund or account name described by words and the numerical accounting code that follows such fund or account name do

not match, it shall be conclusively presumed that the legislature intended that the fund or account name described by words is the correct fund or account name, and such fund or account name described by words shall control over a contradictory or incorrect numerical accounting code.

Sec. 196. *Severability.* If any provision or clause of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provision or application, and to this end, the provisions of this act are declared to be severable.

Sec. 197. *Appeals to exceed expenditure limitations.* (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children's initiative fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any such funds.

Sec. 198. *Savings.* (a) Any unencumbered balance as of June 30, 2024, in any special revenue fund, or account thereof, of any state agency named in this act that is not otherwise specifically appropriated or limited for fiscal year 2025 by this or any other appropriation act of the 2024 regular session of the legislature is hereby appropriated for the fiscal year ending June 30, 2025, for the same use and purpose as the same was heretofore appropriated.

(b) This section shall not apply to the expanded lottery act revenues fund, the state economic development initiatives fund, the children's initiatives fund, the state water plan fund, the Kansas endowment for youth fund, the Kansas educational building fund, the state institutions building fund or the correctional institutions building fund, or to any account of any of such funds.

Sec. 199. During the fiscal year ending June 30, 2025, all moneys that are lawfully credited to and available in any bond special revenue fund and that are not otherwise specifically appropriated or limited by this or other appropriation act of the 2024 regular session of the legislature are hereby appropriated for the fiscal year ending June 30, 2025, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund. As used in this section, "bond special revenue fund" means any special revenue fund or account thereof established in the state treasury prior to or on or after the effective date of this act for the deposit of the proceeds of bonds issued by the Kansas development finance authority for the payment of debt service for bonds issued by the Kansas development finance authority or for any related purpose in accordance with applicable bond covenants.

Sec. 200. *Federal grants.* (a) During the fiscal year ending June 30, 2025, each federal grant or other federal receipt that is received by a state agency named in this act and that is not otherwise appropriated to that state agency for fiscal year 2025 by this or other appropriation act of the 2024 regular session of the legislature is hereby appropriated for fiscal year 2025 for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt that has not been previously appropriated or reappropriated or approved for expenditure by the governor until the governor has authorized the state agency to make expenditures therefrom.

(b) In addition to the other purposes for which expenditures may be made by any state agency that is named in this act and that is not otherwise authorized by law to apply for and receive federal grants, expenditures may be made by such state agency from moneys appropriated for fiscal year 2025 by this act or any other appropriation act of the 2024 regular session of the legislature to apply for and receive federal grants during fiscal year 2025, which federal grants are hereby authorized to be applied for and received by such state agencies: *Provided*, That no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt that has not been previously appropriated or reappropriated or approved for expenditure by the governor until the governor has authorized the state agency to make expenditures therefrom.

Sec. 201. (a) Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2024 regular session of the legislature and having an unencumbered balance as of June 30, 2024, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2025, for the same uses and purposes as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This subsection shall not apply to the unencumbered balance in any account of the correctional institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2023.

Sec. 202. (a) Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2024 regular session of the legislature and having an unencumbered balance as of June 30, 2024, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2025, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund that was encumbered for any fiscal year commencing prior to July 1, 2023.

Sec. 203. (a) Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2024 regular session of the legislature and having an unencumbered balance as of June 30, 2024, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2025, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This subsection shall not apply to the unencumbered balance in any account of the state institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2023.

Sec. 204. Any transfers of moneys during the fiscal year ending June 30, 2025, from any special revenue fund of any state agency named in this act to the audit services fund of the division of post audit under K.S.A. 46-1121, and amendments thereto, shall be in addition to any expenditure limitation imposed on any such fund for the fiscal year ending June 30, 2025.

Sec. 205. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved April 24, 2024.

Published in the *Kansas Register* May 9, 2024.

† Section 26(e) was line-item vetoed.

† Section 31(d) was line-item vetoed.

† A portion of section 32(b) was line-item vetoed.

† Section 35(d) was line-item vetoed.

† Section 35(e) was line-item vetoed.

† Section 36 was line-item vetoed.

† Section 37 was line-item vetoed.

† Section 38 was line-item vetoed.

† A portion of section 53(a) was line-item vetoed.

† A portion of section 68(a) was line-item vetoed.

† A portion of section 68(c) was line-item vetoed.

† Section 68(m) was line-item vetoed.

† Section 68(n) was line-item vetoed.

† Section 69(d) was line-item vetoed.

† A portion of section 83(a) was line-item vetoed.

† A portion of section 83(b) was line-item vetoed.

† Section 83(w) was line-item vetoed.

† Section 83(aa) was line-item vetoed.

† Section 83(bb) was line-item vetoed.

† Section 83(cc) was line-item vetoed.

† A portion of section 86(a) was line-item vetoed.

† A portion of section 86(b) was line-item vetoed.

† A portion of section 100(a) was line-item vetoed.

† A portion of section 106(a) was line-item vetoed.

† Section 116(h) was line-item vetoed.

† Section 124 was line-item vetoed.

(See Messages from the Governor)

CERTIFICATE

In accordance with K.S.A. 45-208, it is certified that **Senate Bill 28** approved by the Governor on April 24, 2024 was returned by her with line item objections. The following sections were considered by the Senate and the House of Representatives on April 29, 2024.

Notwithstanding the Governor's objection, the line item veto **Sections 29(b), 120(a) and 121(a)** was passed by two-thirds of the members elected to the Senate and two-thirds of the members elected to the House of Representatives, the line items did pass and shall become law.

Notwithstanding the Governor's objection, the line item veto **Section 35(a)** was passed by two-thirds of the members elected to the Senate and two-thirds of the members elected to the House of Representatives, the line items did pass and shall become law.

Notwithstanding the Governor's objection, the line item veto **Sections 83(dd) and 83(ee)** was passed by two-thirds of the members elected to the Senate and two-thirds of the members elected to the House of Representatives, the line items did pass and shall become law.

Notwithstanding the Governor's objection, the line item veto **Sections 112(a) and 116(a)** was passed by two-thirds of the members elected to the Senate and two-thirds of the members elected to the House of Representatives, the line items did pass and shall become law.

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

Daniel R. Hawkins

Speaker of the House of Representatives

Susan W. Kannarr

Chief Clerk of the House of Representatives

Ty Masterson

President of the Senate

Corey Carnahan

Secretary of the Senate
