STATE OF KANSAS

2025 SESSION LAWS OF KANSAS VOL. 1

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

PASSED DURING THE 2025 REGULAR SESSION OF THE LEGISLATURE OF THE STATE OF KANSAS

Date of Publication of this Volume
July 1, 2025

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 2025 regular session of the Legislature of the State of Kansas, begun on the 13th day of January, AD 2025, and concluded on the 11th day of April, AD 2025; 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 2025, except when otherwise provided.

Given under my hand and seal this 1st day of July, AD 2025.

SCOTT SCHWAB
Secretary of State

(SEAL)

EXPLANATORY NOTES

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

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

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

Approval and publication dates are included.

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 The bill index, subject index, and list of statutes repealed or amended will assist you in locating bills of interest.

NOTICE

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Jerry Moran, Manhattan	Republican	term expires Jan. 3, 2029

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2025 SESSION LAWS OF KANSAS

CHAPTER 1

SENATE BILL No. 63

AN ACT concerning children and minors; relating to healthcare of minors; enacting the help not harm act; prohibiting healthcare providers from treating a child whose gender identity is inconsistent with the child's sex; authorizing a civil cause of action against healthcare providers for providing such treatments; restricting use of state funds to promote gender transitioning; prohibiting professional liability insurance from covering damages for healthcare providers that provide gender transition treatment to children; requiring professional discipline against a healthcare provider who performs such treatments; adding violation of the act to the definition of unprofessional conduct for physicians; amending K.S.A. 65-2837 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 6, and amendments thereto, shall be known and may be cited as the help not harm act.

(b) As used in this act:

(1) "Child" means an individual less than 18 years of age.

(2) "Female" means an individual who is a member of the female sex.

(3) "Gender" means the psychological, behavioral, social and cultural aspects of being male or female.

(4) "Gender dysphoria" is the diagnosis of gender dysphoria in the fifth edition of the diagnostic and statistical manual of mental disorders.

(5) "Healthcare provider" means an individual who is licensed, certified or otherwise authorized by the laws of this state to administer healthcare services in the ordinary course of the practice of such individual's profession.

(6) "Male" means an individual who is a member of the male sex.

(7) "Perceived sex" is an individual's internal sense of such individual's sex.

(8) "Perceived gender" is an individual's internal sense of such individual's gender.

(9) "Sex" means the biological indication of male and female in the context of reproductive potential or capacity, including sex chromosomes, naturally occurring sex hormones, gonads and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen or subjective experience of gender.

(10) "Social transitioning" means acts other than medical or surgical interventions that are undertaken for the purpose of presenting as a member of the opposite sex, including the changing of an individual's preferred pronouns or manner of dress.

New Sec. 2. (a) A recipient of state funds shall not use such funds to provide or subsidize medication or surgery as provided in section 3, and amendments thereto, as a treatment for a child's perception of gender or sex that is inconsistent with such child's sex.

(b) An individual or entity that receives state funds to pay for or subsidize the treatment of children for psychological conditions, including gender dysphoria, shall not prescribe, dispense or administer medication or perform surgery as provided in section 3, and amendments thereto, or provide a referral to another healthcare provider for such medication or surgery for a child whose perceived gender or perceived sex is inconsistent with such child's sex.

(c) The Kansas program of medical assistance and its managed care organizations shall not reimburse or provide coverage for medication or surgery as provided in section 3, and amendments thereto, as a treatment for a child whose perceived gender or perceived sex is inconsistent with such child's sex.

(d) Except to the extent required by the first amendment to the United States constitution, a state property, facility or building shall not be used to promote or advocate the use of social transitioning, medication or surgery as provided in section 3, and amendments thereto, as a treatment for a child whose perceived gender or perceived sex is inconsistent with such child's sex.

(e) A state property, facility or building shall not be used to prescribe, dispense or administer medication or perform surgery as provided in section 3, and amendments thereto, as a treatment for a child whose perceived gender or perceived sex is inconsistent with such child's sex.

(f) A state employee whose official duties include the care of children shall not, while engaged in those official duties, promote the use of social transitioning or provide or promote medication or surgery as provided in section 3, and amendments thereto, as a treatment for a child whose perceived gender or perceived sex is inconsistent with such child's sex.

New Sec. 3. (a) Except as provided in subsection (c) or (d), a healthcare provider shall not knowingly perform the following surgical procedures or prescribe, dispense or administer the following medications to a female child for the purpose of treatment for distress arising from such female child's perception that such child's gender or sex is not female:

(1) Surgical procedures, including, but not limited to, a vaginectomy, hysterectomy, oophorectomy, ovariectomy, reconstruction of the urethra,

metoidioplasty, phalloplasty, scrotoplasty, implantation of erection or testicular protheses, subcutaneous mastectomy, voice surgery, liposuction, lipofilling or pectoral implants;

(2) supraphysiologic doses of testosterone or other androgens; or

(3) puberty blockers such as GnRH agonists or other synthetic drugs that suppress the production of estrogen and progesterone to delay or suppress pubertal development in female children.

(b) Except as provided in subsection (c) or (d), a healthcare provider shall not knowingly perform the following surgical procedures or prescribe, dispense or administer the following medications to a male child for the purpose of treatment for distress arising from such male child's perception that such child's gender or sex is not male:

(1) Surgical procedures, including, but not limited to, a penectomy, orchiectomy, vaginoplasty, clitoroplasty, vulvoplasty, augmentation mammoplasty, facial feminization surgery, liposuction, lipofilling, voice surgery, thyroid cartilage reduction or gluteal augmentation;

(2) supraphysiologic doses of estrogen; or

(3) puberty blockers such as GnRH agonists or other synthetic drugs that suppress the production of testosterone or delay or suppress pubertal development in male children.

(c) The treatments prohibited by subsections (a) and (b) shall not apply to treatment provided for other purposes, including:

(1) Treatment for individuals born with a medically verifiable disorder of sex development, including:

(A) An individual born with external biological sex characteristics that are irresolvably ambiguous, including an individual born with 46 XX chromosomes with virilization, 46 XY chromosomes with under virilization or having both ovarian and testicular tissue; or

(B) an individual whom a physician has otherwise diagnosed with a disorder of sexual development that the physician has determined through genetic or biochemical testing that such individual does not have normal sex chromosome structure, sex steroid hormone production or sex steroid hormone action for a male or female; and

(2) treatment of any infection, injury, disease or disorder that has been caused or exacerbated by the performance of a procedure listed in subsections (a) or (b).

(d) If a healthcare provider has initiated a course of treatment for a child that includes prescribing, administering or dispensing of a drug prohibited by subsection (a)(2), (a)(3), (b)(2) or (b)(3) prior to the effective date of this act, the healthcare provider may continue such course of treatment if the healthcare provider:

(1) Develops a plan to systematically reduce the child's use of such drug;

(2) determines and documents in the child's medical record that immediately terminating the child's use of such drug would cause harm to the child; and

(3) such course of treatment shall not extend beyond December 31, 2025.

New Sec. 4. (a) If a healthcare provider violates the provisions of section 3, and amendments thereto:

(1) The healthcare provider has engaged in unprofessional conduct and, notwithstanding any provision of law to the contrary, the license of such healthcare provider shall be revoked by the appropriate licensing entity or disciplinary review board with competent jurisdiction in this state.

(b) A healthcare provider who provides treatment to a child in violation of section 3(a) or (b), and amendments thereto, shall be held strictly liable to such child if the treatment or effects of such treatment results in any physical, psychological, emotional or physiological harms to such child in the next 10 years from the date that the individual turns 18 years of age. A prevailing plaintiff may recover actual and punitive damages, injunctive relief, the cost of the suit and reasonable attorney fees.

(c) The parents of a child who has experienced violation of section 3(a) or (b), and amendments thereto, shall have a private cause of action against a healthcare provider for actual and punitive damages, injunctive relief, the cost of the suit and reasonable attorney fees.

(d) (1) An individual who was provided treatment as a child in violation of section 3(a) or (b), and amendments thereto, shall have a private cause of action against the healthcare provider who provided such treatment for actual damages, punitive damages, injunctive relief, the cost of the suit and reasonable attorney fees.

(2) An action against a healthcare provider pursuant to this subsection shall be filed within 10 years from the date that the individual turns 18 years of age.

New Sec. 5. A professional liability insurance policy issued to a healthcare provider shall not include coverage for damages assessed against the healthcare provider who provides treatment to a child in violation of section 3(a) or (b), and amendments thereto.

New Sec. 6. 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. 7. K.S.A. 65-2837 is hereby amended to read as follows: 65-2837. As used in K.S.A. 65-2836, and amendments thereto, and in this section:

(a) "Professional incompetency" means:

(1) One or more instances involving failure to adhere to the applicable standard of care to a degree that constitutes gross negligence, as determined by the board.

(2) Repeated instances involving failure to adhere to the applicable standard of care to a degree that constitutes ordinary negligence, as determined by the board.

(3) A pattern of practice or other behavior that demonstrates a manifest incapacity or incompetence to practice the healing arts.

(b) "Unprofessional conduct" means:

(1) Solicitation of professional patronage through the use of fraudulent or false advertisements, or profiting by the acts of those representing themselves to be agents of the licensee.

(2) Representing to a patient that a manifestly incurable disease, condition or injury can be permanently cured.

(3) Assisting in the care or treatment of a patient without the consent of the patient, the attending physician or the patient's legal representatives.

(4) The use of any letters, words or terms as an affix, on stationery, in advertisements or otherwise indicating that such person is entitled to practice a branch of the healing arts for which such person is not licensed.

(5) Performing, procuring or aiding and abetting in the performance or procurement of a criminal abortion.

(6) Willful betrayal of confidential information.

(7) Advertising professional superiority or the performance of professional services in a superior manner.

(8) Advertising to guarantee any professional service or to perform any operation painlessly.

(9) Participating in any action as a staff member of a medical care facility that is designed to exclude or that results in the exclusion of any person licensed to practice medicine and surgery from the medical staff of a nonprofit medical care facility licensed in this state because of the branch of the healing arts practiced by such person or without just cause.

(10) Failure to effectuate the declaration of a qualified patient as provided in K.S.A. 65-28,107(a), and amendments thereto.

(11) Prescribing, ordering, dispensing, administering, selling, supplying or giving any amphetamines or sympathomimetic amines, except as authorized by K.S.A. 65-2837a, and amendments thereto.

(12) Conduct likely to deceive, defraud or harm the public.

(13) Making a false or misleading statement regarding the licensee's skill or the efficacy or value of the drug, treatment or remedy prescribed by the licensee or at the licensee's direction in the treatment of any disease or other condition of the body or mind.

(14) Aiding or abetting the practice of the healing arts by an unlicensed, incompetent or impaired person.

(15) Allowing another person or organization to use the licensee's license to practice the healing arts.

(16) Commission of any act of sexual abuse, misconduct or other improper sexual contact that exploits the licensee-patient relationship with a patient or a person responsible for ~~health care~~ *healthcare* decisions concerning such patient.

(17) The use of any false, fraudulent or deceptive statement in any document connected with the practice of the healing arts including the intentional falsifying or fraudulent altering of a patient or medical care facility record.

(18) Obtaining any fee by fraud, deceit or misrepresentation.

(19) Directly or indirectly giving or receiving any fee, commission, rebate or other compensation for professional services not actually and personally rendered, other than through the legal functioning of lawful professional partnerships, corporations, limited liability companies or associations.

(20) Failure to transfer patient records to another licensee when requested to do so by the subject patient or by such patient's legally designated representative.

(21) Performing unnecessary tests, examinations or services that have no legitimate medical purpose.

(22) Charging an excessive fee for services rendered.

(23) Prescribing, dispensing, administering or distributing a prescription drug or substance, including a controlled substance, in an improper or inappropriate manner, or for other than a valid medical purpose, or not in the course of the licensee's professional practice.

(24) Repeated failure to practice healing arts with that level of care, skill and treatment that is recognized by a reasonably prudent similar practitioner as being acceptable under similar conditions and circumstances.

(25) Failure to keep written medical records that accurately describe the services rendered to the patient, including patient histories, pertinent findings, examination results and test results.

(26) Delegating professional responsibilities to a person when the licensee knows or has reason to know that such person is not qualified by training, experience or licensure to perform them.

(27) Using experimental forms of therapy without proper informed patient consent, without conforming to generally accepted criteria or standard protocols, without keeping detailed legible records or without having periodic analysis of the study and results reviewed by a committee or peers.

(28) Prescribing, dispensing, administering or distributing an anabolic steroid or human growth hormone for other than a valid medical purpose. Bodybuilding, muscle enhancement or increasing muscle bulk

or strength through the use of an anabolic steroid or human growth hormone by a person who is in good health is not a valid medical purpose.

(29) Referring a patient to a ~~health care~~ *healthcare* entity for services if the licensee has a significant investment interest in the ~~health care~~ *healthcare* entity, unless the licensee informs the patient in writing of such significant investment interest and that the patient may obtain such services elsewhere.

(30) Failing to properly supervise, direct or delegate acts that constitute the healing arts to persons who perform professional services pursuant to such licensee's direction, supervision, order, referral, delegation or practice protocols.

(31) Violating K.S.A. 65-6703, and amendments thereto.

(32) *Violating the help not harm act, sections 1 through 6, and amendments thereto.*

(33) Charging, billing or otherwise soliciting payment from any patient, patient's representative or insurer for anatomic pathology services, if such services are not personally rendered by the licensee or under such licensee's direct supervision. As used in this subsection, "anatomic pathology services" means the gross or microscopic examination of histologic processing of human organ tissue or the examination of human cells from fluids, aspirates, washings, brushings or smears, including blood banking services, and subcellular or molecular pathology services, performed by or under the supervision of a person licensed to practice medicine and surgery or a clinical laboratory. Nothing in this subsection shall be construed to prohibit billing for anatomic pathology services by:

(A) A hospital;

(B) a clinical laboratory when samples are transferred between clinical laboratories for the provision of anatomic pathology services; or

(C) a physician providing services to a patient pursuant to a medical retainer agreement in compliance with K.S.A. 65-4978, and amendments thereto, when the bill to the patient for such services:

(i) Identifies the laboratory or physician that performed the services;

(ii) discloses in writing to the patient the actual amount charged by the physician or laboratory that performed the service; and

(iii) is consistent with rules and regulations adopted by the board for appropriate billing standards applicable to such services when furnished under these agreements.

~~(33)~~*(34)* Engaging in conduct that violates patient trust and exploits the licensee-patient relationship for personal gain.

~~(34)~~*(35)* Obstructing a board investigation including, but not limited to, engaging in one or more of the following acts:

(A) Falsifying or concealing a material fact;

(B) knowingly making or causing to be made any false or misleading statement or writing; or

(C) other acts or conduct likely to deceive or defraud the board.

(c) "False advertisement" means any advertisement that is false, misleading or deceptive in a material respect. In determining whether any advertisement is misleading, there shall be taken into account not only representations made or suggested by statement, word, design, device, sound or any combination thereof, but also the extent to which the advertisement fails to reveal facts material in the light of such representations made.

(d) "Advertisement" means all representations disseminated in any manner or by any means for the purpose of inducing, or that are likely to induce, directly or indirectly, the purchase of professional services.

(e) "Licensee" for purposes of this section and K.S.A. 65-2836, and amendments thereto, means all persons issued a license, permit or special permit pursuant to article 28 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(f) "License" for purposes of this section and K.S.A. 65-2836, and amendments thereto, means any license, permit or special permit granted under article 28 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto.

(g) "~~Health care~~*Healthcare* entity" means any corporation, firm, partnership or other business entity that provides services for diagnosis or treatment of human health conditions and that is owned separately from a referring licensee's principle practice.

(h) "Significant investment interest" means ownership of at least 10% of the value of the firm, partnership or other business entity that owns or leases the ~~health care~~ *healthcare* entity, or ownership of at least 10% of the shares of stock of the corporation that owns or leases the ~~health care~~ *healthcare* entity.

Sec. 8. K.S.A. 65-2837 is hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

Governor's veto overridden.

(See Messages from the Governor)

Published in the *Kansas Register* February 20, 2025.

CERTIFICATE

In accordance with K.S.A. 45-304, it is certified that, **Senate Bill 63**, was not approved by the Governor on February 11, 2025; was returned with her objections and approved on February 18, 2025 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 February 18, 2025, 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 18th day of February, 2025 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 2

HOUSE BILL No. 2261

AN ACT concerning the Kansas highway patrol; relating to the employment classifications of Kansas highway patrol officers; providing that Kansas highway patrol majors are to be within the unclassified service and superintendents, assistant superintendents and majors shall be returned with permanent status to the rank that such officer held when the officer was appointed to such respective position; amending K.S.A. 2024 Supp. 74-2113 and repealing the existing section.

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

Section 1. K.S.A. 2024 Supp. 74-2113 is hereby amended to read as follows: 74-2113. (a) (1) There is hereby created a Kansas highway patrol. The patrol shall consist of:

(A) A superintendent, who shall have the rank of colonel and who shall have special training and qualifications for the position;

(B) an assistant superintendent, who shall have the rank of lieutenant colonel; and

(C) officers and troopers who are appointed in accordance with appropriation acts and as provided in this section.

(2) The superintendent ~~and~~, assistant superintendent *and majors* shall be within the unclassified service under the Kansas civil service act. The assistant superintendent shall be appointed by the superintendent from among the members of the patrol, and shall serve at the pleasure of the superintendent. If a person appointed as superintendent, assistant superintendent or major is a member of the patrol when appointed, the person in each case, upon termination of the term as superintendent, assistant superintendent or major, respectively, shall be returned to a rank *with permanent status* not lower than the rank the person held when appointed as superintendent, assistant superintendent or major. If the rank is filled at that time, a temporary additional position shall be created in the rank until a vacancy occurs in such rank. All other officers, troopers and employees shall be within the classified service under the Kansas civil service act.

(b) The superintendent of the patrol shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and shall receive an annual salary fixed by the governor. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as superintendent shall exercise any power, duty or function as superintendent until confirmed by the senate. The assistant superintendent shall receive an annual salary fixed by the superintendent and approved by the governor.

(c) All other members of the patrol shall be appointed by the superintendent in accordance with appropriation acts and with the Kansas civil

service act. No person shall be appointed as an officer of the patrol, other than superintendent, unless the person has had at least five years of service in the patrol as an officer or trooper. No person shall be appointed as a trooper unless the person meets the following requirements:

(1) Is a citizen of the United States;

(2) is at least 21 years of age at the time of appointment;

(3) has not been convicted by any state or the federal government of a crime which is a felony or its equivalent under the uniform code of military justice;

(4) has been fingerprinted pursuant to K.S.A. 2024 Supp. 22-4713, and amendments thereto, and a search of local, state and national fingerprint files has been made to determine whether the applicant has a criminal record;

(5) is the holder of a high school diploma or furnishes evidence of successful completion of an examination indicating an equivalent achievement; and

(6) is free of any physical or mental condition which might adversely affect the applicant's performance of duties as a trooper and whose physical health has been certified by an examining physician appointed by the superintendent.

(d) No member of the patrol shall:

(1) Hold any other elective or appointive commission or office, except:

(A) In the Kansas national guard or in the organized reserve of the United States army, air force or navy~~.~~;

(B) in the governing body of a municipality:

(i) If the position to be held is appointed; or

(ii) if the position to be held is elected on a nonpartisan basis.

(C) On any appointed board, commission or task force which the superintendent of the highway patrol deems necessary as part of the member's or officer's duties.

(2) Accept any employment or compensation from any licensee of the director of alcoholic beverage control of the department of revenue or from any licensee of the Kansas racing commission or from any officer, director, member or employee of any such licensee.

(3) Accept any employment or compensation for services which require the use of any state-owned equipment provided by the Kansas highway patrol or the wearing of the patrol uniform.

(4) Accept any reward or gift pertaining to the performance of the member's or officer's duties except with the written permission of the superintendent.

(e) For the purposes of this section, the terms "governing body" and "municipality" shall have the meanings ascribed to such terms in K.S.A. 12-105a, and amendments thereto.

Sec. 2. K.S.A. 2024 Supp. 74-2113 is hereby repealed.

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

Approved March 21, 2025.

CHAPTER 3

SENATE BILL No. 7

AN ACT concerning townships; relating to the bonding authority thereof; increasing the statutory limits on such bonding authority based on the population of the township; increasing the statutory limit on bonding authority for improvements to a township fire department; amending K.S.A. 80-113 and 80-1910 and repealing the existing sections.

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

Section 1. K.S.A. 80-113 is hereby amended to read as follows: 80-113. ~~The township board of~~*(a) For the purpose of obtaining funds for the reconstruction, repair and equipment of township buildings, a township board may issue general obligation bonds as follows:*

(1) For any township *with a population of not more than 5,000, the township board* is ~~hereby~~ authorized ~~and empowered~~ to issue ~~its~~ general obligation bonds in an amount not to exceed ~~one percent~~ *1%* of the assessed tangible valuation of such township ~~for the purpose of obtaining funds for the reconstruction, repair and equipment of township buildings: *Provided, however*, Such~~*;*

(2) for any township with a population of more than 5,000 but not more than 10,000, the township board is authorized to issue general obligation bonds in an amount not to exceed 5% of the assessed tangible valuation of such township; and

(3) for any township with a population of more than 10,000, the township board is authorized to issue general obligation bonds in an amount not to exceed 10% of the assessed tangible valuation of such township.

(c) No township shall ~~not~~ issue *any* such bonds until and after an election therefor has been ~~had, which election shall be~~ held in accordance with the provisions of K.S.A. 80-104 and 80-105*, and amendments thereto*.

Sec. 2. K.S.A. 80-1910 is hereby amended to read as follows: 80-1910. *(a)* The amount of ~~such~~ bonds issued *pursuant to K.S.A. 80-1909, and amendments thereto,* and outstanding at any time shall not exceed ~~one-half of one percent~~ *5%* of the assessed *tangible* valuation of all property in such township. Such bonds shall be issued serially to mature in approximately equal amounts over a period of not to exceed ~~fifteen (15)~~ *20* years from the date of issue and shall be a lien upon all taxable property in such township.

(b) Such bonds shall be issued and sold pursuant to the provisions and conditions of the general bond law except as herein otherwise specifically provided. The governing body of ~~any such~~ *a* township issuing bonds under the provisions of ~~this act~~ *K.S.A. 80-1909, and amendments thereto*, shall have authority to levy such taxes as may be necessary to pay ~~such bonds~~ *the principal* and interest *on such bonds*.

(c) The bonded debt limitations set forth in this section shall be separate from and in addition to any other such limitations on bonded indebtedness imposed by law.

Sec. 3. K.S.A. 80-113 and 80-1910 are hereby repealed.

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

Approved March 21, 2025.

CHAPTER 4

SENATE BILL No. 2
(Amended by Chapter 82)

AN ACT concerning elections; relating to question submitted elections on the issuance of bonds by a school district; validating the election results for the bond issuance question submitted by the board of education of USD 200, Greeley county; relating to publication requirements; providing for publication on the website of the county election office if such office has a website; amending K.S.A. 2024 Supp. 10-120 and repealing the existing section.

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

New Section 1. The result of the election held on May 21, 2024, on the question submitted by the board of education of unified school district no. 200, Greeley county, for the purpose of authorizing the issuance of general obligation bonds in an amount not to exceed $4,600,000 to pay the costs to: (a) Construct, furnish, equip and acquire improvements, additions and renovations to the school district's elementary and junior/senior high school facility, including safety and security improvements, playground improvements, locker room additions and renovations, a gymnasium addition and improvements to comply with the Americans with disabilities act; (b) construct, furnish, equip and acquire other necessary renovations and improvements to school district facilities; (c) make all other necessary improvements appurtenant thereto; and (d) pay the costs of issuance and interest on the bonds during construction of the project is hereby declared valid, and the board of education may issue such general obligation bonds as otherwise provided by law in an amount not to exceed $4,600,000 for the purposes specified herein.

Sec. 2. K.S.A. 2024 Supp. 10-120 is hereby amended to read as follows: 10-120. (a) Whenever an election is required for the issuance of bonds for any purpose by any municipality other than an irrigation district or where a different procedure for giving notice of the election is specifically provided by law, upon compliance with the legal requirements necessary and precedent to the call for the election, the proper municipal officers shall call an election. The election shall be held within 60 days after compliance with the necessary requirements, or within 90 days, should the longer period include the date of a general election.

(b) Notice of the election shall be published in a newspaper of general circulation in the municipality once each week for two consecutive weeks *and on the website of the county election office of any county where the election is to be conducted if such county election office has a website*. The first publication shall be not less than 21 days prior to the election. ~~Notice of the election shall also be published on the website of the county election office of any county where the election is to be conducted. Such notice shall be published not less than 21 days prior to the election and~~

If published on the website of the county election office, such publication shall remain on the website until the day after the election. The notice shall set forth the time and place of holding the election and the purpose for which the bonds are to be issued and shall be signed by the county election officer. The election shall be held at the usual place of holding elections and shall be conducted by the officers or persons provided by law for holding elections in the municipality.

Sec. 3. K.S.A. 2024 Supp. 10-120 is hereby repealed.

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

Approved March 21, 2025.

Published in the *Kansas Register* March 27, 2025.

CHAPTER 5

SENATE BILL No. 88

AN ACT concerning the state long-term care ombudsman; requiring the state long-term care ombudsman and any regional ombudsman to receive training in memory care; amending K.S.A. 75-7306 and repealing the existing section.

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

Section 1. K.S.A. 75-7306 is hereby amended to read as follows: 75-7306. The state long-term care ombudsman shall be an advocate of residents in facilities throughout the state. The state long-term care ombudsman shall:

(a) Investigate and resolve complaints made by or on behalf of the residents:

(1) Relating to action, inaction or decisions of providers, or representatives of providers, of long-term care, public agencies or health and social services agencies, except that complaints of abuse, neglect or exploitation of a resident may be referred to the secretary for aging and disability services in accordance with *the* provisions of K.S.A. 39-1401 et seq., and amendments thereto, with the resident or resident's representative's consent or as permitted by federal law; or

(2) regarding the welfare and rights of residents with respect to the appointment or activities of resident representatives;

(b) develop continuing programs to inform residents, their family members or other persons responsible for residents regarding the rights and responsibilities of residents and such other persons;

(c) provide the legislature and the governor with an annual report containing data, findings and outcomes regarding the types of problems experienced and complaints received by or on behalf of residents and containing policy, regulatory and legislative recommendations to solve such problems, resolve such complaints and improve the quality of care and life in facilities and ~~shall~~ present such report and other appropriate information and recommendations to the senate committee on public health and welfare, the senate committee on ways and means, the house of representatives committee on health and human services and the house of representatives committee on appropriations during each regular session of the legislature;

(d) analyze and monitor the development and implementation of federal, state and local government laws, rules and regulations, resolutions, ordinances and policies with respect to long-term care facilities and services provided in this state, and recommend any changes in such laws, regulations, resolutions, ordinances and policies deemed by the office to be appropriate;

(e) provide information to public and private agencies, the media, legislators and others, as deemed necessary by the office, regarding the problems and concerns of residents in facilities, including recommendations related thereto. The state long-term care ombudsman may give the information or recommendations to any directly affected public and private agency or legislator or their representatives before providing such information or recommendations to news media representatives;

(f) prescribe and provide for the training of each regional long-term care ombudsman, ~~and~~ any individual designated as an ombudsman under subsection (h) ~~of this section,~~ and any individual who is an ombudsman volunteer in:

(1) Federal, state and local laws, rules and regulations, resolutions, ordinances and policies with respect to facilities located in Kansas;

(2) investigative techniques;

(3) the needs and rights of long-term care residents who have Alzheimer's disease and other dementia and strategies to care for and address the specific issues encountered by such residents. Topics shall include, but not be limited to:

(A) Understanding the warning signs and symptoms of Alzheimer's and other dementia;

(B) knowledge of person-centered dementia care;

(C) effectively communicating with individuals living with Alzheimer's and other dementia;

(D) recognizing behavioral symptoms, including alternatives to physical and chemical restraints for residents;

(E) addressing specific threats to residents' safety, such as wandering;

(F) referring residents' care partners and families to accurate and up-to-date sources of information, support and resources regarding Alzheimer's and other dementia; and

(G) protocols for connecting individuals living with Alzheimer's and other dementia to local care resources and professionals who are skilled in dementia care to encourage cross-referral and reporting regarding incidents of abuse; and

~~(3)~~ *(4)* such other matters as the state long-term care ombudsman deems appropriate;

(g) coordinate ombudsman services provided by the office with the protection and advocacy systems for individuals with developmental disabilities and mental illness established under part A of the federal developmental disabilities assistance and bill of rights act, 42 U.S.C.A. § 6001 et seq., and under the federal protection and advocacy for mentally ill individuals act of 1986, public law 99-316;

(h) authorize an individual~~,~~ who is an employee of the office and who has satisfactorily completed the training prescribed by the state long-term

care ombudsman under subsection (f), to be an ombudsman or a volunteer ombudsman and to be a representative of the office and such an authorized individual shall be deemed to be a representative of the office for the purposes of and subject to the provisions of the long-term care ombudsman act;

(i) establish and maintain a system to recruit and train individuals to become volunteer ombudsmen;

(j) develop and implement procedures for authorizing and for withdrawing the authorization of individuals to be ombudsmen or volunteer ombudsmen to represent the office in providing ombudsmen services;

(k) provide services to residents of facilities throughout the state, directly or through service providers, to meet needs for ombudsmen services;

(l) collaborate with the Kansas department for aging and disability services to review and maintain the statewide system that collects and analyzes information on complaints and conditions in facilities; and

(m) perform such other duties and functions as may be provided by law.

Sec. 2. K.S.A. 75-7306 is hereby repealed.

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

Approved March 21, 2025.

CHAPTER 6

SENATE BILL No. 175

AN ACT concerning health and healthcare; relating to healthcare professions; updating the definition of athletic trainer; providing for an exception for those licensed in another state, District of Columbia, territory or foreign country to practice in Kansas; amending K.S.A. 65-6902, 65-6906 and 65-6907 and repealing the existing sections.

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

Section 1. K.S.A. 65-6902 is hereby amended to read as follows: 65-6902. As used in this act:

(a) "Board" means the state board of healing arts.

(b) "Athletic training" means the practice of injury prevention, physical evaluation, emergency care and referral or physical reconditioning relating to athletic activity, *including, but not limited to, sports participation, exercise, fitness training, strength and conditioning work, recreational physical activities and competitive athletics. "Athletic training" encompasses wellness promotion, risk management, immediate or emergency care, examination, assessment and therapeutic intervention or rehabilitation of athletic injury and illness. Athletic training also means making clinical decisions to determine if consultation or referrals are necessary, healthcare administration, professional responsibility, performance of athletic training research and educating and consulting with the public regarding safe participation in athletic activities and proper training methods*.

(c) "Athletic trainer" means a person licensed under this act.

Sec. 2. K.S.A. 65-6906 is hereby amended to read as follows: 65-6906. (a) Applications for licensure as an athletic trainer shall be made ~~in writing~~ to the board ~~on a form and in the manner prescribed by the board~~. Each application shall be accompanied by the required fee, which shall not be refundable. Each application shall contain such information necessary to enable the board to judge the qualifications of the applicant for licensure.

(b) The applicant is entitled to licensure as an athletic trainer if the applicant possesses the qualifications set forth under K.S.A. 65-6907, and amendments thereto, pays the licensure fee established by the board and has not committed an act ~~which~~ *that* constitutes ground for denial of licensure.

(c) The board may issue a license as an athletic trainer without examination to an applicant:

(1) Who presents evidence satisfactory to the board of being licensed, registered or certified in another state, District of Columbia, territory or foreign country and of having passed an examination in athletic training before a similarly lawfully authorized examining board in athletic training

of another state, District of Columbia, territory or foreign country if the standards for the examination and for licensure, registration or certification in athletic training in such other state, District of Columbia, territory or foreign country are determined by the board to be at least equivalent to those of this state; or

(2) who presents evidence satisfactory to the board of having been engaged in the practice of athletic training in another state, District of Columbia, territory or foreign country and passed an examination in athletic training by the national athletic trainers' association board of certification, inc. or other recognized national voluntary credentialing body, which examination the board finds is at least equivalent to the examination approved by the board under K.S.A. 65-6907, and amendments thereto, and who is certified by the national athletic trainers' association board of certification, inc. or other recognized national voluntary credentialing body, which certification the board finds was issued based on standards at least equivalent to the standards for licensure as an athletic trainer in this state; and

(3) who, at the time of making such application has not been subject to discipline or does not have a disciplinary action pending resulting from the practice of athletic training in another state, District of Columbia, territory or foreign country; and

(4) who, at the time of making such application, pays to the board a fee as prescribed, no part of which shall be returned.

(d) As a condition of performing the functions and duties of an athletic trainer in this state, each licensed athletic trainer shall file a practice protocol with the board. The practice protocol shall be signed by each person licensed by the board to practice the healing arts who will delegate to the athletic trainer acts which constitute athletic training and shall contain such information as required by rules and regulations adopted by the board.

(e) The board may issue a temporary permit to an applicant for licensure as an athletic trainer who meets the requirements for licensure as an athletic trainer as required by K.S.A. 65-6907, and amendments thereto, or who meets all the requirements for licensure except examination and who pays to the board the temporary permit fee as required under K.S.A. 65-6910, and amendments thereto. Such temporary permit shall expire six months from the date of issue or on the date that the board approves or denies the application for licensure, whichever occurs first. No more than one such temporary permit shall be granted to any one person.

(f) An individual who accompanies an athletic team or organization from another state or jurisdiction and provides the services of an athletic trainer in Kansas is exempt from the licensure requirements of the Kansas athletic trainers licensure act, provided that the person is:

(1) Licensed and able to practice as an athletic trainer in another state, District of Columbia, territory or foreign country; and

(2) limited to providing the services of an athletic trainer to members of the athletic team or organization that traveled to Kansas.

Sec. 3. K.S.A. 65-6907 is hereby amended to read as follows: 65-6907. An applicant for licensure as an athletic trainer shall give proof that the applicant has:

(a) ~~Received a baccalaureate or post-baccalaureate degree with a major course of study in an athletic training curriculum~~*Graduated after successful completion of the curriculum requirements of an accredited athletic training education program at an accredited college or university* approved by the board; and

(b) passed an examination in athletic training approved by the board.

Sec. 4. K.S.A. 65-6902, 65-6906 and 65-6907 are hereby repealed.

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

Approved March 21, 2025.

CHAPTER 7

SENATE BILL No. 8

AN ACT concerning traffic regulations; relating to the duty of drivers approaching stationary vehicles; providing a penalty for unlawful passing thereof; amending K.S.A. 8-2118 and repealing the existing section.

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

New Section 1. (a) The driver of a motor vehicle, upon approaching a stopped, standing or parked vehicle that is displaying hazard warning signal lamps, road flares or caution signals, including traffic cones, caution signs or reflective triangles, shall do either of the following:

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

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

(b) This section shall be a part of and supplemental to the uniform act regulating traffic on highways.

Sec. 2. K.S.A. 8-2118 is hereby amended to read as follows: 8-2118. (a) A person charged with a traffic infraction shall, except as provided in subsection (b), appear at the place and time specified in the notice to appear. If the person enters an appearance, waives right to trial, pleads guilty or no contest, the fine shall be no greater than that specified in the uniform fine schedule in subsection (c) and court costs shall be taxed as provided by law.

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

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

Description of Offense	*Statute*	*Fine*
Unsafe speed for prevailing conditions	8-1557	$75
Exceeding maximum speed limit; or speeding in zone posted by the state department of transportation; or speeding in locally posted zone	8-1558 to 8-1560 8-1560a or 8-1560b	1-10 mph over the limit, $45 11-20 mph over the limit, $45 plus $6 per mph over 10 mph over the limit; 21-30 mph over the limit, $105 plus $9 per mph over 20 mph over the limit; 31 and more mph over the limit, $195 plus $15 per mph over 30 mph over the limit;
Disobeying traffic control device	8-1507	$75
Violating traffic control signal	8-1508	$75
Violating pedestrian control signal	8-1509	$45
Violating flashing traffic signals	8-1510	$75
Violating lane-control signal	8-1511	$75
Unauthorized sign, signal, marking or device	8-1512	$45
Driving on left side of roadway	8-1514	$75
Failure to keep right to pass oncoming vehicle	8-1515	$75
Improper passing; increasing speed when passed	8-1516	$75
Improper passing on right	8-1517	$75
Passing on left with insufficient clearance	8-1518	$75
Driving on left side where curve, grade, intersec-	8-1519	$75

tion railroad crossing, or obstructed view		
Driving on left in no-passing zone	8-1520	$75
Unlawful passing of stopped emergency vehicle	8-1520a	$75
Driving wrong direction on one-way road	8-1521	$75
Improper driving on laned roadway	8-1522	$75
Following too close	8-1523	$75
Improper crossover on divided highway	8-1524	$45
Failure to yield right-of-way at uncontrolled intersection	8-1526	$75
Failure to yield to approaching vehicle when turning left	8-1527	$75
Failure to yield at stop or yield sign	8-1528	$75
Failure to yield from private road or driveway	8-1529	$75
Failure to yield to emergency vehicle	8-1530	$195
Failure to yield to pedestrian or vehicle working on roadway	8-1531	$105
Failure to comply with restrictions in road construction zone	8-1531a	$45
Disobeying pedestrian traffic control device	8-1532	$45
Failure to yield to pedestrian in crosswalk; pedestrian suddenly entering roadway; passing vehicle stopped for pedestrian at crosswalk	8-1533	$75
Improper pedestrian crossing	8-1534	$45
Failure to exercise due care in regard to pedestrian	8-1535	$45
Improper pedestrian movement in crosswalk	8-1536	$45

Improper use of roadway by pedestrian	8-1537	$45
Soliciting ride or business on roadway	8-1538	$45
Driving through safety zone	8-1539	$45
Failure to yield to pedestrian on sidewalk	8-1540	$45
Failure of pedestrian to yield to emergency vehicle	8-1541	$45
Failure to yield to blind pedestrian	8-1542	$45
Pedestrian disobeying bridge or railroad signal	8-1544	$45
Improper turn or approach	8-1545	$75
Improper "U" turn	8-1546	$75
Unsafe starting of stopped vehicle	8-1547	$45
Unsafe turning or stopping, failure to give proper signal; using turn signal unlawfully	8-1548	$75
Improper method of giving notice of intention to turn	8-1549	$45
Improper hand signal	8-1550	$45
Failure to stop or obey road crossing signal	8-1551	$195
Failure to stop at railroad crossing stop sign	8-1552	$135
Certain hazardous vehicles failure to stop at railroad crossing	8-1553	$195
Improper moving of heavy equipment at railroad crossing	8-1554	$75
Vehicle emerging from alley, private roadway, building or driveway	8-1555	$75
Improper passing of school bus; improper use of school bus signals	8-1556	$315
Improper passing of church or day-care bus; improper use of signals	8-1556a	$195

Impeding normal traffic by slow speed	8-1561	$45
Speeding on motor-driven cycle	8-1562	$75
Speeding in certain vehicles or on posted bridge	8-1563	$45
Improper stopping, standing or parking on roadway	8-1569	$45
Parking, standing or stopping in prohibited area	8-1571	$45
Improper parking	8-1572	$45
Unattended vehicle	8-1573	$45
Improper backing	8-1574	$45
Driving on sidewalk	8-1575	$45
Driving with view or driving mechanism obstructed	8-1576	$45
Unsafe opening of vehicle door	8-1577	$45
Riding in house trailer	8-1578	$45
Unlawful riding on vehicle	8-1578a	$75
Improper driving in defiles, canyons, or on grades	8-1579	$45
Coasting	8-1580	$45
Following fire apparatus too closely	8-1581	$75
Driving over fire hose	8-1582	$45
Putting glass, etc., on highway	8-1583	$105
Driving into intersection, crosswalk, or crossing without sufficient space on other side	8-1584	$45
Improper operation of snow-mobile on highway	8-1585	$45
Parental responsibility of child riding bicycle	8-1586	$45
Not riding on bicycle seat; too many persons on bicycle	8-1588	$45
Clinging to other vehicle	8-1589	$45
Improper riding of bicycle on roadway	8-1590	$45
Carrying articles on bicycle; one hand on handlebars	8-1591	$45
Improper bicycle lamps, brakes or reflectors	8-1592	$45

Improper operation of motorcycle; seats; passengers, bundles	8-1594	$45
Improper operation of motor cycle on laned roadway	8-1595	$75
Motorcycle clinging to other vehicle	8-1596	$45
Improper motorcycle handlebars or passenger equipment	8-1597	$75
Motorcycle helmet and eye-protection requirements	8-1598	$45
Unlawful operation of all-terrain vehicle	8-15,100	$75
Unlawful operation of low-speed vehicle	8-15,101	$75
Littering	8-15,102	$115
Disobeying school crossing guard	8-15,103	$75
Unlawful operation of micro utility truck	8-15,106	$75
Failure to remove vehicles in accidents	8-15,107	$75
Unlawful operation of golf cart	8-15,108	$75
Unlawful operation of work-site utility vehicle	8-15,109	$75
Unlawful display of license plate	8-15,110	$60
Unlawful text messaging	8-15,111	$60
Unlawful passing of a waste collection vehicle	8-15,112	$45
Unlawful operation of electric-assisted scooter	8-15,113	$45
Unlawful passing of a utility or telecommunications vehicle	8-15,114	$105
Unlawful passing of a stationary vehicle	*section 1*	*$75*
Equipment offenses that are not misdemeanors	8-1701	$75
Driving without lights when needed	8-1703	$45
Defective headlamps	8-1705	$45
Defective tail lamps	8-1706	$45

Defective reflector	8-1707	$45
Improper stop lamp or turn signal	8-1708	$45
Improper lighting equipment on certain vehicles	8-1710	$45
Improper lamp color on certain vehicles	8-1711	$45
Improper mounting of reflectors and lamps on certain vehicles	8-1712	$45
Improper visibility of reflectors and lamps on certain vehicles	8-1713	$45
No lamp or flag on projecting load	8-1715	$75
Improper lamps on parked vehicle	8-1716	$45
Improper lights, lamps, reflectors and emblems on farm tractors or slow-moving vehicles	8-1717	$45
Improper lamps and equipment on implements of husbandry, road machinery or animal-drawn vehicles	8-1718	$45
Unlawful use of spot, fog, or auxiliary lamp	8-1719	$45
Improper lamps or lights on emergency vehicle	8-1720	$45
Improper stop or turn signal	8-1721	$45
Improper vehicular hazard warning lamp	8-1722	$45
Unauthorized additional lighting equipment	8-1723	$45
Improper multiple-beam lights	8-1724	$45
Failure to dim headlights	8-1725	$75
Improper single-beam headlights	8-1726	$45
Improper speed with alternate lighting	8-1727	$45
Improper number of driving lamps	8-1728	$45
Unauthorized lights and signals	8-1729	$45

Improper school bus lighting equipment and warning devices	8-1730	$45
Unauthorized lights and devices on church or day-care bus	8-1730a	$45
Improper lights on highway construction or maintenance vehicles	8-1731	$45
Defective brakes	8-1734	$45
Defective or improper use of horn or warning device	8-1738	$45
Defective muffler	8-1739	$45
Defective mirror	8-1740	$45
Defective wipers; obstructed windshield or windows	8-1741	$45
Improper tires	8-1742	$45
Improper flares or warning devices	8-1744	$45
Improper use of vehicular hazard warning lamps and devices	8-1745	$45
Improper air-conditioning equipment	8-1747	$45
Improper safety belt or shoulder harness	8-1749	$45
Improper wide-based single tires	8-1742b	$75
Improper compression release engine braking system	8-1761	$75
Defective motorcycle headlamp	8-1801	$45
Defective motorcycle tail lamp	8-1802	$45
Defective motorcycle reflector	8-1803	$45
Defective motorcycle stop lamps and turn signals	8-1804	$45
Defective multiple-beam lighting	8-1805	$45
Improper road-lighting equipment on motor-driven cycles	8-1806	$45
Defective motorcycle or motor-driven cycle brakes	8-1807	$45
Improper performance ability of brakes	8-1808	$45

Operating motorcycle with disapproved braking system	8-1809	$45
Defective horn, muffler, mirrors or tires	8-1810	$45
Unlawful statehouse parking	75-4510a	$30
Exceeding gross weight of vehicle or combination	8-1909	Pounds Overweight up to 1000.....$40 1001 to 2000.....3¢ per pound 2001 to 5000.....5¢ per pound 5001 to 7500.....7¢ per pound 7501 and over...10¢ per pound
Exceeding gross weight on any axle or tandem, triple or quad axles	8-1908	Pounds Overweight up to 1000.....$40 1001 to 2000.....3¢ per pound 2001 to 5000.....5¢ per pound 5001 to 7500.....7¢ per pound 7501 and over...10¢ per pound
Failure to obtain proper registration, clearance or to have current certification	66-1324	$287
Insufficient liability insurance for motor carriers	66-1,128 or 66-1314	$137
Failure to obtain interstate motor fuel tax authorization	79-34,122	$137
No authority as private or common carrier	66-1,111	$137
Violation of motor carrier safety rules and regulations, except for violations specified in K.S.A. 66-1,130(b)(2), and amendments thereto	66-1,129	$115

(d) Traffic offenses classified as traffic infractions by this section shall be classified as ordinance traffic infractions by those cities adopting ordi-

nances prohibiting the same offenses. A schedule of fines for all ordinance traffic infractions shall be established by the municipal judge in the manner prescribed by K.S.A. 12-4305, and amendments thereto. Such fines may vary from those contained in the uniform fine schedule contained in subsection (c).

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

(f) For a second violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after a prior conviction of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 1½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a third violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years, after two prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined two times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c). For a fourth and each succeeding violation of K.S.A. 8-1908 or 8-1909, and amendments thereto, within two years after three prior convictions of K.S.A. 8-1908 or 8-1909, and amendments thereto, such person, upon conviction shall be fined 2½ times the applicable amount from one, but not both, of the schedules listed in the uniform fine schedule contained in subsection (c).

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

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

Sec. 3. K.S.A. 8-2118 is hereby repealed.

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

Approved March 21, 2025.

CHAPTER 8

SENATE BILL No. 4

AN ACT concerning elections; relating to advance voting ballots; requiring the return of such ballots by 7:00 p.m. on the day of the election; amending K.S.A. 25-1132 and repealing the existing section.

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

Section 1. On and after January 1, 2026, K.S.A. 25-1132 is hereby amended to read as follows: 25-1132. (a) All advance voting ballots that are received in the office of the county election officer or any polling place within the county not later than the hour for closing of the polls on the date of any election specified in K.S.A. 25-1122(f), and amendments thereto, shall be delivered by the county election officer to the appropriate special election board provided for in K.S.A. 25-1133, and amendments thereto.

(b) ~~Subject to the deadline for receipt by the office of the county election officer as set forth in this subsection, all advance voting ballots received by mail by the office of the county election officer after the closing of the polls on the date of any election specified in K.S.A. 25-1122(f), and amendments thereto, and which are postmarked or are otherwise indicated by the United States postal service to have been mailed on or before the close of the polls on the date of the election, shall be delivered by the county election officer to a special election board or the county board of canvassers, as determined by the secretary of state, for canvassing in a manner consistent, as nearly as may be, with other advance voting ballots.~~ The deadline for the receipt by mail of the advance voting ballots by the office of the county election officer shall be ~~the last delivery of mail by the United States postal service~~ *7:00 p.m.* on ~~the third day following~~ the date of the election.

(c) The secretary of state shall adopt rules and regulations to implement this ~~subsection~~ *section*.

Sec. 2. On and after January 1, 2026, K.S.A. 25-1132 is hereby repealed.

Sec. 3. 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 4**, was not approved by the Governor on March 24, 2025; was returned with her objections and approved on March 25, 2025 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 March 25, 2025, 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 25th day of March, 2025 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 9

HOUSE BILL No. 2092

AN ACT concerning labor and employment; relating to professional employer organizations; providing that registrations of such organizations with the secretary of state shall expire on October 15 following issuance; providing an exception therefrom for registrations issued on or after January 1, 2025, that shall expire on October 15, 2026; making the time for filing annual audits by such organizations coincide with the time of renewing of registrations; limiting the means of providing surety by a professional employer organization with insufficient working capital to the provision of a bond and eliminating the market value measure of the sufficiency of such bond; amending K.S.A. 2024 Supp. 44-1704 and 44-1706 and repealing the existing sections.

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

Section 1. K.S.A. 2024 Supp. 44-1704 is hereby amended to read as follows: 44-1704. (a) A person engaged in the business of providing professional employer services pursuant to co-employment relationships in which all or a majority of the employees of a client are covered employees shall be registered pursuant to this section.

(b) A person who is not registered pursuant to this section shall not offer or provide professional employer services in this state, and shall not use the names PEO, professional employer organization, staff leasing company, employee leasing company, administrative employer or any other name or title representing professional employer services.

(c) Each applicant for registration shall submit an application to the secretary in such form and manner as prescribed by the secretary. The application shall contain the following information:

(1) The name or names under which the professional employer organization conducts business;

(2) the address of the principal place of business of the professional employer organization, and the address of each office the professional employer organization maintains in this state;

(3) the professional employer organization's taxpayer or employer identification number;

(4) a list, by jurisdiction, of each name under which the professional employer organization has operated in the preceding five years, including any alternative names, names of predecessors and, if known, successor business entities;

(5) a statement of ownership that shall include the name and evidence of the business experience of any person that, individually, or acting in concert with one or more other persons, owns or controls, directly or indirectly, 15% or more of the equity interest of the professional employer organization;

(6) a statement of management that shall include the name and evidence of the business experience of any individual who serves as presi-

dent, chief executive officer or otherwise has the authority to act as senior executive officer of the professional employer organization; and

(7) a financial statement setting forth the financial condition of the professional employer organization or professional employer group that shall comply with the provisions of subsection (h).

(d) Each professional employer organization not operating within this state as of the effective date of this act shall complete its initial registration prior to initiating operations within this state. If a professional employer organization not registered in this state becomes aware that an existing client, not based in this state, has employees and operations in this state, the professional employer organization shall either decline to provide professional employer services for those employees, or notify the secretary within five business days of the professional employer organization's knowledge of this fact and file a limited registration application pursuant to subsection (g), or a full registration if there are more than 50 covered employees employed by such client. The secretary may issue an interim operating permit for the period of time the application is pending if the professional employer organization is currently registered or licensed by another state and the secretary determines it is in the best interests of the potential covered employees.

(e) A ~~registrant's application~~ *registration* shall automatically expire ~~120 days after the end of the registrant's fiscal year. Within 120 days after the end of a registrant's fiscal year, such~~ *on October 15 following the issuance of such registration, except that any such registration issued on or after January 1, 2025, shall expire on October 15, 2026. A* registrant shall renew its registration by notifying the secretary of any changes in the information provided in such registrant's most recent registration or renewal. A registrant's existing registration shall remain in effect for the period of time the renewal application is pending.

(f) Professional employer organizations in a professional employer group may satisfy any reporting and financial requirements of this section on a combined or consolidated basis, provided that each member of the professional employer group guarantees the financial capacity obligations required by K.S.A. 44-1706, and amendments thereto, of each other member of the professional employer group. In the case of a professional employer group that submits a combined or consolidated audited financial statement, including entities that are not professional employer organizations or that are not in the professional employer group, the controlling entity of the professional employer group under the consolidated or combined statement must guarantee the obligations of the professional employer organizations in the professional employer group.

(g) (1) A professional employer organization is eligible for a limited registration if such professional employer organization:

(A) Submits a written request for limited registration in such form and manner as prescribed by the secretary;

(B) is domiciled outside this state and is licensed or registered as a professional employer organization in another state;

(C) does not maintain an office in this state or directly solicit clients located or domiciled within this state; and

(D) does not have more than 50 covered employees employed or domiciled in this state on any given day.

(2) A limited registration is valid for one year and may be renewed thereafter.

(3) A professional employer organization requesting limited registration under this subsection shall provide the secretary with such information and documentation as required by the secretary to show that the professional employer organization qualifies for a limited registration.

(4) The provisions of K.S.A. 44-1706, and amendments thereto, shall not apply to applicants for limited registration.

(h) At the time of initial registration, the applicant shall submit the most recent audit of the applicant or such applicant's parent holding company. The most recent audit shall not be older than 13 months. Thereafter, a professional employer organization or professional employer group shall file on an annual basis~~, within 120 days after the end of the professional employer organization's or parent holding company's fiscal year,~~ a succeeding audit ~~and~~*, not older than 12 months, with such applicant's* renewal registration application. An applicant may apply to the secretary for an extension of time to submit such audit, but any such request shall be accompanied by a letter from the auditor stating the reasons for the delay and the anticipated audit completion date. For the initial application, if the closing date of the audited financial statements required by this section is older than three months from the date of the application, the application also shall include updated, unaudited financial statements for the most recent quarter. The financial statement shall be prepared in accordance with generally accepted accounting principles and audited by an independent certified public accountant licensed to practice in the jurisdiction in which such accountant is located and shall be without qualification as to the going concern status of the professional employer organization. A professional employer group may submit combined or consolidated audited financial statements to meet the requirements of this section. A professional employer organization that has not had sufficient operating history to have audited financial statements based upon at least 12 months of operating history shall meet the financial capacity requirements of subsection (f) and present financial statements reviewed by a certified public accountant.

(i) The secretary shall maintain a list of professional employer orga-

nizations registered under this section, and such list shall be readily available to the public by electronic or other means.

(j) The secretary, to the extent feasible, shall permit the acceptance of electronic filings, including initial registration and renewal applications, documents, reports and other filings required by the secretary under this section. The secretary may provide for the acceptance of electronic filings and registration information for initial registration and renewal applications, reports and other assurance documents by an independent and qualified assurance organization approved by the secretary that provides satisfactory assurance of compliance acceptable to the secretary consistent with, or in lieu of, the requirements of this section and K.S.A. 44-1706, and amendments thereto. The secretary shall permit a professional employer organization to authorize such assurance organization approved by the secretary to act on the professional employer organization's behalf, including electronic filings and provisions of registration information for initial registration and renewal applications and payment of registration fees in complying with the registration requirements of subsections (c) through (h). Use of such an approved assurance organization shall be optional and not mandatory for a registrant. Nothing in this subsection shall limit or change the secretary's authority to register or terminate registration of a professional employer organization or to investigate or enforce any provision of K.S.A. 44-1701 through 44-1711, and amendments thereto.

Sec. 2. K.S.A. 2024 Supp. 44-1706 is hereby amended to read as follows: 44-1706. Except as provided by K.S.A. 44-1704(g) and (j), and amendments thereto, each professional employer organization, or collectively each professional employer group shall either:

(a) Maintain positive working capital upon registration as reflected in the financial statements submitted to the secretary with the initial registration application and each renewal application; or

(b) for a professional employer organization or professional employer group that does not have sufficient positive working capital as required in subsection (a), submit a bond~~, irrevocable letter of credit or securities~~ with a minimum ~~market~~ value in an amount equal to the sum of the amount that would be necessary for such professional employer organization or professional employer group to comply with subsection (a) plus $100,000 to the secretary at such time as the professional employer organization or professional employer group does not have sufficient working capital. Such bond shall be held by a depository designated by the secretary securing payment by the professional employer organization of all taxes, wages, benefits or other entitlement due to or with respect to covered employees, if the professional employer organization does not make such payments when due.

Sec. 3. K.S.A. 2024 Supp. 44-1704 and 44-1706 are hereby repealed.

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

Approved March 26, 2025.

CHAPTER 10

HOUSE BILL No. 2117
(Amended by Chapter 125)

AN ACT concerning business entities; requiring a business trust to file a certificate of dissolution or withdrawal with the secretary of state and pay associated fees when surrendering authority to transact business in Kansas; requiring a foreign corporation to use a form prescribed by the secretary of state when filing merger or consolidation information or amendments to such corporation's articles of incorporation; authorizing professional corporations or limited liability companies formed or organized to render a professional service to participate in transactions under the business entity transactions act; making certain information provided by registered agents a public record; modifying filing requirements and associated fees for limited partnerships; amending K.S.A. 17-2037, 17-7302, 17-78-110 and 17-7929 and K.S.A. 2024 Supp. 56-1a151 and 56-1a605 and repealing the existing sections.

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

Section 1. K.S.A. 17-2037 is hereby amended to read as follows: 17-2037. (a) Any business trust, domestic or foreign, that has obtained authority under this act to transact business in Kansas may surrender its authority at any time by:

(1) Filing in the office of the secretary of state a ~~certified copy of a resolution duly adopted by its trustees declaring its intention to withdraw~~ *certificate of dissolution or withdrawal executed by an authorized person*;

(2) paying ~~a withdrawal fee of $20~~ *the fee required by K.S.A. 17-7506, and amendments thereto,* at the time the ~~resolution~~ *certificate of dissolution or withdrawal* is filed; and

(3) filing all business entity information reports and paying all fees required by K.S.A. 17-2036, and amendments thereto, that such business trust has not previously filed and paid.

(b) During a period of five years following the effective date of such withdrawal the business trust shall nevertheless be entitled to convey and dispose of its property and assets in this state, settle and close out its business in this state, and perform any other act or acts pertinent to the liquidation of its business, property, and assets in this state, and to prosecute and defend all suits filed prior to the expiration of such five-year period involving causes of action arising prior to the effective date of such withdrawal or arising out of any act or transaction occurring during such five-year period in the course of the liquidation of its business, property or assets.

(c) The withdrawal of a business trust as provided in this section shall have no effect upon any suit filed by or against it prior to the expiration of such five-year period until such suit has been finally determined or otherwise finally concluded and all judgments, orders and decrees entered therein have been fully executed, even though such final determination,

conclusion, or execution occurs after the expiration of such five-year period. With respect to a foreign business trust, withdrawal pursuant to this section shall not affect its written consent to be sued in the courts of this state, or the jurisdiction over such foreign business trust of the courts of this state, with respect to any cause of action which arose prior to the effective date of its withdrawal.

Sec. 2. K.S.A. 17-7302 is hereby amended to read as follows: 17-7302. (a) Whenever any foreign corporation admitted to do business in this state is a party to a merger or consolidation with any other foreign corporation, whether or not admitted to do business in this state, such foreign corporation shall file with the secretary of state of this state, within 30 days after the time the merger or consolidation becomes effective, ~~a certificate of the proper officer of the jurisdiction under the laws of which the merger or consolidation was effected, attesting to such merger or consolidation, or~~ a form prescribed by the secretary of state of this state, ~~in each case~~ stating:

(1) The corporate parties thereto;

(2) the jurisdiction of incorporation of each corporate party;

(3) the time when such merger or consolidation became effective; and

(4) that the resulting or surviving corporation is a corporation in good standing in such jurisdiction.

(b) Whenever any foreign corporation admitted to do business in this state shall amend its articles of incorporation in a manner that affects any of the information contained on such corporation's application to do business in Kansas, the corporation shall file with the secretary of state, within 30 days after the amendment is adopted, a ~~certificate of the proper officer of the jurisdiction in which such corporation has been incorporated~~ *form prescribed by the secretary of state of this state* attesting to such amendment. In the alternative, any foreign corporation may amend its original application for authority to do business in Kansas by filing a certificate of amendment certifying that such amendment has been duly adopted and executed in accordance with K.S.A. 17-7908 through 17-7910, and amendments thereto.

Sec. 3. K.S.A. 17-78-110 is hereby amended to read as follows: 17-78-110. The following entities may not participate in a transaction under this act:

(a) Entities regulated under chapter 40 of the Kansas Statutes Annotated;

(b) banks and trust companies organized under chapter 9 of the Kansas Statutes Annotated; *and*

(c) credit unions organized under K.S.A. 17-2201 et seq., and amendments thereto~~; and~~

~~(d) professional corporations formed under the Kansas professional corporation law or limited liability companies organized under the Kansas~~

~~revised limited liability company act to render a professional service, as defined at K.S.A. 17-2707, and amendments thereto~~.

Sec. 4. K.S.A. 17-7929 is hereby amended to read as follows: 17-7929. (a) The resident agent of a covered entity, including a resident agent that no longer qualifies to be a resident agent under K.S.A. 17-7925, and amendments thereto, may resign without appointing a successor by paying a fee if authorized by law, as provided by K.S.A. 17-7910, and amendments thereto, and filing a certificate of resignation, with the secretary of state stating that the resident agent resigns as resident agent for the covered entity or entities identified in the certificate, but such resignation shall not become effective until 30 days after the certificate is filed. The certificate shall be executed by the resident agent, shall contain a statement that written notice of resignation was given to each affected covered entity at least 30 days prior to the filing of the certificate by mailing or delivering such notice to the covered entity at its address last known to the resident agent and shall set forth the date of such notice. The certificate shall also include the postal address and name and contact information of an officer, director, employee or designated agent who is then authorized to receive communications from the resident agent with respect to the affected covered entities last known to the resident agent~~, and such information shall not be deemed public information and will not constitute a public record as defined in K.S.A. 45-217, and amendments thereto~~.

(b) After receipt of the notice of the resignation of its resident agent, provided for in subsection (a), any covered entity for which such resident agent was acting shall obtain and designate a new resident agent to take the place of the resident agent so resigning. Such covered entity shall pay a fee if authorized by law, as provided by K.S.A. 17-7910, and amendments thereto, and file with the secretary of state a certificate setting forth the name and postal address of the successor resident agent. Upon such filing, the successor resident agent shall become the resident agent of such covered entity and the successor resident agent's postal address, as stated in such certificate, shall become the postal address of the covered entity's registered office in this state. If such covered entity fails to obtain and designate a new resident agent as aforesaid, prior to the expiration of the period of 60 days after the filing by the resident agent of the certificate of resignation, the secretary of state shall declare the entity's organizing documents forfeited.

(c) After the resignation of the resident agent shall have become effective, as provided in subsection (a), and if no new resident agent shall have been obtained and designated in the time and manner provided for in subsection (b), service of legal process against the covered entity, or in the case of a domestic or foreign limited liability company, any series of such limited liability company, for which the resigned resident agent had

been acting shall thereafter be upon the secretary of state in the manner prescribed by K.S.A. 60-304, and amendments thereto.

(d) Any covered entity affected by the filing of a certificate under this section shall not be required to take any further action to amend its public organic documents to reflect a change of registered office or resident agent.

Sec. 5. K.S.A. 2024 Supp. 56-1a151 is hereby amended to read as follows: 56-1a151. (a) In order to form a limited partnership, a certificate of limited partnership must be executed and filed in the office of the secretary of state. Such certificate shall set forth:

(1) The name of the limited partnership;

(2) the address of the registered office and the name and address of the resident agent for service of process required to be maintained by K.S.A. 17-7925, and amendments thereto;

(3) the name and the business or residence address of each general partner; *and*

(4) ~~the latest date upon which the limited partnership is to dissolve; and~~

~~(5)~~ any other matters the general partners determine to include in the certificate.

(b) A limited partnership is formed at the time of the filing of the initial certificate of limited partnership in the office of the secretary of state or at any later time specified in the certificate of limited partnership if, in either case, there has been substantial compliance with the requirements of this section.

Sec. 6. K.S.A. 2024 Supp. 56-1a605 is hereby amended to read as follows: 56-1a605. (a) The secretary of state shall charge each domestic and foreign limited partnership the following fees:

(1) For issuing or filing and indexing any of the documents described below, a fee of $20:

(A) A certificate of amendment of limited partnership;

(B) a restated certificate of limited partnership;

(C) a certificate of cancellation of limited partnership;

(D) a certificate of change of location of registered office or registered agent; and

(E) any certificate, affidavit, agreement or any other paper provided for in this act, for which no different fee is specifically prescribed;

(2) for certified copies, a fee of $7.50 for each copy certified, regardless of whether the secretary of state supplies the copies;

(3) for each certificate of good standing issued by the secretary of state, a fee of $7.50; and

(4) a fee of $20 for a copy of an instrument on file or prepared by the secretary of state's office, whether or not the copy is certified.

(b) Every limited partnership hereafter formed in this state shall pay to the secretary of state at the time of filing its certificate of limited partnership, an application and recording fee ~~of~~ *established by rules and regulations of the secretary of state, but not exceeding* $150.

(c) At the time of filing its application to do business, every foreign limited partnership shall pay to the secretary of state an application and recording fee ~~of~~ *established by rules and regulations of the secretary of state, but not exceeding* $150.

(d) The secretary of state shall not charge any fees for the documents or services described in this section upon an official request by any agency of this state or of the United States, or by any officer or employee thereof.

Sec. 7. K.S.A. 17-2037, 17-7302, 17-78-110 and 17-7929 and K.S.A. 2024 Supp. 56-1a151 and 56-1a605 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 26, 2025.

CHAPTER 11

Substitute for HOUSE BILL No. 2145

AN ACT concerning fairs; relating to certain county fair boards; establishing the membership for the Butler county fair board; providing for the appointment of members thereto; allowing up to five members of such board to be appointed from the county at large; amending K.S.A. 2-128 and repealing the existing section; also repealing K.S.A. 19-2699.

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

Section 1. K.S.A. 2-128 is hereby amended to read as follows: 2-128. *(a) Except as otherwise provided,* immediately upon incorporation and annually thereafter on or before the second Tuesday of December, the stockholders of record or members of fair associations governed by the provisions of chapter 1, Laws of 1929, and ~~acts amendatory or supplemental~~ *amendments* thereto, shall meet and elect a board of directors representing each township of the county ~~(~~, provided there are stockholders resident of such townships willing to serve~~)~~, who shall serve for a term of three years, and *the board shall be* so arranged that ~~one-third~~ *1/3* of the directors' terms shall expire annually. A personal notification stating the time and place of the annual election shall be mailed to each stockholder~~,~~ or to each member, or published in one issue of a newspaper of general circulation in the county at least ~~ten~~ *10* days prior thereto. Immediately at the close of the annual meeting, the board of directors shall meet and elect ~~managing officers for the ensuing year, consisting of~~ a president and ~~vice president~~ *a vice president*, who shall be members of the board of directors, and a secretary and *a* treasurer and such other officers and committees as ~~they~~ *the board* may deem necessary, who may ~~or may not~~ be members of the board of directors. At the first election of directors ~~one-third~~, *1/3* of ~~said~~ *such* directors shall be chosen for terms of one year, ~~one-third~~ *1/3* for terms of two years~~,~~ and ~~one-third~~ *1/3* for terms of three years.

(b) The county fair board of Cloud county shall consist of 12 members. An annual meeting for appointment of members of the fair board to succeed members with expiring terms shall be conducted in December by the presiding county commissioners. At the annual appointment meeting, one member of the board shall be appointed, if possible, from each county commissioner district and one member shall be appointed from the county at large. Any person of legal voting age and residing in the county shall be eligible for membership on the board.

(c) The county fair board of Butler county shall consist of 15 members. An annual meeting for appointment of members of the fair board to succeed members with expiring terms shall be conducted in December by the presiding county commissioners. At the annual appointment meeting, one member of the board shall be appointed, if possible, from each county commissioner district and not more than five members may be appointed

from the county at large. Any person of legal voting age and residing in the county shall be eligible for membership on the board.

(d) The term of office of each member of the fair boards appointed pursuant to subsections (b) and (c) shall be three years commencing on January 1 and ending on December 31. Members of each such board shall be eligible to serve unlimited consecutive terms. Vacancies in the membership of each such board shall be filled by appointment by the remaining members of such board for the unexpired term of office. Members of each board shall elect a president, vice president, secretary and treasurer from among the members of such board.

Sec. 2. K.S.A. 2-128 and 19-2699 are hereby repealed.

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

Approved March 26, 2025.

CHAPTER 12

SENATE BILL No. 166*

AN ACT concerning state employees; enacting the fostering competitive career opportunities act; removing postsecondary degree requirements from state employment considerations.

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

New Section 1. (a) The provisions of sections 1 through 4, and amendments thereto, shall be known and may be cited as the fostering competitive career opportunities act.

(b) The fostering competitive career opportunities act removes unnecessary postsecondary degree requirements from hiring considerations for state employment positions. Many such positions have experienced a phenomenon called degree inflation as more employers rely on a postsecondary degree as an indicator of career readiness, instead of using relevant work experience. These requirements limit opportunities for hard-working Americans and encourage unnecessary student debt. This act does not apply to positions for which a postsecondary degree is a justifiable necessity.

New Sec. 2. As used in sections 1 through 4, and amendments thereto:

(a) "Applicant" means any individual seeking gainful employment from a state employer;

(b) "baseline requirement" means the minimum skills, prior training or prior experience necessary to perform the primary duties of a position;

(c) "postsecondary degree" means an associate's, bachelor's or graduate degree from an accredited postsecondary educational institution;

(d) "direct experience" means any verifiable, previous work experience during which:

(1) The applicant's primary duties were consistent with the primary duties of the position currently sought; or

(2) the skills necessary to perform the applicant's primary duties are transferable to the position currently sought;

(e) "hiring consideration" means:

(1) A decision to move an applicant on to a subsequent round in the hiring process;

(2) a decision to include the applicant on a list of applicants for consideration by another member of the employer's team;

(3) a decision to offer an applicant an interview for a position;

(4) a decision to promote, retain, increase compensation or provide some other benefit to an employee of the state employer;

(5) an interview conducted in good faith between the state employer and the applicant; or

(6) a decision to make a final offer of employment; and

(f) "state employer" means any state office or officer, department, board, commission, institution, bureau, society or any agency, division or unit within any state office, department, board, commission or other state authority. "State employer" does not include any state office or officer, department, board, commission, institution, bureau or society in the legislative or judicial branches of government.

New Sec. 3. (a) For all hiring considerations, a state employer shall not make any decision based solely on an applicant's lack of a postsecondary degree.

(b) State employers shall determine the baseline requirements for applicants for each job posting. Baseline requirements may include prior direct experience, specific certifications or specific courses of instruction, but shall not include a postsecondary degree requirement except as provided in subsection (c). In all hiring considerations, no state employer shall impose any additional requirements on applicants for a job posting that exceed the baseline requirements.

(c) State employers may require a postsecondary degree for a position if the state employer demonstrates that such degree is necessary for the position based on specific skills required for the position that can only be obtained through the attainment of a degree. For any job posting that requires a postsecondary degree, a state employer shall include information in such job posting substantiating the necessity of the specific postsecondary degree required. Such information shall demonstrate that the postsecondary degree is the only possible measure to determine if an applicant possesses the specific skills required for the position or that the position requires accreditation or licensure that is only available to holders of specific postsecondary degrees.

(d) Each job posting shall include any tests, training, apprenticeships or other forms of assessment that may validate the competencies of a candidate for such position.

(e) For any position in which direct experience may be considered in lieu of a postsecondary degree, the state employer shall not require more years of direct experience than:

(1) Two years for an associate's degree;

(2) four years for a bachelor's degree;

(3) six years for a master's degree;

(4) seven years for a professional degree; or

(5) nine years for a doctoral degree.

(f) Nothing in this section shall apply to any position that is filled by political appointment.

New Sec. 4. Any state employer that issues a request for proposal or other solicitation for any goods or services shall not require any minimum

experience or postsecondary educational attainment for any contractor personnel as a prerequisite for consideration for an award of a contract unless the state employer includes in the request for proposal or solicitation a statement describing why the needs of the state employer cannot be met without such requirement and how such requirement ensures that such needs will be met.

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

Approved March 26, 2025.

CHAPTER 13

SENATE BILL No. 194*

AN ACT concerning real property; relating to covenants, conditions or restrictions; providing that certain covenants, conditions or restrictions on property owned by a state educational institution that restrict the use of real property to be only for single-family residence purposes or from being used for any purpose other than a single-family residence, and contain discriminatory provisions to restrict ownership or tenancy by race are void.

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

Section 1. (a) Any provision of a covenant, condition or restriction that restricts any real property owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto: (1) To be used only for single-family residence purposes; or (2) from being used for any purpose other than a single-family residence, and contains discriminatory provisions to restrict ownership or tenancy by race is hereby declared to be against public policy, and such provisions, and any additional amendments, covenants or conditions related thereto, shall be void and unenforceable.

(b) The provisions of this section shall only apply to any covenant, condition or restriction, including any amendments or supplements thereto, established between January 1, 1948, and December 31, 1958.

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

Approved March 26, 2025.

Published in the *Kansas Register* April 3, 2025.

CHAPTER 14

SENATE BILL No. 78

AN ACT concerning education; relating to postsecondary educational institutions; requiring such institutions to regularly review and update accreditation policies; prohibiting accrediting agencies from compelling such institutions to violate state law; providing a cause of action for violations thereof; amending K.S.A. 8-1,142, 13-13a46 and 74-32,120 and K.S.A. 2024 Supp. 58-3046a and 79-3602 and repealing the existing sections.

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

New Section 1. (a) The governing body of each postsecondary educational institution shall regularly review and update the policies and practices on accreditation of such institution.

(b) On or before December 31, 2025, each governing body of a postsecondary educational institution shall:

(1) Identify the accrediting agencies or association eligible to accredit such institution. Any such agencies or associations shall be agencies or associations recognized by the United States department of education in the database maintained by such department; and

(2) update the policies and practices on accreditation of such institution to ensure that the institution may freely pursue accreditation by any accrediting agency or association identified pursuant to paragraph (1) that is appropriate for the programs offered by such institution.

(c) No accrediting agency or association shall compel a postsecondary educational institution to violate any state law. Any adverse action taken against a postsecondary educational institution based, in whole or in part, on such institution's compliance with any state law shall constitute a violation of this section. Any such violation may be enforced only to the extent that state law is not preempted by a federal law recognizing the necessity of the accreditation standard or requirement.

(d) A postsecondary educational institution that is negatively affected by a violation of this section may bring a civil action against the accrediting agency or association in a court of competent jurisdiction in this state.

(e) If an accrediting agency or association violates this section, the governing board of the affected postsecondary educational institution shall notify the legislature in writing within 30 calendar days of such violation.

(f) As used in this section, "postsecondary educational institution" means a:

(1) State educational institution as defined in K.S.A 76-711, and amendments thereto;

(2) private postsecondary educational institution as defined in K.S.A. 74-32,163, and amendments thereto;

(3) municipal university as defined in K.S.A. 74-3201b, and amendments thereto;

(4) not-for-profit institution of postsecondary education with its main campus or principal place of operation in Kansas, is operated independently and not controlled or administered by any state agency or subdivision of the state, maintains open enrollment and is accredited by a nationally recognized accrediting agency for higher education in the United States; and

(5) community college as defined in K.S.A. 74-3201b, and amendments thereto.

Sec. 2. K.S.A. 8-1,142 is hereby amended to read as follows: 8-1,142. (a) As used in this section, "educational institution" means:

(1) Any state educational institution under the control and supervision of the state board of regents;

(2) any municipal university;

(3) any not-for-profit independent institution of higher education that is accredited ~~by the north central association of colleges and secondary schools accrediting agency based on its requirements as of April 1, 1985~~ *an accrediting agency or association recognized by the United States department of education in the database maintained by such department*, is operated independently and not controlled or administered by the state or any agency or subdivision thereof, maintains open enrollment and the main campus or principal place of operation of which is located in Kansas;

(4) any community college organized and operating under the laws of this state; and

(5) Haskell Indian Nations university.

(b) Any owner or lessee of one or more passenger vehicles, trucks registered for a gross weight of not more than 20,000 pounds or motorcycles, who is a resident of Kansas, upon compliance with the provisions of this section, may be issued one educational institution license plate for each such passenger vehicle, truck or motorcycle. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto, plus the payment of an additional fee of $5 for each plate, and either the payment to the county treasurer of the logo use royalty payment established by the alumni association or foundation or the presentation of the annual emblem use authorization statement provided for in subsection (c).

(c) Any educational institution may authorize through its officially recognized alumni association or foundation the use of such institution's official emblems to be affixed on license plates as provided by this section. Any royalty payment derived from this section, except reasonable administrative costs, shall be used for recognition of academic achievement or excellence subject to the approval of the chancellor or president of the educational institution. Any motor vehicle owner or lessee may annually ap-

ply to the alumni association or foundation for the use of the institution's emblems. Upon annual application and payment to either: (1) The alumni association or foundation in an amount of not less than $25 nor more than $100 as an emblem use royalty payment for each educational institution license plate to be issued, the alumni association or foundation shall issue to the motor vehicle owner or lessee, without further charge, an emblem use authorization statement, which shall be presented by the motor vehicle owner or lessee at the time of registration; or (2) the county treasurer of the logo use royalty payment for each license plate to be issued.

(d) Any applicant for an educational institution license plate may make application for such plates 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 the educational institution license plates shall provide either the annual emblem use authorization statement provided for in subsection (c) or pay to the county treasurer the logo use royalty payment established by the alumni association or foundation. Application for registration of a passenger vehicle, truck or motorcycle and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

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

(f) The director of vehicles may transfer educational institution license plates from a leased vehicle to a purchased vehicle.

(g) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (b), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant provides to the county treasurer either the annual emblem use authorization statement provided for in subsection (c) or the payment of the annual emblem use royalty payment established by the alumni association or foundation. If such emblem use authorization statement is not presented at the time of registration or faxed by the alumni association or foundations, or the annual emblem use royalty payment is not made to the county treasurer, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the educational institution license plates to the county treasurer of such person's residence.

(h) The director of vehicles shall not issue any educational institution license plates for any educational institution, unless such educational institution's alumni association or foundation guarantees the initial issuance of at least 100 license plates.

(i) The director of vehicles shall discontinue the issuance of an educational institution's license plate authorized under this section if:

(1) Fewer than 100 educational institution license plates, including annual renewals, are issued for an educational institution by the end of the second year of sales; and

(2) fewer than 50 educational institution license plates, including annual renewals, are issued for an educational institution during any subsequent two-year period.

(j) Each educational institution's alumni association or foundation shall:

(1) Pay the initial cost of silk-screening for such educational license plates; and

(2) provide to all county treasurers a toll-free telephone number where applicants can call the alumni association or foundation for information concerning the application process or the status of their license plate application.

(k) Each educational institution's alumni association or foundation, with the approval of the director of vehicles and subject to the availability of materials and equipment, shall design a license plate to be issued under the provisions of this section.

(l) As a condition of receiving the educational institution license plate and any subsequent registration renewal of such plate, the applicant ~~must~~ *shall* provide consent to the division authorizing the division's release of motor vehicle record information, including the applicant's name, address, emblem use royalty payment amount, plate number and vehicle type to the relevant educational institution and the state treasurer.

(m) Annual royalty 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. In the case of an educational institution that is a state educational institution as defined by K.S.A. 76-711, 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 appropriate account of the restricted fees fund of such state educational institution. In the case of an educational institution ~~which~~ *that* is not a state educational institution as defined by K.S.A. 76-711, and amendments thereto, upon receipt of each such remittance, the state treasurer shall remit the entire amount to the educational institutions emblem royalty fund, which is hereby created in the state treasury and shall be administered by the state treasurer. All expenditures from the educational institutions emblem 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 educational institutions emblem royalty fund to the respective educational institutions shall be made on a monthly basis.

Sec. 3. K.S.A. 13-13a46 is hereby amended to read as follows: 13-13a46. The university shall not be eligible to receive payments of state grants from the state general fund unless it is currently a member in good standing of ~~the north central association of colleges and universities~~ *an accrediting agency or association recognized by the United States department of education in the database maintained by such department*.

Sec. 4. K.S.A. 2024 Supp. 58-3046a is hereby amended to read as follows: 58-3046a. (a) Except as provided in K.S.A. 58-3040, and amendments thereto, any person who applies for an original license in this state as a salesperson shall submit evidence, satisfactory to the commission, of attendance of a principles of real estate course, of not less than 30 hours of instruction, approved by the commission and completed within the 12 months immediately preceding the receipt by the commission of the application for salesperson's license. The commission may require the evidence to be furnished to the commission with the original application for license or it may require the applicant to furnish the evidence to the testing service designated by the commission as a prerequisite to taking the examination required by K.S.A. 58-3039, and amendments thereto. If the evidence is furnished to the testing service, the instruction shall have been completed within 12 months immediately preceding the date of the examination.

(b) Except as provided in K.S.A. 58-3040, and amendments thereto, any person who applies for an original license in this state as a broker shall submit evidence, satisfactory to the commission, of attendance of a Kansas real estate fundamentals course, of not less than 30 and no more than 45 hours of instruction, approved by the commission and received within the 12 months immediately preceding the filing of application for broker's license. Such hours shall be in addition to any hours of instruction used to meet the requirements of subsection (c), (d), (e) or (f). The commission may require the evidence to be furnished to the commission with the original application for license, or ~~it~~ *the commission* may require the applicant to furnish the evidence to the testing service designated by the commission as a prerequisite to taking the examination provided in K.S.A. 58-3039, and amendments thereto. If the evidence is furnished to the testing service, the instruction shall have been completed within 12 months immediately preceding the date of the examination.

(c) Any person who applies for an original license in this state as a salesperson shall submit evidence, satisfactory to the commission, of attendance of a Kansas real estate practice course, of not less than 30 hours of instruction, approved by the commission and completed within the six months immediately preceding the receipt by the commission of the application for licensure.

(d) Any person who applies for an original license in this state as a broker on or after January 1, 2020, shall submit evidence, satisfactory

to the commission, of attendance of a Kansas real estate management course, of not less than 30 and no more than 45 hours of instruction, approved by the commission and completed within the six months immediately preceding the receipt by the commission of the application for licensure. The hours shall be in addition to any hours of instruction used to meet the requirements of subsection (b), (c), (e) or (f).

(e) Any person who applies for an original license in this state as a broker who is a nonresident of Kansas or who is a resident of Kansas applying for licensure pursuant to K.S.A. 58-3040(e), and amendments thereto, shall submit evidence, satisfactory to the commission, of attendance of a Kansas real estate course, of not less than four hours of instruction and completed within the six months immediately preceding the filing of the application for licensure. Such course shall be approved by the commission and shall be specific to Kansas law with primary emphasis on issues that arise under the brokerage relationships in real estate transactions act, K.S.A. 58-30,101 et seq., and amendments thereto, and rules or regulations adopted thereunder.

(f) At or prior to each license expiration date established by the commission, any person who is licensed in this state as a broker or as a salesperson shall submit evidence, satisfactory to the commission, of attendance of not less than 12 hours of continuing education approved by the commission and completed after issuance of the license and during the renewal period. This requirement shall not apply to a license on deactivated status pursuant to K.S.A. 58-3047, and amendments thereto.

(g) Except for courses reviewed pursuant to subsection (j), courses of instruction required by this section shall be courses approved by the commission and offered by:

(1) An institution ~~which~~ *that* is accredited by ~~the north central association of colleges and secondary schools accrediting agency~~ *an accrediting agency or association recognized by the United States department of education in the database maintained by such department*;

(2) a technical college as defined by K.S.A. 74-32,407, and amendments thereto;

(3) a private or out-of-state postsecondary educational institution ~~which~~ *that* has been issued a certificate of approval pursuant to the Kansas private and out-of-state postsecondary educational institution act;

(4) any agency of the state of Kansas;

(5) a similar institution, approved by the commission, in another state; or

(6) an entity, approved by the commission, to provide continuing education.

(h) The commission shall adopt rules and regulations to:

(1) Prescribe minimum curricula and standards for all courses offered to fulfill education requirements of this act;

(2) designate a course of study to fulfill any specific requirement, which may include a testing requirement;

(3) prescribe minimum qualifications for instructors of approved courses; and

(4) establish standards and procedures for approval of courses and instructors, monitoring courses, advertising, registration and maintenance of records of courses, and withdrawal of approval of courses and instructors.

(i) The commission may approve distance education courses consisting solely or primarily of instruction provided online or in other computer-assisted formats, or by correspondence, audiotape, videotape or other media. For the purposes of this section, attendance of one hour of instruction shall mean 50 minutes of classroom instruction or the equivalent thereof in distance education study as determined by the commission.

(j) Courses of instruction required by this section shall be courses approved by the commission either before or after their completion. The commission may give credit toward the 12 hours of continuing education required by subsection (f) to any licensee who submits an application for course review obtained from the commission and pays the fee prescribed by K.S.A. 58-3063, and amendments thereto, if, in the judgment of the commission, the course meets the objectives of continuing education.

(k) The commission shall publish a list of courses approved by the commission.

(l) No license shall be issued or renewed unless the applicable requirements set forth in this section are met within the time prescribed.

Sec. 5. K.S.A. 74-32,120 is hereby amended to read as follows: 74-32,120. As used in this act: (a) "Kansas comprehensive grant program" means a program under ~~which~~ *that* the state, in recognition that the provision of higher education for all residents of the state who have the desire and ability to obtain such education is an important public purpose and in response to the concern that many residents of the state are deterred by financial considerations from attending institutions of higher education, provides assistance to students with financial need through the award of grants.

(b) "Kansas comprehensive grant" means an award of financial assistance under the Kansas comprehensive grant program to an eligible Kansas student.

(c) "Financial need" means the difference between a student's available financial resources and the student's total anticipated cost of attendance at a certain Kansas educational institution. A student's financial resources shall be determined on the basis of criteria provided under the federal methodology of need analysis.

(d) "Full-time, in-state student" means a person who is a resident of Kansas and who is enrolling or enrolled at a Kansas educational institution for at least 12 credit hours each semester or the equivalent thereof. The

board of regents shall determine the number of hours for terms other than semesters to constitute the equivalent of 12 credit hours.

(e) "Kansas student" means a full-time, in-state student who has established financial need and who is initially acceptable for entering a Kansas educational institution or who has so entered and is in good standing and making satisfactory progress toward graduation.

(f) "Kansas educational institution" means a state educational institution under the control and supervision of the board of regents, a municipal university~~,~~ or a not-for-profit independent institution of higher education ~~which~~ *that* is accredited by ~~the north central association of colleges and secondary schools accrediting agency based on its requirements as of April 1, 1985, or by the higher learning commission of the north central association of colleges and schools based on its requirements as of January 1, 2006~~ *an accrediting agency or association recognized by the United States department of education in the database maintained by such department*, is operated independently and not controlled or administered by the state or any agency or subdivision thereof, maintains open enrollment~~,~~ and the main campus or principal place of operation of which is located in Kansas.

(g) "Open enrollment" means the policy of an institution of higher education ~~which~~ *that* provides the opportunity of enrollment for any student who meets its academic and other reasonable enrollment requirements, without regard for race, gender, religion, creed or national origin.

(h) "Board of regents" means the state board of regents provided for in the constitution of this state and described in article 32 of chapter 74 of Kansas Statutes Annotated.

(i) "Term" means one of two or more divisions of an academic year of a Kansas educational institution in which substantially all courses begin and end at substantially the same time~~,~~ and during which instruction is regularly given to students.

(j) "Semester" means one of two principal terms, when there are only two principal terms in the academic year, whether or not there are other shorter terms during the same academic year.

Sec. 6. K.S.A. 2024 Supp. 79-3602 is hereby amended to read as follows: 79-3602. Except as otherwise provided, as used in the Kansas retailers' sales tax act:

(a) "Agent" means a person appointed by a seller to represent the seller before the member states.

(b) "Agreement" means the multistate agreement entitled the streamlined sales and use tax agreement approved by the streamlined sales tax implementing states at Chicago, Illinois on November 12, 2002.

(c) "Alcoholic beverages" means beverages that are suitable for human consumption and contain 0.05% or more of alcohol by volume.

(d) "Certified automated system (CAS)" means software certified under the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state and maintain a record of the transaction.

(e) "Certified service provider (CSP)" means an agent certified under the agreement to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(f) "Computer" means an electronic device that accepts information in digital or similar form and manipulates it for a result based on a sequence of instructions.

(g) "Computer software" means a set of coded instructions designed to cause a computer or automatic data processing equipment to perform a task.

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

(i) "Delivery charges" means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating and packing. "Delivery charges" ~~shall~~ *does* not include charges for delivery of direct mail if the charges are separately stated on an invoice or similar billing document given to the purchaser.

(j) "Direct mail" means printed material delivered or distributed by United States mail or other delivery services to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address.

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

(l) "Educational institution" means any nonprofit school, college and university that offers education at a level above the 12th grade~~,~~ and conducts regular classes and courses of study required for accreditation by~~,~~ or membership in~~, the higher learning commission~~ *an accrediting agency or association recognized by the United States department of education in the database maintained by such department*, the state board of education~~,~~ or that otherwise qualify as an "educational institution," as defined by K.S.A. 74-50,103, and amendments thereto. Such phrase shall include: (1) A group of educational institutions that operates exclusively for an educational purpose; (2) nonprofit endowment associations and foundations organized and operated exclusively to receive, hold, invest and administer moneys and property as a permanent fund for the support and sole bene-

fit of an educational institution; (3) nonprofit trusts, foundations and other entities organized and operated principally to hold and own receipts from intercollegiate sporting events and to disburse such receipts, as well as grants and gifts, in the interest of collegiate and intercollegiate athletic programs for the support and sole benefit of an educational institution; and (4) nonprofit trusts, foundations and other entities organized and operated for the primary purpose of encouraging, fostering and conducting scholarly investigations and industrial and other types of research for the support and sole benefit of an educational institution.

(m) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(n) "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food and food ingredients" includes bottled water, candy, dietary supplements, food sold through vending machines and soft drinks. "Food and food ingredients" does not include alcoholic beverages or tobacco.

(o) "Gross receipts" means the total selling price or the amount received as defined in this act, in money, credits, property or other consideration valued in money from sales at retail within this state; and embraced within the provisions of this act. The taxpayer, may take credit in the report of gross receipts for: (1) An amount equal to the selling price of property returned by the purchaser when the full sale price thereof, including the tax collected, is refunded in cash or by credit; and (2) an amount equal to the allowance given for the trade-in of property.

(p) "Ingredient or component part" means tangible personal property that is necessary or essential to, and that is actually used in and becomes an integral and material part of tangible personal property or services produced, manufactured or compounded for sale by the producer, manufacturer or compounder in its regular course of business. The following items of tangible personal property are hereby declared to be ingredients or component parts, but the listing of such property shall not be deemed to be exclusive nor shall such listing be construed to be a restriction upon, or an indication of, the type or types of property to be included within the definition of "ingredient or component part" as herein set forth:

(1) Containers, labels and shipping cases used in the distribution of property produced, manufactured or compounded for sale that are not to be returned to the producer, manufacturer or compounder for reuse.

(2) Containers, labels, shipping cases, paper bags, drinking straws, paper plates, paper cups, twine and wrapping paper used in the distribution and sale of property taxable under the provisions of this act by wholesalers and retailers and that is not to be returned to such wholesaler or retailer for reuse.

(3) Seeds and seedlings for the production of plants and plant products produced for resale.

(4) Paper and ink used in the publication of newspapers.

(5) Fertilizer used in the production of plants and plant products produced for resale.

(6) Feed for animals, fowl and aquatic plants and animals, the primary purpose of which is use in agriculture or aquaculture, as defined in K.S.A. 47-1901, and amendments thereto, the production of food for human consumption, the production of animal, dairy, poultry or aquatic plant and animal products, fiber~~,~~ *or* fur~~,~~ or the production of offspring for use for any such purpose or purposes.

(q) "Isolated or occasional sale" means the nonrecurring sale of tangible personal property~~,~~ or services taxable hereunder by a person not engaged at the time of such sale in the business of selling such property or services. Any religious organization that makes a nonrecurring sale of tangible personal property acquired for the purpose of resale shall be deemed to be not engaged at the time of such sale in the business of selling such property. ~~Such term shall include~~ *"Isolated or occasional sale" includes*: (1) Any sale by a bank, savings and loan institution, credit union or any finance company licensed under the provisions of the Kansas uniform consumer credit code of tangible personal property that has been repossessed by any such entity; and (2) any sale of tangible personal property made by an auctioneer or agent on behalf of not more than two principals or households if such sale is nonrecurring and any such principal or household is not engaged at the time of such sale in the business of selling tangible personal property.

(r) "Lease or rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A "lease or rental" may include future options to purchase or extend.

(1) "Lease or rental" does not include: (A) A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;

(B) a transfer or possession or control of property under an agreement that requires the transfer of title upon completion of required payments and payment of an option price does not exceed the greater of $100 or 1% of the total required payments; or

(C) providing tangible personal property along with an operator for a fixed or indeterminate period of time. A condition of this exclusion is that the operator is necessary for the equipment to perform as designed. For the purpose of this subsection, an operator ~~must~~ *shall* do more than maintain, inspect or set-up the tangible personal property.

(2) "Lease or rental" ~~does include~~ *includes* agreements covering motor vehicles and trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. § 7701(h)(1).

(3) This definition shall be used for sales and use tax purposes regardless if a transaction is characterized as a lease or rental under generally accepted accounting principles, the internal revenue code, the uniform commercial code, K.S.A. 84-1-101 et seq., and amendments thereto, or other provisions of federal, state or local law.

(4) This definition will be applied only prospectively from the effective date of this act and will have no retroactive impact on existing leases or rentals.

(s) "Load and leave" means delivery to the purchaser by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser.

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

(u) "Model 1 seller" means a seller that has selected a CSP as its agent to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(v) "Model 2 seller" means a seller that has selected a CAS to perform part of its sales and use tax functions, but retains responsibility for remitting the tax.

(w) "Model 3 seller" means a seller that has sales in at least five member states, has total annual sales revenue of at least $500,000,000, has a proprietary system that calculates the amount of tax due each jurisdiction and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subsection a seller includes an affiliated group of sellers using the same proprietary system.

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

(y) "Nonprofit blood bank" means any nonprofit place, organization, institution or establishment that is operated wholly or in part for the purpose of obtaining, storing, processing, preparing for transfusing, furnishing, donating or distributing human blood or parts or fractions of single blood units or products derived from single blood units, whether or not any remuneration is paid therefor, or whether such procedures are done for direct therapeutic use or for storage for future use of such products.

(z) "Persons" means any individual, firm, copartnership, joint adventure, association, corporation, estate or trust, receiver or trustee, or any group or combination acting as a unit, and the plural as well as the singular number~~; and shall specifically mean~~. *"Persons" includes* any city or

other political subdivision of the state of Kansas engaging in a business or providing a service specifically taxable under the provisions of this act.

(aa) "Political subdivision" means any municipality, agency or subdivision of the state that is, or shall hereafter be, authorized to levy taxes upon tangible property within the state or that certifies a levy to a municipality, agency or subdivision of the state that is, or shall hereafter be, authorized to levy taxes upon tangible property within the state. ~~Such term also shall include~~ *"Political subdivision" includes* any public building commission, housing, airport, port, metropolitan transit or similar authority established pursuant to law and the horsethief reservoir benefit district established pursuant to K.S.A. 82a-2201, and amendments thereto.

(bb) "Prescription" means an order, formula or recipe issued in any form of oral, written, electronic or other means of transmission by a duly licensed practitioner authorized by the laws of this state.

(cc) "Prewritten computer software" means computer software, including prewritten upgrades, that is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. "Prewritten computer software" includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the purchaser. Where a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software, except that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for such modification or enhancement, such modification or enhancement shall not constitute prewritten computer software.

(dd) "Property which is consumed" means tangible personal property that is essential or necessary to and that is used in the actual process of and consumed, depleted or dissipated within one year in: (1) The production, manufacture, processing, mining, drilling, refining or compounding of tangible personal property; (2) the providing of services; (3) the irrigation of crops, for sale in the regular course of business; or (4) the storage or processing of grain by a public grain warehouse or other grain storage facility~~, and which~~ *that* is not reusable for such purpose. The following is a listing of tangible personal property, included by way of illustration but not of limitation, that qualifies as property that is consumed:

(A) Insecticides, herbicides, germicides, pesticides, fungicides, fumigants, antibiotics, biologicals, pharmaceuticals, vitamins and chemicals for use in commercial or agricultural production, processing or storage of fruit, vegetables, feeds, seeds, grains, animals or animal products whether fed, injected, applied, combined with or otherwise used;

(B) electricity, gas and water; and

(C) petroleum products, lubricants, chemicals, solvents, reagents and catalysts.

(ee) "Purchase price" applies to the measure subject to use tax and has the same meaning as sales price.

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

(gg) "Quasi-municipal corporation" means any county, township, school district, drainage district or any other governmental subdivision in the state of Kansas having authority to receive or hold moneys or funds.

(hh) "Registered under this agreement" means registration by a seller with the member states under the central registration system provided in article IV of the agreement.

(ii) "Retailer" means a seller regularly engaged in the business of selling, leasing or renting tangible personal property at retail or furnishing electrical energy, gas, water, services or entertainment~~,~~ and selling only to the user or consumer and not for resale.

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

(kk) "Sale" or "sales" means the exchange of tangible personal property, as well as the sale thereof for money, and every transaction, conditional or otherwise, for a consideration, constituting a sale, including the sale or furnishing of electrical energy, gas, water, services or entertainment taxable under the terms of this act and including, except as provided in the following provision, the sale of the use of tangible personal property by way of a lease, license to use or the rental thereof regardless of the method by which the title, possession or right to use the tangible personal property is transferred. ~~The term~~ "Sale" or "sales" ~~shall~~ *does* not mean the sale of the use of any tangible personal property used as a dwelling by way of a lease or rental thereof for a term of more than 28 consecutive days.

(ll) (1) "Sales or selling price" applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property and services, for which personal property or services are sold, leased or rented, valued in money, whether received in money or otherwise, without any deduction for the following:

(A) The seller's cost of the property sold;

(B) the cost of materials used, labor or service cost, interest, losses, all

costs of transportation to the seller, all taxes imposed on the seller and any other expense of the seller;

(C) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges;

(D) (i) prior to July 1, 2023, delivery charges; and

(ii) on and after July 1, 2023, delivery charges that are not separately stated on the invoice, bill of sale or similar document given to the purchaser; and

(E) installation charges.

(2) "Sales or selling price" includes consideration received by the seller from third parties if:

(A) The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;

(B) the seller has an obligation to pass the price reduction or discount through to the purchaser;

(C) the amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(D) one of the following criteria is met:

(i) The purchaser presents a coupon, certificate or other documentation to the seller to claim a price reduction or discount where the coupon, certificate or documentation is authorized, distributed or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate or documentation is presented;

(ii) the purchaser identifies to the seller that the purchaser is a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group; or

(iii) the price reduction or discount is identified as a third party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate or other documentation presented by the purchaser.

(3) "Sales or selling price" ~~shall~~ *does* not include:

(A) Discounts, including cash, term or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;

(B) interest, financing and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale or similar document given to the purchaser;

(C) any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale or similar document given to the purchaser;

(D) the amount equal to the allowance given for the trade-in of property, if separately stated on the invoice, billing or similar document given to the purchaser;

(E) cash rebates granted by a manufacturer to a purchaser or lessee of a new motor vehicle if paid directly to the retailer as a result of the original sale;

(F) commencing on July 1, 2023, delivery charges that are separately stated on the invoice, bill of sale or similar document given to the purchaser; and

(G) notwithstanding the provisions of paragraph (2), coupons issued by a manufacturer, supplier or distributor of a product that entitle the purchaser to a reduction in sales price and allowed by the seller who is reimbursed by the manufacturer, supplier or distributor. When the seller accepts such coupons, only the amount paid by the purchaser is included in the sales price.

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

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

(oo) "Sourcing rules" means the rules set forth in K.S.A. 79-3670 through 79-3673, 12-191 and 12-191a, and amendments thereto, that shall apply to identify and determine the state and local taxing jurisdiction sales or use taxes to pay, or collect and remit on a particular retail sale.

(pp) "Tangible personal property" means personal property that can be seen, weighed, measured, felt or touched, or that is in any other manner perceptible to the senses. Tangible personal property includes electricity, water, gas, steam and prewritten computer software.

(qq) "Taxpayer" means any person obligated to account to the director for taxes collected under the terms of this act.

(rr) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco or any other item that contains tobacco.

(ss) "Entity-based exemption" means an exemption based on who purchases the product or who sells the product. An exemption that is available to all individuals shall not be considered an entity-based exemption.

(tt) "Over-the-counter drug" means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. § 201.66. ~~The~~ "Over-the-counter drug" label includes: (1) A drug facts panel; or (2) a statement of the active ingredients with a list of those ingredients contained in the compound, substance or preparation. "Over-the-counter ~~drugs do~~ *drug" does* not include grooming and hygiene products such as soaps, cleaning solutions, shampoo, toothpaste, antiperspirants and sun tan lotions and screens.

(uu) "Ancillary services" means services that are associated with or incidental to the provision of telecommunications services, including, but not limited to, detailed telecommunications billing, directory assistance, vertical service and voice mail services.

(vv) "Conference bridging service" means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunications services used to reach the conference bridge.

(ww) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(xx) "Directory assistance" means an ancillary service of providing telephone number information or address information, or both.

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

(zz) "Voice mail service" means an ancillary service that enables the customer to store, send or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service.

(aaa) "Telecommunications service" means the electronic transmission, conveyance or routing of voice, data, audio, video or any other information or signals to a point, or between or among points. ~~The term~~ "Telecommunications service" includes such transmission, conveyance or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmissions, conveyance or routing without regard to whether such service is referred to as voice over internet protocol services or is classified by the federal communications commission as enhanced or value added. "Telecommunications service" does not include:

(1) Data processing and information services that allow data to be generated, acquired, stored, processed or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

(2) installation or maintenance of wiring or equipment on a customer's premises;

(3) tangible personal property;

(4) advertising, including, but not limited to, directory advertising;

(5) billing and collection services provided to third parties;

(6) internet access service;

(7) radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance and routing of such services by the programming service provider. Radio and television audio and video programming services shall include, but not be limited to, cable service as defined in 47 U.S.C. § 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. § 20.3;

(8) ancillary services; or

(9) digital products delivered electronically, including, but not limited to, software, music, video, reading materials or ring tones.

(bbb) "800 service" means a telecommunications service that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name 800, 855, 866, 877 and 888 toll-free calling, and any subsequent numbers designated by the federal communications commission.

(ccc) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service. "900 service" does not include the charge for collection services provided by the seller of the telecommunications services to the subscriber, or service or product sold by the subscriber to the subscriber's customer. The service is typically marketed under the name 900 service, and any subsequent numbers designated by the federal communications commission.

(ddd) "Value-added non-voice data service" means a service that otherwise meets the definition of telecommunications services in which computer processing applications are used to act on the form, content, code or protocol of the information or data primarily for a purpose other than transmission, conveyance or routing.

(eee) "International" means a telecommunications service that originates or terminates in the United States and terminates or originates outside the United States, respectively. United States includes the District of Columbia or a U.S. territory or possession.

(fff) "Interstate" means a telecommunications service that originates in one United States state, or a United States territory or possession, and terminates in a different United States state or a United States territory or possession.

(ggg) "Intrastate" means a telecommunications service that originates in one United States state or a United States territory or possession, and terminates in the same United States state or a United States territory or possession.

(hhh) "Cereal malt beverage" ~~shall have the same meaning as such term is~~ *means the same as* defined in K.S.A. 41-2701, and amendments thereto, except that for the purposes of the Kansas retailers' sales tax act

and for no other purpose~~, such term shall include~~. *"Cereal malt beverage" includes* beer containing not more than 6% alcohol by volume when such beer is sold by a retailer licensed under the Kansas cereal malt beverage act.

(iii) "Nonprofit integrated community care organization" means an entity that is:

(1) Exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986;

(2) certified to participate in the medicare program as a hospice under 42 C.F.R. § 418 et seq. and focused on providing care to the aging and indigent population at home and through inpatient care, adult daycare or assisted living facilities and related facilities and services across multiple counties; and

(3) approved by the Kansas department for aging and disability services as an organization providing services under the program of all-inclusive care for the elderly as defined in 42 U.S.C. § 1396u-4 and regulations implementing such section.

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

(A) Antimicrobial agents;

(B) fluoride;

(C) carbonation;

(D) vitamins, minerals and electrolytes;

(E) oxygen;

(F) preservatives; or

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

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

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

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

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

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

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

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

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

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

(2) "Prepared food" does not include:

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

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

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

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

Sec. 7. K.S.A. 8-1,142, 13-13a46 and 74-32,120 and K.S.A. 2024 Supp. 58-3046a and 79-3602 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 26, 2025.

CHAPTER 15

HOUSE BILL No. 2185

AN ACT concerning education; relating to the national guard; permitting guard members to transfer unused tuition assistance benefits from the Kansas national guard educational assistance act to an eligible dependent; including doctoral and professional degrees in the Kansas national guard educational master's for enhanced readiness and global excellence (EMERGE) program; amending K.S.A. 74-32,145, 74-32,146, 74-32,147 and 74-32,148 and K.S.A. 2024 Supp. 74-32,149, 74-32,305, 74-32,306, 74-32,308 and 74-32,309 and repealing the existing sections.

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

Section 1. K.S.A. 74-32,145 is hereby amended to read as follows: 74-32,145. K.S.A. 74-32,145 through 74-32,149*, and amendments thereto*, shall be known and may be cited as the Kansas national guard educational assistance act. It is the purpose of the Kansas national guard educational assistance act to establish an educational assistance program under which payment of the tuition and fees charged *to* eligible members of the Kansas national guard *or an eligible dependent of such guard members* for enrollment at Kansas educational institutions shall be provided for by the state.

Sec. 2. K.S.A. 74-32,146 is hereby amended to read as follows: 74-32,146. As used in the Kansas national guard educational assistance act:

(a) "Kansas educational institution" means and includes community colleges, the municipal university, state educational institutions, technical colleges, the institute of technology at Washburn university and ~~accredited independent institutions~~ *any not-for-profit independent institution of higher education that is accredited by an institutional accrediting agency recognized by the United States department of education, is operated independently and not controlled or administered by the state or any agency or subdivision thereof, maintains open enrollment, offers online education and offers, exclusively, competency-based education programs*.

(b) "Eligible guard member" means any current member of the Kansas national guard who ~~is enrolled at a Kansas educational institution and who~~ is not under a suspension of favorable action flag or currently on the unit unfavorable information file. ~~The term eligible guard member does not include within its meaning any member of the Kansas national guard who is the holder of a baccalaureate or higher academic degree, or who does not hold a high school diploma or general educational development (GED) credentials.~~

(c) "Kansas national guard educational assistance program" or "program" means the program established pursuant to the provisions of the Kansas national guard educational assistance act.

(d) "Educational program" means a program ~~which~~ *that* is offered and maintained by a Kansas educational institution and leads to the award

of a certificate, diploma or degree upon satisfactory completion of course work requirements.

(e) "Dependent" means an individual who is registered as an eligible dependent of the sponsoring eligible guard member in the defense enrollment eligibility reporting system (DEERS).

Sec. 3. K.S.A. 74-32,147 is hereby amended to read as follows: 74-32,147. The state board of regents ~~shall~~ *may* adopt rules and regulations for *the* administration of the Kansas national guard educational assistance 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 a procedure to ensure initial and ~~on-going~~ *ongoing* eligibility of all guard members *and dependents* who are program participants.

Sec. 4. K.S.A. 74-32,148 is hereby amended to read as follows: 74-32,148. (a) Subject to the availability of appropriations for the Kansas national guard educational assistance program and within the limits of any such appropriations, every eligible guard member *or dependent* who is enrolled at a Kansas educational institution and who is participating in the program shall receive assistance each semester in an amount equal to the tuition and required fees for not more than 15 credit 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 *or dependent* to complete such member's *or such dependent's* educational program.

(b) Eligible guard members may either personally participate or sponsor a dependent to participate in the Kansas national guard educational assistance program. Assistance available to such dependent under the program is subject to the availability of funds after educational benefits are fully funded for all eligible guard members participating in the Kansas national guard educational assistance program.

~~(b)~~*(c)* Notwithstanding the provisions of subsection (a), ~~eligible guard members shall not be paid~~ *the Kansas national guard educational assistance program shall not pay for* the amount of tuition and required fees charged for any course repeated or taken in excess of the requirements for completion of the educational program in which the eligible guard member *or dependent* is enrolled. The amount of tuition and required fees paid an eligible guard member *or dependent* pursuant to subsection (a) shall be at a rate not to exceed the maximum rate that would be

charged by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, for enrollment of the eligible guard member *or dependent*.

~~(c)~~*(d)* Amounts of assistance for which an eligible guard member *or dependent* is eligible to receive under this act shall be offset by the aggregate amount of federal financial assistance received by such guard member *or dependent*, as a result of active national guard membership, to pay *the* costs of tuition and fees for enrollment at Kansas educational institutions.

Sec. 5. K.S.A. 2024 Supp. 74-32,149 is hereby amended to read as follows: 74-32,149. (a) (1) In order *for a member of the national guard or a dependent* to qualify for participation in the Kansas national guard educational assistance program, an eligible guard member ~~must~~ *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 for not less than 24 months upon completion of the last semester for which the member *or dependent* receives assistance under the program.

(2) In order for a member of the national guard to qualify for assistance from the Kansas national guard educational assistance program, an eligible guard member shall:

(A) Hold a high school diploma or high school equivalency credential;

(B) be enrolled at a Kansas educational institution; and

(C) not hold a baccalaureate or higher academic degree.

(3) An eligible guard member may only sponsor one dependent to participate in the Kansas national guard educational program during such member's service.

(4) To qualify for assistance from the Kansas national guard educational assistance program, a dependent shall:

(A) Hold a high school diploma or high school equivalency credential;

(B) be enrolled at a Kansas educational institution;

(C) not hold a baccalaureate or higher academic degree; and

(D) complete and submit the Kansas student aid application with the state board of regents.

~~(2)~~*(5)* Prior to becoming eligible for participation in the program, each eligible guard member *or dependent* shall submit the free application for federal student aid~~,~~ and apply for any other federal tuition assistance that such member *or dependent* also may be eligible to receive.

(b) In order to remain eligible for participation in the program, an eligible guard member ~~must~~ *or dependent shall* remain in good standing at the Kansas educational institution where enrolled, make satisfactory progress toward completion of the requirements of the educational program in which enrolled~~,~~ *and* maintain a grade point average of not

less than 2.0 ~~and~~. *The eligible guard member shall* maintain satisfactory participation in the Kansas national guard. It shall be the responsibility of the eligible guard member to obtain a certificate from the member's commanding officer attesting to the member's satisfactory participation in the Kansas national guard and ~~to~~ present the certificate to the educational institution, in order to obtain a payment under this act. The certificate shall be presented at the time payment is requested for completed courses. Upon completion of each semester, each eligible guard member *or dependent* receiving assistance under the program shall submit a transcript of the credit hours earned *by such guard member or dependent*, including the grades for credit hours, to such *eligible* member's unit of assignment.

(c) Upon failure of any person, who as an eligible guard member received payments *or whose dependent received payments* under the Kansas national guard educational assistance act, to satisfy the agreement to continue service in the Kansas national guard as provided by subsection (a)*(1)*, such person shall pay to the state of Kansas an amount to be determined as follows:

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

(2) divide the amount determined under subsection (c)(1) by 24; and

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

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

(d) Any eligible guard member that received payments, *or whose dependent 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)*(1)* by reason of extenuating circumstances or extreme hardship may request a waiver from recoupment. Such request shall be in writing and submitted through such member's chain of command to the Kansas national guard education services office. The chief of staff of the Kansas army national guard or the director of staff for the Kansas air national guard shall review all requests for a waiver from recoupment, and the decision to issue such waiver shall be made by either officer as such officer deems appropriate.

Sec. 6. K.S.A. 2024 Supp. 74-32,305 is hereby amended to read as follows: 74-32,305. (a) K.S.A. 74-32,305 through 74-32,310, 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~~ *an advanced* degree assistance program under which payment of the tuition and fees charged *to* eligible members of the Kansas national guard for enrollment in ~~master's~~ *advanced* degree programs at Kansas educational institutions shall be provided by the state pursuant to the EMERGE program.

Sec. 7. K.S.A. 2024 Supp. 74-32,306 is hereby amended to read as follows: 74-32,306. As used in the Kansas national guard educational master's for enhanced readiness and global excellence (EMERGE) program:

(a) "~~Educational program~~*Advanced degree*" means a master's degree ~~program offered or maintained by a Kansas educational institution that leads to the award of a master's~~, *professional* degree *or doctorate awarded* to an eligible guard member upon satisfactory completion of *the* course work requirements *of such degree program offered or maintained by a Kansas educational institution*.

(b) *"Doctorate" means a degree requiring three or more academic years of full-time academic study or the equivalent in part-time attendance that follows the successful completion of a baccalaureate or master's degree. A "doctorate" may be either a research or a professional practice degree.*

(c) "Eligible guard member" means any member of the Kansas national guard who has been accepted into an eligible ~~master's~~ *advanced* degree program and who is not under a suspension of favorable flag action or on the unit unfavorable information file. *"Eligible guard member" includes nonconcurrent guard members accepted into an eligible professional degree program if they are qualified to join the Kansas national guard.*

~~(c)~~*(d)* "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)~~*(e)* "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.

(f) "Master's degree" means a degree requiring not less than one year of academic work or the equivalent in part-time attendance and follows the successful completion of a baccalaureate degree.

(g) "Professional degree" means a degree that requires not less than three years of full-time study or the equivalent in part-time attendance that follows the successful completion of a baccalaureate degree, such as a juris doctor degree or a physician's assistant degree.

Sec. 8. K.S.A. 2024 Supp. 74-32,308 is hereby amended to read as follows: 74-32,308. (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~~ *advanced* degree program.

(b) Notwithstanding the provisions of subsection (a), ~~eligible guard members shall not be paid~~ *the EMERGE program shall not pay for* the amount of tuition and fees charged for any course repeated or taken in excess of the requirements for completion of the ~~master's~~ *advanced* 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. 9. K.S.A. 2024 Supp. 74-32,309 is hereby amended to read as follows: 74-32,309. (a) ~~On or before July 1 of each academic year,~~ The adjutant general shall select up to 100 eligible national guard members *annually* 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 *for a master's degree and for not less than 72 months upon graduation for a doctorate or professional degree for which the member receives assistance under the program*.

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

(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~~ *advanced* degree program, maintain a grade point average of not less than 2.75 *for a master's degree or a 3.0 for a doctorate or professional degree* 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 *for a master's degree or 72 for a doctorate or professional degree*; 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~~ *K.S.A. 2024 Supp. 74-32,310*, 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. 10. K.S.A. 74-32,145, 74-32,146, 74-32,147 and 74-32,148 and K.S.A. 2024 Supp. 74-32,149, 74-32,305, 74-32,306, 74-32,308 and 74-32,309 are hereby repealed.

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

Approved March 26, 2025.

CHAPTER 16

Substitute for HOUSE BILL No. 2102

AN ACT concerning school districts; relating to enrollment; providing for the advance enrollment of a military student whose parent or person acting as parent will be stationed in this state; correcting federal statutory citations in the interstate compact on educational opportunity for military children; amending K.S.A. 72-8268 and repealing the existing section.

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

New Section 1. (a) A school district shall enroll any military student in kindergarten or any of the grades one through 12 prior to such student physically residing in this state if such student provides evidence that such student's parent or person acting as parent will be stationed at a military installation in this state during the current or immediately succeeding school year. No proof of address shall be required at the time of such enrollment. Residency within the district may be required for attendance if the school district does not have open seats at the time of enrollment as determined by K.S.A. 72-3123, and amendments thereto.

(b) If a school district offers a pre-kindergarten program, such school district shall enroll any military student in such pre-kindergarten program if such student is eligible to participate in such program and such student provides evidence that such student's parent or person acting as parent will be stationed at a military installation in this state during the current or immediately succeeding school year. If the school district has no open seats for such program, then such student shall be placed on a waiting list for enrollment. Proof of address shall not be required at the time of enrollment, but such proof may be required for attendance. Nothing in this subsection shall be construed to require a school district to offer a pre-kindergarten program that such school district is not required to offer or does not currently offer.

(c) If such student has an individualized education program (IEP) or a 504 plan, the school district shall take appropriate measures to ensure such student will receive the required education and related services upon attending school in the district.

(d) As used in this section, "military student" means the same as defined in K.S.A. 72-5139, and amendments thereto.

Sec. 2. K.S.A. 72-8268 is hereby amended to read as follows: 72-8268. The interstate compact on educational opportunity for military children is hereby enacted into law and entered into with all jurisdictions legally joining therein, in the form substantially as follows:

Interstate Compact on Educational Opportunity for Military Children

ARTICLE I. PURPOSE

It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of educational records from the previous school district or variations in entrance or age requirements.

B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content or assessment.

C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic and social activities.

D. Facilitating the on-time graduation of children of military families.

E. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact.

F. Providing for the uniform collection and sharing of information between and among member states, schools and military families under this compact.

G. Promoting coordination between this compact and other compacts affecting military children.

H. Promoting flexibility and cooperation between the educational system, parents and the student in order to achieve educational success for the student.

ARTICLE II. DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. ~~section~~ *chapter* 1209 and 1211.

B. "Children of military families" means school-aged children, enrolled in kindergarten or any of the grades one through 12, in the household of an active duty member.

C. "Compact commissioner" means the voting representative of each compacting state appointed pursuant to article VIII of this compact.

D. "Deployment" means the period one month prior to the service members' departure from their home station on military orders through six months after return to their home station.

E. "Educational records" means those official records, files and data directly related to a student and maintained by the school or local edu-

cation agency, including but not limited to records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols and individualized education programs.

F. "Extracurricular activities" means voluntary activities sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays and club activities.

G. "Interstate commission on educational opportunity for military children" means the commission that is created under article IX of this compact, which is generally referred to as interstate commission.

H. "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten and grades one through 12 in public schools.

I. "Member state" means a state that has enacted this compact.

J. "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship or other activity under the jurisdiction of the department of defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. Territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects or flood control projects.

K. "Non-member state" means a state that has not enacted this compact.

L. "Receiving state" means the state to which a child of a military family is sent, brought or caused to be sent or brought.

M. "Rule" means a written statement by the interstate commission promulgated pursuant to article XII of this compact that is of general applicability, implements, interprets or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

N. "Sending state" means the state from which a child of a military family is sent, brought or caused to be sent or brought.

O. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands and any other U.S. Territory.

P. "Student" means: the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten or any of the grades one through 12.

Q. "Transition" means (1) the formal and physical process of transferring from school to school or (2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

R. "Uniformed services" means the army, navy, air force, marine corps, coast guard as well as the commissioned corps of the national oceanic and atmospheric administration and public health services.

S. "Veteran" means a person who served in the uniformed services and who was discharged or released there from under conditions other than dishonorable.

ARTICLE III. APPLICABILITY

A. Except as otherwise provided in subsection B, this compact shall apply to the children of:

1. Active duty members of the uniformed services as defined in this compact, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. ~~section~~ *chapter* 1209 and 1211;

2. members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and

3. members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

B. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

C. The provisions of this compact shall not apply to the children of:

1. Inactive members of the national guard and military reserves;

2. members of the uniformed services now retired, except as provided in paragraph 1;

3. veterans of the uniformed services, except as provided in paragraph 1; and

4. other United States department of defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

ARTICLE IV. EDUCATIONAL RECORDS & ENROLLMENT

A. Unofficial or "hand-carried" education records - In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the interstate commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Official education records or transcripts - Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within 10 days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

C. Immunizations - Compacting states shall allow 30 days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for students to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within 30 days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

D. Kindergarten and First grade entrance age - Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level from a local education agency in the sending state at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.

ARTICLE V. PLACEMENT & ATTENDANCE

A. Course placement - When the student transfers before or during the school year, the receiving state school initially shall honor placement of the student in educational courses based on the student's enrollment in the sending state school or educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in such courses.

B. Educational program placement - The receiving state school initially shall honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in like programs in the sending state. Such programs include, but are not limited to, gifted and talented pro-

grams and English as a second language (ESL). This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services - (1) In compliance with the federal requirements of the individuals with disabilities education act (IDEA), 20 U.S.C.A. section 1400 et seq., the receiving state initially shall provide comparable services to a student with disabilities based on the student's current individualized education program (IEP). (2) In compliance with the requirements of section 504 of the rehabilitation act, 29 U.S.C.A. section 794, and with Title II of the Americans with disabilities act, 42 U.S.C.A. sections 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility - Local education agency administrative officials shall have flexibility in waiving course and program prerequisites or other preconditions for placement in courses and programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities - A student whose parent or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with the student's parent or legal guardian relative to such leave or deployment of the parent or guardian.

ARTICLE VI. ELIGIBILITY

A. Eligibility for enrollment:

1. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

2. A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

3. A transitioning military child, placed in the care of a non-custodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which the child was enrolled while residing with the custodial parent.

B. Eligibility for extracurricular participation - State and local education agencies shall facilitate the opportunity for transitioning military

children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

ARTICLE VII. GRADUATION

In order to facilitate the on-time graduation of children of military families:

A. Waiver requirements - Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. Exit exams - States shall accept: (1) Exit or end-of-course exams required for graduation from the sending state; or (2) national norm-referenced achievement tests or (3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in the senior year, then the provisions of paragraph C of this article shall apply.

C. Transfers during senior year - Should a military student transferring at the beginning or during the senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with paragraphs A and B of this article.

ARTICLE VIII. STATE COORDINATION

A. Each member state, through the creation of a state council or use of an existing body or board, shall provide for the coordination among its agencies of government, local education agencies and military installations concerning the state's participation in, and compliance with, this compact and interstate commission activities. While each member state may determine the membership of its own state council, its membership must include: The commissioner of education, a superintendent of a school district with a high concentration of military children, a representative from a military installation, one representative each from the legislative and executive branches of government and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military

children may appoint a superintendent from another school district to represent local education agencies on the state council.

B. The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

C. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the governor or as otherwise determined by each member state.

D. The compact commissioner and the military family education liaison designated herein shall be ex-officio members of the state council, unless either is already a full voting member of the state council.

ARTICLE IX. INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

The member states hereby create the "interstate commission on educational opportunity for military children." The activities of the interstate commission are the formation of public policy and are a discretionary state function. The interstate commission shall:

A. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact.

B. Consist of one interstate commission voting representative from each member state who shall be that state's compact commissioner.

1. Each member state represented at a meeting of the interstate commission is entitled to one vote.

2. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

3. A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the interstate commission, the governor or state council may delegate voting authority to another person from their state for a specified meeting.

4. The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication.

C. Consist of ex-officio, non-voting representatives who are members of interested organizations. Such ex-officio members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the United States department of defense, the education commission of the states, the interstate agreement on the qualification of educational personnel and other interstate compacts affecting the education of children of military members.

D. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings.

E. Establish an executive committee, whose members shall include the officers of the interstate commission and such other members of the interstate commission as determined by the bylaws. Members of the executive committee shall serve a one year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rulemaking, during periods when the interstate commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary. The United States department of defense, shall serve as an ex-officio, nonvoting member of the executive committee.

F. Establish bylaws and rules that provide for conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests.

G. Public notice shall be given by the interstate commission of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:

1. Relate solely to the interstate commission's internal personnel practices and procedures;

2. disclose matters specifically exempted from disclosure by federal and state statute;

3. disclose trade secrets or commercial or financial information which is privileged or confidential;

4. involve accusing a person of a crime, or formally censuring a person;

5. disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

6. disclose investigative records compiled for law enforcement purposes; or

7. specifically relate to the interstate commission's participation in a civil action or other legal proceeding.

H. For a meeting, or portion of a meeting, closed pursuant to this provision, the interstate commission's legal counsel or designee shall certify

that the meeting may be closed and shall reference each relevant exemptible provision. The interstate commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the interstate commission.

I. The interstate commission shall collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection and data exchange and reporting requirements. Such methods of data collection, exchange and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules.

J. The interstate commission shall create a process that permits military officials, education officials and parents to inform the interstate commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the interstate commission or any member state.

ARTICLE X. POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The interstate commission shall have the power to:

A. Provide for dispute resolution among member states.

B. Promulgate rules and take all necessary actions to effect the goals, purposes and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact.

C. Issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules and actions.

D. Enforce compliance with the compact provisions, the rules promulgated by the interstate commission, and the bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process.

E. Establish and maintain offices which shall be located within one or more of the member states.

F. Purchase and maintain insurance and bonds.

G. Borrow, accept, hire or contract for services of personnel.

H. Establish and appoint committees including, but not limited to, an executive committee as required by article IX, which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties hereunder.

I. Elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the interstate commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel.

J. Accept any and all donations and grants of money, equipment, supplies, materials and services, and to receive, utilize, and dispose of it.

K. Lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve or use any property, real, personal or mixed.

L. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal or mixed.

M. Establish a budget and make expenditures.

N. Adopt a seal and bylaws governing the management and operation of the interstate commission.

O. Report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the interstate commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the interstate commission.

P. Coordinate education, training and public awareness regarding the compact, its implementation and operation for officials and parents involved in such activity.

Q. Establish uniform standards for the reporting, collecting and exchanging of data.

R. Maintain corporate books and records in accordance with the bylaws.

S. Perform such functions as may be necessary or appropriate to achieve the purposes of this compact.

T. Provide for the uniform collection and sharing of information between and among member states, schools and military families under this compact.

ARTICLE XI. ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. The interstate commission, by a majority of the members present and voting, within 12 months after the first interstate commission meeting, shall adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

1. Establishing the fiscal year of the interstate commission;

2. establishing an executive committee, and such other committees as may be necessary;

3. providing for the establishment of committees and for governing any general or specific delegation of authority or function of the interstate commission;

4. providing reasonable procedures for calling and conducting meetings of the interstate commission, and ensuring reasonable notice of each such meeting;

5. establishing the titles and responsibilities of the officers and staff of the interstate commission;

6. providing a mechanism for concluding the operations of the interstate commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations; and

7. providing "start up" rules for initial administration of the compact.

B. The interstate commission, by a majority of the members, shall elect annually from among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remuneration from the interstate commission. Subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the interstate commission.

C. Executive Committee, Officers and Personnel

1. The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to:

a. Managing the affairs of the interstate commission in a manner consistent with the bylaws and purposes of the interstate commission;

b. overseeing an organizational structure within, and appropriate procedures for the interstate commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and

c. planning, implementing, and coordinating communications and activities with other state, federal and local government organizations in order to advance the goals of the interstate commission.

2. The executive committee may, subject to the approval of the interstate commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the interstate commission may deem appropriate. The executive director shall serve as secretary to the interstate commission, but shall not be a member of the interstate commission. The executive director shall hire and supervise such other persons as may be authorized by the interstate commission.

D. The interstate commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

1. The liability of the interstate commission's executive director and employees or interstate commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the constitution and laws of that state for state officials, employees, and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

2. The interstate commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend such interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error or omission that occurred within the scope of interstate commission employment, duties or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

3. To the extent not covered by the state involved, member state, or the interstate commission, the representatives or employees of the interstate commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XII. RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. Rulemaking Authority - The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the interstate commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this act, or the powers granted hereunder, then such an action by the interstate commission shall be invalid and have no force or effect.

B. Rulemaking Procedure - Rules shall be made pursuant to a rulemaking process that substantially conforms to the "model state administrative procedure act," of 1981 Act, uniform laws annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the interstate commission.

C. Not later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the interstate commission's authority.

D. If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

ARTICLE XIII. OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

A. Oversight

1. The executive, legislative and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the interstate commission.

3. The interstate commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission shall render a judgment or order void as to the interstate commission, this compact or promulgated rules.

B. Default, Technical Assistance, Suspension and Termination - If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the interstate commission shall:

1. Provide written notice to the defaulting state and other member states, of the nature of the default, the means of curing the default and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default.

2. Provide remedial training and specific technical assistance regarding the default.

3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default.

4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

5. The state which has been suspended or terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of suspension or termination including obligations, the performance of which extends beyond the effective date of suspension or termination.

6. The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state.

7. The defaulting state may appeal the action of the interstate commission by petitioning the United States district court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

C. Dispute Resolution

1. The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and non-member states.

2. The interstate commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. The interstate commission, by majority vote of the members, may initiate legal action in the United States district court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of the compact, its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

3. The remedies herein shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

ARTICLE XIV. FINANCING OF THE INTERSTATE COMMISSION

A. The interstate commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization and ongoing activities.

B. The interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.

C. The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same. The interstate commission shall not pledge the credit of any of the member states, except by and with the authority of the member state.

D. The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the interstate commission.

ARTICLE XV. MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

A. Any state is eligible to become a member state.

B. The compact shall become effective and binding upon legislative

enactment of the compact into law by no less than 10 of the states. The effective date shall be no earlier than December 1, 2007. Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of non-member states or their designees shall be invited to participate in the activities of the interstate commission on a non-voting basis prior to adoption of the compact by all states.

C. The interstate commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XVI. WITHDRAWAL AND DISSOLUTION

A. Withdrawal

1. Once effective, the compact shall continue in force and remain binding upon each and every member state. A member state may withdraw from the compact specifically repealing the statute, which enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member jurisdiction.

3. The withdrawing state immediately shall notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

B. Dissolution of Compact

1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVII. SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XVIII. BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other Laws

1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

2. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

B. Binding Effect of the Compact

1. All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the member states.

2. All agreements between the interstate commission and the member states are binding in accordance with their terms.

3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Sec. 3. K.S.A. 72-8268 is hereby repealed.

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

Approved March 26, 2025.

CHAPTER 17

HOUSE BILL No. 2166
(Amended by Chapter 125)

AN ACT concerning the open records act; relating to public records; continuing in existence certain exceptions to the disclosure thereof; amending K.S.A. 65-7616 and K.S.A. 2024 Supp. 45-229 and 48-962 and repealing the existing sections; also repealing K.S.A. 2024 Supp. 45-229d.

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

Section 1. K.S.A. 2024 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;

(4) has been reviewed and continued in existence by the legislature during the 2013 legislative session and thereafter; or

(5) is a report of the results of an audit conducted by the United States cybersecurity and infrastructure security agency.

(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.

(t) 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 2025 legislative session are hereby continued in existence: 48-962 and 65-7616.

Sec. 2. K.S.A. 2024 Supp. 48-962 is hereby amended to read as follows: 48-962. (a) During a state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, related to the COVID-19 public health emergency, each local health officer shall work with first responder agencies operating in the county to establish a method to share information indicating where a person testing positive for or under quarantine or isolation due to COVID-19 resides or can be expected to be present. Such information shall:

(1) Include the address for such person and, as applicable, the duration of the quarantine, isolation or expected recovery period for such person as determined by the local health officer; and

(2) only be used for the purpose of allowing the first responders to be alert to the need for utilizing appropriate personal protective equipment during the response activity.

(b) The information described in subsection (a) shall be provided to the 911 call center for the area serving the address provided. The 911 call center shall disseminate the information only to first responders responding to the listed address.

(c) All information provided or disseminated under this section shall not be a public record and shall not be subject to the Kansas open records act, K.S.A. 45-215 et seq., and amendments thereto. ~~The provisions of this subsection shall expire on July 1, 2025, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto.~~

Sec. 3. K.S.A. 65-7616 is hereby amended to read as follows: 65-7616. (a) A licensee's license may be revoked, suspended, limited or placed on probation, or the licensee may be publicly censured, or an application for a license or for reinstatement of a license may be denied upon a finding of the existence of any of the following grounds:

(1) The licensee has committed an act of unprofessional conduct as defined by rules and regulations adopted by the board;

(2) the licensee has committed fraud or misrepresentation in applying for or securing an original, renewal or reinstated license;

(3) the licensee has committed an act of professional incompetency as defined by rules and regulations adopted by the board;

(4) the licensee has been convicted of a felony;

(5) the licensee has violated any provision of the acupuncture practice act;

(6) the licensee has violated any lawful order or rule and regulation of the board;

(7) the licensee has been found to be mentally ill, disabled, not guilty by reason of insanity, not guilty because the licensee suffers from a mental disease or defect or incompetent to stand trial by a court of competent jurisdiction;

(8) the licensee has failed to report to the board any adverse action taken against the licensee by another state or licensing jurisdiction, a peer review body, a health care facility, a professional association or society, a governmental agency, a law enforcement agency or a court for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;

(9) the licensee has surrendered a license or authorization to practice as an acupuncturist in another state or jurisdiction, has agreed to a limitation or restriction of privileges at any medical care facility or has surrendered the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;

(10) the licensee has failed to report to the board the surrender of the licensee's license or authorization to practice as an acupuncturist in another state or jurisdiction or the surrender of the licensee's membership on any professional staff or in any professional association or society while under investigation for acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;

(11) the licensee has an adverse judgment, award or settlement rendered against the licensee resulting from a medical liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section;

(12) the licensee has failed to report to the board any adverse judgment, settlement or award against the licensee resulting from a medical malpractice liability claim related to acts or conduct similar to acts or conduct which would constitute grounds for disciplinary action under this section; or

(13) the licensee's ability to practice with reasonable skill and safety to patients is impaired by reason of physical or mental illness, or use of alcohol, drugs or controlled substances. When reasonable suspicion of impairment exists, the board may take action in accordance with K.S.A. 65-2842, and amendments thereto. All information, reports, findings and other records relating to impairment shall be confidential and not subject to discovery by or release to any person or entity outside of a board proceeding. ~~This provision regarding confidentiality shall expire on July 1, 2022, unless the legislature reviews and reenacts such provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2022.~~

(b) The denial, refusal to renew, suspension, limitation, probation or revocation of a license or other sanction may be ordered by the board upon a finding of a violation of the acupuncture practice act. All administrative proceedings conducted pursuant to this act shall be in accordance

with the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act.

(c) This section shall take effect on and after July 1, 2017.

Sec. 4. K.S.A. 65-7616 and K.S.A. 2024 Supp. 45-229, 45-229d and 48-962 are hereby repealed.

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

Approved March 26, 2025.

CHAPTER 18

SENATE BILL No. 6*

AN ACT concerning elections; prohibiting the use of any form of ranked-choice voting methods in conducting elections.

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

Section 1. (a) No form of ranked-choice voting method shall be used in determining the election or nomination of any candidate to any federal, state, county or other municipal elected office.

(b) As used in this section, the term "ranked-choice voting" means a form of voting that allows voters to rank two or more candidates for an elected office in order of preference and tabulates the cast ballots in multiple rounds with the elimination of the lowest vote-receiving candidate after each round until a candidate receives a majority of the votes cast.

(c) Any ordinance, resolution or regulation prohibited by subsection (a) that was adopted prior to July 1, 2025, shall be null and void.

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

Approved March 26, 2025.

Published in the *Kansas Register* April 10, 2025.

CHAPTER 19

SENATE BILL No. 36

AN ACT concerning conservation districts; relating to the financing of operating conservation districts; increasing the cap on the amount of moneys disbursed by the division of conservation to conservation districts; providing an increased matching basis for state moneys disbursed to conservation districts based on amounts allocated by the board of county commissioners for such districts; amending K.S.A. 2-1907c and repealing the existing section.

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

Section 1. K.S.A. 2-1907c is hereby amended to read as follows: 2-1907c. On or before ~~September~~ *November* 1 of each *calendar* year, each conservation district shall submit to the division a certification of the amount of money to be furnished by the county commissioners for conservation district activities for the ensuing calendar year. Such amount shall be the same as authorized for such purposes in each approved county budget. For the purpose of providing state financial assistance to conservation districts *and subject to the matching requirements as provided further*, the division in the regular budget request, as a line item for the forthcoming fiscal year, shall submit a special request for an amount ~~equal to~~ *not less than* the sum of the allocations of each county to each conservation district, but in no event to exceed the sum of ~~$25,000~~ *$50,000* per district. ~~This $25,000~~ *Such $50,000* limitation shall be applicable for fiscal year ~~2008~~ *2026*, and thereafter, subject to appropriations therefor. The division, as soon as practicable after July 1 of the following year, shall disburse such moneys as may be appropriated by the state for this purpose to each conservation district *on a $2 division moneys basis to a $1 county moneys basis* to match *the* funds allocated by the commissioners of each county, *except that the total amount disbursed shall not exceed $50,000 per district*. Distribution shall be prorated in proportion to county allocations in the event that appropriations are insufficient for complete matching of funds. Municipal accounting procedures shall be used in the distribution of and in the expenditure of all funds.

Sec. 2. K.S.A. 2-1907c is hereby repealed.

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

Approved March 26, 2025.

CHAPTER 20

HOUSE BILL No. 2085

AN ACT concerning livestock; relating to the department of health and environment; extending the expiration of permits issued under the water pollution control permit system from five to 10 years; allowing the secretary to issue permits for terms of less than 10 years, if valid cause exists; amending K.S.A. 65-166a and repealing the existing section.

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

Section 1. K.S.A. 65-166a is hereby amended to read as follows: 65-166a. (a) The secretary of health and environment is authorized and directed to establish by duly adopted rules or regulations a schedule of fees to defray all or any part of the costs of administering the water pollution control permit system established by K.S.A. 65-165 and 65-166, and amendments thereto. The amount of the fees so established shall be based upon the quantity of raw wastes or treated wastes to be discharged, units of design capacity of treatment facilities or structures, numbers of potential pollution units, physical or chemical characteristics of discharges and staff time necessary for review and evaluation of proposed projects. In establishing the fee schedule, the secretary of health and environment shall not assess fees for permits required in the extension of a sewage collection system, but such fees shall be assessed for all treatment devices, facilities or discharges where a permit is required by law and is issued by the secretary of health and environment or the secretary's designated representative. Such fees shall be nonrefundable.

(b) Any such permit for which a fee is assessed shall expire ~~five~~ *10* years from the date of its issuance. The secretary of health and environment may issue permits pursuant to K.S.A. 65-165, and amendments thereto, for terms of less than ~~five~~ *10* years, if the secretary determines valid cause exists for issuance of the permit with a term of less than ~~five~~ *10* years. The minimum fee assessed for any permit issued pursuant to K.S.A. 65-165, and amendments thereto, shall be for not less than one year. Permit fees may be assessed and collected on an annual basis and failure to pay the assessed fee shall be cause for revocation of the permit. Any permit ~~which~~ *that* has expired or has been revoked may be reissued upon payment of the appropriate fee and submission of a new application for a permit as provided in K.S.A. 65-165 and 65-166, and amendments thereto.

(c) A permit shall be required for:

(1) Any confined feeding facility with an animal unit capacity of 300 ~~to~~ *through* 999, if the secretary determines that the facility has significant water pollution potential; and

(2) any confined feeding facility with an animal unit capacity of 1,000 or more.

(d) At no time shall the annual permit fee for a confined feeding facility exceed:

(1) $25 for facilities with an animal unit capacity of not more than 999;

(2) $100 for facilities with an animal unit capacity of 1,000 ~~to~~ *through* 4,999;

(3) $200 for facilities with an animal unit capacity of 5,000 ~~to~~ *through* 9,999; or

(4) $400 for facilities with an animal unit capacity of 10,000 or more.

(e) Annual permit fees for any truck washing facility for animal wastes shall be as follows:

(1) For a private truck washing facility for animal wastes with two or fewer trucks, not more than $25;

(2) for a private truck washing facility for animal wastes with three or more trucks, not more than $200; and

(3) for a commercial truck washing facility for animal wastes, not more than $320.

(f) The secretary of health and environment shall remit all moneys received from the fees established pursuant to this act to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the water program management fund created in K.S.A. 65-166b, and amendments thereto.

(g) Any confined feeding facility with an animal unit capacity of ~~less~~ *fewer* than 300 may be required to obtain a permit from the secretary if the secretary determines that such facility has significant water pollution potential.

(h) Any confined feeding facility not otherwise required to obtain a permit or certification may obtain a permit or certification from the secretary. Any such facility obtaining a permit shall pay an annual permit fee of not more than $25.

Sec. 2. K.S.A. 65-166a is hereby repealed.

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

Approved March 26, 2025.

CHAPTER 21

SENATE BILL No. 58

AN ACT concerning water; relating to multi-year flex accounts; modifying the requirements for and authorized allocations from such accounts; amending K.S.A. 2024 Supp. 82a-736 and repealing the existing section.

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

Section 1. K.S.A. 2024 Supp. 82a-736 is hereby amended to read as follows: 82a-736. (a) ~~It is hereby recognized that an opportunity exists~~ *The chief engineer is authorized to establish multi-year flex accounts* to improve water management by enabling multi-year flexibility in the use of water authorized to be diverted under a groundwater water right, ~~provided that~~ *if* such flexibility neither impairs existing water rights~~,~~ nor increases the total amount of water diverted, so that such flexibility has no long-term negative effect on the source of supply. ~~It is therefore declared necessary and advisable to permit the establishment of multi-year flex accounts for groundwater water rights, together with commensurate protections for existing water rights and their source of supply.~~

(b) As used in this section:

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

~~(2)~~ "Base water right" means a water right ~~under which an applicant applies to the chief engineer to establish a multi-year flex account and where all of the following conditions exist~~ *that is vested or has been issued a certificate of appropriation and*:

(A) The *water right's* authorized source of supply is groundwater; ~~and~~

(B) the water right is not ~~currently the~~ subject ~~of~~ *to* a multi-year allocation ~~due to a change approval that allows an expansion of the authorized place of use~~ *pursuant to any other program or order issued by the chief engineer;*

(C) the water right is not subject to any order issued by the chief engineer pursuant to K.S.A. 82a-703a, 82a-706b or 82a-717a, and amendments thereto;

(D) neither the water right nor any portion thereof has been deposited or placed in a safe deposit account in a chartered water bank;

(E) the water right is not deemed abandoned and is in compliance with all provisions of any order of the chief engineer; and

(F) the chief engineer determines that no other conditions exist that make establishment of a multi-year flex account for such water right contrary to the public interest.

~~(3)~~(2) "Multi-year flex account" means a term permit *for up to five*

years that suspends a base water right ~~during its term, except when the term permit may be no longer exercised because of an order of the chief engineer, and is subject to the terms and conditions as provided in subsection (e).~~

~~(4) "Base average usage" means:~~

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

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

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

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

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

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

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

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

~~(A) The calendar year is 2000 through 2009;~~

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

~~(C) if an application to appropriate water was approved after December 31, 2004, the calendar year is any during the perfection period~~*and assigns a multi-year quantity allocation to such base water right in place of the base water right's annual quantity limitation for the duration of the term permit*.

~~(7)~~*(3)* "Net irrigation requirement" means the net irrigation requirement for 50% chance rainfall of the county that corresponds with the

location of the authorized place of use of the base water right ~~as provided in K.A.R. 5-5-12, on the effective date of this act~~.

(c) ~~(1) Except as provided in K.S.A. 2024 Supp. 82a-774 and section 1 of chapter 76 of the 2023 Session Laws of Kansas, and amendments thereto, any holder of a base water right that has not been deposited or placed in a safe deposit account in a chartered water bank~~*Any holder of a base water right* may establish a multi-year flex account where the holder may deposit~~, in advance, the authorized quantity of~~ water from ~~such~~ *a base* water right ~~for any~~ *in advance for a period of up to* five consecutive calendar years~~, except when the chief engineer determines a shorter period is necessary for compliance with a local enhanced management area or an intensive groundwater use control area and the corrective controls in the area do not prohibit the use of multi-year flex accounts, and subject to all of the following:~~

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

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

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

~~(D)~~ *Each multi-year flex account shall meet the following requirements:*

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

~~(i) 500% of the base average usage;~~

~~(ii)~~ 500% of the product of the annual net irrigation requirement multiplied by the ~~flex account~~ *base water right's authorized* acreage, multiplied by 110%, ~~but~~ *and such amount shall* not ~~greater than~~ *exceed* five times the maximum annual quantity authorized by the base water right;

~~(iii) if the authorized place of use is located wholly within the boundaries of a groundwater management district, an amount that shall not increase the long-term average use of the groundwater right as specified by rule or regulation promulgated pursuant to K.S.A. 82a-1028(o), and amendments thereto; or~~

~~(iv) pursuant to subparagraph (F), the amount computed in (i), (ii) or (iii) plus any deposited water remaining in a multi-year flex account up to 100% of the base average usage or alternative base average usage;~~

~~(E) if the multi-year flex account is approved for less than five calendar years, the amount of water deposited in the multi-year flex account shall be prorated based on the number of calendar years approved and otherwise calculated as required by subsection (c)(1)(D)(i), (ii) or (iii); and~~

~~(F) any deposited water remaining in a multi-year flex account up to 100% of the base average usage or alternative base average usage may be~~

~~added to the deposit amount calculated in subparagraph (D) if the base water right is enrolled in another multi-year flex account during the calendar year in which the existing multi-year flex account expires. The total amount of water deposited in any multi-year flex account shall not exceed 500% of the authorized quantity of the base water right.~~

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

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

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

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

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

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

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

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

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

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

~~(f) An~~*(2) for each multi-year flex account that overlaps in place of use with other water rights, including other multi-year flex accounts or other term permits, the multi-year flex account's authorized quantity shall be further limited by the net irrigation requirement for the common place of use when combined with the quantities authorized by the overlapping water rights or term permits;*

(3) a separate multi-year flex account application shall be required for each point of diversion authorized by the base water right;

(4) the authorized rate of diversion of each multi-year flex account shall be the maximum authorized rate of diversion for the point of diversion authorized by the base water right; and

(5) the authorized point of diversion and place of use shall be the point of diversion and place of use for the base water right. Any approval of an application to change the point of diversion or place of use of the base water right shall automatically result in a change to the point of diversion or place of use for the multi-year flex account.

(d) Each application for a multi-year flex account shall be filed with the chief engineer on or before December 31 of the first year of the multi-year flex account term for which the application is being made. *Such application shall be subject to the same fee required for other term permits pursuant to K.S.A. 82a-708c, and amendments thereto.*

(e) If there is deposited water remaining in a multi-year flex account upon the expiration of such account's term, an amount of water not to exceed the lesser of the annual net irrigation requirement for the base water right's authorized acres or the base water right's authorized annual quantity may be added to the deposit amount determined in paragraph (c)(1) for a subsequent multi-year flex account term if such addition does not result in the multi-year allocation for the subsequent multi-year flex account term exceeding the base water right's authorized annual quantity multiplied by the number of years of the subsequent multi-year flex account term and the base water right is enrolled in the subsequent multi-year flex account during the calendar year in which the existing multi-year flex account term expires.

(f) Except as otherwise provided in this section, multi-year flex accounts shall be subject to all provisions of the Kansas water appropriation act and any rules and regulations adopted thereunder.

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

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

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

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

~~(j)~~*(i)* The chief engineer shall submit a written report on the implementation of this section to the house standing ~~committee~~ *committees* on agriculture and natural resources *and water* and the senate standing committee on *agriculture and* natural resources *or any successor committees* on or before ~~February 1 of each year~~ *January 15, 2029, and every four years thereafter*.

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

Sec. 2. K.S.A. 2024 Supp. 82a-736 is hereby repealed.

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

Approved March 26, 2025.

CHAPTER 22

HOUSE BILL No. 2182

AN ACT concerning protection orders; prohibiting a sheriff from charging a fee for service of process for proceedings under the protection from abuse act and the protection from stalking, sexual assault or human trafficking act and similar proceedings based on the laws of other jurisdictions; amending K.S.A. 28-110 and repealing the existing section.

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

Section 1. K.S.A. 28-110 is hereby amended to read as follows: 28-110. (a) Except as otherwise provided in this section:

~~(1) On and after July 1, 2012 through June 30, 2013, the sheriff of each Kansas county shall charge a fee of $10 for serving, executing and returning any process.~~

~~(2) On and after July 1, 2013~~, the sheriff of each Kansas county shall charge a fee of $15 for serving, executing and returning any process*, except that no fee shall be charged for serving, executing and returning any process for a proceeding pursuant to the protection from abuse act as described in K.S.A. 60-3104, and amendments thereto, or the protection from stalking, sexual assault and human trafficking act as described in K.S.A. 60-31a04, and amendments thereto*.

(b) Subject to subsection (e), the fee described in subsection (a) shall be charged for serving, executing and returning process, as well as for any unsuccessful attempts to serve, execute or return process.

(c) If more than one process for the same person in the same case is issued and is in the hands of a sheriff at one time, the sheriff shall charge a single fee for serving, executing and returning the processes.

(d) If more than one process for different persons at the same address in the same case is issued and is in the hands of a sheriff at one time, the sheriff shall charge a single fee for serving, executing and returning the processes.

(e) Where return is not made or timely return is not made pursuant to K.S.A. 60-312 or 61-3005, and amendments thereto, no fee shall be charged for subsequent processes that may be required to effect service and the timely return of the failed service. However, if service is attempted and return is made showing no service because the person to be served cannot be served at that address or there is no such address, the fee in subsection (a) shall be charged for an alias summons at the same address.

(f) Except as provided by K.S.A. 19-269, and amendments thereto, a sheriff shall be reimbursed for the necessary transportation and board expenses incurred while serving under requisition made by the governor.

(g) All fees charged by a sheriff pursuant to this section for the same case may be paid in one combined payment, in a form designated by the sheriff, such as a check or money order.

(h) The state of Kansas and all municipalities in this state, as defined in K.S.A. 12-105a, and amendments thereto, are hereby exempt, in any civil action in which such state or municipality is involved, from paying service of process fees prescribed by this section.

(i) As used in this section, "process" means any summons, pleading, writ, order or notice issued by a court clerk or court.

Sec. 2. K.S.A. 28-110 is hereby repealed.

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

Approved March 26, 2025.

CHAPTER 23

HOUSE BILL No. 2238

AN ACT concerning legislative staff agencies; relating to duties and functions of the legislative research department and legislative administrative services; directing legislative administrative services to be responsible for the preparation of committee minutes; amending K.S.A. 46-1210 and 46-1212a and repealing the existing sections.

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

Section 1. K.S.A. 46-1210 is hereby amended to read as follows: 46-1210. (a) There is hereby established the legislative research department whose head shall be the director of legislative research and who shall be appointed by the legislative coordinating council to serve under ~~its~~ *the* direction *of the council*. The director of legislative research may be removed from office by a vote of five ~~(5)~~ members of the legislative coordinating council taken at any regular meeting of such council. The director of legislative research shall receive such compensation as is determined by the legislative coordinating council. Such director, and any of ~~his or her~~ *such director's* assistants specified by the legislative coordinating council, shall receive expenses and allowances for in-state and out-of-state travel as is provided by law for members of the legislature. Such director shall appoint such assistants and employees of the legislative research department as are authorized by the legislative coordinating council and ~~shall~~ set their compensation subject to the approval of such council. Such director and all assistants and employees of the legislative research department shall be in the unclassified service.

(b) The legislative research department shall perform legislative research functions and such other duties as are directed by the legislative coordinating council.

(c) The legislative research department shall provide staff services to all *meetings of* special committees, select committees, *joint committees* and standing committees ~~meeting~~ when the legislature is not in session, and to the extent possible, accomplish the following:

(1) Assist each committee ~~chairman~~ *chairperson* in planning the work of the committee, and in accordance with the ~~chairman's~~ *chairperson's* instructions prepare an agenda for each meeting.

(2) Appropriately notify committee members, staff and other interested persons of meeting times and other information as directed by the committee ~~chairman~~ *chairperson*.

~~(3) Prepare minutes of each committee meeting to show attendance, disposition of agenda items, tentative and final committee decisions and staff instructions, and such other matters as may be helpful to the work of the committee.~~

~~(4)~~ Prepare and present research information in accordance with

committee instructions or instructions of the committee~~, chairman~~ *chairperson*.

(5) Obtain attendance of persons for committee presentations or testimony. In cases of compulsory process, work with the office of revisor of statutes and office of attorney general to obtain satisfactory results.

(6) Prepare interim reports of committee work when~~the same is~~ *such reports are* requested of a committee by the legislative coordinating council. Any such report shall have committee approval before transmission.

(7) Prepare *a* final committee report in accordance with committee instructions~~; the same to~~. *Such report shall* include relevant information, committee policy recommendations, and to the extent possible, appropriate bill drafts prepared by the office of revisor of statutes.

(8) Receive and analyze agency requests for appropriations and prepare fiscal information for appropriate legislative committees.

(d) Special committees, select committees and standing committees ~~are expected to~~ *shall* utilize~~the foregoing~~ *such* staff services~~to the extent the same are~~ *as* available in making all studies.

Sec. 2. K.S.A. 46-1212a is hereby amended to read as follows: 46-1212a. (a) There is hereby established the division of legislative administrative services whose head shall be the director of legislative administrative services and who shall be appointed by the legislative coordinating council to serve under~~its~~ *the* direction *of the council*. The director of legislative administrative services may be removed from office by a vote of five~~(5)~~ members of the legislative coordinating council taken at any regular meeting of such council. The director of legislative administrative services shall receive such compensation as is determined by the legislative coordinating council. Such director, and any of such director's assistants specified by the legislative coordinating council, shall receive expenses and allowances for in-state and out-of-state travel as is provided by law for members of the legislature. Such director shall appoint such assistants and employees of the division of legislative administrative services as are authorized by the legislative coordinating council and~~shall~~ set their compensation subject to the approval of such council. Such director and all assistants and employees of the division of legislative administrative services shall be in the unclassified service.

(b) The division of legislative administrative services shall provide administrative staff services to and for the elected officers and the majority and minority leaders of the house of representatives and the senate and for the legislative branch, as directed by the legislative coordinating council, by performing the following functions:

(1) Acquiring legislative equipment, facilities and supplies.

(2) Administering the personnel documents and records of members of the legislature and employees of the legislative branch, except officers

and employees of the legislative research department, office of revisor of statutes, division of post audit and such other legislative commissions as may be specifically excepted ~~herefrom~~ by law.

(3) Recruiting and supervising personnel for administrative and secretarial duties as specified by the legislative coordinating council.

(4) *Prepare minutes of each special committee, select committee, joint committee and standing committee meeting, whether the legislature is in session or not in session, to show attendance of members of the legislature, disposition of agenda items, tentative and final committee decisions and staff instructions and such other matters as may be helpful to the work of the committee.*

(5) Working with the legislative research department to provide notices in appropriate detail of legislative study committee meetings and such other matters as are directed by the legislative coordinating council.

~~(5)~~*(6)* Performing such other duties as directed by the legislative coordinating council.

Sec. 3. K.S.A. 46-1210 and 46-1212a are hereby repealed.

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

Approved March 26, 2025.

CHAPTER 24

HOUSE BILL No. 2254*

AN ACT concerning agriculture; relating to financial accounts used to hold and disburse milk producer funds; defining milk producer to include any cooperative association that sells or markets milk on behalf of members; requiring milk processors to hold payments in trust for milk producers until full payment is received, with funds in escrow considered held in trust; allowing milk producers to require escrow accounts for payments, with specific conditions for deposits and account management; specifying that funds in trust or escrow are the property of the milk producer; exempting milk processors from escrow or trust requirements if certain conditions are not met; prohibiting milk processors from purchasing raw milk without compliance with federal milk marketing orders and agreed provisions; holding milk processors liable for unpaid raw milk, including purchase price, interest and attorney fees.

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

Section 1. As used in this act:

(a) "Act" means sections 1 through 5, and amendments thereto.

(b) "Association" means the same as defined in K.S.A. 17-1602, and amendments thereto.

(c) "Cooperative" means the same as defined in K.S.A. 17-1602, and amendments thereto.

(d) "Milk processor" means the same as defined in K.S.A. 65-771, and amendments thereto.

(e) (1) "Milk producer" means the same as defined in K.S.A. 65-771, and amendments thereto.

(2) "Milk producer" includes any cooperative association that sells or markets milk on behalf of a person described in paragraph (1).

(f) "Purchase price" means an amount of money, based on estimated butterfat content at the time of delivery, that a milk processor agrees to pay a milk producer for a purchase of raw milk.

(g) "Timely payment" means a payment made within three days following the payment due date under a milk marketing order or similar terms in a contract.

Sec. 2. (a) (1) Except as provided by subsections (b) and (d), a milk processor shall hold in trust all payments received from the sale of milk for the benefit of the milk producer from whom the milk was purchased until the milk producer has received full payment of the purchase price for the milk.

(2) For the purposes of this subsection, funds placed in escrow in compliance with subsections (b) through (e) are held in trust.

(b) (1) (A) Except as provided by subsection (d), a milk producer who sells milk to a milk processor may require the milk processor to establish an escrow account for the benefit of the milk producer.

(B) If a milk producer requires a milk processor to establish an escrow account under this subsection, the milk processor shall deposit all payments received from the sale of any milk or dairy product into the escrow account until the milk producer has received full payment of the purchase price for the milk.

(2) (A) A milk processor required to establish an escrow account under this section shall, on receipt of a payment from the sale of milk or dairy products, deposit into the account a sum of money determined by multiplying the total amount of all payments received by the milk processor from the sale of milk or dairy products by the fraction determined by dividing the total quantity of milk purchased by the milk processor for sale as milk or dairy products into the quantity of milk sold by the milk producer to the milk processor.

(B) The milk processor shall continue to make payments into the escrow account until the milk producer has received full payment of the purchase price for the milk.

(3) (A) An escrow account required under this section shall be established for the benefit of the milk producer as a segregated, interest-bearing account with a financial institution located in this state, the deposits of which are insured by the federal deposit insurance corporation or the federal savings and loan insurance corporation.

(B) If a milk processor is required to establish more than one escrow account under this section, the milk processor may combine the accounts into a single account.

(C) If the funds accumulated in a combined escrow account are insufficient to pay all the milk producers who have not received full payment and for whose benefit the account was established, the agent of the institution with whom the escrow account is established shall distribute the funds in proportion to the amount then due to each milk producer.

(4) On presentation of proof of identity satisfactory to an agent of the institution with which the escrow account is established, the agent shall promptly distribute any funds accumulated for the benefit of the milk producer to the milk producer or, if required by an applicable federal milk marketing order, to the federal milk administration.

(5) This subsection shall not apply to a purchase of raw milk by a milk processor until there has been a failure to make a timely payment to a milk producer in accordance with section 3, and amendments thereto. Once the entire amount due for the purchase is received by the milk producer, the requirements of this subsection shall terminate in regard to such purchase.

(c) Funds held in trust by a milk processor or in an escrow account are the property of the milk producer.

(d) A milk processor is not required to establish an escrow account or maintain payments in trust under subsection (a) or (b) for a payment if:

(1) Full payment of the purchase price is not received, and the milk producer does not give written notice to the milk processor, by the end of the 30th business day after the final date for payment of the purchase price in accordance with section 3, and amendments thereto; or

(2) a payment instrument received by the milk producer is dishonored, and the milk producer does not give written notice to the milk processor, by the end of the 15th business day after the day that the notice of dishonor was received.

Sec. 3. (a) A milk processor may not purchase raw milk from a milk producer unless:

(1) Payment of the purchase price is made according to the provisions prescribed by an applicable federal milk marketing order;

(2) any additional provisions are agreed on by both the milk producer or such producer's agent and the milk processor; and

(3) the medium of exchange used is cash, a check for the full amount of the purchase price or a wire transfer of money in the full amount.

(b) For purposes of this act, a payment delivered by a milk processor to the applicable federal milk market administrator on behalf of a milk producer in compliance with the terms of an applicable federal milk marketing order is considered to be delivery of payment to the milk producer.

Sec. 4. This act does not apply to transactions between a cooperative association, while acting as a marketing agent, and its members.

Sec. 5. A milk processor who fails to pay for raw milk as provided by this act is liable to the milk producer for:

(a) The purchase price of the raw milk;

(b) interest on the purchase price at the highest legal rate, from the date that possession is transferred until the date that the payment is made in accordance with this act; and

(c) a reasonable attorney fee for the collection of the payment.

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

Approved March 26, 2025.

CHAPTER 25

SENATE BILL No. 105

AN ACT concerning the offices of United States senator, state treasurer and the commissioner of insurance; relating to the filling of vacancies in such offices; requiring the appointment of a person of the same political party as the incumbent; requiring the legislature to nominate three persons for consideration for such appointment and that the governor appoint one of the nominated persons; establishing the joint committee on vacancy appointments; amending K.S.A. 25-101b and 40-106 and repealing the existing sections; also repealing K.S.A. 25-318.

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

New Section 1. (a) Upon a vacancy occurring in the office of United States senator from this state, the governor shall make a temporary appointment to fill such vacancy until a successor is elected and qualified. Such temporary appointment shall be made in accordance with the provisions of sections 2 through 4, and amendments thereto. Within three calendar days after receiving a concurrent resolution adopted pursuant to section 4, and amendments thereto, or a report submitted pursuant to section 3, and amendments thereto, the governor shall appoint one of the three persons recommended as candidates in such concurrent resolution or report to temporarily fill such vacancy. Except as otherwise provided, at the time of the next election of representatives in congress immediately following such vacancy, such vacancy shall be filled by election and the senator so elected shall take office upon receiving such senator's certificate of election. If the vacancy occurs on or after May 1 in an even-numbered year, then such vacancy shall be filled by election at the election of representatives in congress held two years following the year in which such vacancy occurs.

(b) No person shall be appointed pursuant to this act unless such person is a resident of this state and shall have been registered with the same political party for the immediately preceding six years as that of the United States senator elected at the immediately preceding election for such office. If the United States senator elected at the immediately preceding election for such office was not registered with any political party, then any suitable person who is a resident of this state may be appointed pursuant to sections 2 through 4, and amendments thereto.

(c) No person appointed pursuant to subsection (a) shall take office unless such appointment is certified by the secretary of state to the United States senate. The secretary shall not certify any person as being appointed to fill a vacancy in the office of United States senator unless such person is appointed in accordance with this section.

New Sec. 2. (a) Except as otherwise provided, within 10 calendar days of a vacancy occurring in the office of United States senator, the office of

state treasurer or the office of the commissioner of insurance, the joint committee on vacancy appointments shall be established by appointment of the members of the joint committee. The joint committee shall consist of 12 members as follows:

(1) The president of the senate, or a member of the senate designated by the president;

(2) one member of the senate appointed by the president;

(3) the speaker of the house of representatives, or a member of the house of representatives designated by the speaker;

(4) one member of the house of representatives appointed by the speaker;

(5) two members of the senate appointed by the majority leader of the senate;

(6) two members of the house of representatives appointed by the majority leader of the house of representatives;

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

(8) one member of the house of representatives appointed by the speaker pro tem of the house of representatives;

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

(10) one member of the house of representatives appointed by the minority leader of the house of representatives.

(b) Of the members named or appointed under subsections (a)(1), (a)(2), (a)(5) and (a)(7), each of this state's congressional districts shall be represented by at least one such member who shall be a resident thereof. Of the members named or appointed under subsections (a)(3), (a)(4), (a)(6) and (a)(8), each of this state's congressional districts shall be represented by at least one such member who shall be a resident thereof.

(c) The joint committee on vacancy appointments shall not be established when a vacancy occurs less than 90 calendar days prior to December 31 in any year in which a general election for such office is held, unless the person vacating such office was elected to such office at such general election and was an incumbent in such election.

(d) The president of the senate, or the president's designee, shall be the chairperson of the joint committee and the speaker of the house of representatives, or the speaker's designee, shall be the vice chairperson. The vice chairperson shall exercise all the powers of the chairperson in the absence of the chairperson.

(e) The joint committee on vacancy appointments shall meet at any time and at any place within the state on call of the chairperson. Members of the joint committee shall receive compensation and travel expenses

and subsistence expenses or allowances as provided in K.S.A. 75-3212, and amendments thereto, when attending meetings of such committee.

(f) The first meeting of the joint committee shall be held within 30 calendar days of a vacancy occurring in the office of United States senator, the office of state treasurer or the office of the commissioner of insurance.

New Sec. 3. (a) The joint committee on vacancy appointments shall review candidates to fill the vacancy described in section 2, and amendments thereto. Such review shall include verifying that such candidate satisfies federal and state requirements to hold such office and to be appointed to fill a vacancy in such office. The joint committee shall conduct one or more public hearings and shall grant each candidate an opportunity to be heard before the joint committee.

(b) If the vacancy occurs during a regular session of the legislature, or occurs when the legislature is not in regular session but a special session of the legislature is called within five calendar days after such vacancy occurs, then, within 30 calendar days after the first meeting of the joint committee, the joint committee shall introduce a concurrent resolution in each house recommending three persons as candidates to fill the vacancy.

(c) If the joint committee concludes its public hearings while the legislature is not in regular or special session, then, within 30 calendar days after the first meeting of the joint committee, the joint committee shall submit a report to the governor recommending three persons as candidates to fill the vacancy.

(d) No member of the joint committee shall be recommended as a candidate to fill the vacancy.

New Sec. 4. (a) Each house shall consider any concurrent resolution that is introduced pursuant to section 3, and amendments thereto, within 10 days and shall either adopt such resolution or direct the joint committee to reconvene to reconsider candidates to fill the vacancy.

(b) When directed to do so by the legislature, the joint committee shall reconvene and act in accordance with section 3, and amendments thereto. When introducing any second or subsequent resolution, the joint committee may recommend one or more of the candidates who were recommended in any prior resolution.

Sec. 5. K.S.A. 25-101b is hereby amended to read as follows: 25-101b. *(a)* At the general election held in 1978 and each four ~~(4)~~ years thereafter, there shall be elected a treasurer for the state of Kansas, whose term of office shall be four ~~(4)~~ years beginning on the second Monday in January next succeeding such treasurer's election. In case of a vacancy in such office, *within three calendar days after receiving a concurrent resolution adopted pursuant to section 4, and amendments thereto, or a report submitted pursuant to section 3, and amendments thereto,* the governor shall

appoint ~~some suitable person~~ *one of the three persons recommended as candidates in such concurrent resolution or report* to serve for the unexpired term and until a successor is elected and qualified. *No person shall be appointed pursuant to this section unless such person is a resident of this state and shall have been registered with the same political party for the immediately preceding six years as that of the state treasurer elected at the immediately preceding election for such office. If the state treasurer elected at the immediately preceding election for such office was not registered with any political party, then any suitable person who is a resident of this state may be appointed pursuant to sections 2 through 4, and amendments thereto.*

(b) No person appointed pursuant to subsection (a) shall take office unless such appointment is certified by the secretary of state. The secretary shall not certify any person as being appointed to fill a vacancy in the office of treasurer for the state of Kansas unless such person is appointed in accordance with this section.

Sec. 6. K.S.A. 40-106 is hereby amended to read as follows: 40-106. *(a)* At the general election held in 1978 and each four ~~(4)~~ years thereafter, there shall be elected a commissioner of insurance for the state of Kansas, whose term of office shall be four ~~(4)~~ years beginning on the second Monday in January next succeeding such commissioner's election. In case of a vacancy in such office, *within three calendar days after receiving a concurrent resolution adopted pursuant to section 4, and amendments thereto, or a report submitted pursuant to section 3, and amendments thereto,* the governor shall appoint ~~some suitable person~~ *one of the three persons recommended as candidates in such concurrent resolution or report* to serve for the unexpired term and until a successor is elected and qualified. *No person shall be appointed pursuant to this section unless such person is a resident of this state and shall have been registered with the same political party for the immediately preceding six years as that of the commissioner of insurance elected at the immediately preceding election for such office. If the commissioner of insurance elected at the immediately preceding election for such office was not registered with any political party, then any suitable person who is a resident of this state may be appointed pursuant to sections 2 through 4, and amendments thereto.*

(b) No person appointed pursuant to subsection (a) shall take office unless such appointment is certified by the secretary of state. The secretary shall not certify any person as being appointed to fill a vacancy in the office of commissioner of insurance for the state of Kansas unless such person is appointed in accordance with this section.

New Sec. 7. The provisions of sections 1 through 4, and amendments thereto, and K.S.A. 25-101b and 40-106, as amended by this act, are severable. If any portion of such provisions is declared unconstitutional or

invalid, or the application of any portion of such provisions to any person or circumstance is held unconstitutional or invalid, the invalidity shall not affect other portions of such provisions that can be given effect without the invalid portion or application, and the applicability of such other portions of such provisions to any person or circumstance shall remain valid and enforceable.

Sec. 8. K.S.A. 25-101b, 25-318 and 40-106 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the Kansas register.

Allowed to become law without signature.

(See Messages from the Governor)

Published in the *Kansas Register* April 10, 2025.

CHAPTER 26

HOUSE BILL No. 2027

AN ACT concerning public assistance; reorganizing subsections of the public assistance statute; updating cross references; amending K.S.A. 39-757 and K.S.A. 2024 Supp. 39-709 and repealing the existing sections.

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

Section 1. K.S.A. 2024 Supp. 39-709 is hereby amended to read as follows: 39-709. (a) *General eligibility requirements for assistance for which federal moneys are expended. (1)* Subject to the additional requirements below, assistance in accordance with plans under which federal moneys are expended may be granted to any needy person who:

~~(1)~~*(A)* Has insufficient income or resources to provide a reasonable subsistence compatible with decency and health~~. Where~~ *and when determining such income or resources, the secretary shall:*

(i) When a husband and wife or cohabiting partners are living together, *consider* the combined income or resources of both ~~shall be considered in determining~~ *to determine* the eligibility of either or both for such assistance unless otherwise prohibited by law~~. The secretary, in determining need of any applicant for or recipient of assistance shall~~*;*

(ii) not take into account the financial responsibility of any individual for any applicant or recipient of assistance unless such applicant or recipient is such individual's spouse, cohabiting partner or such individual's minor child or minor stepchild if the stepchild is living with such individual~~. The secretary in determining need of an individual~~*;*

(iii) review and may provide such income and resource exemptions as may be permitted by federal law~~. For purposes of eligibility for temporary assistance for needy families, for food assistance and for any other assistance provided through the Kansas department for children and families under which federal moneys are expended, the secretary for children and families shall~~*; and*

(iv) consider one motor vehicle owned by the applicant for assistance, regardless of the value of such vehicle, as exempt personal property and shall consider any equity in any boat, personal water craft, recreational vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined by K.S.A. 8-126, and amendments thereto, or any additional motor vehicle owned by the applicant for assistance to be a nonexempt resource of the applicant for assistance except that any additional motor vehicle used by the applicant, the applicant's spouse or the applicant's cohabiting partner for the primary purpose of earning income may be considered as exempt personal property in the secretary's discretion;~~ or~~

~~(2)~~*(B)* is a citizen of the United States or is an alien lawfully admitted to the United States ~~and who is residing~~*; and*

(C) resides in the state of Kansas.

(2) No person who voluntarily quits employment or who is fired from employment due to gross misconduct as defined by rules and regulations of the secretary or who is a fugitive from justice by reason of a felony conviction or charge or violation of a condition of probation or parole imposed under federal or state law shall be eligible to receive public assistance benefits in this state. Any recipient of public assistance who fails to timely comply with monthly reporting requirements under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary by rules and regulations.

(3) The department of administration shall provide monthly to the Kansas department for children and families the social security numbers or alternate taxpayer identification numbers of all persons who claim a Kansas lottery prize in excess of $5,000 during the reported month. The Kansas department for children and families shall verify if individuals with such winnings are receiving temporary assistance for needy families or TANF, food assistance or assistance under the child care subsidy program and take appropriate action. The Kansas department for children and families shall use data received under this subsection solely, and for no other purpose, to determine if any recipient's eligibility for benefits has been affected by lottery prize winnings. The Kansas department for children and families shall not publicly disclose the identity of any lottery prize winner, including recipients who are determined to have illegally received benefits.

(b) *Temporary assistance for needy families program. (1) As used in this section, "family group" or "household" means the applicant or recipient for TANF, child care subsidy or employment services and all individuals living together in which there is a relationship of legal responsibility or a qualifying caretaker relationship. This will include a cohabiting partner living with the person legally responsible for the child.*

(2) Assistance may be granted under this act to any dependent child, or relative, subject to the general eligibility requirements as set out in subsection (a), who resides in the state of Kansas or whose parent or other relative with whom the child is living resides in the state of Kansas. ~~Such assistance shall be known as temporary assistance for needy families.~~ Where the husband and wife or cohabiting partners are living together, both shall register for work under the program requirements for ~~temporary assistance for needy families~~ *TANF* in accordance with criteria and guidelines prescribed by rules and regulations of the secretary.

~~(1) As used in this subsection, "family group" or "household" means the applicant or recipient for TANF, child care subsidy or employment~~

~~services and all individuals living together in which there is a relationship of legal responsibility or a qualifying caretaker relationship. This will include a cohabiting boyfriend or girlfriend living with the person legally responsible for the child.~~

(3) The family group shall not be eligible for TANF if the family group contains at least one adult member who has received TANF, including the federal TANF ~~assistance~~ received in any other state, for 24 calendar months beginning on and after October 1, 1996, unless the secretary determines a hardship exists and grants an extension allowing receipt of TANF until the 36-month limit is reached. No extension beyond 36 months shall be granted. Hardship provisions for a recipient include:

(A) Is a caretaker of a disabled family member living in the household;

(B) has a disability that precludes employment on a long-term basis or requires substantial rehabilitation;

(C) needs a time limit extension to overcome the effects of domestic violence or sexual assault;

(D) is involved with prevention and protection services and has an open social service plan; or

(E) is determined by the 24th month to have an extreme hardship other than what is designated in criteria listed in subparagraphs (A) through (D). This determination will be made by the executive review team.

~~(2)~~*(4) Eligibility for TANF shall be subject to subsection (f)(1) through (3).*

(5) All adults applying for TANF shall be required to complete a work program assessment as specified by the Kansas department for children and families, including those who have been disqualified for or denied TANF due to non-cooperation, drug testing requirements or fraud. Adults who are not otherwise eligible for TANF, such as ineligible aliens, relative/non-relative caretakers and adults receiving supplemental security income are not required to complete the assessment process.

(6) During the application processing period, applicants must complete at least one module or its equivalent of the work program assessment to be considered eligible for TANF benefits, unless good cause is found to be exempt from the requirements. Good cause exemptions shall only include that the applicant:

(A) Can document an existing certification verifying completion of the work program assessment;

(B) has a valid offer of employment or is employed a minimum of 20 hours a week;

(C) is a parenting teen without a GED or high school diploma;

(D) is enrolled in job corps;

(E) is working with a refugee social services agency; or

(F) has completed the work program assessment within the last 12 months.

~~(3)~~*(7)* The Kansas department for children and families shall maintain a sufficient level of dedicated work program staff to enable the agency to conduct work program case management services to TANF recipients in a timely manner and in full accordance with state law and agency policy.

~~(4)~~*(8)* (A) TANF mandatory work program applicants and recipients shall participate in work components that lead to competitive, integrated employment. Components are defined by the federal government as being either primary or secondary.

(B) *(i)* In order to meet federal work participation requirements, households shall meet at least 30 hours of participation per week, at least 20 hours of which shall be primary and at least 10 hours may be secondary components in one parent households where the youngest child is six years of age or older.

(ii) Participation hours shall be 55 hours *per week* in two parent households, 35 hours per week if child care is not used. The maximum assignment is 40 hours per week per individual.

(iii) For two parent families to meet the federal work participation rate, both parents shall participate in a combined total of 55 hours per week, 50 hours of which shall be in primary components, or one or both parents could be assigned a combined total of 35 hours per week, 30 hours of which must be primary components, if the Kansas department for children and families paid child care is not received by the family.

(iv) Single parent families with a child under ~~age~~ six *years of age* meet the federal participation requirement if the parent is engaged in work or work activities for at least 20 hours per week in a primary work component.

(C) *(i)* The following components meet federal definitions of primary hours of participation:

(a) ~~Full~~*Full-time* or part-time employment~~,~~*;*

(b) apprenticeship~~,~~*;*

(c) work study~~,~~*;*

(d) self-employment~~,~~*;*

(e) job corps~~,~~*;*

(f) subsidized employment~~,~~*;*

(g) work experience sites~~,~~*;*

(h) on-the-job training~~,~~*;*

(i) supervised community service~~,~~*;*

(j) vocational education~~,~~*;*

(k) job search*;* and

(l) job readiness.

(ii) Secondary components include:

(a) Job skills training~~.~~*;*

(b) education directly related to employment such as adult basic education and English as a second language~~.~~*;* and

(c) completion of a high school diploma or GED.

~~(5)~~*(D)* A parent or other adult caretaker personally providing care for a child under the age of three months in their TANF household shall be exempt from work participation activities until the month the child attains three months of age. Such three-month limitation shall not apply to a parent or other adult caretaker who is personally providing care for a child born significantly premature, with serious medical conditions or with a disability as defined by the secretary, in consultation with the secretary of health and environment and adopted in the rules and regulations. The three-month period is defined as two consecutive months starting with the month after childbirth. The exemption for caring for a child under three months *of age* cannot be claimed by:

~~(A)~~*(i)* Either parent when two parents are in the home and the household meets the two-parent definition for federal reporting purposes;

~~(B)~~*(ii)* one parent or caretaker when the other parent or caretaker is in the home, and available, capable and suitable to provide care and the household does not meet the two-parent definition for federal reporting purposes;

~~(C)~~*(iii)* a person ~~age~~ 19 *years of age* or younger when such person is pregnant or a parent of a child in the home and the person does not possess a high school diploma or its equivalent. Such person shall become exempt the month such person attains 20 years of age; or

~~(D)~~*(iv)* any person assigned to a work participation activity for substance use disorders.

~~(6)~~*(E)* TANF work experience placements shall be reviewed after 90 days and are limited to six months per 24-month lifetime limit. A client's progress shall be reviewed prior to each new placement regardless of the length of time they are at the work experience site.

~~(7)~~*(F)* TANF participants with disabilities shall engage in required employment activities to the maximum extent consistent with their abilities. A TANF participant shall provide current documentation by a qualified medical practitioner that details the ability to engage in employment and any limitation in work activities along with the expected duration of such limitations. *As used in this subparagraph,* "disability" *means* ~~is defined as~~ a physical or mental impairment constituting or resulting in a substantial impediment to employment for such individual.

~~(8) Non-cooperation is the failure of the applicant or recipient to comply with all requirements provided in state and federal law, federal and state rules and regulations and agency policy.~~ *(G)* The period of ineligibility for TANF benefits based on non-cooperation, as defined in

K.S.A. 39-702, and amendments thereto, with work programs shall be as follows, for a:

~~(A)~~*(i)* First penalty, three months and full cooperation with work program activities;

~~(B)~~*(ii)* second penalty, six months and full cooperation with work program activities;

~~(C)~~*(iii)* third penalty, one year and full cooperation with work program activities; and

~~(D)~~*(iv)* fourth or subsequent penalty, 10 years.

~~(9) Individuals who have not cooperated with TANF work programs shall be ineligible to participate in the food assistance program. The comparable penalty shall be applied to only the individual in the food assistance program who failed to comply with the TANF work requirement. The agency shall impose the same penalty to the member of the household who failed to comply with TANF requirements. The penalty periods are three months, six months, one year, or 10 years.~~

~~(10) (A)~~*(9)* The period of ineligibility for TANF benefits based on parents' non-cooperation, as defined in K.S.A. 39-702, and amendments thereto, with child support services shall be as follows, for a:

~~(i)~~*(A)* First penalty, three months and cooperation with child support services prior to regaining eligibility;

~~(ii)~~*(B)* second penalty, six months and cooperation with child support services prior to regaining eligibility;

~~(iii)~~*(C)* third penalty, one year and cooperation with child support services prior to regaining eligibility; and

~~(iv)~~*(D)* fourth penalty, 10 years.

~~(B) (i) The period of ineligibility for child care subsidy based on parents' non-cooperation, as defined in K.S.A. 39-702, and amendments thereto, with child support services shall be as follows, for a:~~

~~(a) First penalty, three months and cooperation with child support services prior to regaining eligibility;~~

~~(b) second penalty, six months and cooperation with child support services prior to regaining eligibility;~~

~~(c) third penalty, one year and cooperation with child support services prior to regaining eligibility; and~~

~~(d) fourth penalty, 10 years.~~

~~(ii) The secretary, or the secretary's designee, shall review child support compliance of a parent:~~

~~(a) Upon application for child care subsidy;~~

~~(b) after 12 months of continuous eligibility for child care subsidy; and~~

~~(c) following such 12 months of continuous eligibility when the secretary renews or redetermines a parent's eligibility for child care subsidy.~~

~~(11) Individuals who have not cooperated without good cause with child support services shall be ineligible to participate in the food assistance program. The period of disqualification ends once it has been determined that such individual is cooperating with child support services.~~

~~(12) (A) Any individual who is found to have committed fraud or is found guilty of the crime of theft pursuant to K.S.A. 39-720, and amendments thereto, and K.S.A. 21-5801, and amendments thereto, in either the TANF or child care program shall render all adults in the family unit ineligible for TANF assistance. Adults in the household who have been determined to have committed fraud or were convicted of the crime of theft pursuant to K.S.A. 39-720, and amendments thereto, and K.S.A. 21-5801, and amendments thereto, shall render themselves and all adult household members ineligible for their lifetime for TANF, even if fraud was committed in only one program. Households who have been determined to have committed fraud or were convicted of the crime of theft pursuant to K.S.A. 39-720, and amendments thereto, and K.S.A. 21-5801, and amendments thereto, shall be required to name a protective payee as approved by the secretary or the secretary's designee to administer TANF benefits or food assistance on behalf of the children. No adult in a household may have access to the TANF cash assistance benefit.~~

~~(B) Any individual who has failed to cooperate with a fraud investigation shall be ineligible to participate in the TANF cash assistance program and the child care subsidy program until the Kansas department for children and families determines that such individual is cooperating with the fraud investigation. The Kansas department for children and families shall maintain a sufficient level of fraud investigative staff to enable the department to conduct fraud investigations in a timely manner and in full accordance with state law and department rules and regulations or policies.~~

~~(13) (A) Food assistance shall not be provided to any person convicted of a felony offense occurring on or after July 1, 2015, that includes as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog. For food assistance, the individual shall be permanently disqualified if such individual has been convicted of a state or federal felony offense occurring on or after July 1, 2015, involving possession or use of a controlled substance or controlled substance analog.~~

~~(B) (i) Notwithstanding the provisions of subparagraph (A), an individual shall be eligible for food assistance if the individual enrolls in and participates in a drug treatment program approved by the secretary, submits to and passes a drug test and agrees to submit to drug testing if requested by the department pursuant to a drug testing plan.~~

~~(ii) An individual's failure to submit to testing or failure to successfully pass a drug test shall result in ineligibility for food assistance until a~~

~~drug test is successfully passed. Failure to successfully complete a drug treatment program shall result in ineligibility for food assistance until a drug treatment plan approved by the secretary is successfully completed, the individual passes a drug test and agrees to submit to drug testing if requested by the department pursuant to a drug testing plan.~~

~~(C) The provisions of subparagraph (B) shall not apply to any individual who has been convicted for a second or subsequent felony offense as provided in subparagraph (A).~~

~~(14)~~*(10)* No TANF ~~cash assistance~~ shall be used to purchase alcohol, cigarettes, tobacco products, lottery tickets, concert tickets, professional or collegiate sporting event tickets or tickets for other entertainment events intended for the general public or sexually oriented adult materials. No TANF ~~cash assistance~~ shall be used in any retail liquor store, casino, gaming establishment, jewelry store, tattoo parlor, massage parlor, body piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store, vapor cigarette store, psychic or fortune telling business, bail bond company, video arcade, movie theater, swimming pool, cruise ship, theme park, dog or horse racing facility, parimutuel facility, or sexually oriented business or any retail establishment that provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment, or in any business or retail establishment where minors under ~~age~~ 18 *years of age* are not permitted. No TANF ~~cash assistance~~ shall be used for purchases at points of sale outside the state of Kansas.

~~(15) (A) The secretary for children and families shall place a photograph of the recipient, if agreed to by such recipient of public assistance, on any Kansas benefits card issued by the Kansas department for children and families that the recipient uses in obtaining food, cash or any other services. When a recipient of public assistance is a minor or otherwise incapacitated individual, a parent or legal guardian of such recipient may have a photograph of such parent or legal guardian placed on the card.~~

~~(B) Any Kansas benefits card with a photograph of a recipient shall be valid for voting purposes as a public assistance identification card in accordance with the provisions of K.S.A. 25-2908, and amendments thereto.~~

~~(C) As used in this paragraph and its subparagraphs, "Kansas benefits card" means any card issued to provide food assistance, cash assistance or child care assistance, including, but not limited to, the vision card, EBT card and Kansas benefits card.~~

~~(D) The Kansas department for children and families shall monitor all recipient requests for a Kansas benefits card replacement and, upon the fourth such request in a 12-month period, send a notice alerting the recipient that the recipient's account is being monitored for potential suspicious activity. If a recipient makes an additional request for replacement~~

~~subsequent to such notice, the department shall refer the investigation to the department's fraud investigation unit.~~

~~(16) The secretary for children and families shall adopt rules and regulations for:~~

~~(A) Determining eligibility for the child care subsidy program, including an income of a cohabiting partner in a child care household; and~~

~~(B) determining and maintaining eligibility for non-TANF child care, requiring that all included adults shall be employed a minimum of 20 hours per week or more as defined by the secretary or meet the following specific qualifying exemptions:~~

~~(i) Adults who are not capable of meeting the requirement due to a documented physical or mental condition;~~

~~(ii) adults who are former TANF recipients who need child care for employment after their TANF case has closed and earned income is a factor in the closure in the two months immediately following TANF closure;~~

~~(iii) adult parents included in a case in which the only child receiving benefits is the child of a minor parent who is working on completion of high school or obtaining a GED;~~

~~(iv) adults who are participants in a food assistance employment and training program;~~

~~(v) adults who are participants in an early head start child care partnership program and are working or in school or training; or~~

~~(vi) adults who are caretakers of a child in custody of the secretary in out-of-home placement needing child care.~~

~~The Kansas department for children and families shall provide child care for the pursuit of any degree or certification if the occupation has at least an average job outlook listed in the occupational outlook of the United States department of labor, bureau of labor statistics. For occupations with less than an average job outlook, educational plans shall require approval of the secretary or secretary's designee. Child care may also be approved if the student provides verification of a specific job offer that will be available to such student upon completion of the program. Child care for post-secondary education shall be allowed for a lifetime maximum of 24 months per adult. The 24 months may not have to be consecutive. Students shall be engaged in paid employment for a minimum of 15 hours per week. In a two-parent adult household, child care would not be allowed if both parents are adults and attending a formal education or training program at the same time. The household may choose which one of the parents is participating as a post-secondary student. The other parent shall meet another approvable criteria for child care subsidy.~~

~~(17) (A) The secretary for children and families is prohibited from requesting or implementing a waiver or program from the United States department of agriculture for the time limited assistance provisions for~~

~~able-bodied adults aged 18 through 49 without dependents in a household under the food assistance program. The time on food assistance for able-bodied adults aged 18 through 49 without dependents in the household shall be limited to three months in a 36-month period if such adults are not meeting the requirements imposed by the U.S. department of agriculture that they must work for at least 20 hours per week or participate in a federally approved work program or its equivalent.~~

~~(B) Each food assistance household member who is not otherwise exempt from the following work requirements shall: Register for work; participate in an employment and training program, if assigned to such a program by the department; accept a suitable employment offer; and not voluntarily quit a job of at least 30 hours per week.~~

~~(C) Any recipient who has not complied with the work requirements under subparagraph (B) shall be ineligible to participate in the food assistance program for the following time period and until the recipient complies with such work requirements for a:~~

~~(i) First penalty, three months;~~

~~(ii) second penalty, six months; and~~

~~(iii) third penalty and any subsequent penalty, one year.~~

~~(D) The Kansas department for children and families shall assign all individuals subject to the requirements established under 7 U.S.C. § 2015(d)(1) to an employment and training program as defined in 7 U.S.C. § 2015(d)(4). The provisions of this subparagraph shall only apply to:~~

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

~~(ii) work registrants aged 50 through 59 without dependents not exempt from 7 U.S.C. § 2015(d)(2); and~~

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

~~(18) Eligibility for the food assistance program shall be limited to those individuals who are citizens or who meet qualified non-citizen status as determined by United States department of agriculture. Non-citizen individuals who are unable or unwilling to provide qualifying immigrant documentation, as defined by the United States department of agriculture, residing within a household shall not be included when determining the household's size for the purposes of assigning a benefit level to the household for food assistance or comparing the household's monthly income with the income eligibility standards. The gross non-exempt earned and unearned income and resources of disqualified individuals shall be counted in its entirety as available to the remaining household members.~~

~~(19) The secretary for children and families shall not enact the state option from the United States department of agriculture for broad-based categorical eligibility for households applying for food assistance according to the provisions of 7 C.F.R. § 273.2(j)(2)(ii).~~

~~(20) No federal or state funds shall be used for television, radio or billboard advertisements that are designed to promote food assistance benefits and enrollment. No federal or state funding shall be used for any agreements with foreign governments designed to promote food assistance.~~

~~(21) (A)~~*(c) Food assistance program. (1) (A)* The secretary ~~for children and families~~ shall not apply gross income standards for food assistance higher than the standards specified in 7 U.S.C. § 2015(c) unless expressly required by federal law. Categorical eligibility exempting households from such gross income standards requirements shall not be granted for any non-cash, in-kind or other benefit unless expressly required by federal law.

(B) The secretary ~~for children and families~~ shall not apply resource limits standards for food assistance that are higher than the standards specified in 7 U.S.C. § 2015(g)(1) unless expressly required by federal law. Categorical eligibility exempting households from such resource limits shall not be granted for any non-cash, in-kind or other benefit unless expressly required by federal law.

(C) The secretary shall not enact the state option from the United States department of agriculture for broad-based categorical eligibility for households applying for food assistance according to the provisions of 7 C.F.R. § 273.2(j)(2)(ii).

(D) Eligibility for the food assistance program shall be limited to those individuals who are citizens or who meet qualified non-citizen status as determined by the United States department of agriculture. Non-citizen individuals who are unable or unwilling to provide qualifying immigrant documentation, as defined by the United States department of agriculture, residing within a household shall not be included when determining the household's size for the purposes of assigning a benefit level to the household for food assistance or comparing the household's monthly income with the income eligibility standards. The gross non-exempt earned and unearned income and resources of disqualified individuals shall be counted in its entirety as available to the remaining household members.

(E) Individuals who have not cooperated with TANF work programs shall be ineligible to participate in the food assistance program. The comparable penalty shall be applied to only the individual in the food assistance program who failed to comply with the TANF work requirement. The agency shall impose the same penalty to the member of the household who failed to comply with TANF requirements. The penalty periods are three months, six months, one year or 10 years.

(F) Individuals who have not cooperated without good cause with child support services shall be ineligible to participate in the food assistance program. The period of disqualification ends once it has been determined that such individual is cooperating with child support services.

(G) Eligibility for food assistance shall be subject to subsection (f)(4).

(2) (A) Each food assistance household member who is not otherwise exempt from the following work requirements shall:

(i) Register for work;

(ii) participate in an employment and training program, if assigned to such a program by the department;

(iii) accept a suitable employment offer; and

(iv) not voluntarily quit a job of at least 30 hours per week.

(B) Any recipient who has not complied with the work requirements under subparagraph (A) shall be ineligible to participate in the food assistance program for the following time period and until the recipient complies with such work requirements for a:

(i) First penalty, three months;

(ii) second penalty, six months; and

(iii) third penalty and any subsequent penalty, one year.

(C) The secretary is prohibited from requesting or implementing a waiver or program from the United States department of agriculture for the time limited assistance provisions for able-bodied adults aged 18 through 49 without dependents in a household under the food assistance program. The time on food assistance for able-bodied adults aged 18 through 49 without dependents in the household shall be limited to three months in a 36-month period if such adults are not meeting the requirements imposed by the United States department of agriculture that they must work for at least 20 hours per week or participate in a federally approved work program or its equivalent.

(3) The Kansas department for children and families shall assign all individuals subject to the requirements established under 7 U.S.C. § 2015(d)(1) to an employment and training program as defined in 7 U.S.C. § 2015(d)(4). The provisions of this paragraph shall only apply to:

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

(B) work registrants aged 50 through 59 without dependents not exempt from 7 U.S.C. § 2015(d)(2); and

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

(4) No federal or state funds shall be used for television, radio or billboard advertisements that are designed to promote food assistance benefits and enrollment. No federal or state funding shall be used for any agreements with foreign governments designed to promote food assistance.

(d) Child care subsidy program. (1) The secretary shall adopt rules and regulations for:

(A) Determining eligibility for the child care subsidy program, including an income of a cohabiting partner in a child care household; and

(B) determining and maintaining eligibility for non-TANF child care, requiring that all included adults shall be employed a minimum of 20

hours per week or more as defined by the secretary or meet the following specific qualifying exemptions:

(i) Adults who are not capable of meeting the requirement due to a documented physical or mental condition;

(ii) adults who are former TANF recipients who need child care for employment after their TANF case has closed and earned income is a factor in the closure in the two months immediately following TANF closure;

(iii) adult parents included in a case in which the only child receiving benefits is the child of a minor parent who is working on completion of high school or obtaining a GED;

(iv) adults who are participants in a food assistance employment and training program;

(v) adults who are participants in an early head start child care partnership program and are working or in school or training; or

(vi) adults who are caretakers of a child in custody of the secretary in out-of-home placement needing child care.

(2) (A) The Kansas department for children and families shall provide child care for the pursuit of any degree or certification if the occupation has at least an average job outlook listed in the occupational outlook of the United States department of labor, bureau of labor statistics.

(B) For occupations with less than an average job outlook, educational plans shall require approval of the secretary or secretary's designee.

(C) Child care may also be approved if the student provides verification of a specific job offer that will be available to such student upon completion of the program.

(D) Child care for post-secondary education shall be allowed for a lifetime maximum of 24 months per adult. The 24 months does not have to be consecutive.

(E) Students shall be engaged in paid employment for a minimum of 15 hours per week.

(F) In a two-parent adult household, child care would not be allowed if both parents are adults and attending a formal education or training program at the same time. The household may choose which one of the parents is participating as a post-secondary student. The other parent shall meet another approvable criteria for child care subsidy.

(3) (A) The period of ineligibility for child care subsidy based on parents' non-cooperation, as defined in K.S.A. 39-702, and amendments thereto, with child support services shall be as follows, for a:

(i) First penalty, three months and cooperation with child support services prior to regaining eligibility;

(ii) second penalty, six months and cooperation with child support services prior to regaining eligibility;

(iii) third penalty, one year and cooperation with child support services prior to regaining eligibility; and

(iv) fourth penalty, 10 years.

(B) The secretary, or the secretary's designee, shall review child support compliance of a parent:

(i) Upon application for child care subsidy;

(ii) after 12 months of continuous eligibility for child care subsidy; and

(iii) following such 12 months of continuous eligibility when the secretary renews or redetermines a parent's eligibility for child care subsidy.

~~(c)~~*(e) Fraud Investigations.* (1) The Kansas department for children and families shall conduct an electronic check for any false information provided on an application for TANF and other benefits programs administered by the department. For TANF ~~cash assistance~~, food assistance and the child care subsidy program, the department shall verify the identity of all adults in the assistance household.

~~(2) The department of administration shall provide monthly to the Kansas department for children and families the social security numbers or alternate taxpayer identification numbers of all persons who claim a Kansas lottery prize in excess of $5,000 during the reported month. The Kansas department for children and families shall verify if individuals with such winnings are receiving TANF cash assistance, food assistance or assistance under the child care subsidy program and take appropriate action. The Kansas department for children and families shall use data received under this subsection solely, and for no other purpose, to determine if any recipient's eligibility for benefits has been affected by lottery prize winnings. The Kansas department for children and families shall not publicly disclose the identity of any lottery prize winner, including recipients who are determined to have illegally received benefits.~~

(2) (A) Any individual who is found to have committed fraud or is found guilty of the crime of theft pursuant to K.S.A. 21-5801 and 39-720, and amendments thereto, in either the TANF or child care program shall render all adults in the family unit ineligible for TANF.

(B) Adults in the household who have been determined to have committed fraud or were convicted of the crime of theft pursuant to K.S.A. 21-5801 and 39-720, and amendments thereto, shall render themselves and all adult household members ineligible for their lifetime for TANF, even if fraud was committed in only one program.

(C) Households who have been determined to have committed fraud or were convicted of the crime of theft pursuant to K.S.A. 21-5801 and 39-720, and amendments thereto, shall be required to name a protective payee as approved by the secretary or the secretary's designee to administer TANF benefits or food assistance on behalf of the children. No adult in a household may have access to the TANF benefit.

(3) Any individual who has failed to cooperate with a fraud investigation shall be ineligible to participate in the TANF program and the child care subsidy program until the Kansas department for children and families determines that such individual is cooperating with the fraud investigation.

(4) The Kansas department for children and families shall maintain a sufficient level of fraud investigative staff to enable the department to conduct fraud investigations in a timely manner and in full accordance with state law and department rules and regulations or policies.

(f) Drug screenings and convictions. (1) (A) A program of drug screening for applicants for cash assistance as a condition of eligibility for cash assistance and persons receiving cash assistance as a condition of continued receipt of cash assistance shall be established, subject to applicable federal law, by the secretary on and before January 1, 2014. Under such program of drug screening, the secretary shall order a drug screening of an applicant for or a recipient of cash assistance at any time when reasonable suspicion exists that such applicant for or recipient of cash assistance is unlawfully using a controlled substance or controlled substance analog. The secretary may use any information obtained by the secretary to determine whether such reasonable suspicion exists, including, but not limited to, an applicant's or recipient's demeanor, missed appointments and arrest or other police records, previous employment or application for employment in an occupation or industry that regularly conducts drug screening, termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the applicant or recipient indicating unlawful use of a controlled substance or controlled substance analog.

(B) Any applicant for or recipient of cash assistance whose drug screening results in a positive test may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any applicant for or recipient of cash assistance who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Such applicant or recipient who took the additional drug screening and who tested negative for unlawful use of a controlled substance and controlled substance analog shall be reimbursed for the cost of such additional drug screening.

(C) Any applicant for or recipient of cash assistance who tests positive for unlawful use of a controlled substance or controlled substance analog shall be required to complete a substance abuse treatment program approved by the secretary, secretary of labor or secretary of commerce, and a job skills program approved by the secretary, secretary of labor or secretary of commerce.

(D) Subject to applicable federal laws, any applicant for or recipient of cash assistance who fails to complete or refuses to participate in the sub-

stance abuse treatment program or job skills program as required under this subsection shall be ineligible to receive cash assistance until completion of such substance abuse treatment and job skills programs.

(E) Upon completion of both substance abuse treatment and job skills programs, such applicant for or recipient of cash assistance may be subject to periodic drug screening, as determined by the secretary.

(F) Upon a second positive test for unlawful use of a controlled substance or controlled substance analog, a recipient of cash assistance shall be ordered to complete again a substance abuse treatment program and job skills program, and shall be terminated from cash assistance for a period of 12 months, or until such recipient of cash assistance completes both substance abuse treatment and job skills programs, whichever is later.

(G) Upon a third positive test for unlawful use of a controlled substance or controlled substance analog, a recipient of cash assistance shall be terminated from cash assistance, subject to applicable federal law.

(H) Except for hearings before the Kansas department for children and families, the results of any drug screening administered as part of the drug screening program authorized by this subsection shall be confidential and shall not be disclosed publicly.

(2) (A) If an applicant for or recipient of cash assistance is ineligible for or terminated from cash assistance as a result of a positive test for unlawful use of a controlled substance or controlled substance analog, and such applicant for or recipient of cash assistance is the parent or legal guardian of a minor child, an appropriate protective payee shall be designated to receive cash assistance on behalf of such child. Such parent or legal guardian of the minor child may choose to designate an individual to receive cash assistance for such parent's or legal guardian's minor child, as approved by the secretary. Prior to the designated individual receiving any cash assistance, the secretary shall review whether reasonable suspicion exists that such designated individual is unlawfully using a controlled substance or controlled substance analog.

(B) In addition, any individual designated to receive cash assistance on behalf of an eligible minor child shall be subject to drug screening at any time when reasonable suspicion exists that such designated individual is unlawfully using a controlled substance or controlled substance analog. The secretary may use any information obtained by the secretary to determine whether such reasonable suspicion exists, including, but not limited to, the designated individual's demeanor, missed appointments and arrest or other police records, previous employment or application for employment in an occupation or industry that regularly conducts drug screening, termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records

of the designated individual indicating unlawful use of a controlled substance or controlled substance analog.

(C) Any designated individual whose drug screening results in a positive test may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any designated individual who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Such designated individual who took the additional drug screening and who tested negative for unlawful use of a controlled substance and controlled substance analog shall be reimbursed for the cost of such additional drug screening.

(D) Upon any positive test for unlawful use of a controlled substance or controlled substance analog, the designated individual shall not receive cash assistance on behalf of the parent's or legal guardian's minor child, and another designated individual shall be selected by the secretary to receive cash assistance on behalf of such parent's or legal guardian's minor child.

(3) If a person has been convicted under federal or state law of any offense that is classified as a felony by the law of the jurisdiction and has as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, such person shall thereby become forever ineligible to receive any cash assistance under this subsection unless such conviction is the person's first conviction. First-time offenders convicted under federal or state law of any offense that is classified as a felony by the law of the jurisdiction and has as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, such person shall become ineligible to receive cash assistance for five years from the date of conviction.

(4) (A) Food assistance shall not be provided to any person convicted of a felony offense occurring on or after July 1, 2015, that includes as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog. For food assistance, the individual shall be permanently disqualified if such individual has been convicted of a state or federal felony offense occurring on or after July 1, 2015, involving possession or use of a controlled substance or controlled substance analog.

(B) (i) Notwithstanding the provisions of subparagraph (A), an individual shall be eligible for food assistance if the individual enrolls in and participates in a drug treatment program approved by the secretary, submits to and passes a drug test and agrees to submit to drug testing if requested by the department pursuant to a drug testing plan.

(ii) An individual's failure to submit to testing or failure to successfully pass a drug test shall result in ineligibility for food assistance until a drug test is successfully passed.

(iii) Failure to successfully complete a drug treatment program shall result in ineligibility for food assistance until a drug treatment plan approved by the secretary is successfully completed, the individual passes a drug test and agrees to submit to drug testing if requested by the department pursuant to a drug testing plan.

(C) The provisions of subparagraph (B) shall not apply to any individual who has been convicted for a second or subsequent felony offense as provided in subparagraph (A).

(5) The secretary may adopt such rules and regulations as are necessary to carry out the provisions of this subsection.

(6) Any authority granted to the secretary under this subsection shall be in addition to any other penalties prescribed by law.

(7) As used in this subsection:

(A) "Cash assistance" means cash assistance provided to individuals under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant to such provisions.

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

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

~~(d) Temporary assistance for needy families;~~

(g) Assignment of support rights and limited power of attorney. (1) By applying for or receiving ~~temporary assistance for needy families~~ *TANF* such applicant or recipient shall be deemed to have assigned to the secretary on behalf of the state any accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. In any case in which an order for child support has been established and the legal custodian and obligee under the order surrenders physical custody of the child to a caretaker relative without obtaining a modification of legal custody and support rights on behalf of the child are assigned pursuant to this section, the surrender of physical custody and the assignment shall transfer, by operation of law, the child's support rights under the order to the secretary on behalf of the state. Such assignment shall be of all accrued, present or future rights to support of the child surrendered to the caretaker relative. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant, recipient or obligee. By applying for

or receiving temporary assistance for needy families, or by surrendering physical custody of a child to a caretaker relative who is an applicant or recipient of such assistance on the child's behalf, the applicant, recipient or obligee is also deemed to have appointed the secretary, or the secretary's designee, as an attorney-in-fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full.

(2) If the applicant or recipient of TANF is a mother of the dependent child, as a condition of the mother's eligibility for TANF, the mother shall identify by name and, if known, by current address the father of the dependent child except that the secretary may adopt by rules and regulations exceptions to this requirement in cases of undue hardship. Any recipient of TANF who fails to cooperate with requirements relating to child support services under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary.

(3) In any case in which the secretary pays for the expenses of care and custody of a child pursuant to K.S.A. 38-2201 et seq. or 38-2301 et seq., and amendments thereto, including the expenses of any foster care placement, an assignment of all past, present and future support rights of the child in custody possessed by either parent or other person entitled to receive support payments for the child is, by operation of law, conveyed to the secretary. Such assignment shall become effective upon placement of a child in the custody of the secretary or upon payment of the expenses of care and custody of a child by the secretary without the requirement that any document be signed by the parent or other person entitled to receive support payments for the child. When the secretary pays for the expenses of care and custody of a child or a child is placed in the custody of the secretary, the parent or other person entitled to receive support payments for the child is also deemed to have appointed the secretary, or the secretary's designee, as attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary on behalf of the child. This limited power of attorney shall be effective from the date the assignment to support rights becomes effective and shall remain in effect until the assignment of support rights has been terminated in full.

(4) By applying for or receiving child care subsidy or food assistance, the applicant or recipient shall be deemed to have assigned, pursuant to K.S.A. 39-756, and amendments thereto, to the secretary on behalf of the

state only accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant or recipient. By applying for or receiving child care subsidy or food assistance, the applicant or recipient is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full. An applicant or recipient who has assigned support rights to the secretary pursuant to this subsection shall cooperate in establishing and enforcing support obligations to the same extent required of applicants for or recipients of TANF.

(h) Electronic benefits card. (1) The secretary shall place a photograph of the recipient, if agreed to by such recipient of public assistance, on any Kansas benefits card issued by the Kansas department for children and families that the recipient uses in obtaining food, cash or any other services. When a recipient of public assistance is a minor or otherwise incapacitated individual, a parent or legal guardian of such recipient may have a photograph of such parent or legal guardian placed on the card.

(2) Any Kansas benefits card with a photograph of a recipient shall be valid for voting purposes as a public assistance identification card in accordance with the provisions of K.S.A. 25-2908, and amendments thereto.

(3) The Kansas department for children and families shall monitor all recipient requests for a Kansas benefits card replacement and, upon the fourth such request in a 12-month period, send a notice alerting the recipient that the recipient's account is being monitored for potential suspicious activity. If a recipient makes an additional request for replacement subsequent to such notice, the department shall refer the investigation to the department's fraud investigation unit.

(4) As used in this subsection, "Kansas benefits card" means any card issued to provide food assistance, TANF or child care assistance, including, but not limited to, the vision card, EBT card and Kansas benefits card.

~~(e)~~*(i) Requirements for medical assistance for which federal moneys or state moneys or both are expended.* (1) When the secretary has adopted a medical care plan under which federal moneys or state moneys or both are expended, medical assistance in accordance with such plan shall be

granted to any person who is a citizen of the United States or who is an alien lawfully admitted to the United States and who is residing in the state of Kansas, whose resources and income do not exceed the levels prescribed by the secretary. In determining the need of an individual, the secretary may provide for income and resource exemptions and protected income and resource levels. Resources from inheritance shall be counted. A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and amendments thereto, shall constitute a transfer of resources. The secretary shall exempt principal and interest held in irrevocable trust pursuant to K.S.A. 16-303(c), and amendments thereto, from the eligibility requirements of applicants for and recipients of medical assistance. Such assistance shall be known as medical assistance.

(2) For the purposes of medical assistance eligibility determinations on or after July 1, 2004, if an applicant or recipient owns property in joint tenancy with some other party and the applicant or recipient of medical assistance has restricted or conditioned their interest in such property to a specific and discrete property interest less than 100%, then such designation will cause the full value of the property to be considered an available resource to the applicant or recipient. Medical assistance eligibility for receipt of benefits under the title XIX of the social security act, commonly known as medicaid, shall not be expanded, as provided for in the patient protection and affordable care act, public law 111-148, 124 stat. 119, and the health care and education reconciliation act of 2010, public law 111-152, 124 stat. 1029, unless the legislature expressly consents to, and approves of, the expansion of medicaid services by an act of the legislature.

(3) (A) Resources from trusts shall be considered when determining eligibility of a trust beneficiary for medical assistance. Medical assistance is to be secondary to all resources, including trusts, that may be available to an applicant or recipient of medical assistance.

(B) If a trust has discretionary language, the trust shall be considered to be an available resource to the extent, using the full extent of discretion, the trustee may make any of the income or principal available to the applicant or recipient of medical assistance. Any such discretionary trust shall be considered an available resource unless:

(i) At the time of creation or amendment of the trust, the trust states a clear intent that the trust is supplemental to public assistance; and

(ii) the trust is funded:

(a) From resources of a person who, at the time of such funding, owed no duty of support to the applicant or recipient of medical assistance; or

(b) not more than nominally from resources of a person while that person owed a duty of support to the applicant or recipient of medical assistance.

(C) For the purposes of this paragraph, "public assistance" includes, but is not limited to, medicaid, medical assistance or title XIX of the social security act.

(4) (A) When an applicant or recipient of medical assistance is a party to a contract, agreement or accord for personal services being provided by a nonlicensed individual or provider and such contract, agreement or accord involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits, or other related issues, any moneys paid under such contract, agreement or accord shall be considered to be an available resource unless the following restrictions are met:

(i) The contract, agreement or accord must be in writing and executed prior to any services being provided;

(ii) the moneys paid are in direct relationship with the fair market value of such services being provided by similarly situated and trained nonlicensed individuals;

(iii) if no similarly situated nonlicensed individuals or situations can be found, the value of services will be based on federal hourly minimum wage standards;

(iv) such individual providing the services shall report all receipts of moneys as income to the appropriate state and federal governmental revenue agencies;

(v) any amounts due under such contract, agreement or accord shall be paid after the services are rendered;

(vi) the applicant or recipient shall have the power to revoke the contract, agreement or accord; and

(vii) upon the death of the applicant or recipient, the contract, agreement or accord ceases.

(B) When an applicant or recipient of medical assistance is a party to a written contract for personal services being provided by a licensed health professional or facility and such contract involves health and welfare monitoring, pharmacy assistance, case management, communication with medical, health or other professionals, or other activities related to home health care, long term care, medical assistance benefits or other related issues, any moneys paid in advance of receipt of services for such contracts shall be considered to be an available resource.

(5) Any trust may be amended if such amendment is permitted by the Kansas uniform trust code.

~~(f)~~*(j) Eligibility for medical assistance of resident receiving medical care outside state.* A person who is receiving medical care including long-term care outside of Kansas whose health would be endangered by the postponement of medical care until return to the state or by travel to re-

turn to Kansas, may be determined eligible for medical assistance if such individual is a resident of Kansas and all other eligibility factors are met. Persons who are receiving medical care on an ongoing basis in a long-term medical care facility in a state other than Kansas and who do not return to a care facility in Kansas when they are able to do so, shall no longer be eligible to receive assistance in Kansas unless such medical care is not available in a comparable facility or program providing such medical care in Kansas. For persons who are minors or who are under guardianship, the actions of the parent or guardian shall be deemed to be the actions of the child or ward in determining whether or not the person is remaining outside the state voluntarily.

~~(g)~~*(k) Medical assistance; assignment of rights to medical support and limited power of attorney; recovery from estates of deceased recipients.* (1) (A) Except as otherwise provided in K.S.A. 39-786 and 39-787, and amendments thereto, or as otherwise authorized on and after September 30, 1989, under section 303 of the federal medicare catastrophic coverage act of 1988, whichever is applicable, by applying for or receiving medical assistance under a medical care plan in which federal funds are expended, any accrued, present or future rights to support and any rights to payment for medical care from a third party of an applicant or recipient and any other family member for whom the applicant is applying shall be deemed to have been assigned to the secretary on behalf of the state. The assignment shall automatically become effective upon the date of approval for such assistance without the requirement that any document be signed by the applicant or recipient. By applying for or receiving medical assistance the applicant or recipient is also deemed to have appointed the secretary, or the secretary's designee, as an attorney-in-fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments, representing payments received by the secretary in on behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for assistance and shall remain in effect until the assignment has been terminated in full. The assignment of any rights to payment for medical care from a third party under this subsection shall not prohibit a health care provider from directly billing an insurance carrier for services rendered if the provider has not submitted a claim covering such services to the secretary for payment. Support amounts collected on behalf of persons whose rights to support are assigned to the secretary only under this subsection and no other shall be distributed pursuant to K.S.A. 39-756(d), and amendments thereto, except that any amounts designated as medical support shall be retained by the secretary for repayment of the unreimbursed portion of assistance. Amounts collected pursuant to the assignment of rights to payment for

medical care from a third party shall also be retained by the secretary for repayment of the unreimbursed portion of assistance.

(B) Notwithstanding the provisions of subparagraph (A), the secretary of health and environment, or the secretary's designee, is hereby authorized to and shall exercise any of the powers specified in subparagraph (A) in relation to performance of such secretary's duties pertaining to medical subrogation, estate recovery or any other duties assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes Annotated, and amendments thereto.

(2) The amount of any medical assistance paid after June 30, 1992, under the provisions of subsection ~~(e)~~ *(i)* is a claim against the property or any interest therein belonging to and a part of the estate of any deceased recipient or, if there is no estate, the estate of the surviving spouse, if any, shall be charged for such medical assistance paid to either or both and a claim against any funds of such recipient or spouse in any account under K.S.A. 9-1215, 17-2263 or 17-2264, and amendments thereto. There shall be no recovery of medical assistance correctly paid to or on behalf of an individual under subsection ~~(e)~~ *(i)* except after the death of the surviving spouse of the individual, if any, and only at a time when the individual has no surviving child who is under 21 years of age or is blind or permanently and totally disabled. Transfers of real or personal property by recipients of medical assistance without adequate consideration are voidable and may be set aside. Except where there is a surviving spouse, or a surviving child who is under 21 years of age or is blind or permanently and totally disabled, the amount of any medical assistance paid under subsection ~~(e)~~ *(i)* is a claim against the estate in any guardianship or conservatorship proceeding. The monetary value of any benefits received by the recipient of such medical assistance under long-term care insurance, as defined by K.S.A. 40-2227, and amendments thereto, shall be a credit against the amount of the claim provided for such medical assistance under this subsection. The secretary of health and environment is authorized to enforce each claim provided for under this subsection. The secretary of health and environment shall not be required to pursue every claim, but is granted discretion to determine which claims to pursue. All moneys received by the secretary of health and environment from claims under this subsection shall be deposited in the social welfare fund. The secretary of health and environment may adopt rules and regulations for the implementation and administration of the medical assistance recovery program under this subsection.

(3) By applying for or receiving medical assistance under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, such individual or such individual's agent, fiduciary, guardian, conservator, representative payee or other person acting on be-

half of the individual consents to the following definitions of estate and the results therefrom:

(A) If an individual receives any medical assistance before July 1, 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, which forms the basis for a claim under paragraph (2), such claim is limited to the individual's probatable estate as defined by applicable law; and

(B) if an individual receives any medical assistance on or after July 1, 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, which forms the basis for a claim under paragraph (2), such claim shall apply to the individual's medical assistance estate. The medical assistance estate is defined as including all real and personal property and other assets in which the deceased individual had any legal title or interest immediately before or at the time of death to the extent of that interest or title. The medical assistance estate includes without limitation, assets conveyed to a survivor, heir or assign of the deceased recipient through joint tenancy, tenancy in common, survivorship, transfer-on-death deed, payable-on-death contract, life estate, trust, annuities or similar arrangement.

(4) The secretary of health and environment or the secretary's designee is authorized to file and enforce a lien against the real property of a recipient of medical assistance in certain situations, subject to all prior liens of record and transfers for value to a bona fide purchaser of record. The lien must be filed in the office of the register of deeds of the county where the real property is located within one year from the date of death of the recipient and must contain the legal description of all real property in the county subject to the lien.

(A) After the death of a recipient of medical assistance, the secretary of health and environment or the secretary's designee may place a lien on any interest in real property owned by such recipient.

(B) The secretary of health and environment or the secretary's designee may place a lien on any interest in real property owned by a recipient of medical assistance during the lifetime of such recipient. Such lien may be filed only after notice and an opportunity for a hearing has been given. Such lien may be enforced only upon competent medical testimony that the recipient cannot reasonably be expected to be discharged and returned home. A six-month period of compensated inpatient care at a nursing home or other medical institution shall constitute a determination by the department of health and environment that the recipient cannot reasonably be expected to be discharged and returned home. To return home means the recipient leaves the nursing or medical facility and resides in the home on which the lien has been placed for a continuous period of at least 90 days without being readmitted as an inpatient to a

nursing or medical facility. The amount of the lien shall be for the amount of assistance paid by the department of health and environment until the time of the filing of the lien and for any amount paid thereafter for such medical assistance to the recipient. After the lien is filed against any real property owned by the recipient, such lien will be dissolved if the recipient is discharged, returns home and resides upon the real property to which the lien is attached for a continuous period of at least 90 days without being readmitted as an inpatient to a nursing or medical facility. If the recipient is readmitted as an inpatient to a nursing or medical facility for a continuous period of less than 90 days, another continuous period of at least 90 days shall be completed prior to dissolution of the lien.

(5) The lien filed by the secretary of health and environment or the secretary's designee for medical assistance correctly received may be enforced before or after the death of the recipient by the filing of an action to foreclose such lien in the Kansas district court or through an estate probate court action in the county where the real property of the recipient is located. However, it may be enforced only:

(A) After the death of the surviving spouse of the recipient;

(B) when there is no child of the recipient, natural or adopted, who is 20 years of age or less residing in the home;

(C) when there is no adult child of the recipient, natural or adopted, who is blind or disabled residing in the home; or

(D) when no brother or sister of the recipient is lawfully residing in the home, who has resided there for at least one year immediately before the date of the recipient's admission to the nursing or medical facility, and has resided there on a continuous basis since that time.

(6) The lien remains on the property even after a transfer of the title by conveyance, sale, succession, inheritance or will unless one of the following events occur:

(A) The lien is satisfied. The recipient, the heirs, personal representative or assigns of the recipient may discharge such lien at any time by paying the amount of the lien to the secretary of health and environment or the secretary's designee;

(B) the lien is terminated by foreclosure of prior lien of record or settlement action taken in lieu of foreclosure; or

(C) the value of the real property is consumed by the lien, at which time the secretary of health and environment or the secretary's designee may force the sale for the real property to satisfy the lien.

(7) If the secretary for aging and disability services or the secretary of health and environment, or both, or such secretary's designee has not filed an action to foreclose the lien in the Kansas district court in the county where the real property is located within 10 years from the date of the filing of the lien, then the lien shall become dormant, and shall cease

to operate as a lien on the real estate of the recipient. Such dormant lien may be revived in the same manner as a dormant judgment lien is revived under K.S.A. 60-2403 et seq., and amendments thereto.

(8) Within seven days of receipt of notice by the secretary ~~for children and families~~ or the secretary's designee of the death of a recipient of medical assistance under this subsection, the secretary ~~for children and families~~ or the secretary's designee shall give notice of such recipient's death to the secretary of health and environment or the secretary's designee.

(9) All rules and regulations adopted on and after July 1, 2013, and prior to July 1, 2014, to implement this subsection shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of health and environment until revised, amended, revoked or nullified pursuant to law.

~~(h) *Placement under the revised Kansas code for care of children or revised Kansas juvenile justice code; assignment of support rights and limited power of attorney.* In any case in which the secretary for children and families pays for the expenses of care and custody of a child pursuant to K.S.A. 38-2201 et seq. or 38-2301 et seq., and amendments thereto, including the expenses of any foster care placement, an assignment of all past, present and future support rights of the child in custody possessed by either parent or other person entitled to receive support payments for the child is, by operation of law, conveyed to the secretary. Such assignment shall become effective upon placement of a child in the custody of the secretary or upon payment of the expenses of care and custody of a child by the secretary without the requirement that any document be signed by the parent or other person entitled to receive support payments for the child. When the secretary pays for the expenses of care and custody of a child or a child is placed in the custody of the secretary, the parent or other person entitled to receive support payments for the child is also deemed to have appointed the secretary, or the secretary's designee, as attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary on behalf of the child. This limited power of attorney shall be effective from the date the assignment to support rights becomes effective and shall remain in effect until the assignment of support rights has been terminated in full.~~

~~(i) No person who voluntarily quits employment or who is fired from employment due to gross misconduct as defined by rules and regulations of the secretary or who is a fugitive from justice by reason of a felony conviction or charge or violation of a condition of probation or parole imposed under federal or state law shall be eligible to receive public assistance benefits in this state. Any recipient of public assistance who fails to timely comply with monthly reporting requirements under~~

~~criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary by rules and regulations.~~

~~(j) If the applicant or recipient of temporary assistance for needy families is a mother of the dependent child, as a condition of the mother's eligibility for temporary assistance for needy families the mother shall identify by name and, if known, by current address the father of the dependent child except that the secretary may adopt by rules and regulations exceptions to this requirement in cases of undue hardship. Any recipient of temporary assistance for needy families who fails to cooperate with requirements relating to child support services under criteria and guidelines prescribed by rules and regulations of the secretary shall be subject to a penalty established by the secretary.~~

~~(k) By applying for or receiving child care subsidy or food assistance, the applicant or recipient shall be deemed to have assigned, pursuant to K.S.A. 39-756, and amendments thereto, to the secretary on behalf of the state only accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant or recipient. By applying for or receiving child care subsidy or food assistance, the applicant or recipient is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in effect until the assignment of support rights has been terminated in full. An applicant or recipient who has assigned support rights to the secretary pursuant to this subsection shall cooperate in establishing and enforcing support obligations to the same extent required of applicants for or recipients of temporary assistance for needy families.~~

~~(l) (1) A program of drug screening for applicants for cash assistance as a condition of eligibility for cash assistance and persons receiving cash assistance as a condition of continued receipt of cash assistance shall be established, subject to applicable federal law, by the secretary for children and families on and before January 1, 2014. Under such program of drug screening, the secretary for children and families shall order a drug screening of an applicant for or a recipient of cash assistance at any time when reasonable suspicion exists that such applicant for or recipient of~~

~~cash assistance is unlawfully using a controlled substance or controlled substance analog. The secretary for children and families may use any information obtained by the secretary for children and families to determine whether such reasonable suspicion exists, including, but not limited to, an applicant's or recipient's demeanor, missed appointments and arrest or other police records, previous employment or application for employment in an occupation or industry that regularly conducts drug screening, termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the applicant or recipient indicating unlawful use of a controlled substance or controlled substance analog.~~

~~(2) Any applicant for or recipient of cash assistance whose drug screening results in a positive test may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any applicant for or recipient of cash assistance who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Such applicant or recipient who took the additional drug screening and who tested negative for unlawful use of a controlled substance and controlled substance analog shall be reimbursed for the cost of such additional drug screening.~~

~~(3) Any applicant for or recipient of cash assistance who tests positive for unlawful use of a controlled substance or controlled substance analog shall be required to complete a substance abuse treatment program approved by the secretary for children and families, secretary of labor or secretary of commerce, and a job skills program approved by the secretary for children and families, secretary of labor or secretary of commerce. Subject to applicable federal laws, any applicant for or recipient of cash assistance who fails to complete or refuses to participate in the substance abuse treatment program or job skills program as required under this subsection shall be ineligible to receive cash assistance until completion of such substance abuse treatment and job skills programs. Upon completion of both substance abuse treatment and job skills programs, such applicant for or recipient of cash assistance may be subject to periodic drug screening, as determined by the secretary for children and families. Upon a second positive test for unlawful use of a controlled substance or controlled substance analog, a recipient of cash assistance shall be ordered to complete again a substance abuse treatment program and job skills program, and shall be terminated from cash assistance for a period of 12 months, or until such recipient of cash assistance completes both substance abuse treatment and job skills programs, whichever is later. Upon a third positive test for unlawful use of a controlled substance or controlled substance analog, a recipient of cash assistance shall be terminated from cash assistance, subject to applicable federal law.~~

~~(4) If an applicant for or recipient of cash assistance is ineligible for or terminated from cash assistance as a result of a positive test for unlawful use of a controlled substance or controlled substance analog, and such applicant for or recipient of cash assistance is the parent or legal guardian of a minor child, an appropriate protective payee shall be designated to receive cash assistance on behalf of such child. Such parent or legal guardian of the minor child may choose to designate an individual to receive cash assistance for such parent's or legal guardian's minor child, as approved by the secretary for children and families. Prior to the designated individual receiving any cash assistance, the secretary for children and families shall review whether reasonable suspicion exists that such designated individual is unlawfully using a controlled substance or controlled substance analog.~~

~~(A) In addition, any individual designated to receive cash assistance on behalf of an eligible minor child shall be subject to drug screening at any time when reasonable suspicion exists that such designated individual is unlawfully using a controlled substance or controlled substance analog. The secretary for children and families may use any information obtained by the secretary for children and families to determine whether such reasonable suspicion exists, including, but not limited to, the designated individual's demeanor, missed appointments and arrest or other police records, previous employment or application for employment in an occupation or industry that regularly conducts drug screening, termination from previous employment due to unlawful use of a controlled substance or controlled substance analog or prior drug screening records of the designated individual indicating unlawful use of a controlled substance or controlled substance analog.~~

~~(B) Any designated individual whose drug screening results in a positive test may request that the drug screening specimen be sent to a different drug testing facility for an additional drug screening. Any designated individual who requests an additional drug screening at a different drug testing facility shall be required to pay the cost of drug screening. Such designated individual who took the additional drug screening and who tested negative for unlawful use of a controlled substance and controlled substance analog shall be reimbursed for the cost of such additional drug screening.~~

~~(C) Upon any positive test for unlawful use of a controlled substance or controlled substance analog, the designated individual shall not receive cash assistance on behalf of the parent's or legal guardian's minor child, and another designated individual shall be selected by the secretary for children and families to receive cash assistance on behalf of such parent's or legal guardian's minor child.~~

~~(5) If a person has been convicted under federal or state law of any offense that is classified as a felony by the law of the jurisdiction and has~~

~~as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, such person shall thereby become forever ineligible to receive any cash assistance under this subsection unless such conviction is the person's first conviction. First-time offenders convicted under federal or state law of any offense that is classified as a felony by the law of the jurisdiction and has as an element of such offense the manufacture, cultivation, distribution, possession or use of a controlled substance or controlled substance analog, and the date of conviction is on or after July 1, 2013, such person shall become ineligible to receive cash assistance for five years from the date of conviction.~~

~~(6) Except for hearings before the Kansas department for children and families, the results of any drug screening administered as part of the drug screening program authorized by this subsection shall be confidential and shall not be disclosed publicly.~~

~~(7) The secretary for children and families may adopt such rules and regulations as are necessary to carry out the provisions of this subsection.~~

~~(8) Any authority granted to the secretary for children and families under this subsection shall be in addition to any other penalties prescribed by law.~~

~~(9) As used in this subsection:~~

~~(A) "Cash assistance" means cash assistance provided to individuals under the provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant to such provisions.~~

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

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

Sec. 2. K.S.A. 39-757 is hereby amended to read as follows: 39-757. (a) The secretary ~~for children and families~~ shall remit all moneys received by or for the secretary from the enforcement of rights assigned to the secretary under ~~subsection (b) of~~ K.S.A. 39-709, 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 as follows: (1) Amounts to be distributed pursuant to part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., to the state shall be credited to the title IV-D aid to families with dependent children fee fund, and 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 secretary or by a person or persons

designated by the secretary; and (2) amounts to be distributed pursuant to part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., to applicants for or recipients of aid under ~~subsection (b) of~~ K.S.A. 39-709, and amendments thereto, shall be credited to the title IV-D aid to families with dependent children claims fund, and all expenditures from such fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary.

(b) The secretary ~~for children and families~~ shall remit all moneys received by or for the secretary under K.S.A. 39-756, 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 as follows: (1) Amounts to be distributed pursuant to part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., to the state shall be credited to the title IV-D fee fund, and all expenditures from such fund shall be made in accordance with ~~appropriate~~ *appropriations* acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary; and (2) amounts to be distributed pursuant to part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq., to persons who under K.S.A. 39-756, and amendments thereto, are eligible for services specified in such section shall be credited to the title IV-D claims fund, and all expenditures from such fund shall be made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by the secretary.

(c) Money shall be deposited in the funds established by subsections (a) and (b) of this section and shall be distributed from such funds in accordance with the provisions of part D of title IV of the federal social security act, 42 U.S.C. § 651 et seq.

Sec. 3. K.S.A. 39-757 and K.S.A. 2024 Supp. 39-709 are hereby repealed.

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

Allowed to become law without signature.

(See Messages from the Governor)

CHAPTER 27

HOUSE BILL No. 2106
(Amended by Chapter 125)

AN ACT concerning campaign finance; relating to support for or opposition to proposed amendments to the Kansas constitution; banning contributions from foreign nationals; amending K.S.A. 25-4180 and repealing the existing section.

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

Section 1. K.S.A. 25-4180 is hereby amended to read as follows: 25-4180. (a) Every person who engages in any activity promoting or opposing the adoption or repeal of any provision of the *constitution of the state of* Kansas ~~constitution~~ and who accepts moneys or property for the purpose of engaging in such activity shall make an annual report to the secretary of state of individual contributions or contributions in kind in an aggregate amount or value in excess of $50 received during the preceding calendar year for such purposes. The report shall show the name and address of each contributor for the activity and the amount or value of the individual contribution made, together with a total value of all contributions received, and also shall account for expenditures in an aggregate amount or value in excess of $50 from such contributions, by showing the amount or value expended to each payee and the purpose of each such expenditure, together with a total value of all expenditures made. *Each person who submits a report shall certify that:*

(1) Such person has not knowingly accepted contributions or expenditures either directly or indirectly from a foreign national; and

(2) each donor named in such report is not a foreign national and has not knowingly accepted contributions or expenditures either directly or indirectly from any foreign national that in the aggregate exceed $100,000 within the four-year period immediately preceding the date of such donor's contribution or expenditure. The annual report shall be filed on or before February 15 of each year for the preceding calendar year.

(b) Each person who accepts contributions or expenditures as described in subsection (a) shall require each donor to certify that such donor is not a foreign national and has not knowingly accepted contributions or expenditures either directly or indirectly from any foreign national that in the aggregate exceed $100,000 within the four-year period immediately preceding the date of such donor's contribution or expenditure.

(c) Each person making an independent expenditure for any activity promoting or opposing the adoption or repeal of any provision of the constitution of the state of Kansas shall, within 48 hours of making such expenditure, certify to the commission that such person has not knowingly accepted any moneys either directly or indirectly from any foreign national that in the aggregate exceed $100,000 within the four-year period

immediately preceding the date of such person's expenditure and shall not accept any such moneys during the remainder of the calendar year in which the question of amending the constitution of the state of Kansas is on the ballot.

(d) (1) No person shall accept, directly or indirectly, any contribution or expenditure from a foreign national made for any activity promoting or opposing the adoption or repeal of any provision of the constitution of the state of Kansas.

(2) The attorney general may prosecute any person who violates this subsection. Any person who believes the provisions of this subsection have been violated may file a complaint with the attorney general.

(3) In any civil action brought by the commission or the attorney general against a person who violates this subsection, the court may award injunctive relief sufficient to prevent any subsequent violations of this subsection by such person and statutory damages of not to exceed an amount that is twice the amount of the prohibited contribution or expenditure.

(e) As used in this section, "foreign national" means:

(1) An individual who is not a citizen or lawful permanent resident of the United States;

(2) a government or subdivision of a foreign country or municipality thereof;

(3) a foreign political party;

(4) any entity, such as a partnership, association, corporation, organization or other combination of persons, that is organized under the laws of, or has its principal place of business in, a foreign country; or

(5) any United States entity, such as a partnership, association, corporation or organization, that is wholly or majority-owned by any foreign national, unless: (1) Any contribution or expenditure that such entity makes is derived entirely from funds generated by such United States entity's United States operations; and (2) all decisions concerning the contribution or expenditure are made by individuals who are United States citizens or permanent residents, except for setting overall budget amounts.

(f) In addition to the annual report, a person engaging in an activity promoting the adoption or repeal of a provision of the Kansas constitution who accepts any contributed moneys for such activity shall make a preliminary report to the secretary of state 15 days prior to each election at which a proposed constitutional amendment is submitted. Such report shall show the name and address of each individual contributor, together with the amount contributed or contributed in kind in an aggregate amount or value in excess of $50,~~ and~~ the expenditures in an aggregate amount or value in excess of $50 from such contributions, by showing the amount paid to each payee, and the purpose of the expenditure. A supplemental report in the same format as the preliminary report shall be filed

with the secretary of state within 15 days after any election on a constitutional proposition where contributed funds are received and expended in opposing or promoting such proposition.

(g) Any person who engages in any activity promoting or opposing the adoption or repeal of any provision of the Kansas constitution shall be considered engaged in such activity upon the date *that* the concurrent resolution passes the Kansas house of representatives and *the* senate in its final form. Upon such date, if the person has funds in the constitutional amendment campaign treasury, such person shall be required to report such funds as provided by this section.

~~(b)~~*(h)* (1) The commission shall send a notice by registered or certified mail to any person failing to file any report required by subsection (a) within the time period prescribed therefor. The notice shall state that the required report has not been filed with the office of the secretary of state. The notice also shall state that such person shall have 15 days from the date *that* such notice is deposited in the mail to comply with the reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If such person fails to comply within the prescribed period, such person shall pay to the state a civil penalty of $10 per day for each day that such report remains unfiled, except that no such civil penalty shall exceed $300. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(2) Civil penalties provided for by 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 governmental ethics commission fee fund.

(3) If a person fails to pay a civil penalty provided for by this section, it shall be the duty of the commission to bring an action to recover such civil penalty in the district court of the county in which such person resides.

~~(c)~~*(i)* The intentional failure to file any report required by subsection (a) is a class A misdemeanor.

~~(d)~~*(j)* This section shall be *a* part of and supplemental to the campaign finance act.

Sec. 2. K.S.A. 25-4180 is hereby repealed.

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

Allowed to become law without signature.

(See Messages from the Governor)

CHAPTER 28

HOUSE BILL No. 2215

AN ACT concerning the department of corrections; relating to public-private partnership construction projects; modifying the definition of public-private partnerships to increase the allowable cost-share limit for expenditures by the department of corrections on such construction projects; amending K.S.A. 2024 Supp. 75-52,167 and repealing the existing section.

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

Section 1. K.S.A. 2024 Supp. 75-52,167 is hereby amended to read as follows: 75-52,167. As used in K.S.A. 75-3739, and amendments thereto, and K.S.A. 2024 Supp. 75-52,167 through 75-52,171, and amendments thereto:

(a) "Private entity" means any partnership, firm, association, corporation, sole proprietorship or other business organization, whether organized for profit or not-for-profit and includes any faith-based organization.

(b) "Secretary" means the secretary of corrections.

(c) "Public-private partnership" means the relationship established between the department of corrections and a private entity by contracting for the performance of any combination of specified functions or responsibilities to develop, finance, construct or renovate a building at a correctional institution where the department of corrections cost for development, finance, construction or renovation of such building does not exceed ~~25%~~ *50%* of the total cost of the developing, financing, constructing or renovating such building.

(d) "Correctional institution" means the same as defined in K.S.A. 75-5202, and amendments thereto.

(e) "Public-private project" means the project to develop, finance, construct or renovate a building at a correctional institution pursuant to a public-private partnership.

(f) "Faith-based organization" means any religious, charitable or other organization described in article 17 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, or any other organization whose values are based on faith and beliefs, or both, that has a mission based on social values of the particular faith and whose members are from a particular faith group.

(g) "Spiritual needs" means any program or service that addresses any issue related to sincerely held religious beliefs.

Sec. 2. K.S.A. 2024 Supp. 75-52,167 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 1, 2025.

CHAPTER 29

SENATE BILL No. 13

AN ACT concerning the secretary of state; relating to the filing of public records with the secretary of state; eliminating the requirement for labor organizations to file such organization's constitution, bylaws and annual reports and fees associated with such filings; eliminating requirements for the board of regents to file reciprocal agreements for use of educational facilities; eliminating the requirement for the secretary of revenue to file an annual report and lists of tax indebtedness and liabilities; eliminating the requirement that river bank easements be filed; eliminating requirements for warehousemen to be licensed by the secretary of state and for filing any associated records; amending K.S.A. 44-807, 44-809, 44-810, 44-823, 74-3220, 74-3221, 75-5501, 79-6a14, 79-3233g, 82-165 and 82-169 and K.S.A. 2024 Supp. 79-3233b and 82a-220 and repealing the existing sections; also repealing K.S.A. 44-805, 44-806, 44-806a, 75-4337, 82-163, 82-164 and 82-167.

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

Section 1. K.S.A. 44-807 is hereby amended to read as follows: 44-807. The secretary of state shall prepare and keep a register or proper record showing the date of filing of the application provided for in K.S.A. 44-804, *and amendments thereto,* the ~~name~~ *names* of the licensee~~,~~ and ~~of~~ the labor organization for whom ~~he~~ *such licensee* will act as agent~~, and shall receive, file and properly index the documents provided for in K.S.A. 44-805 and 44-806~~. ~~The~~*Such* records provided for herein shall be made available by the secretary of state to all persons for examination and taking of copies.

Sec. 2. K.S.A. 44-809 is hereby amended to read as follows: 44-809. It shall be unlawful for any person:

(1) To interfere with or prevent the right of franchise of any member of a labor organization. The right of franchise shall include the right of an employee to make *a* complaint, file charges, give information or testimony concerning the violations of this act, or the petitioning to such employee's union regarding any grievance *that* such employee may have concerning such employee's membership or employment, or the making known facts concerning such grievance or violations of law to any person, including public officials or the employer~~,~~ and such employee's right of free petition, lawful assemblage and free speech.

(2) To prohibit or prevent any election of the officers of any labor organization.

(3) ~~On and after July 1, 1955,~~ To participate in any strike, walk-out~~,~~ or cessation of work or continuation thereof against an employer when any of such employer's employees are organized into a collective bargaining unit without the same being authorized by a majority vote of the employees in such collective bargaining unit at an election, by secret ballot, held, conducted and canvassed in accordance with rules and regulations

~~which~~ *that* shall be adopted by the secretary of labor. ~~The provisions of~~ This section shall not prohibit any person from terminating such person's employment on such person's own volition.

(4) To enter into an all-union agreement as a representative of employees in a collective bargaining unit unless ~~the~~ *such* employees to be governed ~~thereby~~ have, by a majority vote of such employees by secret ballot, authorized such agreement.

(5) To conduct any election referred to in subsections (3) and (4) ~~of this section~~ without a secret ballot.

(6) To charge, receive~~,~~ or retain any dues, assessments~~,~~ or other charges in excess of~~,~~ or not authorized by~~,~~ the constitution or bylaws of any labor organization ~~on file as provided in K.S.A. 44-806, and amendments thereto~~.

(7) ~~To act as a business agent without having obtained and possessing a valid and subsisting license.~~

~~(8)~~ *To act as a business agent without having obtained and without possessing a valid and subsisting license.*

(8) To solicit membership for or to act as a representative of an existing labor organization without authority of such labor organization to do so.

(9) To make any false statement in an application for a license.

~~(10) To act as a business agent or representative of any labor organization which does not have on file, with the secretary of state, its constitution and bylaws.~~

~~(11)~~*(10)* For any person to seize or occupy property unlawfully during the existence of a labor dispute.

~~(12)~~*(11)* To coerce or intimidate any employee in the enjoyment of such employee's legal rights, including those guaranteed in K.S.A. 44-803, and amendments thereto, or to intimidate such employee's family, picket such employee's domicile or injure the person or property of such employee or such employee's family or to in any way discriminate against any employee, member of a labor organization or other person by reason of such employee's exercise of any right guaranteed to such employee by ~~the provisions of~~ this act.

~~(13)~~*(12)* To picket beyond the area of the industry within which a labor dispute arises.

~~(14)~~*(13)* To engage in picketing by force and violence, ~~or~~ to picket in such a manner as to prevent ingress and egress to and from any premises~~,~~ or to picket other than in a peaceable manner.

~~(15)~~*(14)* To violate the terms of a collective bargaining agreement.

~~(16)~~*(15)* To enter into a closed shop agreement.

Sec. 3. K.S.A. 44-810 is hereby amended to read as follows: 44-810. An action shall be commenced by the attorney general or the county attorney of any county of the state on complaint of any interested party~~, for~~

~~the suspension or revocation of the license of~~ *against* any business agent for the violation of ~~any of the provisions of~~ this act. ~~Said~~ *Such* action may be commenced in the district court of the county of residence of such business agent or of the county in which such violations occurred. Such action shall be heard by the court without a jury, and the code of civil procedure shall apply in such proceedings. ~~The court may suspend such license for such time as in its judgment is deemed best, or may revoke such license.~~

Sec. 4. K.S.A. 44-823 is hereby amended to read as follows: 44-823. (a) Agricultural employers shall recognize certified employee organizations for the purpose of representing their members as to grievances and conditions of employment. Employee organizations may establish reasonable provisions for an individual's admission to or dismissal from membership.

(b) ~~Where~~*If* an employee organization has been certified by the board as representing a majority of the employees in an appropriate unit, the appropriate agricultural employer shall meet and confer in good faith with such employee organization in the determination of conditions of employment of the agricultural employees as provided in this act~~,~~ and may enter into a memorandum of agreement with such recognized employee organization.

(c) A recognized employee organization shall represent not less than a majority of the employees of an appropriate unit. When a question concerning the designation of an appropriate unit is raised by an agricultural employer or an employee organization, the board, at the request of any of the parties, shall investigate such question and, after a hearing conducted in accordance with ~~the provisions of~~ the Kansas administrative procedure act, rule on the definition of the appropriate unit in accordance with subsection ~~(e) of this section~~ *(f)*.

(d) Following determination of the appropriate unit of employees, the board, at the request of the agricultural employer or on petition of employees, shall investigate questions and certify to the parties in writing, the names of the representatives that have been designated for an appropriate unit. The filing of a petition for the investigation or certification of a representative of employees shall show the names of not less than 30% of the employees within an appropriate unit. In any such investigation, the board may provide for an appropriate hearing in accordance with ~~the provisions of~~ the Kansas administrative procedure act, shall determine voting eligibility and ~~shall~~ take a secret ballot of employees in the appropriate unit involved to ascertain such representatives for the purpose of formal recognition. Recognition shall be granted only to an employee organization that has been selected in a secret ballot election by a majority of the eligible employees in an appropriate unit who vote in such election. Each

employee eligible to vote shall be provided the opportunity to choose the employee organization *that* such employee wishes to represent such employee, from among those on the ballot, or to choose "no representation." The board is authorized to hold elections to determine whether:

(1) An employee organization should be recognized as the formal representative of employees in a unit;

(2) an employee organization should replace another employee organization as the formal representative of employees in a unit; and

(3) a recognized employee organization should be decertified. If the board has certified a formally recognized representative in an appropriate unit, it shall not be required to consider the matter again for a period of one year, unless the board determines that sufficient reason exists.

(e) No election shall be directed in any appropriate unit or subdivision thereof where there is in force and effect a valid memorandum of agreement ~~which~~ *that* was not prematurely extended and ~~which~~ is of a fixed duration not exceeding three years~~;~~*,* except *that* the board shall reconsider any certification upon receipt of a voluntary petition of 70% or more of the employees of any appropriate unit~~,~~ *that is* seeking decertification. The board may promulgate such rules and regulations as may be appropriate to carry out ~~the provisions of~~ this section.

~~(e)~~*(f)* Any group of agricultural employees considering the formation of an employee organization for formal recognition and the board, in investigating questions at the request of the parties as specified in this section, shall establish an appropriate unit to include the largest number of eligible employees consistent with:

(1) The principles of efficient administration of the business;

(2) the existence of a community of interest among employees;

(3) the history of employee organization;

(4) geographical location;

(5) the effects of overfragmentation and the splintering of a work organization;

(6) ~~the provisions of~~ K.S.A. 44-822, and amendments thereto; and

(7) the recommendations of the parties involved.

~~(f)~~*(g)* Supervisory, confidential, clerical, domestic, technical, executive and professional employees and guard shall be excluded from an agricultural employee appropriate unit.

~~(g)~~*(h)* As a condition precedent to certification, an employee organization shall ~~file with the secretary of state a copy of its~~ *have* articles, bylaws or governing rules ~~which~~ *that* shall provide that the employee organizations:

(1) Will establish and maintain standards of conduct providing for the maintenance of democratic procedures and practices, including the fair and equal treatment of all members;

(2) will disclose fully to members in advance the purpose of all assessments and collections;

(3) will have a secret ballot election of all officers not less frequently than every four years; ~~(4) will submit to the secretary of state annually a list of the names and addresses of its officers and a designation of its principal office within the state of Kansas, and will notify the secretary of state of any changes in such information within 30 days after the making of such change; (5) will submit to the secretary of state an annual financial report in the manner and form and containing information required under the provisions of K.S.A. 44-806 and amendments thereto; and (6)~~ *and*

(4) will prohibit all business and financial interests by officers ~~which~~ *that* conflict with ~~their~~ *such officers'* fiduciary responsibilities.

Sec. 5. K.S.A. 74-3220 is hereby amended to read as follows: 74-3220. Any agreement entered into pursuant to ~~the provisions of~~ this section shall be approved by the attorney general ~~and a copy filed in the office of the secretary of state~~.

Sec. 6. K.S.A. 74-3221 is hereby amended to read as follows: 74-3221. *(a)* The state board of regents may make reciprocal agreements with the authorized officials having control and supervision of one or more universities or colleges located in other states, territories or countries. Any such agreement shall provide that residents of the state of Kansas will be admitted to one or more specified universities or colleges located in such other state, territory or country for the purpose of pursuing courses of collegiate, graduate or professional study~~,~~ and that residents of such other state, territory or country will be admitted to one or more specified institutions under the state board of regents for the same purpose. Any such agreement may provide that residents of the state of Kansas will be admitted to such university or college in such other state, territory or country upon payment of tuition and fees applicable to residents of such other state, territory or country on the condition that like privileges will be granted to residents of such other state, territory or country upon admission to such institution under control of the state board of regents. Any such agreement may limit the maximum number of students to be admitted under such agreement to any one or more specified universities or colleges or institutions in specific periods of time. Any such agreement may contain such additional provisions as may be necessary or appropriate to carry out the intention of this act.

(b) Any agreement made under ~~authority of~~ this act shall provide that such agreement may be cancelled effective not more than one year after notice in writing is given by the state board of regents to the proper authorities of the other party or parties to the agreement~~,~~ or by notice under the same conditions from the officials of any other party to the agreement given to the state board of regents. Every agreement made under ~~the~~

~~provisions of~~ this act shall be signed by the chairperson of the state board of regents and shall be approved by the governor. ~~Every such agreement shall be filed in the office of the secretary of state.~~

Sec. 7. K.S.A. 75-5501 is hereby amended to read as follows: 75-5501. (a) The director of accounts and reports shall formulate a system of payroll accounting, including timekeeping, payroll calculation and pay distribution ~~(~~*or* delivery~~)~~ and labor cost distribution and analysis~~,~~ and shall install and operate such system of payroll accounting for all state agencies. The system shall include provision for centralized records~~, which~~ *that* shall include payroll data for all individuals ~~which~~ *who* with the common law employer-employee relationship is created by agencies of the state of Kansas and ~~which~~ shall be coordinated with records maintained by the division of personnel services and other state agencies. If biweekly payroll periods are established under K.S.A. 75-5501a, *and amendments thereto,* the system of payroll accounting shall be modified to implement such biweekly payroll periods. State agencies shall utilize the system of payroll accounting to the extent prescribed by the director of accounts and reports~~,~~ and ~~shall~~ submit such reports and statements as may be required by the director in order to carry out ~~the provisions of~~ this act. The director of accounts and reports shall design, revise and direct the use of records and procedures and prescribe classifications of coding payroll data, methods of funding labor cost through the central payroll account and a system of prepayment and postpayment debit and credit transactions and entries on the records created from payroll data and the necessary forms to be used by all state agencies in connection with such system of payroll accounting. ~~The~~*Such* payroll system ~~so designed~~ shall include generally accepted accounting principles of internal check, ~~and~~ *which* may include timekeeping for attendance and performance, as prescribed in this act.

(b) The director of accounts and reports shall provide, as a part of the system of payroll accounting, a plan for the deduction from the salary or wages of an amount equal to regular membership dues for state officers and employees who are members of the Kansas troopers association or who are in any employee organization ~~which has filed an annual report pursuant to K.S.A. 75-4337 or which has a business agent registered pursuant to K.S.A. 75-4336~~. Such plan, in addition to such provisions as are negotiated by the director of accounts and reports and the employee organization, shall provide for:

(1) A written authorization-assignment by a state officer or employee prior to any dues deduction from the salary or wages of such officer or employee~~, which~~. *Such* authorization-assignment shall remain effective for not less than 180 days and ~~shall~~ be terminated at any time thereafter upon 30 days' prior notice by the state officer or employee of termination of the authorization-assignment;

(2) change in the amount of regular membership dues to be deducted~~, but~~ not more ~~often~~ than twice in any fiscal year;

(3) renewal of an authorization-assignment by an officer or employee after termination of a prior authorization-assignment upon 90 days' prior notice by the officer or employee who has terminated a membership dues deduction; and

(4) payment of all moneys deducted *during* each payroll period pursuant to this section to the employee organization less the amount of actual direct expenses incurred by this state for the membership dues deduction.

Sec. 8. K.S.A. 79-6a14 is hereby amended to read as follows: 79-6a14. *(a)* Whenever the director of property valuation shall determine that it is advisable to abate motor carrier ad valorem tax liabilities determined to be uncollectable accounts, the director shall file a petition with the state board of tax appeals setting forth:

~~(a)~~*(1)* The name of the debtor;

~~(b)~~*(2)* the year ~~for~~ *in* which the tax is due;

~~(c)~~*(3)* the amount of the obligation;

~~(d)~~*(4)* a review or statement of actions taken to collect such taxes; and

~~(e)~~*(5)* one or more of the grounds for abatement as ~~hereinafter set forth~~ *prescribed by this section*.

(b) The state board of tax appeals, within 60 days after the petition is filed by the director of property valuation, may approve or disapprove of the abatement of any motor carrier ad valorem tax liability submitted by the director. The director shall prepare an order abating any tax liability, ~~the abatement of which has been~~ *as* approved by the state board of tax appeals, upon receiving notice of such approval. The director shall prepare an order abating any tax liability submitted to and not specifically disapproved by the state board of tax appeals within 60 days of the filing of the petition to abate ~~said~~ *such* tax liability. A list of all tax liabilities abated under ~~the authority of~~ this section shall be ~~filed with the secretary of state and thereafter~~ preserved ~~by the secretary~~ as a public record.

Sec. 9. K.S.A. 2024 Supp. 79-3233b is hereby amended to read as follows: 79-3233b. (a) The secretary shall maintain a record of each abatement that reduces a final tax liability by $5,000 or more. Such record shall contain:

(1) The name and address of the taxpayer, and the petitioner~~,~~ if different;

(2) the disputed tax liability including penalty and interest;

(3) the taxpayer's grounds for contesting the liability together with all supporting evidence;

(4) all staff recommendations, reports and audits;

(5) the reasons for, conditions to~~,~~ and the amount of the abatement; and

(6) the payment made, if any.

(b) Such records shall be maintained by the department for nine years.

~~(b)~~*(c)* The secretary shall make an annual report that identifies the taxpayer, summarizes the issues and the reasons for abatement~~,~~ and states the amount of liability that was abated pursuant to this section for each abatement that reduced a final tax liability by $5,000 or more. The secretary shall file the report with ~~the secretary of state and~~ the attorney general on or before September 30 of each year. Any other ~~provision of~~ law notwithstanding, the secretary shall make the annual report available for public inspection upon written request.

Sec. 10. K.S.A. 79-3233g is hereby amended to read as follows: 79-3233g. *(a)* In all cases where the income tax liability exceeds the sum of $100 including penalties and interest, the secretary shall petition the state board of tax appeals to abate such income tax liability ~~setting forth~~ *and include* the name of the debtor, the year ~~for~~ *in* which the tax is due~~,~~ and the grounds for abatement as ~~set forth~~ *prescribed* in K.S.A. 79-3233i, and amendments thereto.

(b) The state board of tax appeals may, within 60 days after the petition is filed by the secretary, approve or disapprove the requested abatement. The secretary shall prepare an order abating any tax indebtedness that has been approved by the board or ~~that~~ has been submitted to and not specifically disapproved by the board within 60 days of the filing of the petition. Notwithstanding any other contrary ~~provision of~~ law, a list of all tax indebtedness abated under ~~the authority of~~ this section shall be ~~filed with the secretary of state and thereafter~~ preserved as a public record.

Sec. 11. K.S.A. 2024 Supp. 82a-220 is hereby amended to read as follows: 82a-220. (a) As used in this act:

(1) "Conservation project" means any project or activity that the director of the Kansas water office determines will assist in restoring, protecting, rehabilitating, improving, sustaining or maintaining the banks of the Arkansas, Kansas or Missouri rivers from the effects of erosion;

(2) "director" means the director of the Kansas water office; and

(3) "state property" means real property currently owned in full or in part by the state in the Arkansas, Kansas or Missouri rivers in Kansas, in and along the bed of the river to the ordinary high water mark on the banks of such rivers.

(b) (1) The director ~~is hereby authorized to~~ *may* negotiate and grant easements on state property for construction and maintenance of conservation projects with cooperating landowners in such projects for the expected life of the project and with such terms and conditions as the director, after consultation with the Kansas department of agriculture, the Kansas department of health and environment, the Kansas department of wildlife and parks and the Kansas department of agriculture division of conservation, may deem appropriate.

(2) Notice of the easement shall be given to the county or counties in which the easement is proposed and to any municipality or other governmental entity that, in the opinion of the director, holds a riparian interest in the river and may have an interest in the project or results thereof. Those persons or entities receiving notice shall have a period, not to exceed 30 days, to provide comment on the proposed easement to the director.

(3) In the event such an easement is proposed to be granted on state property owned or managed by any other agency of the state, the director shall give notice of the proposed easement and project to that agency and ~~shall~~ jointly negotiate any *such* easement ~~so granted~~.

(4) A copy of all easements so entered shall be filed by the director with ~~the office of the secretary of state and~~ the office of the register of deeds for the county or counties in which the easement is located.

(c) The director shall adopt rules and regulations necessary to carry out ~~the provisions of~~ this act.

Sec. 12. K.S.A. 82-165 is hereby amended to read as follows: 82-165. Every *bonded* warehouseman ~~applying for such license shall file with the secretary of state, before being issued such license,~~ *shall obtain* a good and sufficient bond to the state of Kansas~~, to be approved by the secretary of state,~~ with other than personal sureties, in the penal sum of not less than ~~$5,000 nor more than~~ $50,000~~, proportioned, in the discretion of the secretary of state, according to the capacity of the warehouse so operated~~. The bond shall be conditioned for the faithful performance of ~~his or her~~ *such warehouseman's* duties as a warehouseman under the laws of this state~~,~~ and of such additional obligations as a warehouseman ~~which~~ *that* may be assumed by ~~him or her~~ *such warehouseman* under contract with any owner depositing goods with ~~him or her~~ *such warehouseman* or with any purchaser or holder of warehouse receipts issued by ~~him or her~~ *such warehouseman*.

Sec. 13. K.S.A. 82-169 is hereby amended to read as follows: 82-169. It shall be unlawful for any person to advertise or do business as a "bonded warehouseman" without complying with ~~the provisions of~~ this act~~, and procuring and having a license as herein provided~~.

Sec. 14. K.S.A. 44-805, 44-806, 44-806a, 44-807, 44-809, 44-810, 44-823, 74-3220, 74-3221, 75-4337, 75-5501, 79-6a14, 79-3233g, 82-163, 82-164, 82-165, 82-167 and 82-169 and K.S.A. 2024 Supp. 79-3233b and 82a-220 are hereby repealed.

Sec. 15. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 1, 2025.

CHAPTER 30

SENATE BILL No. 77
(Amended by Chapter 125)

AN ACT concerning administrative rules and regulations; requiring state agencies to provide notice of revocation thereof; removing certain abolished or inactive state agencies from the five-year agency review requirement; amending K.S.A. 2024 Supp. 77-426 and 77-440 and repealing the existing sections.

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

Section 1. K.S.A. 2024 Supp. 77-426 is hereby amended to read as follows: 77-426. (a) All rules and regulations that are in force and effect at the time this act takes effect shall continue in full force and effect and may be amended, revived or revoked as provided by law. All new rules and regulations and all amendments, revivals or revocations of rules and regulations, other than temporary regulations, adopted in any year shall be filed with the secretary of state and shall become effective 15 days following its publication in the Kansas register or such later date as clearly expressed in the body of such rule and regulation.

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

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

(d) (1) Notwithstanding any other provision of the rules and regulations filing act, any rule and regulation may be revoked pursuant to this subsection if such rule and regulation is identified by a state agency in the report submitted to the joint committee on administrative rules and regulations pursuant to K.S.A. 2024 Supp. 77-440, and amendments thereto, as one that may be revoked pursuant to this subsection. A state agency may revoke a rule and regulation by filing a notice of such revocation with the secretary of state and causing such notice to be published in the Kansas register. Such notice of revocation shall not contain any new rules and regulations or any amendments to any rules and regulations.

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

(A) *Provide a written notice to businesses, local governmental units and members of the public known to the agency to be affected by the proposed revocation.* Upon the written request of a member of the public, hold a public hearing on the proposed notice of revocation;

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

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

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

Sec. 2. K.S.A. 2024 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)~~*(ix)* Kansas bureau of investigation;

~~(xi)~~*(x)* Kansas department of agriculture—division of conservation;

~~(xii)~~*(xi)* agricultural labor relations board;

~~(xiii) alcoholic beverage control board of review;~~

~~(xiv)~~*(xii)* Kansas department of revenue—division of alcoholic beverage control;

~~(xv) athletic commission;~~

~~(xvi)~~*(xiii)* attorney general;

~~(xvii)~~*(xiv)* office of the state bank commissioner;

~~(xviii)~~*(xv)* employee award board;

~~(xix)~~*(xvi)* governmental ethics commission;

~~(xx)~~*(xvii)* crime victims compensation board;

~~(xxi)~~*(xviii)* Kansas human rights commission; *and*

~~(xxii)~~*(xix)* 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)~~*(iii)* Kansas energy office;

~~(v)~~*(iv)* department of health and environment;

~~(vi)~~*(v)* Kansas department for children and families;

~~(vii) park and resources authority;~~

~~(viii) state salvage board;~~

~~(ix)~~*(vi)* Kansas department of transportation;

~~(x)~~*(vii)* Kansas highway patrol;

~~(xi)~~*(viii)* savings and loan department;

~~(xii)~~*(ix)* Kansas turnpike authority;

~~(xiii)~~*(x)* insurance department;

~~(xiv) food service and lodging board;~~

~~(xv) commission on alcoholism;~~

~~(xvi)~~*(xi)* corrections ombudsman board;

~~(xvii)~~*(xii)* department of corrections;

~~(xviii)~~*(xiii)* Kansas prisoner review board;

~~(xix) executive council;~~

~~(xx)~~*(xiv)* mined-land conservation and reclamation (KDHE);

~~(xxi)~~*(xv)* department of labor—employment security board of review;

~~(xxii)~~*(xvi)* department of labor;

~~(xxiii)~~*(xvii)* department of labor—division of employment; and

~~(xxiv)~~*(xviii)* 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)~~*(iv)* state board of nursing;
~~(vi)~~*(v)* Kansas board of barbering;
~~(vii)~~*(vi)* state board of mortuary arts;
~~(viii) board of engineering examiners;~~
~~(ix)~~*(vii)* board of examiners in optometry;
~~(x)~~*(viii)* state board of technical professions;
~~(xi)~~*(ix)* Kansas board of examiners in fitting and dispensing of hearing instruments;
~~(xii)~~*(x)* state board of pharmacy;
~~(xiii)~~*(xi)* Kansas state board of cosmetology;
~~(xiv)~~*(xii)* state board of veterinary examiners;
~~(xv)~~*(xiii)* Kansas dental board;
~~(xvi) board of examiners of psychologists;~~
~~(xvii) registration and examining board for architects;~~
~~(xviii)~~*(xiv)* board of accountancy;
~~(xix)~~*(xv)* state bank commissioner—consumer and mortgage lending division;
~~(xx) board of basic science examiners;~~
~~(xxi)~~*(xvi)* Kansas public employees retirement system;
~~(xxii)~~*(xvii)* office of the securities commissioner; and
~~(xxiii)~~*(xviii)* 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)~~*(v)* school retirement board;
~~(viii)~~*(vi)* state department of education;
~~(ix)~~*(vii)* Kansas department of revenue;
~~(x)~~*(viii)* Kansas department of revenue—division of property valuation;
~~(xi)~~*(ix)* state board of tax appeals;
~~(xii) crop improvement association;~~
~~(xiii)~~*(x)* Kansas office of veterans services;
~~(xiv)~~*(xi)* Kansas water office;
~~(xv)~~*(xii)* Kansas department of agriculture—division of weights and measures;
~~(xvi)~~*(xiii)* state board of healing arts;
~~(xvii) podiatry board;~~

~~(xviii)~~*(xiv)* behavioral sciences regulatory board;

~~(xix)~~*(xv)* state bank commissioner and savings and loan commissioner—joint regulations;

~~(xx)~~*(xvi)* consumer credit commissioner, credit union administrator, savings and loan commissioner and bank commissioner—joint regulations;

~~(xxi)~~*(xvii)* state board of indigents' defense services;

~~(xxii)~~*(xviii)* Kansas commission on peace officers' standards and training; and

~~(xxiii)~~*(xix)* 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)~~*(xi)* pooled money investment board;

~~(xiii)~~*(xii)* department of corrections—division of juvenile services;

~~(xiv)~~*(xiii)* state child death review board;

~~(xv)~~*(xiv)* Kansas agricultural remediation board;

~~(xvi)~~*(xv)* unmarked burial sites preservation board;

~~(xvii)~~*(xvi)* Kansas housing resources corporation;

~~(xviii)~~*(xvii)* department of commerce—Kansas athletic commission;

~~(xix)~~*(xviii)* department of health and environment—division of health care finance;

~~(xx)~~*(xix)* home inspectors registration board;

~~(xxi)~~*(xx)* committee on surety bonds and insurance;

~~(xxii)~~*(xxi)* 911 coordinating council; and

~~(xxiii)~~*(xxii)* 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 reg-

ulation 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. 3. K.S.A. 2024 Supp. 77-426 and 77-440 are hereby repealed.

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

Approved April 1, 2025.

Published in the *Kansas Register* April 10, 2025.

CHAPTER 31

SENATE BILL No. 104

AN ACT concerning counties; relating to citizens commissions on local government; granting certain boards of county commissioners discretion to create such commission; amending K.S.A. 19-2670 and repealing the existing section.

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

Section 1. K.S.A. 19-2670 is hereby amended to read as follows: 19-2670. There ~~shall~~ *may* be created and established a citizens commission on local government in every county in this state having a population of more than ~~one hundred seventy thousand (~~170,000~~)~~ and not more than ~~two hundred thousand (~~200,000~~)~~. Such commission shall consist of:

~~(1)~~*(a)* The board of county commissioners of the county;

~~(2)~~*(b)* the governing body of all cities of the first class located in such county;

~~(3)~~*(c)* the trustee of each township in such county;

~~(4)~~*(d)* the chairmen of the boards of education of all school districts located in such county;

~~(5)~~*(e)* the chairmen of boards of public utilities of all cities located in such county;

~~(6)~~*(f)* the chairmen of boards of all drainage districts located within such county;

~~(7)~~*(g)* the mayors of all cities of the second and third class located in such county; and

~~(8)~~*(h)* ~~eighteen (~~18~~)~~ persons who shall be selected and appointed by the members ~~hereinbefore provided~~ *described in paragraphs (a) through (g)*. Such persons shall be residents of the county and shall not be officers or employees of the county or any city, school district, township, board of public utilities or drainage district.

Sec. 2. K.S.A. 19-2670 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 1, 2025.

CHAPTER 32

HOUSE BILL No. 2221

AN ACT concerning state funds; relating to the alcohol and drug abuse treatment fund; creating the Kansas department for aging and disability services alcohol and drug abuse treatment fund; transferring moneys and liabilities of the department of corrections alcohol and drug abuse treatment fund to the Kansas department for aging and disability services alcohol and drug abuse treatment fund; abolishing the department of corrections alcohol and drug abuse treatment fund; amending K.S.A. 74-7336 and K.S.A. 2024 Supp. 8-1567 and repealing the existing sections.

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

Section 1. K.S.A. 2024 Supp. 8-1567 is hereby amended to read as follows: 8-1567. (a) Driving under the influence is operating or attempting to operate any vehicle within this state while:

(1) The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, as defined in K.S.A. 8-1013(f)(1), and amendments thereto, is 0.08 or more;

(2) the alcohol concentration in the person's blood or breath, as measured within three hours of the time of operating or attempting to operate a vehicle, is 0.08 or more;

(3) under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;

(4) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or

(5) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.

(b) (1) Driving under the influence is:

(A) On a first conviction, a class B, nonperson misdemeanor. The person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion 100 hours of public service, and fined not less than $750 nor more than $1,000;

(B) on a second conviction, a class A, nonperson misdemeanor. The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than $1,250 nor more than $1,750. The following conditions shall apply to such sentence:

(i) As a condition of any probation granted under this subsection, the person shall serve at least 120 hours of confinement. The hours of confinement shall include at least 48 hours of imprisonment and otherwise may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto;

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum sentence is met. If the person is placed into a work release program or placed under a house arrest program for more than the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum of 120 hours of confinement is completed, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence;

(C) on a third conviction, a class A, nonperson misdemeanor, except as provided in subsection (b)(1)(D). The person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than $1,750 nor more than $2,500. The following conditions shall apply to such sentence:

(i) As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence;

(D) on a third conviction, a severity level 6, nonperson felony if the person has a prior conviction which occurred within the preceding 10 years, not including any period of incarceration. The following conditions shall apply to such sentence:

(i) As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence; and

(E) on a fourth or subsequent conviction, a severity level 6, nonperson felony. The following conditions shall apply to such sentence:

(i) As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto; and

(ii) (a) if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

(b) when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to

the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence.

(2) (A) The court may order that the term of imprisonment imposed pursuant to subsection (b)(1)(D) or (b)(1)(E) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 21-6804, and amendments thereto. The secretary of corrections may refuse to admit the person to the designated facility and place the person in a different state facility, or admit the person and subsequently transfer the person to a different state facility, if the secretary determines: (i) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; (ii) the person has failed to meaningfully participate in the treatment program of the designated facility; (iii) the person is disruptive to the security or operation of the designated facility; or (iv) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review.

(B) In addition to the provisions of subsection (b)(1), for any conviction pursuant to subsection (b)(1)(D) or (b)(1)(E), if the person is granted probation, the court shall determine whether the person shall be supervised by community correctional services or court services based on the risk and needs of the person. The risk and needs of the person shall be determined by use of a risk assessment tool specified by the Kansas sentencing commission. During the probation supervision, the person shall be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a Kansas department for aging and disability services designated care coordination agency to include assessment and, if appropriate, referral to a community based substance use disorder treatment including recovery management and mental health counseling as needed. The multidisciplinary team shall include the designated care coordination agency, the supervision officer, the Kansas department for aging and disability services designated treatment provider and the person.

(3) In addition to the provisions of subsection (b)(1), for any conviction pursuant to subsection (b)(1)(C), at the time of the filing of the judgment form or journal entry as required by K.S.A. 21-6711 or 22-3426, and amendments thereto, the court shall cause a certified copy to be sent to the officer having the person in charge. The court shall determine whether the person, upon release from imprisonment, shall be supervised by

community correctional services or court services based upon the risk and needs of the person. The risk and needs of the person shall be determined by use of a risk assessment tool specified by the Kansas sentencing commission. The law enforcement agency maintaining custody and control of a person for imprisonment shall cause a certified copy of the judgment form or journal entry to be sent to the supervision office designated by the court and upon expiration of the term of imprisonment shall deliver the person to a location designated by the supervision office designated by the court. After the term of imprisonment imposed by the court, the person shall be placed on supervision to community correctional services or court services, as determined by the court, for a mandatory one-year period of supervision, which such period of supervision shall not be reduced. During such supervision, the person shall be required to participate in a multidisciplinary model of services for substance use disorders facilitated by a Kansas department for aging and disability services designated care coordination agency to include assessment and, if appropriate, referral to a community based substance use disorder treatment including recovery management and mental health counseling as needed. The multidisciplinary team shall include the designated care coordination agency, the supervision officer, the Kansas department for aging and disability services designated treatment provider and the person. A person for whom a warrant has been issued by the court alleging a violation of this supervision shall be considered a fugitive from justice if it is found that the warrant cannot be served. If it is found that the person has violated the provisions of this supervision, the court shall determine whether the time from the issuing of the warrant to the date of the court's determination of an alleged violation, or any part of it, shall be counted as time served on supervision. Any violation of the conditions of such supervision may subject such person to revocation of supervision and imprisonment in jail for the remainder of the period of imprisonment, the remainder of the supervision period, or any combination or portion thereof. The term of supervision may be extended at the court's discretion beyond one year, and any violation of the conditions of such extended term of supervision may subject such person to the revocation of supervision and imprisonment in jail of up to the remainder of the original sentence, not the term of the extended supervision.

(4) In addition to the provisions of subsection (b)(1), prior to sentencing for any conviction pursuant to subsection (b)(1)(A) or (b)(1)(B), the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.

(c) Any person 18 years of age or older convicted of violating this section or an ordinance which prohibits the acts that this section prohibits who had one or more children under the age of 18 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this section or an ordinance which prohibits the acts that this section prohibits. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.

(d) If a person is charged with a violation of subsection (a)(4) or (a)(5), the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.

(e) The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the person by the court.

(f) (1) In lieu of payment of a fine imposed pursuant to this section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to $5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

(2) The court may, in its discretion, waive any portion of a fine imposed pursuant to this section, except the $250 required to be remitted to the state treasurer pursuant to subsection ~~(q)(2)~~ *(q)(3)*, upon a showing that the person successfully completed court-ordered education or treatment.

(g) Prior to filing a complaint alleging a violation of this section, a prosecutor shall request and shall receive from the:

(1) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(2) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(h) The court shall electronically report every conviction of a violation of this section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this

section to the division including any finding regarding the alcohol concentration in the person's blood or breath. Prior to sentencing under the provisions of this section, the court shall request and shall receive from the division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state.

(i) For the purpose of determining whether a conviction is a first, second, third, fourth or subsequent conviction in sentencing under this section:

(1) Convictions for a violation of this section, or a violation of an ordinance of any city or resolution of any county that prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;

(2) any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:

(A) Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto;

(B) operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;

(C) involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or K.S.A. 21-5405(a)(3) or (a)(5), and amendments thereto;

(D) aggravated battery as described in K.S.A. 21-5413(b)(3) or (b)(4), and amendments thereto; and

(E) aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto;

(3) "conviction" includes:

(A) Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging an offense described in subsection (i)(2); and

(B) conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another jurisdiction that would constitute an offense that is comparable to the offense described in subsection (i)(1) or (i)(2);

(4) multiple convictions of any crime described in subsection (i)(1) or (i)(2) arising from the same arrest shall only be counted as one conviction;

(5) it is irrelevant whether an offense occurred before or after conviction for a previous offense; and

(6) a person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this section, and amendments thereto, or an ordinance which prohibits the acts of this section, and amendments thereto, only once during the person's lifetime.

(j) For the purposes of determining whether an offense is comparable, the following shall be considered:

(1) The name of the out-of-jurisdiction offense;

(2) the elements of the out-of-jurisdiction offense; and

(3) whether the out-of-jurisdiction offense prohibits similar conduct to the conduct prohibited by the closest approximate Kansas offense.

(k) Upon conviction of a person of a violation of this section or a violation of a city ordinance or county resolution prohibiting the acts prohibited by this section, the division, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

(l) (1) Nothing contained in this section shall be construed as preventing any city from enacting ordinances, or any county from adopting resolutions, declaring acts prohibited or made unlawful by this act as unlawful or prohibited in such city or county and prescribing penalties for violation thereof.

(2) The minimum penalty prescribed by any such ordinance or resolution shall not be less than the minimum penalty prescribed by this section for the same violation, and the maximum penalty in any such ordinance or resolution shall not exceed the maximum penalty prescribed for the same violation.

(3) On and after July 1, 2007, and retroactive for ordinance violations committed on or after July 1, 2006, an ordinance may grant to a municipal court jurisdiction over a violation of such ordinance which is concurrent with the jurisdiction of the district court over a violation of this section, notwithstanding that the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony.

(4) Any such ordinance or resolution shall authorize the court to order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

(m) (1) Upon the filing of a complaint, citation or notice to appear alleging a person has violated a city ordinance prohibiting the acts prohibited by this section, and prior to conviction thereof, a city attorney shall request and shall receive from the:

(A) Division a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and

(B) Kansas bureau of investigation central repository all criminal history record information concerning such person.

(2) If the elements of such ordinance violation are the same as the elements of a violation of this section that would constitute, and be punished as, a felony, the city attorney shall refer the violation to the appropriate county or district attorney for prosecution.

(n) No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this section, or a violation of any ordinance of a city or resolution of any county in this state which prohibits the acts prohibited by this section, to avoid the mandatory penalties established by this section or by the ordinance. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. or 22-2906 et seq., and amendments thereto, shall not constitute plea bargaining. This subsection shall not be construed to prohibit an amendment or dismissal of any charge where the admissible evidence is not sufficient to support a conviction beyond a reasonable doubt on such charge.

(o) The alternatives set out in subsection (a) may be pleaded in the alternative, and the state, city or county may, but shall not be required to, elect one or more of such alternatives prior to submission of the case to the fact finder.

(p) As used in this section:

(1) "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;

(2) "imprisonment" includes any restrained environment in which the court and law enforcement agency intend to retain custody and control of a person and such environment has been approved by the board of county commissioners or the governing body of a city; and

(3) "drug" includes toxic vapors as such term is defined in K.S.A. 21-5712, and amendments thereto.

(q) (1) The amount of the increase in fines as specified in this section shall be remitted by the clerk of the district court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of remittance of the increase provided in this act, the state treasurer shall deposit the entire amount in the state treasury and the state treasurer shall credit 50% to the community alcoholism and intoxication programs fund and 50% to the ~~department of corrections~~ *Kansas department for aging and disability services* alcohol and drug abuse treatment fund, which is hereby created in the state treasury.

(2) On July 1, 2025, the director of accounts and reports shall transfer all moneys in the department of corrections alcohol and drug abuse treatment fund to the Kansas department for aging and disability services al-

cohol and drug abuse treatment fund. On July 1, 2025, all liabilities of the department of corrections alcohol and drug abuse treatment fund are hereby transferred and imposed on the Kansas department for aging and disability services alcohol and drug abuse treatment fund, and the department of corrections alcohol and drug abuse treatment fund is hereby abolished.

~~(2)~~*(3)* On and after July 1, 2011, the amount of $250 from each fine imposed pursuant to this section shall be remitted by the clerk of the district court 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 credit the entire amount to the community corrections supervision fund established by K.S.A. 75-52,113, and amendments thereto.

Sec. 2. K.S.A. 74-7336 is hereby amended to read as follows: 74-7336. (a) Of the remittances of fines, penalties and forfeitures received from clerks of the district court, at least monthly, the state treasurer shall credit:

(1) 10.7% to the crime victims compensation fund;

(2) 2.19% to the crime victims assistance fund;

(3) 2.69% to the community alcoholism and intoxication programs fund;

(4) 7.48% to the ~~department of corrections~~ *Kansas department for aging and disability services* alcohol and drug abuse treatment fund;

(5) 0.16% to the boating fee fund;

(6) 0.11% to the children's advocacy center fund;

(7) 2.23% to the EMS revolving fund;

(8) 2.23% to the trauma fund;

(9) 2.23% to the traffic records enhancement fund;

(10) 4.31% to the criminal justice information system line fund;

(11) 2.2% to the seat belt safety fund; and

(12) the remainder of the remittances to the state general fund.

(b) The county treasurer shall deposit grant moneys as provided in subsection (a), from the crime victims assistance fund, to the credit of a special fund created for use by the county or district attorney in establishing and maintaining programs to aid witnesses and victims of crime.

Sec. 3. K.S.A. 74-7336 and K.S.A. 2024 Supp. 8-1567 are hereby repealed.

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

Approved April 1, 2025.

CHAPTER 33

HOUSE BILL No. 2222

AN ACT concerning driving; relating to ignition interlock devices; requiring manufacturers of such devices to pay fees to the highway patrol for the administration of the ignition interlock program; creating the IID fee program fund; amending K.S.A. 8-1016 and repealing the existing section.

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

Section 1. K.S.A. 8-1016 is hereby amended to read as follows: 8-1016. (a) The superintendent of the highway patrol may adopt rules and regulations for:

(1) The approval by the highway patrol of models and classes of ignition interlock devices suitable for use by persons whose driving privileges have been restricted to driving a vehicle equipped with such a device;

(2) the calibration and maintenance of such devices, which shall be the responsibility of the manufacturer;

(3) ensuring that each manufacturer provides a reasonable statewide service network where such devices may be obtained, repaired, replaced or serviced and such service network can be accessed 24 hours per day through a toll-free phone service;

(4) the requirements for proper use and maintenance of a certified ignition interlock device by a person during any time period the person's license is restricted by the division to only operating a motor vehicle with an ignition interlock device installed; and

(5) the reporting requirements for the manufacturer to the division and the highway patrol relating to a person's proper use and maintenance of a certified ignition interlock device.

(b) In adopting rules and regulations for approval of ignition interlock devices under subsection (a), the superintendent of the highway patrol shall require that the manufacturer or the manufacturer's representatives calibrate and maintain the devices at intervals not to exceed 60 days. Calibration and maintenance shall include, but not be limited to: Physical inspection of the device, the vehicle and wiring of the device to the vehicle for signs of tampering; calibration of the device and downloading of all data contained within the device's memory; and reporting of any violation or noncompliance to the division and the highway patrol.

(c) (1) If the highway patrol approves an ignition interlock device in accordance with rules and regulations adopted under subsection (a), the highway patrol shall give written notice of the approval to the manufacturer of the device. Such notice shall be admissible in any civil or criminal proceeding in this state.

(2) The manufacturer of an ignition interlock device shall reimburse the highway patrol for any cost incurred in approving or disapproving such device under this section.

(3) (A) The manufacturer of an ignition interlock device shall pay the following fees to the highway patrol for the administration, oversight and monitoring of the ignition interlock program:

(i) A one-time fee of $10 for each ignition interlock device installed by the manufacturer in this state on and after July 1, 2025, counted and remitted on a monthly basis; and

(ii) except as provided in paragraph (3)(B), a fee of $5 per month for each ignition interlock device in use and maintained by the manufacturer in this state, counted and remitted on a monthly basis.

(B) No fee described in paragraph (3)(A)(ii) shall be assessed or remitted if the ignition interlock device is installed for and used by a person who the division determines is eligible for reduced ignition interlock device program costs pursuant to subsection (f).

(4) There is hereby established in the state treasury the IID fee program fund. Such fund shall be administered by the superintendent of the highway patrol. All expenditures from the IID fee program fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the superintendent of the highway patrol or the superintendent of the highway patrol's designee. All moneys received by the superintendent of the highway patrol pursuant to this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the IID fee program fund. All moneys credited to the IID fee program fund shall be used only for the purpose of funding the administration, oversight and monitoring of the ignition interlock program.

(d) Neither the state nor any agency, officer or employee thereof shall be liable in any civil or criminal proceeding arising out of the use of an ignition interlock device approved under this section.

(e) All rules and regulations of the secretary of revenue adopted pursuant to this section, prior to its amendment by this act, that are described in subsection (a) and are in effect on June 30, 2022, shall be deemed to be the rules and regulations of the superintendent of the highway patrol and shall continue to be effective until amended, revoked or nullified pursuant to law.

(f) (1) Any person whose license is restricted to operating only a motor vehicle with an ignition interlock device installed may request reduced ignition interlock device program costs by submitting a request to the division in a form and manner prescribed by the division. The division shall

review each request submitted pursuant to this subsection to determine whether the person is eligible for reduced ignition interlock device program costs. A person shall be eligible for reduced ignition interlock device program costs if the:

(A) Person's annual household income is less than or equal to 150% of the federal poverty level;

(B) person is enrolled in the food assistance, child care subsidy or cash assistance program pursuant to K.S.A. 39-709, and amendments thereto; or

(C) person is currently eligible for the low income energy assistance program as determined by the department for children and families.

(2) If the division determines that the person is eligible for reduced ignition interlock device program costs, the person shall be responsible for paying 50% of the program costs. The manufacturer providing the person's device shall adjust the manufacturer's charge for services accordingly.

(3) The secretary of revenue shall adopt rules and regulations ~~prior to March 1, 2023,~~ establishing the requirements and guidelines for receiving reduced ignition interlock device program costs pursuant to this subsection.

(g) As used in this section, "federal poverty level" means the most recent poverty income guidelines published in the calendar year by the United States department of health and human services.

Sec. 2. K.S.A. 8-1016 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 1, 2025.

CHAPTER 34

HOUSE BILL No. 2110

AN ACT concerning emergency communication services; relating to the Kansas 911 act; eliminating the requirement that the state 911 board shall contract with a local collection point administrator for services; rescheduling the date on which the state 911 operations fund, state 911 grant fund and state 911 fund shall be established in the state treasury; rescheduling the date on which all moneys collected pursuant to the Kansas 911 act are to be transferred to the state treasury; requiring certain transfers to be made to the state 911 operations fund; authorizing the state 911 board to transfer annually any unencumbered moneys of the state 911 operations fund to the state 911 grant fund; amending K.S.A. 12-5363, as amended by section 11 of chapter 53 of the 2024 Session Laws of Kansas, 12-5367, as amended by section 15 of chapter 53 of the 2024 Session Laws of Kansas, 12-5368, as amended by section 18 of chapter 53 of the 2024 Session Laws of Kansas, 12-5369, as amended by section 19 of chapter 53 of the 2024 Session Laws of Kansas, 12-5370, as amended by section 20 of chapter 53 of the 2024 Session Laws of Kansas, 12-5372, as amended by section 22 of chapter 53 of the 2024 Session Laws of Kansas, 12-5374, as amended by section 25 of chapter 53 of the 2024 Session Laws of Kansas, and 12-5375, as amended by section 28 of chapter 53 of the 2024 Session Laws of Kansas, and K.S.A. 2024 Supp. 12-5377, 12-5387, 12-5388, 12-5389 and 12-5390 and repealing the existing sections.

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

New Section 1. (a) Upon receipt of the 911 fees remitted by a provider to the state board pursuant to K.S.A. 12-5370, and amendments thereto, the state board 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 and, except as provided in subsection (b), shall credit $.23 from every 911 fee remitted to the state 911 operations fund, $.01 from every 911 fee remitted to the state 911 grant fund and the remaining amount of 911 fees remitted to the state 911 fund.

(b) If the amount of moneys credited to the state 911 operations fund pursuant to subsection (a) exceeds 15% of the total amount of the 911 fees remitted to the state treasurer over the prior three years, upon receipt of each such remittance pursuant to this section, the state treasurer shall credit any such moneys remitted to the state treasurer in excess of such 15% total to the state 911 grant fund.

(c) The provisions of this section shall take effect and be in force from and after January 1, 2026.

Sec. 2. K.S.A. 12-5363, as amended by section 11 of chapter 53 of the 2024 Session Laws of Kansas, is hereby amended to read as follows: 12-5363. As used in the Kansas 911 act:

(a) "Board" means the state 911 board.

(b) "Consumer" means a person who purchases prepaid wireless service in a retail transaction.

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

(d) "Enhanced 911 service" or "E-911 service" means an emergency telephone service that generally may provide, but is not limited to, selective routing, automatic number identification and automatic location identification features.

(e) "Exchange telecommunications service" means the service that provides local telecommunications exchange access to a service user.

(f) "GIS" means a geographic information system for capturing, storing, displaying, analyzing and managing data and associated attributes that are spatially referenced.

(g) "GIS data" means the geometry and associated attributes packaged in a geodatabase that defines the roads, address points and boundaries within a PSAP's jurisdiction.

(h) "Governing body" means the board of county commissioners of a county or the governing body of a city.

(i) ~~"Local collection point administrator" or "LCPA" means the person designated by the board to serve as the local collection point administrator pursuant to K.S.A. 12-5367, and amendments thereto.~~

~~(j)~~ "Multi-line telephone system" means a system comprised of common control units, telephones and control hardware and software providing local telephone service to multiple end-use customers that may include VoIP service and network and premises based systems such as centrex, private branch exchange and hybrid key telephone systems.

~~(k)~~*(j)* "Next generation 911" means 911 service that conforms with national emergency number association (NENA) i3 standards and enables PSAPs to receive Enhanced 911 service calls and emergency calls from Internet Protocol (IP) based technologies and applications that may include text messaging, image, video and data information from callers.

~~(l)~~*(k)* "Non-traditional PSAP" means a PSAP not operated by a city or county, including, but not limited to, PSAPs operated by universities, tribal governments or the state or federal government.

~~(m)~~*(l)* "Person" means any individual, firm, partnership, copartnership, joint venture, association, cooperative organization, corporation, municipal or private, and whether organized for profit or not, state, county, political subdivision, state department, commission, board, bureau or fraternal organization, nonprofit organization, estate, trust, business or common law trust, receiver, assignee for the benefit of creditors, trustee or trustee in bankruptcy or any other legal entity.

~~(n)~~*(m)* "Prepaid wireless service" means a wireless telecommunications service that allows a caller to dial 911 to access the 911 system, that is paid for in advance and sold in predetermined units or dollars of which the number declines with use in a known amount.

~~(o)~~*(n)* "Place of primary use" has the meaning provided in the mobile telecommunications act as defined by 4 U.S.C. § 116 et seq., as in effect on July 1, 2025.

~~(p)~~*(o)* "Provider" means any person providing exchange telecommunications service, wireless telecommunications service, VoIP service or other service capable of contacting a PSAP. "Provider" includes a 911 system operator.

~~(q)~~*(p)* "PSAP" means a public safety answering point operated by a city or county.

~~(r)~~*(q)* "Retail transaction" means the purchase of prepaid wireless service from a seller for any purpose other than resale, not including the use, storage or consumption of such services.

~~(s)~~*(r)* "Seller" means a person who sells prepaid wireless service to another person.

~~(t)~~*(s)* "Service user" means any person who is provided exchange telecommunications service, wireless telecommunications service, VoIP service, prepaid wireless service or any other service capable of contacting a PSAP.

~~(u)~~*(t)* "Subscriber account" means the 10-digit access number assigned to a service user by a provider for the purpose of billing a service user up to the maximum capacity of the simultaneous outbound calling capability of a multi-line telephone system or equivalent service.

~~(v)~~*(u)* "Subscriber radio equipment" means mobile and portable radio equipment installed in vehicles or carried by persons for voice communication with a radio system.

~~(w)~~*(v)* "VoIP service" means voice over internet protocol.

~~(x)~~*(w)* "Wireless telecommunications service" means commercial mobile radio service as defined by 47 C.F.R. § 20.3 as in effect on July 1, 2025.

~~(y)~~*(x)* "911 call" means any electronic request for emergency response, presented by means of wireline, wireless, VoIP or telecommunications device for the deaf (TDD) technology, text message or any other technology by which a service user initiates an immediate information interchange or conversation with a PSAP.

~~(z)~~*(y)* "911 system operator" means any entity that accepts 911 calls from providers, processes those calls and presents those calls to the appropriate PSAP.

Sec. 3. K.S.A. 12-5367, as amended by section 15 of chapter 53 of the 2024 Session Laws of Kansas, is hereby amended to read as follows: 12-5367. (a) The state 911 board, by an affirmative vote of nine voting members, shall select the local collection point administrator. In selecting the LCPA, the board shall contract with the LCPA for services for no longer than two years, however, the board may, by an affirmative vote of nine

voting members, extend such contract for up to two additional years. The board shall receive the approval of the legislative coordinating council in selecting an LCPA if the entity to be designated as the LCPA is different than the previous entity designated as the LCPA. The board shall annually review the designation of the LCPA and the contract with the LCPA.

(b) Any contract made between the 911 coordinating council and an LCPA that is in existence on January 1, 2025, shall continue to be valid, effective and enforceable until extended, revised, revoked or terminated by the board.

(c) The LCPA shall be subject to the requirements of the Kansas open meetings act and, except as provided in K.S.A. 12-5374, and amendments thereto, the Kansas open records act. The LCPA shall treat all moneys received by the LCPA as public funds pursuant to article 14 of chapter 9 of the Kansas Statutes Annotated, and amendments thereto. Notwithstanding any other provision of law to the contrary, the LCPA shall not be considered a state agency.

(d) This section shall expire on January 1, 2026.

Sec. 4. On and after January 1, 2026, K.S.A. 12-5368, as amended by section 18 of chapter 53 of the 2024 Session Laws of Kansas, is hereby amended to read as follows: 12-5368. (a) ~~(1) Except as provided for in paragraph (2), prior to the distribution of moneys pursuant to K.S.A. 12-5374, and amendments thereto, the LCPA shall withhold $.23 from every 911 fee remitted pursuant to K.S.A. 12-5369, and amendments thereto, and 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 and credit such amount to the state 911 operations fund established pursuant to section 5, and amendments thereto.~~

~~(2) If the moneys withheld from distribution pursuant to paragraph (1) exceed 15% of the total receipts received by the LCPA from providers and the department over the prior three years, such moneys in excess of that 15% total 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 and credit such amount to the state 911 grant fund established pursuant to section 6, and amendments thereto.~~

~~(3) If the balance in the state 911 grant fund is less than $2,000,000, prior to the distribution pursuant to K.S.A. 12-5374, and amendments thereto, the LCPA shall withhold $.01 from every 911 fee remitted pursuant to K.S.A. 12-5369, and amendments thereto, and 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~~

~~and credit such amount to the state 911 grant fund established pursuant to section 6, and amendments thereto.~~

~~(b)~~ The state 911 board shall be responsible for ensuring that the moneys collected from 911 fees and prepaid wireless 911 fees are only expended for purposes authorized pursuant to the Kansas 911 act.

~~(c)~~*(b)* The state 911 board shall develop criteria for eligible purchases and for grant applicants and make the final determination as to the distribution of grant funds. Such criteria shall promote the procurement of equipment that meets open architecture and national technical standards. Grant moneys shall not be used to procure, maintain or upgrade subscriber radio equipment.

~~(d)~~*(c)* The state 911 board ~~or the LCPA~~ shall be authorized to maintain an action to collect any moneys owed by any provider in the district court in the county of the registered office of such provider or, if such provider does not have a registered office in the state, such an action may be maintained in the county where such provider's principal office is located. If such provider has no principal office in the state, such an action may be maintained in the district court of any county where such provider provides service.

Sec. 5. K.S.A. 12-5369, as amended by section 19 of chapter 53 of the 2024 Session Laws of Kansas, is hereby amended to read as follows: 12-5369. (a) Except as provided in subsection (b), there is hereby imposed a 911 fee in the amount of $.90 per month per subscriber account of any exchange telecommunications service, wireless telecommunications service, VoIP service, or other service capable of contacting a PSAP. Such fee shall not be imposed on prepaid wireless service. It shall be the duty of each exchange telecommunications service provider, wireless telecommunications service provider, VoIP service provider or other service provider to remit such fees ~~to the LCPA~~ as provided in K.S.A. 12-5370, and amendments thereto.

(b) The state 911 board may, pursuant to rules and regulations, lower the 911 fee established pursuant to subsection (a) upon a finding that the moneys generated by such 911 fee exceed the costs required to operate PSAPs in the state.

Sec. 6. K.S.A. 12-5370, as amended by section 20 of chapter 53 of the 2024 Session Laws of Kansas, is hereby amended to read as follows: 12-5370. (a) Every billed service user shall be liable for the 911 fee until such fees have been paid to the exchange telecommunications service provider, wireless telecommunications service provider, VoIP service provider or other service provider.

(b) All providers shall have the duty to collect the 911 fee imposed pursuant to K.S.A. 12-5369, and amendments thereto. Such 911 fee shall be added to and may be stated separately in billings for the subscriber account. If stated separately in billings, the fees shall be labeled "911 fees."

(c) The provider shall have no obligation to take any legal action to enforce the collection of the 911 fee. The provider shall provide annually to the ~~LCPA~~ *state 911 board* a list of the amount of uncollected 911 fees along with the names and addresses of those service users that carry a balance that can be determined by the provider to be nonpayment of such fees.

(d) The 911 fee shall be collected insofar as practicable at the same time as, and along with, the charges for local exchange, wireless, VoIP or other service in accordance with regular billing practice of the provider.

(e) Each provider shall remit the amount of all 911 fees collected in each calendar month to the ~~LCPA~~ *state 911 board* not more than 15 days after the close of such calendar month. Upon each such remittance, the provider shall file a return for the preceding month with the ~~LCPA~~ *board*. Such *remittance and* return shall be provided in such form and manner as required by the board. ~~The provider required to file the return shall deliver the return together with a remittance of the amount of fees payable to the LCPA.~~ The provider shall maintain records of the amount of any such fees collected in accordance with this act for a period of three years from the time the fees are collected.

(f) The provisions of this section shall not be construed to apply to the prepaid wireless 911 fee.

Sec. 7. On and after January 1, 2026, K.S.A. 12-5372, as amended by section 22 of chapter 53 of the 2024 Session Laws of Kansas, is hereby amended to read as follows: 12-5372. (a) Prepaid wireless 911 fees collected by sellers shall be remitted to the department by electronic filing that is consistent with the provisions of article 36 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto. The department shall establish registration and payment procedures for the collection of the prepaid wireless 911 fee.

(b) To minimize additional costs to the department, the department may conduct audits of sellers in conjunction with sales and use tax audits. The department is authorized to provide the board ~~and LCPA~~ with information obtained in such audits if such information indicates that a seller may not be complying with the provisions of this section and K.S.A. 12-5371, and amendments thereto. The board ~~or LCPA~~ may request the department to initiate collection or audit procedures on individual sellers if collection efforts by the board ~~or LCPA~~ are unsuccessful.

(c) The department shall establish procedures by which a seller may document that a sale is not a retail sale, which procedures shall substantially coincide with procedures for documenting sale for resale transactions for article 36 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto.

(d) (1) Except as provided in paragraph (2), the department shall re-

mit all moneys collected from the prepaid wireless 911 fees to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit such amount to the state 911 operations fund ~~established pursuant to section 5, and amendments thereto~~.

(2) If the department remits $3,000,000 to the state treasurer pursuant to paragraph (1) in any given year, then all remaining moneys collected from the prepaid wireless 911 fee shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit such amount to the state 911 fund ~~established pursuant to section 7, and amendments thereto~~. Such moneys shall be distributed to governing bodies and PSAPs in an amount proportional to each county's population as a percentage share of the population of the state. For each PSAP within a county, such moneys shall be distributed to each PSAP in an amount proportional to the PSAP's population as a percentage share of the population of the county. If there is no PSAP within a county, then such moneys shall be distributed to the governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services. Moneys distributed pursuant to this paragraph shall only be used for the uses authorized in K.S.A. 12-5375, and amendments thereto.

Sec. 8. On and after January 1, 2026, K.S.A. 12-5374, as amended by section 25 of chapter 53 of the 2024 Session Laws of Kansas, is hereby amended to read as follows: 12-5374. (a) (1) Except for the amounts ~~withheld by the LCPA pursuant to K.S.A. 12-5368, and amendments thereto~~ *credited to the state 911 operations fund and state 911 grant fund pursuant to K.S.A. 12-5372, and amendments thereto, and section 1, and amendments thereto*, and any amounts withheld *from distribution* pursuant to ~~section 4~~ *K.S.A. 2024 Supp. 12-5386*, and amendments thereto, not later than 30 days after the receipt of 911 fees from providers pursuant to K.S.A. 12-5370, and amendments thereto, and prepaid wireless 911 fees from the department pursuant to K.S.A. 12-5372, and amendments thereto, the state 911 board shall distribute such moneys to the PSAPs or to governing bodies that contract with another governing body of a PSAP for the provision of 911 PSAP services. The amount of money distributed to the PSAPs in each county, or to any governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services, shall be based upon the amount of 911 fees collected from service users located in that county, based on place of primary use information provided by the providers, by using the following distribution method:

Population of county	Percentage of collected 911 fees to distribute
Over 80,000	85%
65,000 to 79,999	88%
55,000 to 64,999	91%
45,000 to 54,999	94%
35,000 to 44,999	97%
Less than 35,000	100%

(2) If the calculated amount for distribution within a county is less than $70,000, the $70,000 shall be distributed for services within that county.

~~(3)~~ The state 911 board may increase the minimum county distribution amount not more than once per calendar year by an amount that shall not exceed the minimum county distribution amount established for the preceding calendar year multiplied by the average percentage increase in the consumer price index for all urban consumers in the midwest region as published by the bureau of labor statistics of the United States department of labor for the preceding calendar year. Prior to increasing the minimum county distribution amount, the state 911 board shall evaluate:

(A) Whether an increase is needed based on the expenditures of the counties that are subject to such minimum distribution; and

(B) the impact of any such proposed increase to the long-term financial stability of all other distributions to PSAPs and counties made pursuant to this section.

~~(4) If there is a single PSAP providing services for a county, such PSAP shall receive the governing body's distribution, if any. If there is more than one PSAP in a county then distributions to each PSAP shall be proportionately divided between the PSAPs in the county.~~

~~(5)~~(3) After each distribution that is made pursuant to this section, the state 911 board ~~or LCPA~~ shall certify to the director of accounts and reports the total amount of unencumbered moneys remaining in the state 911 fund and the amount of moneys that could not be attributed to a specific PSAP or governing body. Upon receipt of such certification, the director of accounts and reports shall transfer such certified amount from the state 911 fund to the state 911 operations fund.

(b) ~~.~~ The state 911 board ~~and the LCPA~~ shall keep accurate accounts of all receipts and disbursements of moneys from the 911 fees.

(c) Records provided by any provider ~~to the LCPA or to the state 911 board~~ pursuant to this act shall be treated as proprietary records and shall be withheld from the public upon request of the provider submitting such records.

Sec. 9. On and after January 1, 2026, K.S.A. 12-5375, as amended by section 28 of chapter 53 of the 2024 Session Laws of Kansas, is hereby

amended to read as follows: 12-5375. (a) (1) Moneys distributed to governing bodies and PSAPs pursuant to K.S.A. 12-5374, and amendments thereto, and any interest earned on revenue derived from such moneys, shall be used only for necessary and reasonable costs incurred or to be incurred by governing bodies and PSAPs for:

(A) Implementation of 911 services;

(B) purchase of 911 equipment and upgrades;

(C) maintenance and license fees for 911 equipment;

(D) training of personnel, not to include salaries;

(E) monthly recurring charges billed by service suppliers;

(F) installation, service establishment and nonrecurring start-up charges billed by the service supplier;

(G) charges for capital improvements and equipment or other physical enhancements to the 911 system;

(H) maintenance and updates that are necessary to maintain accurate GIS data;

(I) emergency repair or replacement of a radio tower; or

(J) the original acquisition and installation of road signs designed to aid in the delivery of emergency service.

(2) Such costs shall not include expenditures to lease, construct, expand, acquire, remodel, renovate, repair, furnish or make improvements to buildings or similar facilities. Such costs shall also not include expenditures to purchase, procure, maintain or upgrade subscriber radio equipment.

(3) A governing body may contract with another governing body of a PSAP for the provision of 911 PSAP services provided that the moneys distributed to any such governing body pursuant to K.S.A. 12-5374, and amendments thereto, shall only be used as authorized by this section. If a governing body serves as the provider of PSAP services for another governing body, both governing bodies shall enter into a contract or memorandum of agreement that addresses contingency plans and overflow arrangements. Any such contract or memorandum of agreement shall be reviewed by the state 911 board with respect to the provisions that relate to contingency plans and overflow arrangements or that may conflict with the function of the statewide 911 system. If the state 911 board determines that any such provisions are not acceptable, the state 911 board and the governing bodies shall collaborate and work to resolve such concerns prior to the effective date of such contract or memorandum of agreement. Any governing body contracting with another governing body of a PSAP for the provision of 911 PSAP services shall establish in the contract or memorandum of agreement an agreed upon percentage of the governing body's distribution amount for the ~~LCPA~~ *state 911 board* to distribute to the governing body of the PSAP that is providing the 911 services.

(b) The state 911 board shall, pursuant to rules and regulations, establish a process for a PSAP or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services, to seek pre-approval of an expenditure. The state 911 board shall respond in writing to any pre-approval request within 30 days and inform the PSAP stating whether the requested expenditure is approved or disapproved. If the expenditure is disapproved, the written notification shall state the reason for the disapproval and such PSAP or governing body may, within 15 days after service of the notification, make a written request to the state 911 board to appeal the board's decision and for a hearing to be conducted in accordance with the provisions of the Kansas administrative procedure act.

(c) The state 911 board shall annually review expenditures of 911 moneys reported on the annual report for each PSAP or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services and shall appoint a committee to review such expenditures. If the committee determines that a reported expenditure was not authorized by this act, the committee shall request that the expenditure be refunded by the PSAP or governing body to the PSAP's or governing body's 911 account. If a PSAP or governing body does not concur with the finding of the committee, the PSAP or governing body may request a review of the decision of the committee before the state 911 board. If the state 911 board, based upon information obtained from an audit, determines that any PSAP or governing body has used any 911 fees for any purpose other than those authorized in this act, the governing body for such PSAP or governing body that contracts with another governing body of a PSAP for the provision of 911 PSAP services shall repay all such moneys used for any unauthorized purposes to the 911 fee fund of such PSAP or governing body. Upon a finding that the expenditure was made intentionally for a purpose clearly established as an unauthorized expenditure, the state 911 board may require such PSAP or governing body to pay the lesser of $500 or 10%, of such misused moneys, to the ~~LCPA~~ *state 911 board*. Upon receipt of any moneys paid pursuant to this subsection, the ~~LCPA~~ *state 911 board* shall remit such moneys to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit such amount to the state 911 grant fund. No such repayment of 911 fees shall be imposed pursuant to this section except upon the written order of the state 911 board. Such order shall state the unauthorized purposes for which the funds were used, the amount of funds to be repaid and the right of such PSAP or governing body to appeal to a hearing before the Kansas office of administrative hearings. Any such PSAP or governing body may, within 15 days after

service of the order, make a written request to the state 911 board for a hearing thereon. Hearings under this subsection shall be conducted in accordance with the provisions of the Kansas administrative procedure act.

(d) Any final action of the state 911 board pursuant to subsection (b) or (c) is subject to review in accordance with the Kansas judicial review act.

Sec. 10. K.S.A. 2024 Supp. 12-5377 is hereby amended to read as follows: 12-5377. (a) The receipts and disbursements of the LCPA shall be audited yearly by a licensed municipal accountant or certified public accountant.

(b) The LCPA may require an audit of any provider's books and records concerning the collection and remittance of fees pursuant to this act. The cost of any such audit shall be paid from the 911 operations fund.

(c) This section shall expire on January 1, 2026.

Sec. 11. K.S.A. 2024 Supp. 12-5387 is hereby amended to read as follows: 12-5387. (a) On or before the 15th day of each month, the state 911 board*, or the entity that the board has contracted for services,* shall ~~require the LCPA to~~ provide a monthly report that accounts for every transaction that has occurred during the previous month in the 911 state fund, 911 state grant fund and the 911 operations fund established outside the state treasury pursuant to K.S.A. 12-5368, and amendments thereto. Such report shall include line item amounts and details for every transaction, including debits, credits, transfers, fees assessed, interest earned, change in ownership, change in authorized signatories or any other event that may have altered the structure or balance of the account. The ~~LCPA~~ *state 911 board, or the entity that the board has contracted for services,* shall submit each monthly report to the secretary of administration and to the director of legislative research. On or before January 31, 2026, the state 911 board shall prepare and submit to the legislature a report that summarizes the transactions reported in such monthly reports and shall confirm that the accounts have been closed and all assets have been transferred to the state treasury in accordance with the requirements of K.S.A. 2024 Supp. 12-5388 through 12-5390, and amendments thereto.

(b) The provisions of this section shall take effect and be in force on and after July 1, 2025.

(c) This section shall expire on February 1, 2026.

Sec. 12. K.S.A. 2024 Supp. 12-5388 is hereby amended to read as follows: 12-5388. (a) There is hereby created in the state treasury the state 911 operations fund. ~~All moneys received pursuant to K.S.A. 12-5368, 12-5372 and 12-5374, and amendments thereto, for purposes of such fund shall be deposited into the state 911 operations fund.~~ All expenditures from the state 911 operations 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 state 911 board or the chairperson's designee.

(b) The state 911 operations fund shall be used only for the following purposes:

(1) Administrative and operational expenses of the state 911 board, including salaries of persons employed by the board;

(2) payment and expenses incurred pursuant to contracts entered into by the board for the performance of the powers, duties and functions of the board;

(3) payment to state agencies or independent contractors for expenses incurred in carrying out the powers, duties and functions of the board; and

(4) development, deployment, implementation and maintenance of the statewide next generation 911 system.

(c) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the state 911 operations fund interest earnings based on:

(1) The average daily balance of moneys in the state 911 operations fund for the preceding month; and

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

(d) The state 911 operations fund shall be used for the purposes set forth in this act and for no other governmental purposes. Moneys in the state 911 operations fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(e) *On July 1, 2025, the state 911 board, or the entity that the board has contracted for services, shall remit $1,000,000 from the 911 operations fund established outside the state treasury pursuant to K.S.A. 12-5368, and amendments thereto, 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 and credit such amount to the state 911 operations fund.*

(f) If the state 911 board determines that unencumbered moneys remain in the state 911 operations fund from a prior fiscal year, upon the affirmative vote of a majority of the members of the state 911 board, the chairperson of the state 911 board or the chairperson's designee may, once per fiscal year, certify to the director of accounts and reports an amount of such unencumbered moneys in the state 911 operations fund. Upon receipt of such certification, the director of accounts and reports shall transfer such certified amount from the state 911 operations fund to the state 911 grant fund. Prior to certifying such amount to the director of accounts and reports, the state 911 board shall ensure that such transfer is based on the board's assessment of operational needs and will not impair the board's ability to continue to meet the board's statutory obligations.

(g) On January ~~1~~ *2*, 2026:

(1) The ~~LCPA~~ *state 911 board, or the entity that the board has contracted for services,* shall remit to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, the balance of all moneys in the 911 operations fund established pursuant to K.S.A. 12-5368, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit such amount to the state 911 operations fund.

(2) All liabilities of the 911 operations fund are hereby transferred to and imposed on the state 911 operations fund.

(3) The 911 operations fund established ~~by the LCPA~~ *outside the state treasury* pursuant to K.S.A. 12-5368, and amendments thereto, is hereby abolished.

~~(f)~~*(h)* The provisions of this section shall take effect and be in force on and after ~~January 1, 2026~~ *July 1, 2025*.

Sec. 13. K.S.A. 2024 Supp. 12-5389 is hereby amended to read as follows: 12-5389. (a) There is hereby created in the state treasury the state 911 grant fund. ~~All moneys received pursuant to K.S.A. 12-5368 and 12-5374, and amendments thereto, for purposes of such fund shall be deposited into the state 911 grant fund.~~ All expenditures from the state 911 grant 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 state 911 board or the chairperson's designee.

(b) The state 911 grant fund shall be used only for the following purposes:

(1) Providing state grants for projects involving the development and implementation of next generation 911 services;

(2) ~~provide~~ *providing* grants to PSAPs based on demonstrated need; and

(3) costs associated with PSAP consolidation or cost-sharing projects.

(c) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the state 911 grant fund interest earnings based on:

(1) The average daily balance of moneys in the state 911 grant fund for the preceding month; and

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

(d) The state 911 grant fund shall be used for the purposes set forth in this act and for no other governmental purposes. Moneys in the state 911 grant fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(e) On January ~~1~~ *2*, 2026:

(1) The ~~LCPA~~ *state 911 board, or the entity that the board has contracted for services,* shall remit to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, the balance of all moneys in the 911 state grant fund established pursuant to K.S.A. 12-5368, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit such amount to the state 911 grant fund.

(2) All liabilities of the 911 state grant fund are hereby transferred to and imposed on the state 911 grant fund.

(3) The 911 state grant fund established ~~by the LCPA~~ *outside the state treasury* pursuant to K.S.A. 12-5368, and amendments thereto, is hereby abolished.

(f) The provisions of this section shall take effect and be in force on and after ~~January 1, 2026~~ *July 1, 2025*.

Sec. 14. K.S.A. 2024 Supp. 12-5390 is hereby amended to read as follows: 12-5390. (a) There is hereby created in the state treasury the state 911 fund. ~~All moneys received pursuant to K.S.A. 12-5368 and 12-5374, and amendments thereto, for purposes of such fund shall be deposited into the state 911 fund.~~ All expenditures from the state 911 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 state 911 board or the chairperson's designee.

(b) The state 911 fund shall be used for direct distributions of moneys pursuant to K.S.A. 12-5374, and amendments thereto.

(c) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the state 911 fund interest earnings based on:

(1) The average daily balance of moneys in the state 911 fund for the preceding month; and

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

(d) The state 911 fund shall be used for the purposes set forth in this act and for no other governmental purposes. Moneys in the state 911 fund shall not be subject to the provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.

(e) On January ~~1~~ *2*, 2026:

(1) The ~~LCPA~~ *state 911 board, or the entity that the board has contracted for services,* shall remit to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, the balance of all moneys in the 911 state fund established pursuant to K.S.A. 12-5368, and amendments thereto. Upon receipt of such remittance, the state treasurer shall deposit the entire amount in the state treasury and credit such amount to the state 911 fund.

(2) All liabilities of the 911 state fund are hereby transferred to and imposed on the state 911 fund.

(3) The 911 state fund established ~~by the LCPA~~ *outside the state treasury* pursuant to K.S.A. 12-5368, and amendments thereto, is hereby abolished.

(f) The provisions of this section shall take effect and be in force on and after ~~January 1, 2026~~ *July 1, 2025*.

Sec. 15. K.S.A. 12-5363, as amended by section 11 of chapter 53 of the 2024 Session Laws of Kansas, 12-5367, as amended by section 15 of chapter 53 of the 2024 Session Laws of Kansas, 12-5369, as amended by section 19 of chapter 53 of the 2024 Session Laws of Kansas, and 12-5370, as amended by section 20 of chapter 53 of the 2024 Session Laws of Kansas, and K.S.A. 2024 Supp. 12-5377, 12-5387, 12-5388, 12-5389 and 12-5390 are hereby repealed.

Sec. 16. On and after January 1, 2026, K.S.A. 12-5368, as amended by section 18 of chapter 53 of the 2024 Session Laws of Kansas, 12-5372, as amended by section 22 of chapter 53 of the 2024 Session Laws of Kansas, 12-5374, as amended by section 25 of chapter 53 of the 2024 Session Laws of Kansas, and 12-5375, as amended by section 28 of chapter 53 of the 2024 Session Laws of Kansas, are hereby repealed.

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

Approved April 1, 2025.

Published in the *Kansas Register* April 10, 2025.

CHAPTER 35

Substitute for SENATE BILL No. 67

AN ACT concerning health professions and practice; relating to the regulation of nursing; authorizing registered nurse anesthetists to prescribe, procure and administer drugs consistent with the nurse's education and qualifications; amending K.S.A. 65-1158 and repealing the existing section.

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

Section 1. K.S.A. 65-1158 is hereby amended to read as follows: 65-1158. (a) Upon the order of a physician or dentist requesting anesthesia or analgesia care, each registered nurse anesthetist shall be authorized to:

(1) Conduct a pre- and post-anesthesia and pre- and post-analgesia visit and assessment with appropriate documentation;

(2) develop a general plan of anesthesia care with the physician or dentist;

(3) select the method for administration of anesthesia or analgesia;

(4) select or administer appropriate medications and anesthetic agents during the peri-anesthetic or peri-analgesic period;

(5) order necessary medications and tests in the peri-anesthetic or peri-analgesic period;

(6) induce and maintain anesthesia or analgesia at the required levels;

(7) support life functions during the peri-anesthetic or peri-analgesic period;

(8) recognize and take appropriate action with respect to patient responses during the peri-anesthetic or peri-analgesic period;

(9) manage the patient's emergence from anesthesia or analgesia; and

(10) participate in the life support of the patient.

(b) *(1) A registered nurse anesthetist may prescribe durable medical equipment and prescribe, procure and administer any drug consistent with the registered nurse anesthetist's education and qualifications. Except as permitted by subsection (a), a registered nurse anesthetist shall not prescribe, procure or administer any anesthetic agent. Any drug that is a controlled substance shall be prescribed, procured or administered in accordance with the uniform controlled substance act.*

(2) A registered nurse anesthetist shall not perform or induce an abortion or prescribe, procure or administer drugs for an abortion.

(3) A prescription order shall include the name, address and telephone number of the registered nurse anesthetist. A registered nurse anesthetist shall not dispense drugs but may request, receive and sign for professional samples and may distribute professional samples to patients.

(4) In order to prescribe controlled substances, a registered nurse anesthetist shall:

(A) Register with the federal drug enforcement administration; and

(B) comply with federal drug enforcement administration requirements related to controlled substances.

(c) Each registered nurse anesthetist may participate in periodic and joint evaluation of services rendered, including, but not limited to, chart reviews, case reviews, patient evaluation and outcome of case statistics.

~~(c)~~*(d)* A registered nurse anesthetist shall perform duties and functions in an interdependent role as a member of a physician or dentist directed ~~health care~~ *healthcare* team.

Sec. 2. K.S.A. 65-1158 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 1, 2025.

CHAPTER 36

SENATE BILL No. 89

AN ACT concerning agriculture; relating to poultry disease control; authorizing the commissioner to adopt rules for establishing fees related to the poultry disease control act; prohibiting the shipment of poultry into Kansas unless such poultry meet plan requirements; establishing an annual participation fee for the national poultry improvement plan, a certification fee for persons performing testing and diagnostic services and a fee for providing testing or diagnostic services related to pullorum-typhoid; authorizing the commissioner to revoke plan participation for failure to pay the annual plan participation fee within a 60-day grace period; amending K.S.A. 2-909, 2-910, 2-911, 2-912, 2-913, 2-914 and 2-915 and repealing the existing sections.

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

Section 1. K.S.A. 2-909 is hereby amended to read as follows: 2-909. As used in the poultry disease control act, except where the context clearly requires a different meaning~~, the following words and phrases shall have the meaning ascribed thereto.~~*:*

(a) "Commissioner" means the animal health commissioner of the Kansas department of agriculture.

(b) "Fowl typhoid" means a disease of poultry caused by salmonella gallinarum.

(c)~~ "Hatchery" means a premises with equipment which is operated or controlled by a person for the production of baby poultry.~~

~~(d)~~ "Person" means any individual, partnership, firm or corporation.

~~(e)~~*(d)* "Plan" means the national poultry improvement plan contained in sections 145.1 through 145.54 of title 9 of the code of federal regulations and the auxiliary provisions thereto ~~which~~ *that* are contained in sections 147.1 through 147.48 of title 9 of the code of federal regulations, and amendments thereto.

~~(f)~~*(e)* "Poultry" means any domesticated birds ~~which~~ *that* are bred for the primary purpose of producing eggs or meat or of being exhibited ~~and which may include~~*. "Poultry" includes, but is not limited to,* chickens, turkeys, waterfowl and game birds~~,~~ but ~~which shall~~ *does* not include doves or pigeons.

~~(g)~~*(f)* ~~"Pullorum"~~*"Pullorum-typhoid"* means a disease of poultry caused by salmonella pullorum.

Sec. 2. K.S.A. 2-910 is hereby amended to read as follows: 2-910. *(a)* The commissioner is hereby authorized to cooperate with the United States department of agriculture in the administration of the plan, may enter into a memorandum of understanding with that department therefor and may exercise and perform the powers, duties and functions prescribed for the commissioner under the memorandum of understanding and the plan.

(b) The commissioner shall have the authority to adopt rules and regulations for the purpose of establishing annual fees for plan participation and annual fees for obtaining certification to perform and receive testing and diagnostic services related to pullorum-typhoid or fowl typhoid pursuant to the poultry disease control act in accordance with K.S.A. 2-912 and 2-914, and amendments thereto.

Sec. 3. K.S.A. 2-911 is hereby amended to read as follows: 2-911. ~~(a) Each hatchery within Kansas shall be designated as a "national plan hatchery" by the commissioner in accordance with the plan or shall meet requirements which are equivalent to the requirements under the plan for pullorum and fowl typhoid control as determined by the commissioner.~~

~~(b) Each hatchery supply flock within Kansas shall be designated as "U.S. pullorum-typhoid clean" by the commissioner in accordance with the plan or shall meet requirements which are equivalent to the requirements under the plan for pullorum and fowl typhoid control as determined by the commissioner. Any other poultry, except waterfowl, on the same premises as the hatchery supply flock shall be free from pullorum and fowl typhoid infection as evidenced by an official blood test conducted in accordance with the plan.~~

~~(c)~~ No poultry may be shipped into Kansas other than from a source ~~which is designated U.S. pullorum-typhoid clean under the plan~~ *that is:*

(a) A plan participant in compliance with all plan requirements at the time of the shipment; or ~~which meets the equivalent~~

(b) meeting requirements *equivalent to those contained in the plan*.

Sec. 4. K.S.A. 2-912 is hereby amended to read as follows: 2-912. *(a) Each person participating in the plan shall pay to the commissioner an annual plan participation fee of not to exceed $50. Each annual plan participation fee shall allow participation in the plan, subject to all other applicable requirements, for one year following the date of remittance of the fee. The plan participation fee for the subsequent year shall become due and owing thereafter.*

(b) All hatcheries, supply flocks of poultry, exhibition flocks of poultry, poultry and poultry products shall comply with the provisions of the plan ~~which~~ *that* provide procedures required to qualify Kansas as a U.S. pullorum-typhoid clean state.

Sec. 5. K.S.A. 2-913 is hereby amended to read as follows: 2-913. All poultry, including exhibition, exotic and game birds but excluding waterfowl, taken to a public exhibition in Kansas shall*:*

(a) Come from a flock of poultry ~~which is designated U.S. pullorum-typhoid clean or which meets the equivalent requirements as determined by the commissioner or shall~~ *that participates in the plan and is compliant with all applicable provisions of the plan;*

(b) have a negative result from a ~~pullorum~~ *pullorum-typhoid* and fowl typhoid test conducted within 90 days of the poultry being taken to the public exhibition*; or*

(c) be included in a surveillance program approved by the commissioner.

Sec. 6. K.S.A. 2-914 is hereby amended to read as follows: 2-914. (a) Each person performing *any testing or* poultry disease diagnostic services *related to pullorum-typhoid or fowl typhoid pursuant to the poultry disease control act* shall *annually obtain from the commissioner certification to perform such testing or poultry disease diagnostic services and pay a certification fee of not to exceed $50. Each certification shall expire on September 30 following its issuance.*

(b) Each person performing poultry disease diagnostic services related to pullorum-typhoid or fowl typhoid pursuant to the poultry disease control act shall report within 48 hours to the commissioner or the commissioner's authorized agent the source of each poultry specimen from which salmonella pullorum or salmonella gallinarum is *a reactor or is* isolated. Upon receiving such report, the commissioner or the commissioner's authorized agent shall investigate to determine the origin of the infection.

~~(b)~~*(c) Each person who requests that the commissioner or an authorized agent of the commissioner perform testing or diagnostic services related to pullorum-typhoid or fowl typhoid pursuant to the poultry disease control act shall, prior to any such requested testing being performed, pay to the commissioner a fee of not to exceed $100 per visit to each location participating in the plan.*

(d) Testing or poultry disease diagnostic services related to pullorum-typhoid or fowl typhoid pursuant to the poultry disease control act that is performed other than by the commissioner, an authorized agent of the commissioner or an individual certified pursuant to this section shall not be considered sufficient to support participation in the plan.

(e) Each flock of poultry ~~which~~ *that* is found to be infected *with pullorum-typhoid or fowl typhoid* shall be quarantined by the commissioner or the commissioner's authorized agent until: (1) It is marketed or destroyed under the supervision of the commissioner or the commissioner's authorized agent; or (2) it subsequently receives an official blood test conducted in accordance with the procedure for reacting flocks under subsection (a)(5) of 9 C.F.R. § 145.14, as revised as of ~~January 1, 1983~~ *October 5, 2020*, and all members of the flock of poultry fail to demonstrate ~~pullorum~~ *pullorum-typhoid* or fowl typhoid infection.

~~(c)~~*(f)* All costs for testing and handling a quarantined flock of poultry shall be paid by the owner thereof.

Sec. 7. K.S.A. 2-915 is hereby amended to read as follows: 2-915. ~~After a thorough investigation,~~ The commissioner may revoke any ~~national plan~~

~~hatchery or U.S. pullorum-typhoid clean designation~~ *plan participation* for failure ~~of the person operating the hatchery or owning the hatchery supply flocks~~ to comply with the requirements of the poultry disease control act *or any applicable plan requirements, including failure to pay the annual plan participation fee required by K.S.A. 2-912, and amendments thereto, within a 60-day grace period following the date that the annual plan participation fee becomes due and owing,* or for the occurrence of repeated outbreaks of ~~pullorum~~ *pullorum-typhoid* or fowl typhoid in the hatchery or hatchery supply flocks.

Sec. 8. K.S.A. 2-909, 2-910, 2-911, 2-912, 2-913, 2-914 and 2-915 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 1, 2025.

CHAPTER 37

SENATE BILL No. 97

AN ACT concerning motor vehicles; relating to certain nonhighway vehicles; requiring vehicle dealers to obtain a dealer inventory-only title for any used all-terrain vehicle, work-site utility vehicle, recreational off-highway vehicle or motorcycle that such dealer obtains; amending K.S.A. 8-198 and repealing the existing section.

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

Section 1. K.S.A. 8-198 is hereby amended to read as follows: 8-198. (a) A nonhighway or salvage vehicle shall not be required to be registered in this state, as provided in K.S.A. 8-135, and amendments thereto, but nothing in this section shall be construed as abrogating, limiting or otherwise affecting the provisions of K.S.A. 8-142, and amendments thereto, which make it unlawful for any person to operate or knowingly permit the operation in this state of a vehicle required to be registered in this state.

(b) Upon the sale or transfer of any nonhighway vehicle or salvage vehicle, the purchaser thereof shall obtain a nonhighway certificate of title or *a* salvage title, whichever is applicable, *or a dealer inventory-only title* in the following manner:

(1) If the vehicle dealer, as defined in K.S.A. 8-2401, and amendments thereto, obtains ownership of a used vehicle that is an all-terrain vehicle, work-site utility vehicle, recreational off-highway vehicle or motorcycle and such vehicle would qualify as a nonhighway vehicle pursuant to K.S.A. 8-197, and amendments thereto, the vehicle dealer shall make application to the county treasurer of such county for a dealer inventory-only title. Each application for a dealer inventory-only title shall be accompanied by a fee of $10 and either a bill of sale or certificate of title with the application for the vehicle. All moneys received under this paragraph shall be remitted as a certificate of title in accordance with K.S.A. 8-145(b), and amendments thereto.

~~(1)~~*(2)* If the transferor is a vehicle dealer, as defined in K.S.A. 8-2401, and amendments thereto, and a certificate of title has not been issued for such vehicle under this section or under the provisions of K.S.A. 8-135, and amendments thereto, such transferor shall make application for and assign a nonhighway certificate of title or a salvage title, whichever is applicable, to the purchaser of such nonhighway vehicle or salvage vehicle in the same manner and under the same conditions prescribed by K.S.A. 8-135, and amendments thereto, for the application for and assignment of a certificate of title thereunder. Upon the assignment thereof, the purchaser shall make application for a new nonhighway certificate of title or *a* salvage title, as provided in subsection (c) or (d).

~~(2)~~*(3)* Except as provided in K.S.A. 8-199(b), and amendments thereto, if a certificate of title has been issued for any such vehicle un-

der the provisions of K.S.A. 8-135, and amendments thereto, the owner of such nonhighway vehicle or salvage vehicle may surrender such certificate of title to the division of vehicles and make application to the division for a nonhighway certificate of title or salvage title, whichever is applicable, or the owner may obtain from the county treasurer's office a form prescribed by the division of vehicles and, upon proper execution thereof, may assign the nonhighway certificate of title, salvage title or the regular certificate of title with such form attached to the purchaser of the nonhighway vehicle or salvage vehicle. Upon receipt of the nonhighway certificate of title, salvage title or the regular certificate of title with such form attached, the purchaser shall make application for a new nonhighway certificate of title or *a* salvage title, whichever is applicable, as provided in subsection (c) or (d).

~~(3)~~*(4)* If the transferor is not a vehicle dealer, as defined in K.S.A. 8-2401, and amendments thereto, and a certificate of title has not been issued for the vehicle under this section or a certificate of title was not required under K.S.A. 8-135, and amendments thereto, the transferor shall make application to the division for a nonhighway certificate of title or *a* salvage title, whichever is applicable, as provided in this section, except that in addition thereto, the division shall require a bill of sale or such transferor's affidavit, with at least one other corroborating affidavit, that such transferor is the owner of such nonhighway vehicle or salvage vehicle. If the division is satisfied that the transferor is the owner, the division shall issue a nonhighway certificate of title or salvage title, whichever is applicable, for such vehicle, and the transferor shall assign the same to the purchaser, who shall make application for a new nonhighway certificate of title or *a* salvage title, whichever is applicable, as provided in subsection (c) or (d).

(c) Every purchaser of a nonhighway vehicle, whether assigned a nonhighway certificate of title or a regular certificate of title with the form specified in subsection ~~(b)(2)~~ *(b)(3)* attached, shall make application to the county treasurer of the county where such person resides for a new nonhighway certificate of title in the same manner and under the same conditions as for an application for a certificate of title under K.S.A. 8-135, and amendments thereto. Such application shall be in the form prescribed by the director of vehicles and shall contain substantially the same provisions as required for an application under K.S.A. 8-135(c)(1), and amendments thereto. In addition, such application shall provide a place for the applicant to certify that the vehicle for which the application for a nonhighway certificate of title is made is a nonhighway vehicle and other provisions the director deems necessary. Each application for a nonhighway certificate of title shall be accompanied by a fee of $10, and if the application is not made to the county treasurer within the time prescribed

by K.S.A. 8-135, and amendments thereto, for making application for a certificate of title thereunder, an additional fee of $2.

(d) (1) Except as otherwise provided by this section, the owner of a vehicle that meets the definition of a salvage vehicle shall apply for a salvage title before the ownership of the motor vehicle or travel trailer is transferred. In no event shall such application be made more than 60 days after the vehicle is determined to be a salvage vehicle.

(2) Every insurance company that, pursuant to a damage settlement, acquires ownership of a vehicle that has incurred damage requiring the vehicle to be designated a salvage vehicle, shall apply for a salvage title within 60 days after the title is assigned and delivered by the owner to the insurance company, with all liens released. In the event that an insurance company is unable to obtain voluntary assignment of the title after 30 days from the date the vehicle owner enters into an oral or written damage settlement agreement where the owner agrees to transfer the title, the insurance company may submit an application on a form prescribed by the division for a salvage title. The form shall be accompanied by an affidavit from the insurance company stating that: (A) The insurance company is unable to obtain a transfer of the title from the owner following an oral or written acceptance of an offer of damage settlement; (B) there is evidence of the damage settlement; (C) that there are no existing liens on the vehicle or all liens on the vehicle have been released; (D) the insurance company has physical possession of the vehicle; and (E) the insurance company has provided the owner, at the owner's last known address, 30 days' prior notice of such intent to transfer and the owner has not delivered a written objection to the insurance company.

(3) Every insurance company that makes a damage settlement for a vehicle that has incurred damage requiring such vehicle to be designated a salvage vehicle, but does not acquire ownership of the vehicle, shall notify the vehicle owner of the owner's obligation to apply for a salvage title for the motor vehicle or travel trailer, and shall notify the division of this fact in accordance with procedures established by the division. The vehicle owner shall apply for a salvage title within 60 days after being notified by the insurance company.

(4) The lessee of any vehicle that incurs damage requiring the vehicle to be designated a salvage vehicle shall notify the lessor of this fact within 30 days of the determination that the vehicle is a salvage vehicle.

(5) The lessor of any motor vehicle or travel trailer that has incurred damage requiring the vehicle to be titled as a salvage vehicle, shall apply for a salvage title within 60 days after being notified of this fact by the lessee.

(6) Every person acquiring ownership of a motor vehicle or travel trailer that meets the definition of a salvage vehicle, for which a salvage

title has not been issued, shall apply for the required document prior to any further transfer of such vehicle, but in no event, more than 60 days after ownership is acquired.

(7) Every purchaser of a salvage vehicle, whether assigned a salvage title or a regular certificate of title with the form specified in subsection ~~(b)(2)~~ *(b)(3)* attached, shall make application to the county treasurer of the county where such person resides for a new salvage title, in the same manner and under the same condition as for an application for a certificate of title under K.S.A. 8-135, and amendments thereto. Such application shall be in the form prescribed by the director of vehicles and shall contain substantially the same provisions as required for an application under K.S.A. 8-135(c)(1), and amendments thereto. In addition, such application shall provide a place for the applicant to certify that the vehicle for which the application for salvage title is made is a salvage vehicle, and other provisions the director deems necessary. Each application for a salvage title shall be accompanied by a fee of $10 and if the application is not made to the county treasurer within the time prescribed by K.S.A. 8-135, and amendments thereto, for making application for a certificate of title thereunder, an additional fee of $2.

(8) Failure to apply for a salvage title as provided by this subsection shall be a class C nonperson misdemeanor.

(e) A nonhighway certificate of title or salvage title shall be in form and color as prescribed by the director of vehicles. A nonhighway certificate of title or salvage title shall indicate clearly and distinctly on its face that it is issued for a nonhighway vehicle or salvage vehicle, whichever is applicable. A nonhighway certificate of title or salvage title shall contain substantially the same information as required on a certificate of title issued under K.S.A. 8-135, and amendments thereto, and other information the director deems necessary.

(f) (1) A nonhighway certificate of title or salvage title may be transferred in the same manner and under the same conditions as prescribed by K.S.A. 8-135, and amendments thereto, for the transfer of a certificate of title, except as otherwise provided in this section. A nonhighway certificate of title or salvage title may be assigned and transferred only while the vehicle remains a nonhighway vehicle or salvage vehicle.

(2) Upon transfer or sale of a nonhighway vehicle in a condition that will allow the registration of such vehicle, the owner ~~shall~~ *may* assign the nonhighway certificate of title to the purchaser, and the purchaser ~~shall~~ *may* obtain a certificate of title and register such vehicle as provided in K.S.A. 8-135, and amendments thereto. No regular certificate of title shall be issued for a vehicle for which there has been issued a nonhighway certificate of title until there has been compliance with K.S.A. 8-116a, and amendments thereto.

(3) (A) Upon transfer or sale of a salvage vehicle that has been rebuilt or restored or is otherwise in a condition that will allow the registration of such vehicle, the owner shall assign the salvage title to the purchaser, and the purchaser shall obtain a rebuilt salvage title and register such vehicle as provided in K.S.A. 8-135, and amendments thereto. No rebuilt salvage title shall be issued for a vehicle for which there has been issued a salvage title until there has been compliance with K.S.A. 8-116a, and amendments thereto, and the notice required in subsection (f)(3)(B) has been attached to such vehicle.

(B) As part of the inspection for a rebuilt salvage title conducted under K.S.A. 8-116a, and amendments thereto, the Kansas highway patrol shall attach a notice affixed to the left door frame of the rebuilt salvage vehicle indicating the vehicle identification number of such vehicle and that such vehicle is a rebuilt salvage vehicle. In addition to any fee allowed under K.S.A. 8-116a, and amendments thereto, a fee of $5 shall be collected from the owner of such vehicle requesting the inspection for the notice required under this paragraph. All moneys received under this paragraph shall be remitted in accordance with K.S.A. 8-116a(e), and amendments thereto.

(C) Failure to apply for a rebuilt salvage title as provided by this paragraph shall be a class C nonperson misdemeanor.

(g) The owner of a salvage vehicle that has been issued a salvage title and has been assembled, reconstructed, reconstituted or restored or otherwise placed in an operable condition may make application to the county treasurer for a permit to operate such vehicle on the highways of this state over the most direct route from the place such salvage vehicle is located to a specified location named on the permit and to return to the original location. No such permit shall be issued for any vehicle unless the owner has motor vehicle liability insurance coverage or an approved self-insurance plan under K.S.A. 40-3104, and amendments thereto. Such permit shall be on a form furnished by the director of vehicles and shall state the date the vehicle is to be taken to the other location, the name of the insurer, as defined in K.S.A. 40-3103, and amendments thereto, and the policy number or a statement that the vehicle is included in a self-insurance plan approved by the commissioner of insurance, a statement attesting to the correctness of the information concerning financial security, the vehicle identification number and a description of the vehicle. Such permit shall be signed by the owner of the vehicle. The permit shall be carried in the vehicle for which it is issued and shall be displayed so that it is visible from the rear of the vehicle. The fee for such permit shall be $1 and shall be retained by the county treasurer.

(h) A nonhighway vehicle or salvage vehicle for which a nonhighway certificate of title or salvage title has been issued pursuant to this section

shall not be deemed a motor vehicle for the purposes of K.S.A. 40-3101 through 40-3121, and amendments thereto, except when such vehicle is being operated pursuant to subsection (g). Any person who knowingly makes a false statement concerning financial security in obtaining a permit pursuant to subsection (g), or who fails to obtain a permit when required by law to do so is guilty of a class C misdemeanor.

(i) ~~Any person who, on July 1, 1996, is the owner of an all-terrain vehicle, as defined in K.S.A. 8-126, and amendments thereto, shall not be required to file an application for a nonhighway certificate of title under the provisions of this section for such all-terrain vehicle, unless the person transfers an interest in such all-terrain vehicle.~~

~~(j) Any person who, on July 1, 2006, is the owner of a work-site utility vehicle, as defined in K.S.A. 8-126, and amendments thereto, shall not be required to file an application for a nonhighway certificate of title under the provisions of this section for such work-site utility vehicle, unless the person transfers an interest in such work-site utility vehicle.~~

~~(k)~~ (1) A salvage vehicle pool, or a salvage vehicle dealer, as both are defined and licensed to operate in this state pursuant to K.S.A. 8-2401 et seq., and amendments thereto, may apply for an ownership document with the division of vehicles without forwarding the certificate of title to the division for a vehicle that is the subject of an insurance claim when:

(A) At the request of an insurance company, the salvage vehicle pool or salvage vehicle dealer obtains possession of the vehicle;

(B) the insurance claim for the vehicle has been closed without payment or denied by the insurance company; and

(C) the vehicle has remained unclaimed at the salvage vehicle pool's or salvage vehicle dealer's facility for more than 30 days.

(2) An application made pursuant to this subsection shall provide sufficient evidence that at least two written notices were delivered by certified mail to the address provided by the division of vehicles' ownership verification, or through another courier service that provides proof of delivery, to the owner of the vehicle and any lienholder of the vehicle identified in the division of vehicles' records requesting that the vehicle be removed from the salvage vehicle pool's or salvage vehicle dealer's facility. A salvage vehicle dealer shall also provide sufficient evidence to the division of the request by the insurance company to obtain possession of the vehicle. Such written notice shall specify that the owner of the vehicle and any lienholder of the vehicle identified in the division of vehicles' records has at least 30 days from the receipt of the notice to remove the vehicle. If the salvage vehicle pool or salvage vehicle dealer does not receive proof of delivery for the notices, the salvage vehicle pool or salvage vehicle dealer shall cause notice of the application for an ownership document to be published in a newspaper of general circulation in the county where the vehicle is located.

(3) If the most recent ownership document for the vehicle was not issued by this state, the application shall also include evidence of an inspection of the vehicle completed pursuant to K.S.A. 8-116a, and amendments thereto. The application shall also indicate whether a salvage title or a nonrepairable vehicle certificate shall be issued for the vehicle.

(4) Upon receipt of the application and all information required by this subsection, the division shall issue to the salvage vehicle pool or salvage vehicle dealer a salvage title or a nonrepairable vehicle certificate free and clear of all liens, security interests and encumbrances.

Sec. 2. K.S.A. 8-198 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 1, 2025.

CHAPTER 38

HOUSE BILL No. 2307

AN ACT concerning health and healthcare; relating to prenatally and postnatally diagnosed conditions; transferring the power to authorize and oversee certain activities regarding prenatal and postnatal diagnosed conditions awareness programs from the department of health and environment to the Kansas council on developmental disabilities; amending K.S.A. 65-1,259 and repealing the existing section.

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

New Section 1. (a) Authorization and oversight of prenatally and postnatally diagnosed conditions awareness programs are hereby transferred from the department of health and environment to the Kansas council on developmental disabilities. The powers, duties and functions of the department of health and environment related to prenatally and postnatally diagnosed conditions awareness programs as provided in K.S.A. 65-1,259, and amendments thereto, are hereby transferred and imposed upon the Kansas council on developmental disabilities.

(b) Whenever the department of health and environment, the secretary of health and environment, or words of like effect, are referred to or designated by statute, contract or other document, and such reference or designation is in regard to any function, power or duty related to prenatally and postnatally diagnosed conditions awareness programs as provided in K.S.A. 65-1,259, and amendments thereto, such reference or designation shall be deemed to apply to the Kansas council on developmental disabilities.

(c) All rules and regulations, orders and directives of the secretary of health and environment related to prenatally and postnatally diagnosed conditions awareness programs that are in effect pursuant to K.S.A. 65-1,259, and amendments thereto 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 chairperson of the Kansas council on developmental disabilities until amended, revoked or nullified pursuant to law.

Sec. 2. K.S.A. 65-1,259 is hereby amended to read as follows: 65-1,259. (a) The ~~secretary of the department of health and environment may~~ *Kansas council on developmental disabilities shall* authorize and oversee certain activities, including the awarding of grants, contracts or cooperative agreements to eligible entities to:

(1) Collect, synthesize and disseminate current evidence-based information relating to Down syndrome or other prenatally or postnatally diagnosed conditions; and

(2) coordinate the provision of, and access to, new or existing supportive services for women and the spouses of such women who receive

a positive diagnosis of Down syndrome or other prenatally or postnatally diagnosed conditions for their child, including, but not limited to:

(A) The establishment of a resource telephone hotline or website accessible to women and the spouses of such women who receive a positive diagnosis of Down syndrome or other prenatally or postnatally diagnosed conditions for their child;

(B) the development of outreach programs to new and expecting parents to provide them with up-to-date information on the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational and psychosocial outcomes;

(C) the development of local peer support programs to effectively serve women and the spouses of such women who receive a positive diagnosis of Down syndrome or other prenatally or postnatally diagnosed conditions for their child;

(D) the establishment of a network of local registries of families willing to adopt newborns with Down syndrome or other prenatally or postnatally diagnosed conditions, and links to adoption agencies willing to place babies with Down syndrome or other prenatally or postnatally diagnosed conditions with families willing to adopt; and

(E) the establishment of awareness and education programs for health care providers who provide, interpret or inform parents of the results of prenatal tests for Down syndrome or other prenatally or postnatally diagnosed conditions to patients.

(b) A grantee under this section shall make the following available to health care providers of parents who receive a prenatal or postnatal diagnosis for their child:

(1) Up-to-date, evidence-based, written information concerning the range of outcomes for individuals living with the diagnosed condition, including physical, developmental, educational and psychosocial outcomes; *and*

(2) contact information regarding support services, including information hotlines and websites specific to Down syndrome or other prenatally or postnatally diagnosed conditions, resource centers or clearinghouses, local peer support groups and other education and support programs.

(c) Information provided under this subsection shall be culturally and linguistically appropriate as needed by women and the spouses of such women who receive a positive diagnosis for Down syndrome or other prenatally or postnatally diagnosed conditions for their child, and approved by the ~~secretary~~ *Kansas council on developmental disabilities*.

(d) In distributing funds under this section, the ~~secretary~~ *Kansas council on developmental disabilities* shall place an emphasis on funding partnerships between health care professional groups and disability advocacy organizations.

(e) On or before January ~~12, 2015~~ *11, 2027*, the ~~secretary~~ *Kansas*

council on developmental disabilities shall prepare and submit a report to the governor and the legislature on the grants, contracts and cooperative agreements made under this section and the effectiveness of the programs supported by such grants, contracts and cooperative agreements.

(f) As used in this section:

(1) "Down syndrome" means a chromosomal disorder caused by an error in cell division that results in the presence of an extra whole or partial copy of chromosome 21.

(2) "Eligible entity" means the state, or any political subdivision thereof, or any other entity with appropriate expertise in prenatally and postnatally diagnosed conditions, as determined by the ~~secretary~~ *Kansas council on developmental disabilities*.

(3) "Health care provider" ~~shall have the same meaning~~ *means the same* as ~~that term is~~ defined in K.S.A. 40-3401, and amendments thereto.

(4) "Postnatally diagnosed condition" means any health condition identified during the 12-month period beginning at birth.

(5) "Prenatally diagnosed condition" means any fetal health condition identified by prenatal genetic testing or prenatal screening procedures.

(6) "Prenatal test" means diagnostic or screening tests offered to pregnant women seeking routine prenatal care that are administered on a required or recommended basis by a health care provider based on medical history, family background, ethnic background, previous test results or other risk factors.

~~(7) "Secretary" means the secretary of the department of health and environment.~~

(g) (1) There is hereby established in the state treasury the prenatally and postnatally diagnosed conditions awareness programs fund. All moneys credited to the prenatally and postnatally diagnosed conditions awareness programs fund shall be expended only for prenatally and postnatally diagnosed conditions awareness programs. All expenditures from the prenatally and postnatally diagnosed conditions awareness programs 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 Kansas council on developmental disabilities.

(2) On July 1, 2025, the director of accounts and reports shall transfer $25,000 from the state general fund to the the prenatally and postnatally diagnosed conditions awareness programs fund.

Sec. 3. K.S.A. 65-1,259 is hereby repealed.

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

Approved April 1, 2025.

CHAPTER 39

HOUSE BILL No. 2338

AN ACT concerning the practice of cosmetology; relating to demonstration permits; authorizing the Kansas state board of cosmetology to issue temporary location permits and temporary guest body artist permits; establishing criteria to issue such permits; amending K.S.A. 2024 Supp. 65-1958 and repealing the existing section.

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

Section 1. K.S.A. 2024 Supp. 65-1958 is hereby amended to read as follows: 65-1958. (a) Any person may apply to the Kansas state board of cosmetology for a ~~demonstration~~ *temporary location or temporary guest artist* permit. Any such application shall be on a form and in a manner approved by the board and accompanied by the fee established under K.S.A. 65-1950, and amendments thereto.

(b) (1) *The board may grant a temporary location permit to a person authorized under K.S.A. 65-1940 through 65-1954, and amendments thereto. If a person who applies for a temporary location permit is not licensed in this state, the board may grant a temporary location permit if:*

(A) Such person is licensed to practice such profession regulated under K.S.A. 65-1940 through 65-1954, and amendments thereto, in another state or jurisdiction; and

(B) such license has not been revoked, suspended or conditioned from the practice of such profession.

(2) The board may grant a ~~demonstration~~ *temporary guest artist* permit to a person to provide services authorized under K.S.A. 65-1940 through 65-1954, and amendments thereto, at a state or national convention, an establishment licensed by the Kansas state board of cosmetology or any other event location approved by the board. If a person who applies for a ~~demonstration~~ *temporary guest artist* permit to provide such services is not licensed in this state, the board may grant a ~~demonstration~~ *temporary guest artist* permit if:

(A) Such person is licensed to practice such profession regulated under K.S.A. 65-1940 through 65-1954, and amendments thereto, in another state or jurisdiction; and

(B) such license has not been revoked, suspended or conditioned from the practice of such profession.

~~(2)~~*(3)* If an application for a ~~demonstration~~ *temporary location or temporary guest artist* permit is submitted by a citizen of a foreign country who has not been issued a social security number ~~and who has not~~ *nor* been licensed by any other state, the board shall not require the applicant to submit a social security number and shall instead accept a valid visa or passport identification number.

~~(3)~~ *(4)* Any ~~demonstration~~ *temporary location or temporary guest artist* permit issued under this section shall expire not later than 14 days after issuance ~~of~~ *by* the board.

(c) The board shall adopt rules and regulations as necessary to implement and administer this section. Such rules and regulations shall be adopted on or before December 31, 2023.

(d) This section shall be a part of and supplemental to K.S.A. 65-1940 through 65-1954, and amendments thereto.

Sec. 2. K.S.A. 2024 Supp. 65-1958 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 1, 2025.

CHAPTER 40

HOUSE BILL No. 2359
(Amended by Chapter 125)

AN ACT concerning guardians and conservators; enacting the uniform adult guardianship and protective proceedings jurisdiction act and the uniform guardianship, conservatorship and other protective arrangements act; amending K.S.A. 9-1215, 17-2263, 17-2264, 21-5417, 38-2217, 44-513a, 44-1601, 58-662, 58-24a15, 59-1701, 59-2949, 59-2951, 59-2960, 59-29b49, 59-29b51, 73-507, 76-729, 76-12b04 and 77-201 and K.S.A. 2024 Supp. 58-656, 58-4802, 58-4814, 58a-103, 59-2401a, 59-2946, 59-2948, 59-29b46, 59-29b48, 59-29b60, 59-29c03 and 75-652 and repealing the existing sections; also repealing K.S.A. 59-2701, 59-2702, 59-2703, 59-2704, 59-2705, 59-2706, 59-2707, 59-2708, 59-3050, 59-3054, 59-3057, 59-3063, 59-3064, 59-3066, 59-3071, 59-3072, 59-3074, 59-3076, 59-3079, 59-3081, 59-3082, 59-3084, 59-3085, 59-3087, 59-3088, 59-3089, 59-3090, 59-3091, 59-3092, 59-3093, 59-3095 and 59-3096 and K.S.A. 2024 Supp. 59-3051, 59-3052, 59-3053, 59-3055, 59-3056, 59-3058, 59-3059, 59-3060, 59-3061, 59-3062, 59-3065, 59-3067, 59-3068, 59-3069, 59-3070, 59-3073, 59-3075, 59-3077, 59-3078, 59-3080, 59-3083, 59-3086, 59-3094 and 59-3097.

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

New Section 1. Sections 1 through 23, and amendments thereto, may be cited as the uniform adult guardianship and protective proceedings jurisdiction act (2007).

New Sec. 2. As used in this act:

(a) "Adult" means an individual who has attained 18 years of age or an emancipated individual under 18 years of age.

(b) "Conservator" means a person appointed by the court to administer the property of an adult, including a person appointed under section 93, and amendments thereto.

(c) "Guardian" means a person appointed by the court to make decisions regarding the person of an adult, including a person appointed under section 72, and amendments thereto.

(d) "Guardianship order" means an order appointing a guardian.

(e) "Guardianship proceeding" means a judicial proceeding in which an order for the appointment of a guardian is sought or has been issued.

(f) "Incapacitated person" means an adult for whom a guardian has been appointed.

(g) "Party" means the respondent, petitioner, guardian, conservator or any other person allowed by the court to participate in a guardianship or protective proceeding.

(h) "Person," except in the term "incapacitated person" or "protected person," means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency or instrumentality, or any other legal or commercial entity.

(i) "Protected person" means an adult for whom a protective order has been issued.

(j) "Protective order" means an order appointing a conservator or other order related to management of an adult's property.

(k) "Protective proceeding" means a judicial proceeding in which a protective order is sought or has been issued.

(l) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(m) "Respondent" means an adult for whom a protective order or the appointment of a guardian is sought.

(n) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe or any territory or insular possession subject to the jurisdiction of the United States.

New Sec. 3. A court of this state may treat a foreign country as if it were a state for the purpose of applying sections 1 through 17 and sections 21 through 23, and amendments thereto.

New Sec. 4. (a) A court of this state may communicate with a court in another state concerning a proceeding arising under this act. The court may allow the parties to participate in the communication. Except as otherwise provided in subsection (b), the court shall make a record of the communication. The record may be limited to the fact that the communication occurred.

(b) Courts may communicate concerning schedules, calendars, court records and other administrative matters without making a record.

New Sec. 5. (a) In a guardianship or protective proceeding in this state, a court of this state may request the appropriate court of another state to do any of the following:

(1) Hold an evidentiary hearing;

(2) order a person in that state to produce evidence or give testimony pursuant to procedures of that state;

(3) order that an evaluation or assessment be made of the respondent;

(4) order any appropriate investigation of a person involved in a proceeding;

(5) forward to the court of this state a certified copy of the transcript or other record of a hearing under paragraph (1) or any other proceeding, any evidence otherwise produced under paragraph (2) and any evaluation or assessment prepared in compliance with an order under paragraph (3) or (4);

(6) issue any order necessary to assure the appearance in the proceeding of a person whose presence is necessary for the court to make a

determination, including the respondent or the incapacitated or protected person; and

(7) issue an order authorizing the release of medical, financial, criminal or other relevant information in that state, including protected health information as defined in 45 C.F.R 160.103.

(b) If a court of another state in which a guardianship or protective proceeding is pending requests assistance of the kind provided in subsection (a), a court of this state has jurisdiction for the limited purpose of granting the request or making reasonable efforts to comply with the request.

New Sec. 6. (a) In a guardianship or protective proceeding, in addition to other procedures that may be available, testimony of a witness who is located in another state may be offered by deposition or other means allowable in this state for testimony taken in another state. The court on its own motion may order that the testimony of a witness be taken in another state and may prescribe the manner in which and the terms upon which the testimony is to be taken.

(b) In a guardianship or protective proceeding, a court in this state may permit a witness located in another state to be deposed or to testify by telephone or audiovisual or other electronic means. A court of this state shall cooperate with the court of the other state in designating an appropriate location for the deposition or testimony.

New Sec. 7. (a) As used in sections 7 through 15, and amendments thereto:

(1) "Emergency" means a circumstance that likely will result in substantial harm to a respondent's health, safety or welfare, and for which the appointment of a guardian is necessary because no other person has authority and is willing to act on the respondent's behalf;

(2) "home state" means the state in which the respondent was physically present, including any period of temporary absence, for at least six consecutive months immediately before the filing of a petition for a protective order or the appointment of a guardian, or if none, the state in which the respondent was physically present, including any period of temporary absence, for at least six consecutive months ending within the six months prior to the filing of the petition; and

(3) "significant-connection state" means a state, other than the home state, with which a respondent has a significant connection other than mere physical presence and in which substantial evidence concerning the respondent is available.

(b) In determining under sections 9 and 16(e), and amendments thereto, whether a respondent has a significant connection with a particular state, the court shall consider:

(1) The location of the respondent's family and other persons required to be notified of the guardianship or protective proceeding;

(2) the length of time the respondent at any time was physically present in the state and the duration of any absence;

(3) the location of the respondent's property; and

(4) the extent to which the respondent has ties to the state such as voting registration, state or local tax return filing, vehicle registration, driver's license, social relationship and receipt of services.

New Sec. 8. Sections 7 through 15, and amendments thereto, provides the exclusive jurisdictional basis for a court of this state to appoint a guardian or issue a protective order for an adult.

New Sec. 9. A court of this state has jurisdiction to appoint a guardian or issue a protective order for a respondent if:

(a) This state is the respondent's home state;

(b) on the date the petition is filed, this state is a significant-connection state and:

(1) The respondent does not have a home state or a court of the respondent's home state has declined to exercise jurisdiction because this state is a more appropriate forum; or

(2) the respondent has a home state, a petition for an appointment or order is not pending in a court of that state or another significant-connection state, and, before the court makes the appointment or issues the order:

(A) A petition for an appointment or order is not filed in the respondent's home state;

(B) an objection to the court's jurisdiction is not filed by a person required to be notified of the proceeding; and

(C) the court in this state concludes that it is an appropriate forum under the factors set forth in section 12, and amendments thereto;

(c) this state does not have jurisdiction under either subsection (a) or (b), the respondent's home state and all significant-connection states have declined to exercise jurisdiction because this state is the more appropriate forum and jurisdiction in this state is consistent with the constitutions of this state and the United States; or

(d) the requirements for special jurisdiction under section 10, and amendments thereto, are met.

New Sec. 10. (a) A court of this state lacking jurisdiction under section 9(a), (b) or (c), and amendments thereto, has special jurisdiction to do any of the following:

(1) Appoint a guardian in an emergency for a term not exceeding 90 days for a respondent who is physically present in this state;

(2) issue a protective order with respect to real or tangible personal property located in this state;

(3) appoint a guardian or conservator for an incapacitated or protect-

ed person for whom a provisional order to transfer the proceeding from another state has been issued under procedures similar to section 16, and amendments thereto.

(b) If a petition for the appointment of a guardian in an emergency is brought in this state and this state was not the respondent's home state on the date the petition was filed, the court shall dismiss the proceeding at the request of the court of the home state, if any, whether dismissal is requested before or after the emergency appointment.

New Sec. 11. Except as otherwise provided in section 10, and amendments thereto, a court that has appointed a guardian or issued a protective order consistent with this act has exclusive and continuing jurisdiction over the proceeding until it is terminated by the court or the appointment or order expires by its own terms.

New Sec. 12. (a) A court of this state having jurisdiction under section 9, and amendments thereto, to appoint a guardian or issue a protective order may decline to exercise its jurisdiction if it determines at any time that a court of another state is a more appropriate forum.

(b) If a court of this state declines to exercise its jurisdiction under subsection (a), it shall either dismiss or stay the proceeding. The court may impose any condition the court considers just and proper, including the condition that a petition for the appointment of a guardian or issuance of a protective order be filed promptly in another state.

(c) In determining whether it is an appropriate forum, the court shall consider all relevant factors, including:

(1) Any expressed preference of the respondent;

(2) whether abuse, neglect or exploitation of the respondent has occurred or is likely to occur and which state could best protect the respondent from the abuse, neglect or exploitation;

(3) the length of time the respondent was physically present in or was a legal resident of this or another state;

(4) the distance of the respondent from the court in each state;

(5) the financial circumstances of the respondent's estate;

(6) the nature and location of the evidence;

(7) the ability of the court in each state to decide the issue expeditiously and the procedures necessary to present evidence;

(8) the familiarity of the court of each state with the facts and issues in the proceeding; and

(9) if an appointment were made, the court's ability to monitor the conduct of the guardian or conservator.

New Sec. 13. (a) If at any time a court of this state determines that it acquired jurisdiction to appoint a guardian or issue a protective order because of unjustifiable conduct, the court may:

(1) Decline to exercise jurisdiction;

(2) exercise jurisdiction for the limited purpose of fashioning an appropriate remedy to ensure the health, safety and welfare of the respondent or the protection of the respondent's property or prevent a repetition of the unjustifiable conduct, including staying the proceeding until a petition for the appointment of a guardian or issuance of a protective order is filed in a court of another state having jurisdiction; or

(3) continue to exercise jurisdiction after considering:

(A) The extent to which the respondent and all persons required to be notified of the proceedings have acquiesced in the exercise of the court's jurisdiction;

(B) whether it is a more appropriate forum than the court of any other state under the factors set forth in section 12(c), and amendments thereto; and

(C) whether the court of any other state would have jurisdiction under factual circumstances in substantial conformity with the jurisdictional standards of section 9, and amendments thereto.

(b) If a court of this state determines that it acquired jurisdiction to appoint a guardian or issue a protective order because a party seeking to invoke its jurisdiction engaged in unjustifiable conduct, it may assess against that party necessary and reasonable expenses, including attorney fees, investigative fees, court costs, communication expenses, witness fees and expenses and travel expenses. The court may not assess fees, costs or expenses of any kind against this state or a governmental subdivision, agency or instrumentality of this state unless authorized by law other than this act.

New Sec. 14. If a petition for the appointment of a guardian or issuance of a protective order is brought in this state and this state was not the respondent's home state on the date the petition was filed, in addition to complying with the notice requirements of this state, notice of the petition must be given to those persons who would be entitled to notice of the petition if a proceeding were brought in the respondent's home state. The notice must be given in the same manner as notice is required to be given in this state.

New Sec. 15. Except for a petition for the appointment of a guardian in an emergency or issuance of a protective order limited to property located in this state under section 10(a)(1) or (2), and amendments thereto, if a petition for the appointment of a guardian or issuance of a protective order is filed in this state and in another state and neither petition has been dismissed or withdrawn, the following rules apply:

(a) If the court in this state has jurisdiction under section 9, and amendments thereto, it may proceed with the case unless a court in another state acquires jurisdiction under provisions similar to section 9, and amendments thereto, before the appointment or issuance of the order.

(b) If the court in this state does not have jurisdiction under section 9, and amendments thereto, whether at the time the petition is filed or at any time before the appointment or issuance of the order, the court shall stay the proceeding and communicate with the court in the other state. If the court in the other state has jurisdiction, the court in this state shall dismiss the petition unless the court in the other state determines that the court in this state is a more appropriate forum.

New Sec. 16. (a) A guardian or conservator appointed in this state may petition the court to transfer the guardianship or conservatorship to another state.

(b) Notice of a petition under subsection (a) must be given to the persons that would be entitled to notice of a petition in this state for the appointment of a guardian or conservator.

(c) On the court's own motion or on request of the guardian or conservator, the incapacitated or protected person, or other person required to be notified of the petition, the court shall hold a hearing on a petition filed pursuant to subsection (a).

(d) The court shall issue an order provisionally granting a petition to transfer a guardianship and shall direct the guardian to petition for guardianship in the other state if the court is satisfied that the guardianship will be accepted by the court in the other state and the court finds that:

(1) The incapacitated person is physically present in or is reasonably expected to move permanently to the other state;

(2) an objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the interests of the incapacitated person; and

(3) plans for care and services for the incapacitated person in the other state are reasonable and sufficient.

(e) The court shall issue a provisional order granting a petition to transfer a conservatorship and shall direct the conservator to petition for conservatorship in the other state if the court is satisfied that the conservatorship will be accepted by the court of the other state and the court finds that:

(1) The protected person is physically present in or is reasonably expected to move permanently to the other state, or the protected person has a significant connection to the other state considering the factors in section 7(b), and amendments thereto;

(2) an objection to the transfer has not been made or, if an objection has been made, the objector has not established that the transfer would be contrary to the interests of the protected person; and

(3) adequate arrangements will be made for management of the protected person's property.

(f) The court shall issue a final order confirming the transfer and terminating the guardianship or conservatorship upon its receipt of:

(1) A provisional order accepting the proceeding from the court to which the proceeding is to be transferred which is issued under provisions similar to section 17, and amendments thereto; and

(2) the documents required to terminate a guardianship or conservatorship in this state.

New Sec. 17. (a) To confirm transfer of a guardianship or conservatorship transferred to this state under provisions similar to section 16, and amendments thereto, the guardian or conservator must petition the court in this state to accept the guardianship or conservatorship. The petition must include a certified copy of the other state's provisional order of transfer.

(b) Notice of a petition under subsection (a) must be given to those persons that would be entitled to notice if the petition were a petition for the appointment of a guardian or issuance of a protective order in both the transferring state and this state. The notice must be given in the same manner as notice is required to be given in this state.

(c) On the court's own motion or on request of the guardian or conservator, the incapacitated or protected person, or other person required to be notified of the proceeding, the court shall hold a hearing on a petition filed pursuant to subsection (a).

(d) The court shall issue an order provisionally granting a petition filed under subsection (a) unless:

(1) An objection is made and the objector establishes that transfer of the proceeding would be contrary to the interests of the incapacitated or protected person; or

(2) the guardian or conservator is ineligible for appointment in this state.

(e) The court shall issue a final order accepting the proceeding and appointing the guardian or conservator as guardian or conservator in this state upon its receipt from the court from which the proceeding is being transferred of a final order issued under provisions similar to section 16, and amendments thereto, transferring the proceeding to this state.

(f) Not later than 90 days after issuance of a final order accepting transfer of a guardianship or conservatorship, the court shall determine whether the guardianship or conservatorship needs to be modified to conform to the law of this state.

(g) In granting a petition under this section, the court shall recognize a guardianship or conservatorship order from the other state, including the determination of the incapacitated or protected person's incapacity and the appointment of the guardian or conservator.

(h) The denial by a court of this state of a petition to accept a guardianship or conservatorship transferred from another state does not affect the ability of the guardian or conservator to seek appointment as guardian

or conservator in this state under sections 24 through 135, and amendments thereto, if the court has jurisdiction to make an appointment other than by reason of the provisional order of transfer.

New Sec. 18. If a guardian has been appointed in another state and a petition for the appointment of a guardian is not pending in this state, the guardian appointed in the other state, after giving notice to the appointing court of an intent to register, may register the guardianship order in this state by filing as a foreign judgment in a court, in any appropriate county of this state, certified copies of the order and letters of office.

New Sec. 19. If a conservator has been appointed in another state and a petition for a protective order is not pending in this state, the conservator appointed in the other state, after giving notice to the appointing court of an intent to register, may register the protective order in this state by filing as a foreign judgment in a court of this state, in any county in which property belonging to the protected person is located, certified copies of the order and letters of office and of any bond.

New Sec. 20. (a) Upon registration of a guardianship or protective order from another state, the guardian or conservator may exercise in this state all powers authorized in the order of appointment except as prohibited under the laws of this state, including maintaining actions and proceedings in this state and, if the guardian or conservator is not a resident of this state, subject to any conditions imposed upon nonresident parties.

(b) A court of this state may grant any relief available under this act and other law of this state to enforce a registered order.

New Sec. 21. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

New Sec. 22. This act modifies, limits or supersedes the electronic signatures in global and national commerce act, 15 U.S.C. § 7001 et seq., but does not modify, limit or supersede section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. § 7003(b).

New Sec. 23. (a) This act applies to guardianship and protective proceedings begun on or after January 1, 2026.

(b) Sections 1 through 6 and 16 through 22, and amendments thereto, apply to proceedings begun before January 1, 2026, regardless of whether a guardianship or protective order has been issued.

New Sec. 24. Sections 24 through 135, and amendments thereto, may be cited as the Kansas uniform guardianship, conservatorship and other protective arrangements act.

New Sec. 25. As used in this act:

(a) "Adult" means an individual at least 18 years of age or an emancipated individual under 18 years of age.

(b) "Adult subject to conservatorship" means an adult for whom a conservator has been appointed under this act.

(c) "Adult subject to guardianship" means an adult for whom a guardian has been appointed under this act.

(d) "Claim" includes a claim against an individual or conservatorship estate, whether arising in contract, tort or otherwise.

(e) "Conservator" means a person appointed by a court to make decisions with respect to the property or financial affairs of an individual subject to conservatorship. "Conservator" includes a co-conservator.

(f) "Conservatorship estate" means the property subject to conservatorship under this act.

(g) "Expressly and with informed consent" means consent voluntarily given with sufficient knowledge of the subject matter involved, including a general understanding of the procedure, medically acceptable alternative procedures or treatments and substantial risks and hazards inherent in the proposed treatment or procedures, to enable the person giving consent to make an understanding and enlightened decision without any element of force, fraud, deceit, duress or other form of constraint or coercion.

(h) "Full conservatorship" means a conservatorship that grants the conservator all powers available under this act.

(i) "Full guardianship" means a guardianship that grants the guardian all powers available under this act.

(j) "Guardian" means a person appointed by the court to make decisions with respect to the personal affairs of an individual. "Guardian" includes a co-guardian but does not include a guardian ad litem.

(k) "Guardian ad litem" means a person appointed to inform the court about, and to represent, the needs and best interest of an individual.

(l) "Hydration" means water or fluid administered in any manner.

(m) "Individual subject to conservatorship" means an adult or minor for whom a conservator has been appointed under this act.

(n) "Individual subject to guardianship" means an adult or minor for whom a guardian has been appointed under this act.

(o) "Less restrictive alternative" means an approach to meeting an individual's needs which restricts fewer rights of the individual than would the appointment of a guardian or conservator. "Less restrictive alternative" includes supported decision making, appropriate technological assistance, appointment of a representative payee and appointment of an agent by the individual, including appointment under a power of attorney for healthcare or power of attorney for finances.

(p) "Letters of office" means a record issued by a court certifying a guardian's or conservator's authority to act.

(q) "Limited conservatorship" means a conservatorship that grants the conservator less than all powers available under this act, grants powers over only certain property or otherwise restricts the powers of the conservator.

(r) "Limited guardianship" means a guardianship that grants the guardian less than all powers available under this act or otherwise restricts the powers of the guardian.

(s) "Minor" means an unemancipated individual under 18 years of age.

(t) "Minor subject to conservatorship" means a minor for whom a conservator has been appointed under this act.

(u) "Minor subject to guardianship" means a minor for whom a guardian has been appointed under this act.

(v) "Nutrition" means sustenance administered in any manner.

(w) "Parent" does not include an individual whose parental rights have been terminated.

(x) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency or instrumentality or other legal entity.

(y) "Person legally incapable of making health care decisions" means any person who:

(1) (A) Has been declared legally unable to make decisions affecting medical treatment or care; and

(B) in the reasonable medical judgment of the attending physician, is unable to make decisions affecting medical treatment or other health care services; or

(2) is a minor.

(z) "Property" includes tangible and intangible property.

(aa) "Protective arrangement instead of conservatorship" means a court order entered under section 121, and amendments thereto.

(bb) "Protective arrangement instead of guardianship" means a court order entered under section 120, and amendments thereto.

(cc) "Reasonable medical judgment" means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

(dd) "Record," used as a noun, means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(ee) "Respondent" means an individual for whom appointment of a guardian or conservator or a protective arrangement instead of guardianship or conservatorship is sought.

(ff) "Sign" means, with present intent to authenticate or adopt a record:

(1) To execute or adopt a tangible symbol; or

(2) to attach to or logically associate with the record an electronic symbol, sound or process.

(gg) "Standby guardian" means a person appointed by the court under section 57, and amendments thereto.

(hh) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States. "State" includes a federally recognized Indian tribe.

(ii) "Supported decision making" means assistance from one or more persons of an individual's choosing in understanding the nature and consequences of potential personal and financial decisions, which enables the individual to make the decisions, and in communicating a decision once made if consistent with the individual's wishes.

New Sec. 26. Unless displaced by a particular provision of this act, the principles of law and equity supplement its provisions.

New Sec. 27. (a) Except to the extent jurisdiction is precluded by the uniform child custody jurisdiction and enforcement act, K.S.A. 23-37,101 through 23-37,405, and amendments thereto, the district court has jurisdiction over a guardianship for a minor domiciled or present in this state. The court has jurisdiction over a conservatorship or protective arrangement instead of conservatorship for a minor domiciled or having property in this state.

(b) The district court has jurisdiction over a guardianship, conservatorship or protective arrangement under section 120 or 121, and amendments thereto, for an adult as provided in the uniform adult guardianship and protective proceedings jurisdiction act, sections 1 through 23, and amendments thereto.

(c) After notice is given in a proceeding for a guardianship, conservatorship or protective arrangement under section 120 or 121, and amendments thereto, and until termination of the proceeding, the court in which the petition is filed has:

(1) Exclusive jurisdiction to determine the need for the guardianship, conservatorship or protective arrangement;

(2) exclusive jurisdiction to determine how property of the respondent must be managed, expended or distributed to or for the use of the respondent, an individual who is dependent in fact on the respondent or other claimant;

(3) nonexclusive jurisdiction to determine the validity of a claim against the respondent or property of the respondent or a question of title concerning the property; and

(4) if a guardian or conservator is appointed, exclusive jurisdiction over issues related to administration of the guardianship or conservatorship.

(d) A court that appoints a guardian or conservator, or authorizes a protective arrangement under section 120 or 121, and amendments thereto, has exclusive and continuing jurisdiction over the proceeding until the court terminates the proceeding or the appointment or protective arrangement expires by its terms.

New Sec. 28. (a) This section does not apply to a guardianship or conservatorship for an adult that is subject to the transfer provisions of section 16 or 17, and amendments thereto.

(b) After appointment of a guardian or conservator, the court that made the appointment may transfer the proceeding to a court in another county in this state or another state if transfer is in the best interest of the individual subject to the guardianship or conservatorship.

(c) If a proceeding for a guardianship or conservatorship is pending in another state or a foreign country and a petition for guardianship or conservatorship for the same individual is filed in a court in this state, the court shall notify the court in the other state or foreign country and, after consultation with that court, assume or decline jurisdiction, whichever is in the best interest of the respondent.

(d) A guardian or conservator appointed in another state or country may petition the court for appointment as a guardian or conservator in this state for the same individual if jurisdiction in this state is or will be established. The appointment may be made on proof of appointment in the other state or foreign country and presentation of a certified copy of the part of the court record in the other state or country specified by the court in this state.

(e) Notice of hearing on a petition under subsection (d), together with a copy of the petition, must be given to the respondent, if the respondent is at least 12 years of age at the time of the hearing, and to the persons that would be entitled to notice if the procedures for appointment of a guardian or conservator under this act were applicable. The court shall make the appointment unless it determines the appointment would not be in the best interest of the respondent.

(f) Not later than 14 days after appointment under subsection (e), the guardian or conservator shall give a copy of the order of appointment to the individual subject to guardianship or conservatorship, if the individual is at least 12 years of age, and to all persons given notice of the hearing on the petition.

New Sec. 29. (a) Except as provided in subsection (e), venue for a guardianship proceeding for a minor is in:

(1) The county in which the minor resides or is present at the time the proceeding commences; or

(2) the county in which another proceeding concerning the custody or parental rights of the minor is pending.

(b) Except as provided in subsection (e), venue for a guardianship proceeding or protective arrangement instead of guardianship for an adult is in:

(1) The county in which the respondent resides;

(2) if the respondent has been admitted to an institution by court order, the county in which the court is located; or

(3) if the proceeding is for appointment of an emergency guardian for an adult, the county in which the respondent is present.

(c) Except as provided in subsection (e), venue for a conservatorship proceeding or protective arrangement instead of conservatorship is in:

(1) The county in which the respondent resides, whether or not a guardian has been appointed in another county or other jurisdiction; or

(2) if the respondent does not reside in this state, in any county in which property of the respondent is located.

(d) If proceedings under this act are brought in more than one county, the court of the county in which the first proceeding is brought has the exclusive right to proceed unless the court determines that venue is properly in another court or the interest of justice otherwise requires transfer of the proceeding.

(e) If proceedings under this act are brought in a county other than as provided in subsections (a), (b) or (c), the court may determine that venue is proper if it is in the best interest of the respondent and in the interest of justice for the proceedings to take place in that county.

New Sec. 30. (a) The petitioner and the respondent shall each be afforded an opportunity to appear at the trial, to testify and to present and cross-examine witnesses. If the trial has been consolidated with a trial being held pursuant to either the care and treatment act for mentally ill persons or the care and treatment act for persons with an alcohol or substance abuse problem, persons not necessary for the conduct of the proceedings may be excluded as provided for in those acts. The trial shall be conducted in as informal a manner as may be consistent with orderly procedure. The court shall have the authority to receive all relevant and material evidence which may be offered, including the testimony or written report, findings or recommendations of any professional or other person who has examined or evaluated the respondent and the testimony and written findings and recommendations of any court liaison appointed pursuant to section 67, and amendments thereto. Such evidence shall not be privileged for the purpose of this trial.

(b) If proceedings for a guardianship, conservatorship or protective arrangement under section 120 or 121, and amendments thereto, for the same individual are commenced or pending in the same court, the proceedings may be consolidated.

(c) A respondent may demand a jury trial in a proceeding under this

act on the issue of whether a basis exists for appointment of a guardian or conservator.

New Sec. 31. (a) The court shall issue letters of office to a guardian on filing by the guardian of:

(1) An acceptance of appointment;

(2) an oath or affirmation as required by K.S.A. 59-1702, and amendments thereto;

(3) evidence of completion of a basic instructional program concerning the duties and responsibilities of a guardian; and

(4) a personal information sheet containing any personal identifying information about the guardian required by the court. Such information shall not be disclosed to the public.

(b) The court shall issue letters of office to a conservator on filing by the conservator of:

(1) An acceptance of appointment;

(2) an oath or affirmation as required by K.S.A. 59-1702, and amendments thereto;

(3) any required bond or compliance with any other asset-protection arrangement required by the court;

(4) evidence of completion of a basic instructional program concerning the duties and responsibilities of a conservator; and

(5) a personal information sheet containing any personal identifying information about the conservator required by the court. Such information shall not be disclosed to the public.

(c) Limitations on the powers of a guardian or conservator or on the property subject to conservatorship must be stated on the letters of office. If the court appoints co-guardians or co-conservators, the letters of office must specify whether such co-guardians or co-conservators may act independently, whether they must act jointly, or under what circumstances or with regard to what matters they may act independently or must act jointly.

(d) The court at any time may limit the powers conferred on a guardian or conservator. The court shall issue new letters of office to reflect the limitation. The court shall give notice of the limitation to the guardian or conservator, individual subject to guardianship or conservatorship, each parent of a minor subject to guardianship or conservatorship and any other person the court determines.

(e) The judicial council shall prepare a basic instructional program concerning the duties and responsibilities of a guardian and a conservator. The court shall have the authority to require any guardian or conservator appointed prior to January 1, 2026, to complete the basic instructional program and provide evidence thereof to the court.

New Sec. 32. (a) On acceptance of appointment, a guardian or con-

servator submits to personal jurisdiction of the court in this state in any proceeding relating to the guardianship or conservatorship.

(b) Every guardian or conservator that resides outside the state of Kansas shall appoint a resident agent by executing an appointment of resident agent that specifically identifies the person or entity that will act as the resident agent. A resident agent may be either:

(1) An individual resident in this state; or

(2) a corporation, limited partnership, limited liability partnership, limited liability company or business trust that has its principal place of business in this state.

(c) Every resident agent for a guardian or conservator shall:

(1) Maintain contact with and remain aware of the current address and phone number of the guardian or conservator;

(2) accept service of process and other communications directed to the guardian or conservator; and

(3) forward to the guardian or conservator documents sent by the court, the secretary of state or any other state agency.

(d) Every resident agent shall accept the appointment as resident agent by executing an acceptance of appointment that specifically identifies the name of the guardian or conservator and expresses the appointed resident agent's agreement to fulfill their role, as described in this section.

(e) For purposes of this section, the terms guardian and conservator shall include co-guardians and co-conservators, temporary substitute guardians and conservators, standby guardians and conservators, successor guardians and conservators and emergency guardians and conservators.

New Sec. 33. (a) The court at any time may appoint a co-guardian or co-conservator who may act when that co-guardian or co-conservator complies with section 31(a) or (b), and amendments thereto, respectively.

(b) If the court appoints co-guardians or co-conservators, the court shall specify in the letters of office whether such co-guardians or co-conservators may act independently, whether they must act jointly, or under what circumstances or with regard to what matters they may act independently or must act jointly.

New Sec. 34. (a) The court at any time may appoint a successor guardian or successor conservator to serve immediately or when a designated event occurs, including the absence, impairment, resignation or death of the guardian or conservator.

(b) A person entitled under section 52 or 65, and amendments thereto, to petition the court to appoint a guardian may petition the court to appoint a successor guardian. A person entitled under section 84, and amendments thereto, to petition the court to appoint a conservator may petition the court to appoint a successor conservator.

(c) A successor guardian or successor conservator appointed to serve when a designated event occurs may act as guardian or conservator when:

(1) The event occurs; and

(2) the successor complies with section 31(a) or (b), and amendments thereto, respectively.

(d) A successor guardian or successor conservator has the predecessor's powers unless otherwise provided by the court.

New Sec. 35. (a) Any corporation organized under the Kansas general corporation code may act as guardian for an individual found to be in need of a guardian under the Kansas uniform guardianship, conservatorship and other protective arrangements act, sections 24 through 135, and amendments thereto, if the corporation has been certified by the secretary for children and families as a suitable agency to perform the duties of a guardian.

(b) The secretary for children and families shall establish criteria for determining whether a corporation should be certified as a suitable agency to perform the duties of a guardian. The criteria shall be designed for the protection of the ward and shall include, but not be limited to, the following:

(1) Whether the corporation is capable of performing the duties of a guardian;

(2) whether the staff of the corporation is accessible and available to wards and to other persons concerned about their well-being and is adequate in number to properly perform the duties and responsibilities of a guardian;

(3) whether the corporation is a stable organization which is likely to continue in existence for some time; and

(4) whether the corporation will agree to submit such reports and answer such questions as the secretary may require in monitoring corporate guardianships.

(c) Application for certification under this section shall be made to the secretary for children and families in such manner as the secretary may direct. The secretary for children and families may suspend or revoke certification of a corporation under this section, after notice and hearing, upon a finding that such corporation has failed to comply with the criteria established by rules and regulations under subsection (b). Such corporation shall not be appointed as a guardian during the period of time the certificate is suspended or revoked.

(d) No corporation shall be eligible for appointment as provided for in sections 55 and 71, and amendments thereto, as the guardian of any person if such corporation provides care, treatment or housing to that person or is the owner, part owner or operator of any adult care home, lodging establishment or institution utilized for the care, treatment or housing of that person.

(e) The secretary for children and families may adopt rules and regulations necessary to administer the provisions of this section.

New Sec. 36. (a) Appointment of a guardian or conservator terminates on the death or removal of the guardian or conservator, or when the court under subsection (b) approves a resignation of the guardian or conservator.

(b) A guardian or conservator must petition the court for approval to resign. The petition may include a request that the court appoint a successor. Notice of the petition must be given to the person subject to guardianship or conservatorship and any other person the court determines. Resignation of a guardian or conservator is effective on the date the resignation is approved by the court.

(c) Death, removal or resignation of a guardian or conservator does not affect liability for a previous act or the obligation to account for:

(1) An action taken on behalf of the individual subject to guardianship or conservatorship; or

(2) the individual's funds or other property.

New Sec. 37. (a) Except as otherwise provided in sections 53, 57, 66, 85 and 123, and amendments thereto, if notice of a hearing under this act is required, the movant shall give notice of the date, time and place of the hearing to the person to be notified unless otherwise ordered by the court for good cause. Except as otherwise provided in this act, notice must be given in compliance with K.S.A. 59-2208, and amendments thereto, at least 14 days before the hearing.

(b) Proof of notice of a hearing under this act must be made before or at the hearing and filed in the proceeding.

(c) Notice of a hearing under this act must be in at least 16-point font, in plain language, and, to the extent feasible, in a language in which the person to be notified is proficient.

New Sec. 38. A respondent, individual subject to guardianship, individual subject to conservatorship or individual subject to a protective arrangement under section 120 or 121, and amendments thereto, may not waive notice under this act. Any other person may waive notice in a record signed by the person or person's attorney and filed in the proceeding.

New Sec. 39. The court at any time may appoint a guardian ad litem for an individual if the court determines the individual's interest otherwise would not be adequately represented. If no conflict of interest exists, a guardian ad litem may be appointed to represent multiple individuals or interests. The guardian ad litem may not be the same individual as the attorney representing the respondent. The court shall state the duties of the guardian ad litem and the reasons for the appointment in the order of appointment.

New Sec. 40. (a) A person may file with the court a request for notice under this act if the person is:

(1) Not otherwise entitled to notice; and

(2) interested in the welfare of a respondent, individual subject to guardianship or conservatorship or individual subject to a protective arrangement under section 120 or 121, and amendments thereto.

(b) A request under subsection (a) must include a statement showing the interest of the person making the request and the address of the person or an attorney for the person to whom notice is to be given.

(c) If the court approves a request under subsection (a), the court shall give notice of the approval to the guardian or conservator, if one has been appointed, or the respondent if no guardian or conservator has been appointed.

New Sec. 41. (a) Before accepting appointment as a guardian or conservator, a person shall disclose to the court whether the person:

(1) Is or has been a debtor in a bankruptcy, insolvency or receivership proceeding;

(2) has been convicted of:

(A) A felony;

(B) a crime involving dishonesty, neglect, violence or use of physical force; or

(C) other crime relevant to the functions the individual would assume as guardian or conservator;

(3) has committed an act of physical, mental or emotional abuse or neglect or sexual abuse as validated by the Kansas department for children and families pursuant to K.S.A. 38-2226, and amendments thereto; or

(4) has been found to have committed an act of abuse, neglect or exploitation of an adult as contained in the register of reports under K.S.A. 39-1434, and amendments thereto.

(b) A guardian or conservator that engages or anticipates engaging a service provider the guardian or conservator knows has been convicted of a felony, a crime involving dishonesty, neglect, violence or use of physical force, or other crime relevant to the functions the service provider is being engaged to perform promptly shall disclose that knowledge to the court in writing.

(c) If a conservator engages or anticipates engaging a service provider under section 47, and amendments thereto, to manage finances of the individual subject to conservatorship and knows the service provider is or has been a debtor in a bankruptcy, insolvency or receivership proceeding, the conservator promptly shall disclose that knowledge to the court in writing.

New Sec. 42. (a) Unless otherwise compensated or reimbursed, an attorney for a respondent in a proceeding under this act is entitled to

reasonable compensation for services and reimbursement of reasonable expenses from the property of the respondent.

(b) Unless otherwise compensated or reimbursed, an attorney or other person whose services resulted in an order beneficial to an individual subject to guardianship or conservatorship or for whom a protective arrangement under section 120 or 121, and amendments thereto, was ordered is entitled to reasonable compensation for services and reimbursement of reasonable expenses from the property of the individual.

(c) The court must approve compensation and expenses payable under this section before payment. Approval is not required before a service is provided or an expense is incurred. The costs may be taxed to the property of the respondent or individual subject to guardianship or conservatorship or for whom a protective arrangement under section 120 or 121, and amendments thereto, was ordered, to those bound by law to support such person, to other parties whenever it would be just and equitable to do so, or to the county of residence of the respondent or individual subject to guardianship or conservatorship or for whom a protective arrangement under section 120 or 121, and amendments thereto, was ordered as the court having venue shall direct.

(d) If the court dismisses a petition under this act and determines the petition was filed in bad faith, the court may assess the cost of any court-ordered professional evaluation or court liaison and attorney fees against the petitioner or the petitioner's counsel.

(e) In any contested proceeding the court, in its discretion, may require one or more parties to give security for the costs of the proceeding or, in lieu of such security, to file a poverty affidavit as provided for in the code of civil procedure.

(f) Any district court receiving a statement of costs from another district court shall approve the same for payment out of the general fund of its county except that it may refuse to approve the same for payment only on the grounds that the respondent or person under guardianship or conservatorship is not a resident of that county. In such case it shall transmit the statement of costs to the secretary of the department for children and families who shall determine the question of residence and certify those findings to each district court. If the claim for costs is not paid within 30 days after such certification, an action may be maintained thereon by the claimant county in the district court of the claimant county against the debtor county. The findings made by the secretary of the department for children and families as to the residence of the respondent or person subject to guardianship or conservatorship shall be applicable only to the assessment of costs. Any county of residence which pays from its general fund court costs to the district court of another county may recover the same in any court of competent jurisdiction from the estate of the respon-

dent or person subject to guardianship or conservatorship or from those bound by law to support the respondent or person subject to guardianship or conservatorship, unless the court finds that the proceedings in which such costs were incurred were instituted without good cause and not in good faith.

New Sec. 43. (a) Subject to court approval, a guardian is entitled to reasonable compensation for services as guardian and to reimbursement for room, board, clothing and other appropriate expenses advanced for the benefit of the individual subject to guardianship.

(b) Subject to court approval, a conservator is entitled to reasonable compensation for services and reimbursement for appropriate expenses from the property of the individual subject to conservatorship.

(c) In determining reasonable compensation for a guardian or conservator, the court, or a conservator in determining reasonable compensation for a guardian as provided in subsection (a), shall consider:

(1) The necessity and quality of the services provided;

(2) the experience, training, professional standing and skills of the guardian or conservator;

(3) the difficulty of the services performed, including the degree of skill and care required;

(4) the conditions and circumstances under which a service was performed, including whether the service was provided outside regular business hours or under dangerous or extraordinary conditions;

(5) the effect of the services on the individual subject to guardianship or conservatorship;

(6) the extent to which the services provided were or were not consistent with the guardian's plan under section 79, and amendments thereto, or conservator's plan under section 103, and amendments thereto; and

(7) the fees customarily paid to a person that performs a like service in the community.

(d) A guardian or conservator need not use personal funds of the guardian or conservator for the expenses of the individual subject to guardianship or conservatorship.

(e) If an individual subject to guardianship or conservatorship seeks to modify or terminate the guardianship or conservatorship or remove the guardian or conservator, the court may order compensation to the guardian or conservator for time spent opposing modification, termination or removal only to the extent the court determines the opposition was reasonably necessary to protect the interest of the individual subject to guardianship or conservatorship.

(f) Nothing in this section shall prohibit a guardian or a conservator associated with the Kansas guardianship program from receiving a stipend from that program.

New Sec. 44. A guardian or conservator is not personally liable to another person solely because of the guardianship or conservatorship for an act or omission of the individual subject to guardianship or conservatorship.

New Sec. 45. (a) A guardian or conservator may petition the court for instruction concerning fiduciary responsibility or ratification of a particular act related to the guardianship or conservatorship.

(b) Upon the filing of a petition under this section, the court may appoint counsel for the individual subject to guardianship or conservatorship.

(c) On notice and hearing on a petition under subsection (a), the court may give an instruction and issue an appropriate order.

New Sec. 46. (a) A person must recognize the authority of a guardian or conservator to act on behalf of an individual subject to guardianship or conservatorship unless:

(1) The person has actual knowledge or a reasonable belief that the letters of office of the guardian or conservator are invalid or the conservator or guardian is exceeding or improperly exercising authority granted by the court;

(2) the person has actual knowledge that the individual subject to guardianship or conservatorship is subject to physical or financial abuse, neglect, exploitation or abandonment by the guardian or conservator or a person acting for or with the guardian or conservator; or

(3) the person makes, or has actual knowledge that another person has made, a report under K.S.A. 39-1402 or 39-1431, and amendments thereto, stating a good-faith belief that the individual subject to guardianship or conservatorship is subject to physical or financial abuse, neglect, exploitation or abandonment by the guardian or conservator or a person acting for or with the guardian or conservator.

(b) A person that refuses to accept the authority of a guardian or conservator must, within 10 days of the refusal, report the refusal and the reason for refusal to the court. Upon receiving the report, the clerk of the district court shall forward the report to the presiding judge who shall consider whether further action is appropriate. A report of a refusal under this section shall be treated in the same manner as a grievance under section 50, and amendments thereto.

(c) A guardian or conservator may petition the court to require a third party to accept a decision made by the guardian or conservator on behalf of the individual subject to guardianship or conservatorship.

New Sec. 47. (a) A guardian or conservator may retain a third person to provide any service to an individual subject to guardianship or conservatorship if retaining such third person, hereinafter referred to as a service provider, is consistent with the guardian's or conservator's fiduciary

duties and the guardian's plan under section 79, and amendments thereto, or conservator's plan under section 103, and amendments thereto.

(b) In retaining a service provider under subsection (a), the guardian or conservator shall exercise reasonable care, skill and caution in:

(1) Selecting the service provider;

(2) establishing the scope and terms of the service provider's work in accordance with the guardian's plan under section 79, and amendments thereto, or the conservator's plan under section 103, and amendments thereto;

(3) monitoring the service provider's performance and compliance with the scope and terms of work; and

(4) redressing an act or omission of the service provider which would constitute a breach of the guardian's or conservator's duties if done by the guardian or conservator.

(c) In providing services under this section, a service provider shall exercise reasonable care to comply with the scope and terms of the work and use reasonable care in the performance of the work.

(d) A service provider who agrees to provide services under subsection (a) submits to the personal jurisdiction of the courts of this state in an action involving the service provider's performance.

(e) A guardian or conservator that retains and monitors a service provider in compliance with this section is not liable for the decision, act or omission of the service provider.

New Sec. 48. (a) The court may appoint a temporary substitute guardian for an individual subject to guardianship for a period not exceeding six months if:

(1) A proceeding to remove a guardian for the individual is pending; or

(2) the court finds a guardian is not effectively performing the guardian's duties and the welfare of the individual requires immediate action.

(b) The court may appoint a temporary substitute conservator for an individual subject to conservatorship for a period not exceeding six months if:

(1) A proceeding to remove a conservator for the individual is pending; or

(2) the court finds that a conservator for the individual is not effectively performing the conservator's duties and the welfare of the individual or the conservatorship estate requires immediate action.

(c) Except as otherwise ordered by the court, a temporary substitute guardian or temporary substitute conservator appointed under this section has the powers stated in the order of appointment of the guardian or conservator. The authority of the existing guardian or conservator is suspended for as long as the temporary substitute guardian or conservator has authority.

(d) (1) The court shall give notice of appointment of a temporary substitute guardian or temporary substitute conservator, not later than five days after the appointment, to:

(A) The individual subject to guardianship or conservatorship;

(B) the affected guardian or conservator; and

(C) in the case of a minor, each parent of the minor and any person currently having care or custody of the minor.

(2) If the individual subject to guardianship or conservatorship is not represented by an attorney, the court shall appoint an attorney under the same conditions as in sections 54 and 68, and amendments thereto. The court shall set the matter for hearing if any person entitled to notice so requests.

(e) The court may remove a temporary substitute guardian or temporary substitute conservator at any time. The temporary substitute guardian or temporary substitute conservator shall make any report the court requires.

New Sec. 49. (a) If a guardian has been appointed in another state for an individual, and a petition for guardianship for the individual is not pending in this state, the guardian appointed in the other state, after giving notice to the appointing court, may register the guardianship order in this state by filing as a foreign judgment, in a court of an appropriate county of this state, certified copies of the order and letters of office.

(b) If a conservator has been appointed in another state for an individual, and a petition for conservatorship for the individual is not pending in this state, the conservator appointed for the individual in the other state, after giving notice to the appointing court, may register the conservatorship in this state by filing as a foreign judgment, in a court of a county in which property belonging to the individual subject to conservatorship is located, certified copies of the order of conservatorship, letters of office and any bond or other asset-protection arrangement required by the court.

(c) On registration under this section of a guardianship or conservatorship order from another state, the guardian or conservator may exercise in this state all powers authorized in the order except as prohibited by this act and law of this state other than this act. If the guardian or conservator is not a resident of this state, the guardian or conservator may maintain an action or proceeding in this state subject to any condition imposed by this state on an action or proceeding by a nonresident party.

(d) The court may grant any relief available under this act and law of this state other than this act to enforce an order registered under this section. However, absent a transfer pursuant to section 28, and amendments thereto, jurisdiction remains with the court that established the guardianship or conservatorship.

New Sec. 50. (a) An individual who is subject to guardianship or conservatorship, or person interested in the welfare of an individual subject to guardianship or conservatorship, who reasonably believes the guardian or conservator is breaching the guardian's or conservator's fiduciary duty or otherwise acting in a manner inconsistent with this act may file a grievance in a record with the court. The clerk of the district court shall forward the grievance to the presiding judge.

(b) Subject to subsection (c), after receiving a grievance under subsection (a), the court:

(1) Shall review the grievance and, if necessary to determine the appropriate response, court records related to the guardianship or conservatorship;

(2) shall schedule a hearing if the individual subject to guardianship or conservatorship is an adult and the grievance supports a reasonable belief that:

(A) Removal of the guardian and appointment of a successor may be appropriate under section 81, and amendments thereto;

(B) termination or modification of the guardianship may be appropriate under section 82, and amendments thereto;

(C) removal of the conservator and appointment of a successor may be appropriate under section 112, and amendments thereto; or

(D) termination or modification of the conservatorship may be appropriate under section 113, and amendments thereto; and

(3) may take any action supported by the evidence, including:

(A) Ordering the guardian or conservator to provide the court a report, accounting, inventory, updated plan or other information;

(B) appointing a guardian ad litem;

(C) appointing an attorney for the individual subject to guardianship or conservatorship; or

(D) holding a hearing.

(c) The court may decline to act under subsection (b) if a similar grievance was filed within the six months preceding the filing of the current grievance and the court followed the procedures of subsection (b) in considering the earlier grievance.

New Sec. 51. (a) A person becomes a guardian for a minor only on appointment by the court.

(b) After a hearing under section 53, and amendments thereto, the court may appoint a guardian for a minor who does not have a guardian if the court finds the appointment is in the minor's best interest and:

(1) Each parent of the minor, after being fully informed of the nature and consequences of guardianship, consents;

(2) all parental rights have been terminated;

(3) there is clear and convincing evidence that the parents of the mi-

nor are unwilling, unable or unfit to exercise the powers the court is granting the guardian; or

(4) there is clear and convincing evidence that highly unusual or extraordinary circumstances exist that cause the court to appoint the guardian over the objection of a parent of the minor.

New Sec. 52. (a) A person interested in the welfare of a minor, including the minor, may file a verified petition for appointment of a guardian for the minor.

(b) A petition under subsection (a) must state the petitioner's name, principal residence, current street address if different, relationship to the minor, interest in the appointment, the name and address of any attorney representing the petitioner and, to the extent known, the following:

(1) The minor's name, age, principal residence, current street address if different and address of the dwelling in which it is proposed the minor will reside if the appointment is made;

(2) the names and current street addresses of the minor's parents;

(3) the name and address, if known, of each person that had primary care or custody of the minor for at least 60 days during the two years immediately before the filing of the petition or for at least 730 days during the five years immediately before the filing of the petition;

(4) the name and address of any attorney for the minor and any attorney for each parent of the minor;

(5) the reason guardianship is sought and would be in the best interest of the minor;

(6) the name and address of any proposed guardian and the reason the proposed guardian should be selected;

(7) the name, address and relationship of any other person entitled to notice under section 53, and amendments thereto;

(8) if the minor has property other than personal effects, a general statement of the minor's property with an estimate of its value;

(9) whether the minor needs an interpreter, translator or other form of support to communicate effectively with the court or understand court proceedings;

(10) whether any parent of the minor needs an interpreter, translator or other form of support to communicate effectively with the court or understand court proceedings; and

(11) identify any other proceeding concerning the care or custody of the minor that is pending in any court in this state or another jurisdiction.

(c) The petition shall contain, or be accompanied by an affidavit which contains, the information required by K.S.A. 23-37,209, and amendments thereto.

New Sec. 53. (a) When a petition is filed under section 52, and amendments thereto, the court shall schedule a hearing, and the petitioner shall:

(1) Serve notice of the date, time and place of the hearing, together with a copy of the petition, personally on each of the following that is not the petitioner:

(A) The minor, if the minor will be 12 years of age or older at the time of the hearing;

(B) each parent of the minor or, if there is none, the adult nearest in kinship who can be found with reasonable diligence;

(C) any adult with whom the minor resides;

(D) each person that had primary care or custody of the minor for at least 60 days during the two years immediately before the filing of the petition or for at least 730 days during the five years immediately before the filing of the petition; and

(E) any other person the court determines should receive personal service of notice; and

(2) give notice under section 37, and amendments thereto, of the date, time and place of the hearing, together with a copy of the petition, to:

(A) Any person nominated as guardian by the minor, if the minor is 12 years of age or older;

(B) any nominee of a parent;

(C) each grandparent and adult sibling of the minor who can be found with reasonable diligence;

(D) any guardian or conservator acting for the minor in any jurisdiction; and

(E) any other person the court determines.

(b) Notice required by subsection (a) must include a statement of the right to request appointment of an attorney for the minor or object to appointment of a guardian and a description of the nature, purpose and consequences of appointment of a guardian.

(c) The court may not grant a petition for guardianship of a minor if notice substantially complying with subsection (a)(1) is not served on:

(1) The minor, if the minor is 12 years of age or older; and

(2) each parent of the minor, unless the court finds by clear and convincing evidence that the parent cannot with due diligence be located and served or the parent waived, in a record, the right to notice.

(d) If a petitioner is unable to serve notice under subsection (a)(1) on a parent of a minor or alleges that the parent waived, in a record, the right to notice under this section, the court may appoint a court liaison who shall:

(1) Interview the petitioner and the minor;

(2) if the petitioner alleges the parent cannot be located, ascertain whether the parent cannot be located with due diligence; and

(3) investigate any other matter relating to the petition the court directs.

New Sec. 54. (a) The court shall appoint an attorney to represent a minor who is the subject of a proceeding under section 52, and amendments thereto, if:

(1) Requested by the minor and the minor is 12 years of age or older;

(2) recommended by a guardian ad litem; or

(3) the court determines the minor needs representation.

(b) An attorney appointed under subsection (a) shall:

(1) Make a reasonable effort to ascertain the minor's wishes;

(2) advocate for the minor's wishes to the extent reasonably ascertainable; and

(3) if the minor's wishes are not reasonably ascertainable, advocate for the minor's best interest.

(c) A minor who is the subject of a proceeding under section 52, and amendments thereto, may retain an attorney to represent the minor in the proceeding.

(d) The court shall appoint an attorney to represent a parent of a minor who is the subject of a proceeding under section 52, and amendments thereto, if the court determines the parent needs representation.

New Sec. 55. (a) The court may require a minor who is the subject of a hearing under section 53, and amendments thereto, to attend and participate in the hearing. If the court orders the minor to attend the hearing but later rescinds that order, the court shall enter in the record of the proceedings the facts upon which the court found that the presence of the minor should be excused.

(b) Unless excused by the court for good cause, the person proposed to be appointed as guardian for a minor shall attend a hearing under section 53, and amendments thereto.

(c) The minor who is the subject of a hearing under section 53, and amendments thereto, has the right to attend the hearing. Each parent of a minor who is the subject of a hearing under section 53, and amendments thereto, has the right to attend the hearing.

(d) A person may request permission to participate in a hearing under section 53, and amendments thereto. The court may grant the request, with or without hearing, on determining that it is in the best interest of the minor who is the subject of the hearing. The court may impose appropriate conditions on the person's participation.

New Sec. 56. (a) After a hearing under section 53, and amendments thereto, the court may appoint a guardian for a minor, if appointment is proper under section 51, and amendments thereto, dismiss the proceeding or take other appropriate action.

(b) In appointing a guardian under subsection (a), the following rules apply:

(1) The court shall appoint a person nominated as guardian by a par-

ent of the minor in a will or other record unless the court finds the appointment is contrary to the best interest of the minor.

(2) If multiple parents have nominated different persons to serve as guardian, the court shall appoint the nominee whose appointment is in the best interest of the minor, unless the court finds that appointment of none of the nominees is in the best interest of the minor.

(3) If a guardian is not appointed under paragraph (1) or (2), the court shall appoint the person nominated by the minor if the minor is 12 years of age or older unless the court finds that appointment is contrary to the best interest of the minor, in which case, the court shall appoint as guardian a person whose appointment is in the best interest of the minor.

(c) An order granting a guardianship for a minor must state that each parent of the minor is entitled to notice that:

(1) The guardian has changed the residence or school of the minor subject to guardianship;

(2) the court has modified or limited the powers of the guardian; or

(3) the court has removed the guardian.

(d) An order granting a guardianship for a minor must identify any person, in addition to a parent of the minor, who is entitled to notice of the events listed in subsection (c).

(e) The appointment of a guardian under this section shall not be construed to relieve a parent of any obligation imposed by law for the support, maintenance, care, treatment, habilitation or education of that parent's minor child.

New Sec. 57. (a) A standby guardian appointed under this section may act as guardian, with all duties and powers of a guardian under sections 59 and 60, and amendments thereto, when no parent of the minor is willing or able to exercise the duties and powers granted to the guardian.

(b) A parent of a minor, in a signed record, may nominate a person to be appointed by the court as standby guardian for the minor. The parent, in a signed record, may revoke or amend the nomination at any time before the court appoints a standby guardian.

(c) The court may appoint a standby guardian for a minor on:

(1) Petition by a parent of the minor or a person nominated under subsection (b); and

(2) finding that no parent of the minor likely will be able or willing to care for or make decisions with respect to the minor not later than two years after the appointment.

(d) A petition under subsection (c)(1) must include the same information required under section 52, and amendments thereto, for the appointment of a guardian for a minor.

(e) On filing a petition under subsection (c)(1), the petitioner shall:

(1) Serve a copy of the petition personally on:

(A) The minor, if the minor is 12 years of age or older, and the minor's attorney, if any;

(B) each parent of the minor;

(C) the person nominated as the standby guardian; and

(D) any other person the court determines; and

(2) include with the copy of the petition served under paragraph (1) a statement of the right to request appointment of an attorney for the minor or to object to appointment of the standby guardian, and a description of the nature, purpose and consequences of appointment of a standby guardian.

(f) A person entitled to notice under subsection (e), not later than 30 days after service of the petition and statement, may object to appointment of the standby guardian by filing an objection with the court and giving notice of the objection to each other person entitled to notice under subsection (e).

(g) If an objection is filed under subsection (f), the court shall hold a hearing to determine whether a standby guardian should be appointed and, if so, the person that should be appointed. If no objection is filed, the court may make the appointment.

(h) The court may not grant a petition for a standby guardian of the minor if notice substantially complying with subsection (e) is not served on:

(1) The minor, if the minor is 12 years of age or older; and

(2) each parent of the minor, unless the court finds by clear and convincing evidence that the parent, in a record, waived the right to notice or cannot be located and served with due diligence.

(i) If a petitioner is unable to serve notice under subsection (e) on a parent of the minor or alleges that a parent of the minor waived the right to notice under this section, the court may appoint a court liaison who shall:

(1) Interview the petitioner and the minor;

(2) if the petitioner alleges the parent cannot be located and served, ascertain whether the parent cannot be located with due diligence; and

(3) investigate any other matter relating to the petition the court directs.

(j) If the court finds under subsection (c) that a standby guardian should be appointed, the following rules apply:

(1) The court shall appoint the person nominated under subsection (b) unless the court finds that the appointment is contrary to the best interest of the minor.

(2) If the parents have nominated different persons to serve as standby guardian, the court shall appoint the nominee whose appointment is in the best interest of the minor, unless the court finds that appointment of none of the nominees is in the best interest of the minor.

(k) An order appointing a standby guardian under this section must state that each parent of the minor is entitled to notice, and identify any other person entitled to notice, if:

(1) The standby guardian assumes the duties and powers of the guardian;

(2) the standby guardian changes the residence or school of the minor;

(3) the court modifies or limits the powers of the standby guardian; or

(4) the court removes the standby guardian.

(l) Before assuming the duties and powers of a guardian, a standby guardian must file with the court an acceptance of appointment as guardian and give notice of the acceptance to:

(1) Each parent of the minor, unless the parent, in a record, waived the right to notice or cannot be located and served with due diligence;

(2) the minor, if the minor is 12 years of age or older; and

(3) any person, other than the parent, having care or custody of the minor.

(m) A person that receives notice under subsection (k) or any other person interested in the welfare of the minor may file with the court an objection to the standby guardian's assumption of duties and powers of a guardian. The court shall hold a hearing if the objection supports a reasonable belief that the conditions for assumption of duties and powers have not been satisfied.

New Sec. 58. (a) On its own, or on verified petition by a person interested in a minor's welfare, the court may appoint an emergency guardian for the minor if the court finds a sufficient factual basis to establish probable cause that:

(1) Appointment of an emergency guardian is necessary to prevent imminent and substantial harm to the minor's health, safety or welfare; and

(2) no other person has authority and willingness to act in the circumstances.

(b) The duration of authority of an emergency guardian for a minor may not exceed 30 days, and the emergency guardian may exercise only the powers specified in the order of appointment. The emergency guardian's authority may be extended up to three times for not more than 30 days per extension if the court finds good cause and that the conditions for appointment of an emergency guardian in subsection (a) continue.

(c) Except as otherwise provided in subsection (d), reasonable notice of the date, time and place of a hearing on a petition for appointment of an emergency guardian for a minor must be given to:

(1) The minor, if the minor is 12 years of age or older;

(2) any attorney appointed under section 54, and amendments thereto;

(3) each parent of the minor;

(4) any person, other than a parent, having care or custody of the minor; and

(5) any other person the court determines.

(d) The court may appoint an emergency guardian for a minor without notice under subsection (c) and without a hearing only if the court finds from an affidavit or testimony that the minor's health, safety or welfare will be substantially harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency guardian without notice to an unrepresented minor or the attorney for a represented minor, notice of the appointment must be given not later than 48 hours after the appointment to the individuals listed in subsection (c). Not later than seven days after the appointment, the court shall hold a hearing on the appropriateness of the appointment.

(e) Appointment of an emergency guardian under this section, with or without notice, is not a determination that a basis exists for appointment of a guardian under section 51, and amendments thereto.

(f) The emergency guardian shall make any report the court requires.

(g) The court may remove an emergency guardian appointed under this section at any time.

New Sec. 59. (a) A guardian for a minor is a fiduciary. Except as otherwise limited by the court, a guardian for a minor has the duties and responsibilities of a parent regarding the minor's support, care, education, health, safety and welfare. A guardian shall act in the minor's best interest and exercise reasonable care, diligence and prudence.

(b) A guardian for a minor shall:

(1) Be personally acquainted with the minor and maintain sufficient contact with the minor to know the minor's abilities, limitations, needs, opportunities and physical and mental health;

(2) take reasonable care of the minor's personal effects and bring a proceeding for a conservatorship, or protective arrangement instead of conservatorship, if necessary to protect other property of the minor;

(3) if authorized by the court under section 61, and amendments thereto, expend funds of the minor which have been received by the guardian for the minor's current needs for support, care, education, health, safety and welfare;

(4) conserve any funds of the minor not expended under paragraph (3) for the minor's future needs, but if a conservator is appointed for the minor, pay the funds at least quarterly to the conservator to be conserved for the minor's future needs;

(5) report the condition of the minor and account for funds and other property of the minor in the guardian's possession or subject to the guardian's control, as required by court rule or ordered by the court on application of a person interested in the minor's welfare;

(6) inform the court of any change in the minor's dwelling or address; and

(7) in determining what is in the minor's best interest, take into account the minor's preferences to the extent actually known or reasonably ascertainable by the guardian.

New Sec. 60. (a) Except as otherwise limited by court order, a guardian of a minor has the powers a parent otherwise would have regarding the minor's support, care, education, health, safety and welfare.

(b) Except as otherwise limited by court order, a guardian for a minor may:

(1) If authorized by the court under section 61, and amendments thereto, apply for and receive funds and benefits otherwise payable for the support of the minor to the minor's parent, guardian or custodian under a statutory system of benefits or insurance or any private contract, devise, trust, conservatorship or custodianship;

(2) unless inconsistent with a court order entitled to recognition in this state, take custody of the minor and establish the minor's place of dwelling and, on authorization of the court, establish or move the minor's dwelling outside this state;

(3) if the minor is not subject to conservatorship, commence a proceeding, including an administrative proceeding, or take other appropriate action to compel a person to support the minor or make a payment for the benefit of the minor; and

(4) consent to health or other care, treatment or service for the minor.

(c) The court may authorize a guardian for a minor to consent to the adoption of the minor if the minor does not have a parent.

(d) A guardian for a minor may consent to the marriage of the minor if authorized by the court, and the guardianship shall terminate upon such marriage.

New Sec. 61. A guardian for a minor may not exercise any control or authority over the minor's estate, unless specifically authorized by the court. Any guardian who is granted such authority must prepare an inventory and provide notice of the inventory as provided in section 104, and amendments thereto. The court may assign such authority to the guardian and may waive the requirement of the posting of a bond, only if:

(a) Initially, the combined value of any funds and assets owned by the minor equals $25,000 or less;

(b) either the court requires the guardian to report to the court the commencement of the exercising of such authority, or requires the guardian to obtain court authorization to commence the exercise of such authority, as the court shall specify; and

(c) the court also requires the guardian, whenever the combined value of such funds and property exceeds $25,000, to:

(1) File a guardian's plan as provided for in section 63, and amendments thereto, that contains elements similar to those that would be contained in a conservator's plan as provided for in section 103, and amendments thereto;

(2) petition the court for appointment of a conservator; or

(3) notify the court as the court shall specify that the value of the minor's estate has equaled or exceeded $25,000, if the court has earlier appointed a conservator but did not issue letters of conservatorship pending such notification.

New Sec. 62. (a) Guardianship under this act for a minor terminates:

(1) On the minor's death, adoption, emancipation or attainment of majority; or

(2) when the court finds that the standard in section 51, and amendments thereto, for appointment of a guardian is not satisfied, unless the court finds that:

(A) Termination of the guardianship would be harmful to the minor; and

(B) the minor's interest in the continuation of the guardianship outweighs the interest of any parent of the minor in restoration of the parent's right to make decisions for the minor.

(b) A minor subject to guardianship or a person interested in the welfare of the minor may petition the court to terminate the guardianship, modify the guardianship, remove the guardian and appoint a successor guardian or remove a standby guardian and appoint a different standby guardian.

(c) A petitioner under subsection (b) shall give notice of the hearing on the petition to the minor, if the minor is 12 years of age or older and is not the petitioner, the guardian, each parent of the minor and any other person the court determines.

(d) The court shall follow the priorities in section 56(b), and amendments thereto, when selecting a successor guardian for a minor.

(e) Not later than 30 days after appointment of a successor guardian for a minor, the court shall give notice of the appointment to the minor subject to guardianship, if the minor is 12 years of age or older, each parent of the minor and any other person the court determines.

(f) When terminating a guardianship for a minor under this section, the court may issue an order providing for transitional arrangements that will assist the minor with a transition of custody and is in the best interest of the minor.

(g) A removed guardian for a minor shall cooperate with a successor guardian to facilitate transition of the guardian's responsibilities and protect the best interest of the minor.

(h) Not later than 30 days after entering an order under this section, the court or the court's designee shall give notice of the order to the minor

subject to guardianship and any person entitled to notice under section 56, and amendments thereto, or a subsequent order.

New Sec. 63. (a) At any time, the court may require the guardian of a minor, or the guardian of a minor may choose, to develop and file with the court a plan of care for the minor. Any such plan must be based on the needs of the minor and take into account the best interest of the minor as well as the minor's preferences, to the extent known to or reasonably ascertainable by the guardian. The guardian may include in the plan:

(1) Where the minor will reside and attend school;

(2) whether the parents of the minor will have contact or visitation with the minor;

(3) whether the parents of the minor will have access to medical, educational or other records of the minor;

(4) whether the parents of the minor will retain any rights to decision making regarding the minor's healthcare, education or other matters;

(5) any other provisions the guardian deems appropriate; and

(6) any other provisions the court requires.

(b) The guardian for a minor shall give notice of the filing of the guardian's plan under subsection (a), together with a copy of the plan, to the minor if the minor is 12 years of age or older, any attorney representing the minor in the guardianship proceeding or any other proceeding concerning the care or custody of the minor identified in the petition, each parent of the minor, a person entitled to notice under section 56(d), and amendments thereto, or a subsequent order, and any other person the court determines. The notice shall include a statement of the right to object to the plan and shall be given at the time of the filing.

(c) The minor, a parent of the minor and any person entitled under subsection (b) to receive notice and a copy of the guardian's plan may object to the plan in writing not later than 21 days after the filing.

(d) The court shall review the guardian's plan filed under subsection (a) and determine whether to approve the plan, modify the plan or require a new plan. In deciding whether to approve the plan, the court shall consider an objection under subsection (c) and whether the plan is consistent with the guardian's duties and powers under sections 59 and 60, and amendments thereto. The court may not approve the plan until 30 days after the filing.

(e) After the guardian's plan filed under this section is approved by the court, the guardian shall provide a copy of the plan to the minor if the minor is 12 years of age or older, to any attorney representing the minor in the guardianship proceeding or any other proceeding concerning the care or custody of the minor identified in the petition, to each parent of the minor, to any person entitled to notice under section 56(d), and amendments thereto, or a subsequent order, and any other person the court determines.

New Sec. 64. (a) On petition and after notice and hearing, the court may:

(1) Appoint a guardian for an adult if the court finds by clear and convincing evidence that:

(A) The respondent lacks the ability to meet essential requirements for physical health, safety or self-care because the respondent is unable to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance or supported decision making; and

(B) the respondent's identified needs cannot be met by a protective arrangement instead of guardianship or other less restrictive alternative; or

(2) with appropriate findings, treat the petition as one for a conservatorship under sections 83 through 118, and amendments thereto, or a protective arrangement under sections 119 through 130, and amendments thereto, issue any appropriate order or dismiss the proceeding.

(b) The court shall grant a guardian appointed under subsection (a) only those powers necessitated by the demonstrated needs and limitations of the respondent and issue orders that will encourage development of the respondent's maximum self-determination and independence. The court may not establish a full guardianship if a limited guardianship, protective arrangement instead of guardianship or other less restrictive alternatives would meet the needs of the respondent.

New Sec. 65. (a) A person interested in an adult's welfare, including the adult for whom the order is sought, may file a verified petition for appointment of a guardian for the adult.

(b) A petition under subsection (a) must state the petitioner's name, principal residence, current street address if different, relationship to the respondent, interest in the appointment, the name and address of any attorney representing the petitioner and, to the extent known, the following:

(1) The respondent's name, age, principal residence, current street address if different and address of the dwelling in which it is proposed the respondent will reside if the petition is granted;

(2) the name and address of the respondent's:

(A) Spouse or, if the respondent has none, an adult with whom the respondent has shared household responsibilities for more than six months in the 12-month period immediately before the filing of the petition;

(B) adult children, adult stepchildren, adult grandchildren and each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; and

(C) adult former stepchildren with whom the respondent had an ongoing relationship in the two-year period immediately before the filing of the petition;

(3) the name and current address of each of the following, if applicable:

(A) A person primarily responsible for care of the respondent;

(B) any attorney currently representing the respondent;

(C) any representative payee appointed by the social security administration for the respondent;

(D) a guardian or conservator acting for the respondent in this state or in another jurisdiction;

(E) a trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;

(F) any fiduciary for the respondent appointed by the department of veterans affairs and any curator appointed under K.S.A. 73-507, and amendments thereto;

(G) an agent designated under a power of attorney for healthcare in which the respondent is identified as the principal;

(H) an agent designated under a power of attorney for finances in which the respondent is identified as the principal;

(I) a person nominated as guardian by the respondent;

(J) a person nominated as guardian by the respondent's parent or spouse in a will or other signed record; and

(K) a person known to have routinely assisted the respondent with decision making during the six months immediately before the filing of the petition;

(4) (A) The proposed guardian's name, age, date of birth, gender, address, place of employment and relationship to the respondent, if any;

(B) the reason the proposed guardian should be selected;

(C) any potential conflict of interest including any personal or agency interest of the proposed guardian that may be perceived as self-serving or adverse to the position or best interest of the respondent; and

(D) whether the proposed guardian is under contract with the Kansas guardianship program;

(5) the reason a guardianship is necessary, including a description of:

(A) The nature and extent of the respondent's alleged need;

(B) any protective arrangement instead of guardianship or other less restrictive alternatives for meeting the respondent's alleged need which have been considered or implemented;

(C) if no protective arrangement instead of guardianship or other less restrictive alternatives have been considered or implemented, the reason they have not been considered or implemented; and

(D) the reason a protective arrangement instead of guardianship or other less restrictive alternative is insufficient to meet the respondent's alleged need;

(6) whether the petitioner seeks a limited guardianship or full guardianship;

(7) if the petitioner seeks a full guardianship, the reason a limited guardianship or protective arrangement instead of guardianship is not appropriate;

(8) if a limited guardianship is requested, the powers to be granted to the guardian;

(9) the name and current address, if known, of any person with whom the petitioner seeks to limit the respondent's contact;

(10) if the respondent has property other than personal effects, a general statement of the respondent's property, with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts; and

(11) whether the respondent needs an interpreter, translator or other form of support to communicate effectively with the court or understand court proceedings.

New Sec. 66. (a) On filing of a petition under section 65, and amendments thereto, for appointment of a guardian for an adult, the court shall set a date, time and place for hearing the petition.

(b) A copy of a petition under section 65, and amendments thereto, and notice of a hearing on the petition must be served personally on the respondent. The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose and consequences of granting the petition. The court may not grant the petition if notice substantially complying with this subsection is not served on the respondent. The court may order any of the following persons to serve the notice upon the respondent:

(1) The petitioner or the attorney for the petitioner;

(2) the attorney appointed by the court to represent the respondent;

(3) any law enforcement officer; or

(4) any other person whom the court finds to be a proper person to serve this notice.

(c) In a proceeding on a petition under section 65, and amendments thereto, the notice required under subsection (b) must be given to the persons required to be listed in the petition under section 65(b)(1) through (3), and amendments thereto, and any other person interested in the respondent's welfare the court determines. Failure to give notice under this subsection does not preclude the court from appointing a guardian.

(d) After the appointment of a guardian, notice of a hearing on a petition for any other order under sections 64 through 82, and amendments thereto, together with a copy of the petition, must be given to:

(1) The adult subject to guardianship;

(2) the guardian; and

(3) any other person the court determines.

New Sec. 67. (a) On receipt of a petition under section 65, and amendments thereto, for appointment of a guardian for an adult, the court may appoint a court liaison. The court liaison must be an individual with training or experience in the type of abilities, limitations and needs alleged in the petition.

(b) (1) A court liaison appointed under subsection (a) shall interview the respondent in person and, in a manner the respondent is best able to understand:

(A) Explain, in general, the petition and the nature and purpose of the proceeding, including the potential loss of rights as a result of the proceeding; and

(B) obtain the respondent's views about the appointment sought by the petitioner, including views about a proposed guardian, the guardian's proposed powers and duties and the scope and duration of the proposed guardianship.

(2) These explanations and discussions are not intended to be a substitute for the attorney appointed to represent the respondent to inform the respondent of the respondent's rights and the nature and purpose of the proceeding.

(c) The court liaison appointed under subsection (a) may be assigned any or all of the following duties, in the discretion of the presiding judge:

(1) Interview the petitioner and proposed guardian, if any;

(2) visit the respondent's present dwelling and any dwelling in which it is reasonably believed the respondent will live if the appointment is made;

(3) obtain information from any physician or other provider known to have treated, advised or assessed the respondent's relevant physical or mental condition, to the extent that such information has not already been provided to the court; and

(4) investigate the allegations in the petition and any other matter relating to the petition as directed by the court, including, but not limited to, the respondent's family relationships, past conduct, the nature and extent of any property or income of the respondent, whether the respondent is likely to injure self or others and other matters as the court may specify.

(d) A court liaison appointed under subsection (a) shall file a report with the court at least 10 days prior to the hearing on the petition, or other hearing as directed by the court. Unless otherwise ordered by the court, such report must include:

(1) A summary of self-care and independent-living tasks the respondent can manage without assistance or with existing supports, could manage with the assistance of appropriate supportive services, technological assistance or supported decision making, and cannot manage;

(2) a recommendation regarding the appropriateness of guardianship, including whether a protective arrangement instead of guardianship or other less restrictive alternative for meeting the respondent's needs is available and:

(A) If a guardianship is recommended, whether it should be full or limited; and

(B) if a limited guardianship is recommended, the powers to be granted to the guardian;

(3) a statement of the qualifications of the proposed guardian and whether the respondent approves or disapproves of the proposed guardian;

(4) a statement whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to residence;

(5) a statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(6) a statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate; and

(7) any other matter the court directs.

(e) The costs of an investigation by a court liaison shall be assessed as provided for in section 42, and amendments thereto.

New Sec. 68. (a) The court shall appoint an attorney to represent the respondent, regardless of the respondent's ability to pay. The court shall give preference in the appointment of an attorney to any attorney who has represented the respondent in other matters if the court has knowledge of that prior representation or to an attorney whom the respondent has requested. Any appointment made by the court shall terminate after the guardian's plan has been approved and after any appeal from the appointment of a guardian, unless the court continues the appointment by further order. Thereafter, an attorney may be appointed by the court if requested, in writing, by the adult subject to guardianship, the guardian, or upon the court's own motion.

(b) An attorney representing the respondent in a proceeding for appointment of a guardian for an adult shall:

(1) Make reasonable efforts to ascertain the respondent's wishes;

(2) advocate for the respondent's wishes to the extent reasonably ascertainable; and

(3) if the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive in type, duration and scope, consistent with the respondent's interests.

(c) An attorney representing the respondent shall interview the respondent in person and, in a manner the respondent is best able to understand:

(1) Explain to the respondent the substance of the petition, the nature, purpose and effect of the proceeding, the respondent's rights at the hearing on the petition and the general powers and duties of a guardian;

(2) determine the respondent's views about the appointment sought by the petitioner, including views about a proposed guardian, the guardian's proposed powers and duties and the scope and duration of the proposed guardianship; and

(3) inform the respondent that all costs and expenses of the proceeding, including respondent's attorney fees, may be paid from the respondent's assets.

New Sec. 69. (a) Upon the filing of the petition or any other time at or before the hearing, if the contents of the petition or evidence at the hearing support a prima facie case of the need for a guardian, the court shall order an examination and evaluation of the respondent to be conducted through a general hospital, psychiatric hospital, community mental health center, community developmental disability organization or by a licensed physician, psychiatrist, psychologist, physician assistant, nurse practitioner, social worker or other professional appointed by the court who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest.

(b) Unless otherwise specified by the court, the report of the examination and evaluation submitted to the court shall contain:

(1) The respondent's name, age and date of birth;

(2) a description of the respondent's physical and mental condition;

(3) a description of the nature and extent of the respondent's cognitive and functional abilities and limitations, including adaptive behaviors and social skills, and, as appropriate, educational and developmental potential;

(4) a summary of self-care and independent-living tasks the respondent can manage without assistance or with existing supports, could manage with the assistance of appropriate supportive services, technological assistance or supported decision making, and cannot manage;

(5) a prognosis for any improvement and, as appropriate, any recommendation for treatment or rehabilitation;

(6) a list and description of any prior assessments, evaluations or examinations of the respondent, including the dates thereof, which were relied upon in the preparation of this evaluation;

(7) the date and location where this examination and evaluation occurred, and the name or names of the professional or professionals performing the examination and evaluation and such professional's qualifications;

(8) a statement by the professional that the professional has personally completed an independent examination and evaluation of the respondent, and that the report submitted to the court contains the results of that

examination and evaluation, and the professional's opinion with regard to the issues of whether or not the respondent is in need of a guardian and whether there are barriers to the respondent's attendance and participation at the hearing on the petition; and

(9) the signature of the professional who prepared the report.

(c) The professional shall file with the court, at least five days prior to the date of the trial, such professional's written report concerning the examination and evaluation ordered by the court. The report shall be made available by the court to counsel for all parties.

(d) In lieu of entering an order for an examination and evaluation as provided for in this section, the court may determine that the report accompanying the petition is in compliance with the requirements of this section and that no further examination or evaluation should be required, unless the respondent, or such person's attorney, requests such an examination and evaluation in writing. Any such request shall be filed with the court, and a copy thereof delivered to the petitioner, at least four days prior to the date of the trial. Accompanying the request shall be a statement of the reasons why an examination and evaluation is requested and the name and address of a qualified professional or facility willing and able to conduct this examination and evaluation. If the court orders a further examination and evaluation, the court may continue the trial and fix a new date, time and place of the trial at a time not to exceed 30 days from the date of the filing of the request.

New Sec. 70. (a) Except as otherwise provided in subsection (b), a hearing under section 66, and amendments thereto, may not proceed unless the respondent attends the hearing. If it is not reasonably feasible for the respondent to attend a hearing at the location court proceedings typically are held, the court shall make reasonable efforts to hold the hearing at an alternative location convenient to the respondent or allow the respondent to attend the hearing using real-time audio-visual technology.

(b) A hearing under section 66, and amendments thereto, may proceed without the respondent in attendance if the court finds by clear and convincing evidence that:

(1) The respondent is choosing not to attend the hearing after having been fully informed of the right to attend and the potential consequences of failing to do so; or

(2) there is no practicable way for the respondent to attend and participate in the hearing even with appropriate supportive services and technological assistance.

(c) The respondent may be assisted in a hearing under section 66, and amendments thereto, by a person or persons of the respondent's choosing, assistive technology or an interpreter or translator, or a combination of these supports. If assistance would facilitate the respondent's participa-

tion in the hearing, but is not otherwise available to the respondent, the court shall make reasonable efforts to provide it.

(d) The respondent has a right to retain an attorney to represent the respondent at a hearing under section 66, and amendments thereto.

(e) At a hearing held under section 66, and amendments thereto, the respondent may:

(1) Present evidence and subpoena witnesses and documents;

(2) examine witnesses, including any court-appointed evaluator and the court liaison; and

(3) otherwise participate in the hearing.

(f) Unless excused by the court for good cause, a proposed guardian shall attend a hearing under section 66, and amendments thereto.

(g) A hearing under section 66, and amendments thereto, must be closed on request of the respondent and a showing of good cause.

(h) Any person may request to participate in a hearing under section 66, and amendments thereto. The court may grant the request, with or without a hearing, on determining that the best interest of the respondent will be served. The court may impose appropriate conditions on the person's participation.

New Sec. 71. (a) The existence of a proceeding for or the existence of a guardianship for an adult is a matter of public record unless the court seals the record after:

(1) The respondent or individual subject to guardianship requests the record be sealed; and

(2) either:

(A) The petition for guardianship is dismissed; or

(B) the guardianship is terminated.

(b) (1) The following court records are a matter of public record unless sealed by the court:

(A) Letters of guardianship;

(B) orders suspending or removing a guardian; and

(C) orders terminating a guardianship.

(2) All other court records of a guardianship proceeding are not a matter of public record except as further provided.

(3) The following persons are entitled to access court records of the proceeding and resulting guardianship, including the guardian's plan under section 79, and amendments thereto, and report under section 80, and amendments thereto:

(A) An adult subject to a proceeding for a guardianship, whether or not a guardian is appointed;

(B) an attorney designated by the adult;

(C) a person entitled to notice under section 73(e), and amendments thereto, or a subsequent order; and

(D) a licensed attorney, abstractor or title insurance agent.

(4) A person not otherwise entitled to access court records under this subsection for good cause may request permission from the court for access to court records of the guardianship, including the guardian's report and plan. The court shall grant access if access is in the best interest of the respondent or adult subject to guardianship or furthers the public interest and does not endanger the welfare or financial interests of the adult.

(c) A report under section 67, and amendments thereto, of a court liaison or a professional evaluation under section 69, and amendments thereto, is confidential and must be sealed on filing, but is available to:

(1) The court;

(2) the individual who is the subject of the report or evaluation, without limitation as to use;

(3) the petitioner, court liaison and petitioner's and respondent's attorneys, for purposes of the proceeding;

(4) unless the court orders otherwise, an agent appointed under a power of attorney for healthcare or power of attorney for finances in which the respondent is the principal; and

(5) any other person if it is in the public interest or for a purpose the court orders for good cause.

New Sec. 72. (a) Except as otherwise provided in subsection (c), the court in appointing a guardian for an adult shall consider persons qualified to be guardian in the following order of priority:

(1) A guardian, other than a temporary or emergency guardian, currently acting for the respondent in another jurisdiction;

(2) a person nominated as guardian by the respondent, including the respondent's most recent nomination made in a power of attorney;

(3) an agent appointed by the respondent under a power of attorney for healthcare;

(4) a spouse of the respondent;

(5) a family member or other individual who has shown special care and concern for the respondent; and

(6) a person nominated as guardian by the spouse, adult child or other close family member of the respondent.

(b) If two or more persons have equal priority under subsection (a), the court shall select as guardian the person the court considers best qualified. In determining the best qualified person, the court shall consider the person's relationship with the respondent, the person's skills, the expressed wishes of the respondent, the extent to which the person and the respondent have similar values and preferences and the likelihood the person will be able to perform the duties of a guardian successfully.

(c) The court, acting in the best interest of the respondent, may decline to appoint as guardian a person having priority under subsection (a) and appoint a person having a lower priority or no priority.

(d) In determining whether the appointment of a proposed guardian is in the best interest of the respondent, the court shall consider the number of other cases in which the proposed guardian, other than a corporation, is currently serving as guardian, particularly if that number is more than 15.

(e) The following persons shall not be appointed as guardian unless the court finds by clear and convincing evidence that the person is the best qualified person available for appointment and the appointment is in the best interest of the respondent:

(1) A person that provides paid services to the respondent, or an individual who is employed by a person that provides paid services to the respondent, or is the spouse, parent or child of an individual who provides or is employed to provide paid services to the respondent;

(2) an owner, operator or employee of any entity at which the respondent is receiving care; and

(3) a person who provides care or other services, or is an employee of an agency, partnership or corporation that provides care or other services to persons with needs similar to those of the respondent.

New Sec. 73. (a) A court order appointing a guardian for an adult must:

(1) Include a specific finding that clear and convincing evidence established that the identified needs of the respondent cannot be met by a protective arrangement instead of guardianship or other less restrictive alternative, including use of appropriate supportive services, technological assistance or supported decision making; and

(2) include a specific finding that clear and convincing evidence established the respondent was given proper notice of the hearing on the petition.

(b) A court order establishing a full guardianship for an adult must state the basis for granting a full guardianship and include specific findings that support the conclusion that a limited guardianship would not meet the functional needs of the adult subject to guardianship.

(c) A court order establishing a limited guardianship for an adult must state the specific powers granted to the guardian.

(d) A court order appointing a guardian for an adult must include the date of a review hearing to be set 90 days after the order of appointment is entered. At that hearing, the court shall review the guardian's plan filed pursuant to section 79, and amendments thereto.

(e) The court, as part of an order establishing a guardianship for an adult, shall identify any person that subsequently is entitled to:

(1) Notice of the rights of the adult under section 74(b), and amendments thereto;

(2) notice of a change in the primary dwelling of the adult;

(3) notice that the guardian will be unavailable to visit the adult for more than two months or unavailable to perform the guardian's duties for more than one month;

(4) a copy of the guardian's plan under section 79, and amendments thereto, and the guardian's report under section 80, and amendments thereto;

(5) access to court records relating to the guardianship;

(6) notice of the death or significant change in the condition of the adult;

(7) notice of a petition or hearing to limit or modify the powers of the guardian or that the court has limited or modified the powers of the guardian; and

(8) notice of a petition or hearing to remove the guardian or that the court has removed the guardian.

(f) A spouse and adult children of an adult subject to guardianship are entitled to notice under subsection (e) unless the court determines notice would be contrary to the preferences or prior directions of the adult subject to guardianship or not in the best interest of the adult.

New Sec. 74. (a) Not later than 14 days after the appointment, a guardian appointed under section 72, and amendments thereto, shall give the adult subject to guardianship and all other persons given notice under section 66, and amendments thereto, a copy of the order of appointment.

(b) Not later than 30 days after appointment of a guardian under section 72, and amendments thereto, the court or the court's designee shall give to the adult subject to guardianship, the guardian and any other person entitled to notice under section 72(e), and amendments thereto, or a subsequent order a statement of the rights of the adult subject to guardianship and procedures to seek relief if the adult is denied those rights. The statement must be in at least 16-point font, in plain language and, to the extent feasible, in a language in which the adult subject to guardianship is proficient. The statement must notify the adult subject to guardianship of the right to:

(1) Seek termination or modification of the guardianship, or removal of the guardian, and choose an attorney to represent the adult in these matters;

(2) file a grievance against the guardian under section 50, and amendments thereto;

(3) be involved in decisions affecting the adult, including decisions about the adult's care, dwelling, activities or social interactions, to the extent reasonably feasible, and that the adult retains the right to vote and the right to marry;

(4) be involved in healthcare decision making to the extent reasonably feasible and supported in understanding the risks and benefits of healthcare options to the extent reasonably feasible;

(5) be notified at least 14 days before a change in the adult's primary dwelling or permanent move to a nursing home, mental health facility or other facility that places restrictions on the individual's ability to leave or have visitors unless the change or move is proposed in the guardian's plan under section 79, and amendments thereto, or authorized by the court by specific order;

(6) object to a change or move described in paragraph (5) and the process for objecting;

(7) communicate, visit or interact with others, including receiving visitors, and making or receiving telephone calls, personal mail or electronic communications, including through social media, unless:

(A) The guardian has been authorized by the court by specific order to restrict communications, visits or interactions;

(B) a protective order or protective arrangement instead of guardianship is in effect that limits contact between the adult and a person; or

(C) the guardian has good cause to believe restriction is necessary because interaction with a specified person poses a risk of significant physical, psychological or financial harm to the adult, and the restriction is:

(i) For a period of not more than seven business days if the person has a family or pre-existing social relationship with the adult; or

(ii) for a period of not more than 60 days if the person does not have a family or pre-existing social relationship with the adult;

(8) receive a copy of the guardian's plan under section 79, and amendments thereto, and the guardian's report under section 80, and amendments thereto; and

(9) object to the guardian's plan or report.

(c) Any person required to provide notice under this section shall file proof of service of such notice with the court.

New Sec. 75. (a) On its own after a petition has been filed under section 65, and amendments thereto, or on verified petition by a person interested in an adult's welfare, the court may appoint an emergency guardian for the adult if the court finds a sufficient factual basis to establish probable cause that:

(1) Appointment of an emergency guardian is necessary to prevent imminent and substantial harm to the adult's physical health, safety or welfare;

(2) no other person has authority and willingness to act in the circumstances; and

(3) a basis for appointment of a guardian under section 64, and amendments thereto, exists.

(b) The duration of authority of an emergency guardian for an adult may not exceed 30 days, and the emergency guardian may exercise only the powers specified in the order of appointment. The emergency guardian's authority may be extended up to three times for not more than 30 days per extension if the court finds good cause and that the conditions for appointment of an emergency guardian in subsection (a) continue.

(c) Immediately upon filing of a petition for appointment of an emergency guardian for an adult, the court shall appoint an attorney to represent the respondent in the proceeding. Except as otherwise provided in subsection (d), reasonable notice of the date, time, and place of a hearing on the petition must be given to the respondent, the respondent's attorney and any other person the court determines.

(d) The court may appoint an emergency guardian for an adult without notice to the adult and any attorney for the adult only if the court finds from an affidavit or testimony that the respondent's physical health, safety or welfare will be substantially harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency guardian without giving notice under subsection (c), the court must:

(1) Give notice of the appointment not later than 48 hours after the appointment to:

(A) The respondent;

(B) the respondent's attorney; and

(C) any other person the court determines; and

(2) hold a hearing on the appropriateness of the appointment not later than five days after the appointment.

(e) Appointment of an emergency guardian under this section is not a determination that a basis exists for appointment of a guardian under section 64, and amendments thereto.

(f) The court may remove an emergency guardian appointed under this section at any time. The emergency guardian shall make any report the court requires.

New Sec. 76. (a) A guardian for an adult is a fiduciary. A guardian shall strive to assure that the personal, civil and human rights of the individual subject to guardianship are protected. Except as otherwise limited by the court, a guardian for an adult shall make decisions regarding the support, care, education, health and welfare of the adult subject to guardianship to the extent necessitated by the adult's limitations and in accordance with the guardian's plan under section 79, and amendments thereto.

(b) A guardian for an adult shall promote the self-determination of the adult and, to the extent reasonably feasible, include the adult in decision making, and encourage the adult to participate in decisions, act on the adult's own behalf, and develop or regain the capacity to manage the adult's personal affairs. In furtherance of this duty, the guardian shall:

(1) Become or remain personally acquainted with the adult and maintain sufficient contact with the adult, including through regular visitation, to know the adult's abilities, limitations, needs, opportunities and physical and mental health;

(2) to the extent reasonably feasible, identify the values and preferences of the adult and involve the adult in decisions affecting the adult, including decisions about the adult's care, dwelling, activities or social interactions; and

(3) make reasonable efforts to identify and facilitate supportive relationships and services for the adult.

(c) A guardian for an adult at all times shall exercise reasonable care, diligence and prudence when acting on behalf of or making decisions for the adult. In furtherance of this duty, the guardian shall:

(1) Take reasonable care of the personal effects and service or support animals of the adult and bring a proceeding for a conservatorship or protective arrangement instead of conservatorship if necessary to protect the adult's property;

(2) if authorized by the court under section 78, and amendments thereto, expend funds and other property of the adult received by the guardian for the adult's current needs for support, care, education, health and welfare;

(3) conserve any funds and other property of the adult not expended under paragraph (2) for the adult's future needs, but if a conservator has been appointed for the adult, pay the funds and other property at least quarterly to the conservator to be conserved for the adult's future needs; and

(4) monitor the quality of services, including long-term care services, provided to the adult.

(d) In making a decision for an adult subject to guardianship, the guardian shall make the decision the guardian reasonably believes the adult would make if the adult were able unless doing so would unreasonably harm or endanger the welfare or personal or financial interests of the adult. To determine the decision the adult subject to guardianship would make if able, the guardian shall consider the adult's previous or current directions, preferences, opinions, cultural practices, religious beliefs, values and actions, to the extent actually known or reasonably ascertainable by the guardian.

(e) If a guardian for an adult cannot make a decision under subsection (d) because the guardian does not know and cannot reasonably determine the decision the adult probably would make if able, or the guardian reasonably believes the decision the adult would make would unreasonably harm or endanger the welfare or personal or financial interests of the adult, the guardian shall act in accordance with the best interest of the adult. In determining the best interest of the adult, the guardian shall consider:

(1) Information received from professionals and persons that demonstrate sufficient interest in the welfare of the adult;

(2) other information the guardian believes the adult would have considered if the adult were able to act; and

(3) other factors a reasonable person in the circumstances of the adult would consider, including consequences for others.

(f) A guardian for an adult shall notify the court immediately if the condition of the adult has changed so that the adult is capable of exercising rights previously removed.

New Sec. 77. (a) Except as limited by court order, a guardian for an adult may:

(1) If authorized by the court under section 78, and amendments thereto, apply for and receive funds and benefits for the support of the adult, unless a conservator is appointed for the adult and the application or receipt is within the powers of the conservator;

(2) establish the adult's place of dwelling;

(3) consent to health, including mental health, or other care, treatment or service for the adult;

(4) if a conservator for the adult has not been appointed, commence a proceeding including an administrative proceeding, or take other appropriate action to compel another person to support the adult or pay funds for the adult's benefit; and

(5) receive personally identifiable healthcare information regarding the adult.

(b) The court by specific order may authorize a guardian for an adult to consent to the adoption of the adult.

(c) The court by specific order may authorize a guardian for an adult to litigate as petitioner or respondent an action for divorce, dissolution or annulment of marriage of the individual subject to guardianship, including negotiation of a settlement thereof.

(d) In determining whether to authorize a power under subsection (b) or (c), the court shall consider whether the underlying act would be in accordance with the adult's preferences, values and prior directions and whether the underlying act would be in the adult's best interest.

(e) In exercising a guardian's power under subsection (a)(2) to establish the adult's place of dwelling, the guardian shall:

(1) Select a residential setting the guardian believes the adult would select if the adult were able, in accordance with the decision-making standard in section 76(d) and (e), and amendments thereto. If the guardian does not know and cannot reasonably determine what setting the adult subject to guardianship probably would choose if able, or the guardian reasonably believes the decision the adult would make would unreasonably harm or endanger the welfare or personal or financial interests of

the adult, the guardian shall choose in accordance with section 76(e), and amendments thereto, a residential setting that is consistent with the adult's best interest;

(2) in selecting among residential settings, give priority to a residential setting in a location that will allow the adult to interact with persons important to the adult and meet the adult's needs in the least restrictive manner reasonably feasible unless to do so would be inconsistent with the decision-making standard in section 76(d) and (e), and amendments thereto;

(3) not later than 30 days after a change in the dwelling of the adult:

(A) Give notice of the change to the court, the adult and any person identified as entitled to the notice in the court order appointing the guardian or a subsequent order; and

(B) include in the notice the address and nature of the new dwelling and state whether the adult received advance notice of the change and whether the adult objected to the change;

(4) establish or move the permanent place of dwelling of the adult to a nursing home, mental health facility or other facility that places restrictions on the adult's ability to leave or have visitors only if:

(A) The establishment or move is in the guardian's plan under section 79, and amendments thereto;

(B) the court authorizes the establishment or move; or

(C) the guardian gives notice of the establishment or move at least 14 days before the establishment or move to the adult and all persons entitled to notice under section 73(e)(2), and amendments thereto, or a subsequent order, and no objection is filed;

(5) establish or move the place of dwelling of the adult outside this state only if consistent with the guardian's plan and authorized by the court by specific order; and

(6) take action that would result in the sale of or surrender of the lease to the primary dwelling of the adult only if:

(A) The action is specifically included in the guardian's plan under section 79, and amendments thereto;

(B) the court authorizes the action by specific order; or

(C) notice of the action was given at least 14 days before the action to the adult and all persons entitled to the notice under section 73(e)(2), and amendments thereto, or a subsequent order and no objection has been filed.

(f) In exercising a guardian's power under subsection (a)(3) to make healthcare decisions, the guardian shall:

(1) Involve the adult in decision making to the extent reasonably feasible, including, when practicable, by encouraging and supporting the adult in understanding the risks and benefits of healthcare options;

(2) act in accordance with any declaration of the adult made pursuant to the provisions of K.S.A. 65-28,101 through 65-28,109, and amendments thereto; and

(3) take into account:

(A) The risks and benefits of treatment options; and

(B) the current and previous wishes and values of the adult, if known or reasonably ascertainable by the guardian.

New Sec. 78. (a) A guardian for an adult shall not initiate the commitment of the adult to a mental health facility except in accordance with the care and treatment act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments thereto.

(b) A guardian for an adult shall not restrict the ability of the adult to communicate, visit or interact with others, including receiving visitors and making or receiving telephone calls, personal mail or electronic communications, including through social media, or participating in social activities, unless:

(1) Authorized by the court by specific order;

(2) a protective order or a protective arrangement instead of guardianship is in effect that limits contact between the adult and a person; or

(3) the guardian has good cause to believe restriction is necessary because interaction with a specified person poses a risk of significant physical, psychological or financial harm to the adult and the restriction is:

(A) For a period of not more than seven business days if the person has a family or pre-existing social relationship with the adult; or

(B) for a period of not more than 60 days if the person does not have a family or pre-existing social relationship with the adult.

(c) A guardian for an adult shall not consent, on behalf of the adult, to:

(1) Any psychosurgery, removal of any bodily organ or amputation of any limb, unless such surgery, removal or amputation has been approved in advance by the court, except in an emergency and when necessary to preserve the life of the adult or to prevent serious and irreparable impairment to the physical health of the adult;

(2) the sterilization of the adult, unless approved by the court following a due process hearing held for the purposes of determining whether to approve such, and during which hearing the adult is represented by an attorney appointed by the court;

(3) the performance of any experimental biomedical or behavioral procedure on the adult, or for the adult to be a participant in any biomedical or behavioral experiment, without the prior review and approval of such by either an institutional review board as provided for in title 45, part 46 of the code of federal regulations, or if such regulations do not apply, then by a review committee established by the agency, institution or treatment facility at which the procedure or experiment is proposed to

occur, composed of members selected for the purposes of determining whether the proposed procedure or experiment:

(A) Does not involve any significant risk of harm to the physical or mental health of the adult, or the use of aversive stimulants, and is intended to preserve the life or health of the adult or to assist the adult to develop or regain skills or abilities; or

(B) involves a significant risk of harm to the physical or mental health of the adult, or the use of an aversive stimulant, but that the conducting of the proposed procedure or experiment is intended either to preserve the life of the adult, or to significantly improve the quality of life of the adult, or to assist the adult to develop or regain significant skills or abilities, and that the guardian has been fully informed concerning the potential risks and benefits of the proposed procedure or experiment or of any aversive stimulant proposed to be used, and as to how and under what circumstances the aversive stimulant may be used, and has specifically consented to such;

(4) the withholding or withdrawal of life-saving or life-sustaining medical care, treatment, services or procedures, except:

(A) In accordance with the provisions of any declaration of the adult made pursuant to the provisions of K.S.A. 65-28,101 through 65-28,109, and amendments thereto;

(B) if the adult, prior to the court's appointment of a guardian, has executed a durable power of attorney for healthcare decisions pursuant to K.S.A. 58-625, et seq., and amendments thereto, and that durable power of attorney has not previously been revoked by the adult, and it includes any provision relevant to the withholding or withdrawal of life-saving or life-sustaining medical care, treatment, services or procedures, then the guardian shall act as provided for in that power of attorney, even if the guardian has revoked or amended that power of attorney pursuant to the authority of K.S.A. 58-627, and amendments thereto; or

(C) in accordance with subsection (d) or (e).

(d) (1) It shall be presumed that every adult under guardianship has directed such adult's guardian to direct the adult's healthcare providers to provide such adult with nutrition or hydration or both to a degree that is sufficient to sustain life. No court, guardian or any person shall have the authority to make a decision on behalf of an adult who is legally incapable of making healthcare decisions to withhold or withdraw nutrition or hydration or both from such adult except if:

(A) The adult, when legally capable of making healthcare decisions, executed, expressly and with informed consent, a written directive specifically authorizing the withholding or withdrawal of nutrition or hydration or both under the adult's current circumstances. Such directive shall include, but not be limited to, a declaration or a durable power of attorney for healthcare decisions described in subsection (c)(4); or

(B) the adult's treating physician certifies in writing that, in the physician's reasonable medical judgment:

(i) The provision of nutrition or hydration or both to the adult would hasten death; or

(ii) the adult would be incapable of digesting or absorbing the nutrition or hydration or both so that its provision would not contribute to sustaining the adult's life.

(2) (A) Prior to withholding or withdrawing nutrition or hydration or both under paragraph (1)(B), a motion shall be filed with the court with the written certification from the adult's treating physician.

(B) Notice of such filing shall be provided to the adult subject to guardianship, any attorney representing the adult subject to guardianship and any other person whom the court determines at the time of filing of the petition.

(C) The court shall appoint an attorney for the adult. The court may request that the state protection and advocacy agency as provided by K.S.A. 65-5603(a)(10) or 74-5515, and amendments thereto, or 42 U.S.C. § 15043, 42 U.S.C. § 10805 or 29 U.S.C. § 794e, represent the adult.

(D) The court shall hold a hearing within 72 hours or as soon thereafter as the court is available.

(E) The court shall not authorize withholding or withdrawing nutrition or hydration or both unless the court finds by clear and convincing evidence that:

(i) The provision of nutrition or hydration or both to the adult would hasten death; or

(ii) the adult would be incapable of digesting or absorbing the nutrition or hydration or both so that its provision would not contribute to sustaining the adult's life.

(3) (A) A cause of action for injunctive relief may be maintained:

(i) Against any person who is reasonably believed to be about to violate or who is in the course of violating this subsection; or

(ii) to secure a court determination, notwithstanding the position of a guardian, that the adult legally incapable of making healthcare decisions, when legally capable of making such decisions, executed expressly and with informed consent, a written directive to withdraw or withhold hydration or nutrition or both in the applicable circumstances. Such written directive shall be presumed valid unless there is clear and convincing evidence to the contrary.

(B) The action may be brought by any person who is:

(i) The spouse, parent, child or sibling of the adult;

(ii) a current healthcare provider of the adult;

(iii) the guardian of the adult;

(iv) the state protection and advocacy agency as provided by K.S.A.

65-5603(a)(10) or 74-5515, and amendments thereto, or 42 U.S.C. § 15043, 42 U.S.C. § 10805 or 29 U.S.C. § 794e; or

(v) a public official with appropriate jurisdiction to enforce the laws of this state.

(C) Pending the final determination of the court, the court shall direct that nutrition or hydration or both be provided to such adult unless the court determines that paragraph (3)(A) is applicable.

(e) (1) No court, guardian or any person shall have the authority to make a decision on behalf of an adult who is legally incapable of making healthcare decisions to withhold or withdraw life-saving or life-sustaining medical care, treatment, services or procedures from such adult except if:

(A) The adult, when legally capable of making healthcare decisions, executed, expressly and with informed consent, a written directive specifically authorizing the withholding or withdrawing of life-saving or life-sustaining medical care, treatment, services or procedures from such adult under the adult's current circumstances. Such directive shall include, but not be limited to, a declaration or a durable power of attorney for healthcare decisions described in subsection (c)(4); or

(B) (i) The adult's treating physician certifies in writing to the guardian that the adult is suffering from a severe illness and that life-sustaining medical care is objectively futile and would only prolong the dying process; and

(ii) such opinion is concurred in by either a second physician or by any medical ethics or similar committee to which the healthcare provider has access established for the purposes of reviewing such circumstances and the appropriateness of any type of physician's order that would have the effect of withholding or withdrawing life-saving or life-sustaining medical care.

(2) (A) Prior to withholding or withdrawal of life-saving or life-sustaining medical care, treatment, services or procedures under paragraph (1)(B), a motion shall be filed with the court with the written certification from the adult's treating physician.

(B) Notice of such filing shall be provided to the adult subject to guardianship, any attorney representing the adult subject to guardianship and any other person whom the court determines at the time of filing of the petition.

(C) The court shall appoint an attorney for the adult. The court may request that the state protection and advocacy agency as provided by K.S.A. 65-5603(a)(10) or 74-5515, and amendments thereto, or 42 U.S.C. § 15043, 42 U.S.C. § 10805 or 29 U.S.C. § 794e, represent the adult.

(D) The court shall hold a hearing within 72 hours or as soon thereafter as the court is available.

(E) The court shall not authorize withholding or withdrawal of life-saving or life-sustaining medical care, treatment, services or procedures unless the court finds by clear and convincing evidence that:

(i) The adult is suffering from a severe illness and that life-sustaining medical care is objectively futile and would only prolong the dying process; and

(ii) such opinion is concurred in by either a second physician or by any medical ethics or similar committee to which the healthcare provider has access established for the purposes of reviewing such circumstances and the appropriateness of any type of physician's order that would have the effect of withholding or withdrawing life-saving or life-sustaining medical care.

(f) A guardian for an adult shall not exercise any control or authority over the adult's estate, unless specifically authorized by the court. Any guardian who is granted such authority shall prepare an inventory and provide notice of the inventory as provided in section 104, and amendments thereto. The court may assign such authority to the guardian and may waive the requirement of the posting of a bond, only if:

(1) Initially, the combined value of any funds and assets owned by the adult equals $25,000 or less; and

(2) either the court requires the guardian to report to the court the commencement of the exercising of such authority, or requires the guardian to obtain court authorization to commence the exercise of such authority, as the court shall specify; and

(3) the court also requires the guardian, whenever the combined value of such funds and property exceeds $25,000, to:

(A) File a guardian's plan as provided for in section 79, and amendments thereto, that contains elements similar to those that would be contained in a conservator's plan as provided for in section 103, and amendments thereto;

(B) petition the court for appointment of a conservator; or

(C) notify the court as the court shall specify that the value of the adult's estate has equaled or exceeded $25,000, if the court has earlier appointed a conservator but did not issue letters of conservatorship pending such notification;

(g) A guardian for an adult shall not access digital assets of the adult unless authorized by the court pursuant to K.S.A. 2024 Supp. 58-4814, and amendments thereto.

New Sec. 79. (a) Not later than 60 days after appointment and when there is a significant change in circumstances, or the guardian seeks to deviate significantly from the existing guardian's plan, a guardian for an adult shall file with the court a plan for the care of the adult. The plan must be based on the needs of the adult and take into account the best interest of

the adult as well as the adult's preferences, values and prior directions, to the extent known to or reasonably ascertainable by the guardian. The guardian shall include in the plan:

(1) The living arrangement, services and supports the guardian expects to arrange, facilitate or continue for the adult;

(2) social and educational activities the guardian expects to facilitate on behalf of the adult;

(3) any person with whom the adult has a close personal relationship or relationship involving regular visitation and any plan the guardian has for facilitating visits with the person;

(4) the anticipated nature and frequency of the guardian's visits and communication with the adult;

(5) goals for the adult, including any goal related to the restoration of the adult's rights, and how the guardian anticipates achieving the goals;

(6) whether the adult has an existing plan and, if so, whether the guardian's plan is consistent with the adult's plan; and

(7) a statement or list of the amount the guardian proposes to charge for each service the guardian anticipates providing to the adult.

(b) A guardian shall give notice of the filing of the guardian's plan under subsection (a), together with a copy of the plan, to the adult subject to guardianship, any attorney representing the adult subject to guardianship, a person entitled to notice under section 73(e), and amendments thereto, or a subsequent order, and any other person the court determines. The notice must include a statement of the right to object to the plan and must be given at the time of the filing.

(c) An adult subject to guardianship and any person entitled under subsection (b) to receive notice and a copy of the guardian's plan may object to the plan in writing no later than 21 days after the filing.

(d) The court shall review the guardian's plan filed under subsection (a) and determine whether to approve the plan or require a new plan. In deciding whether to approve the plan, the court shall consider an objection under subsection (c) and whether the plan is consistent with the guardian's duties and powers under sections 76 and 77, and amendments thereto. The court shall review an initial guardian's plan at the review hearing scheduled under section 73(b), and amendments thereto. When reviewing subsequent guardian's plans, the court has discretion whether to set the matter for hearing but may not approve the plan until 30 days after the filing.

(e) After the guardian's plan filed under this section is approved by the court, the guardian shall provide a copy of the plan to the adult subject to guardianship, any attorney representing the adult subject to guardianship, a person entitled to notice under section 73(e), and amendments thereto, or a subsequent order, and any other person the court determines.

New Sec. 80. (a) A guardian for an adult shall file with the court at least annually and at any other time the court directs a report in a record regarding the condition of the adult and accounting for funds and other property in the guardian's possession or subject to the guardian's control.

(b) A report under subsection (a) must state or contain:

(1) The mental, physical and social condition of the adult;

(2) the living arrangements of the adult during the reporting period;

(3) a summary of the supported decision making, technological assistance, medical services, educational and vocational services and other supports and services provided to the adult and the guardian's opinion as to the adequacy of the adult's care;

(4) a summary of the guardian's visits with the adult, including the frequency of the visits;

(5) action taken on behalf of the adult;

(6) the extent to which the adult has participated in decision making;

(7) if the adult is living in a mental health facility or living in a facility that provides the adult with healthcare or other personal services, whether the guardian considers the facility's current plan for support, care, treatment or habilitation consistent with the adult's preferences, values, prior directions and best interest;

(8) anything of more than de minimis value which the guardian, any individual who resides with the guardian, or the spouse, parent, child or sibling of the guardian has received from an individual providing goods or services to the adult;

(9) any circumstance that may constitute a conflict of interest between the guardian and the adult. A conflict of interest occurs where the guardian has some personal, business or agency interest that could be perceived as self-serving or adverse to the position or best interest of the adult, including, but not limited to, being paid for providing caregiver services to the adult;

(10) if a guardian has been granted financial authority under section 78(e), and amendments thereto, an accounting that lists property included in the adult's estate and the receipts, disbursements, liabilities and distributions during the period for which the report is made;

(11) a copy of the guardian's most recently approved plan under section 79, and amendments thereto, and a statement whether the guardian has deviated from the plan and, if so, how the guardian has deviated and why;

(12) plans for future care and support of the adult;

(13) a recommendation as to the need for continued guardianship and any recommended change in the scope of the guardianship, including whether the condition of the adult has changed so that the adult is capable of exercising rights previously removed; and

(14) whether any co-guardian or successor guardian appointed to serve when a designated event occurs is alive and able to serve.

(c) A guardian for an adult shall file a special report with the court upon the occurrence of any of the following:

(1) A change of address of the guardian;

(2) a change of residence or placement of the adult;

(3) a significant change in the health or impairment of the adult;

(4) the acquisition by the adult of any real property, or the receipt or accumulation of other property or income by the adult or by the guardian on behalf of the adult, which causes the total value of the adult's estate to equal or exceed $25,000;

(5) the death of the adult; or

(6) a change in the circumstances of the guardian or the adult that may constitute a conflict of interest. A conflict of interest occurs where the guardian has some personal, business or agency interest that could be perceived as self-serving or adverse to the position or best interest of the adult.

(d) The court may appoint a court liaison to review a report submitted under this section or a guardian's plan submitted under section 79, and amendments thereto, interview the guardian or adult subject to guardianship or investigate any other matter involving the guardianship.

(e) Notice of the filing under this section of a guardian's report or special report, together with a copy of the report, must be given to the adult subject to guardianship, a person entitled to notice under section 73(e), and amendments thereto, or a subsequent order, and any other person the court determines. The notice and report must be given not later than 14 days after the filing.

(f) The court shall establish procedures for monitoring a report submitted under this section and review each report at least annually to determine whether:

(1) The report provides sufficient information to establish the guardian has complied with the guardian's duties;

(2) the guardianship should continue; and

(3) the guardian's requested fees, if any, should be approved.

(g) If the court determines that there is reason to believe a guardian for an adult has not complied with the guardian's duties or the guardianship should be modified or terminated, the court:

(1) Shall notify the adult, the guardian and any other person entitled to notice under section 73(e), and amendments thereto, or a subsequent order;

(2) may require additional information from the guardian;

(3) may appoint a court liaison to interview the adult or guardian or investigate any matter involving the guardianship; and

(4) consistent with sections 81 and 82, and amendments thereto, may hold a hearing to consider removal of the guardian, termination of the guardianship or a change in the powers granted to the guardian or terms of the guardianship.

(h) If the court has reason to believe fees requested by a guardian for an adult are not reasonable, the court shall hold a hearing to determine whether to adjust the requested fees.

(i) A guardian for an adult may petition the court for approval of a report filed under this section. The court after review may approve the report. If the court approves the report, there is a rebuttable presumption the report is accurate as to a matter adequately disclosed in the report.

New Sec. 81. (a) The court may remove a guardian for an adult for failure to perform the guardian's duties or for other good cause and appoint a successor guardian to assume the duties of guardian.

(b) The court shall hold a hearing to determine whether to remove a guardian for an adult and appoint a successor guardian on:

(1) Petition of the adult, guardian or person interested in the welfare of the adult, which contains allegations that, if true, would support a reasonable belief that removal of the guardian and appointment of a successor guardian may be appropriate, but the court may decline to hold a hearing if a petition based on the same or substantially similar facts was filed during the preceding six months;

(2) communication from the adult, guardian or person interested in the welfare of the adult which supports a reasonable belief that removal of the guardian and appointment of a successor guardian may be appropriate;

(3) determination by the court that a hearing would be in the best interest of the adult; or

(4) determination by the court that the guardian's annual reports are delinquent or deficient as filed.

(c) Notice of a petition under subsection (b)(1) or a hearing under this section must be given to the adult subject to guardianship, the guardian, a person entitled to notice under section 73(e), and amendments thereto, or a subsequent order, and any other person the court determines.

(d) If the adult subject to guardianship is not represented by an attorney, the court shall appoint an attorney under the same conditions as in section 68, and amendments thereto. The court shall award reasonable attorney fees to the attorney for the adult as provided in section 42, and amendments thereto.

(e) In selecting a successor guardian for an adult, the court shall follow the priorities under section 72, and amendments thereto.

(f) Not later than 30 days after appointing a successor guardian, the court or the court's designee shall give notice of the appointment to the

adult subject to guardianship and any person entitled to notice under section 73(e), and amendments thereto, or a subsequent order.

New Sec. 82. (a) An adult subject to guardianship, the guardian for the adult or a person interested in the welfare of the adult may petition for:

(1) Termination of the guardianship on the ground that a basis for appointment under section 64, and amendments thereto, does not exist or termination would be in the best interest of the adult or for other good cause; or

(2) modification of the guardianship on the ground that the extent of protection or assistance granted is not appropriate or for other good cause.

(b) The court shall hold a hearing to determine whether termination or modification of a guardianship for an adult is appropriate on:

(1) Petition under subsection (a) which contains allegations that, if true, would support a reasonable belief that termination or modification of the guardianship may be appropriate, but the court may decline to hold a hearing if a petition based on the same or substantially similar facts was filed during the preceding six months;

(2) communication from the adult, guardian or person interested in the welfare of the adult which supports a reasonable belief that termination or modification of the guardianship may be appropriate, including because the functional needs of the adult or supports or services available to the adult have changed;

(3) a report from a guardian or conservator which indicates that termination or modification may be appropriate because the functional needs of the adult or supports or services available to the adult have changed or a protective arrangement instead of guardianship or other less restrictive alternative for meeting the adult's needs is available; or

(4) a determination by the court that a hearing would be in the best interest of the adult.

(c) Notice of a petition under subsection (b)(1) or of a hearing under this section must be given to the adult subject to guardianship, the guardian, a person entitled to notice under section 73(e), and amendments thereto, or a subsequent order, and any other person the court determines.

(d) After the hearing, the court shall order termination unless it is proven that a basis for appointment of a guardian under section 64, and amendments thereto, continues to exist.

(e) The court shall modify the powers granted to a guardian for an adult if the powers are excessive or inadequate due to a change in the abilities or limitations of the adult, the adult's supports or other circumstances.

(f) Unless the court otherwise orders for good cause, before terminating or modifying a guardianship for an adult, the court shall follow the same procedures to safeguard the rights of the adult which apply to a petition for guardianship.

(g) An adult subject to guardianship who seeks to terminate or modify the terms of the guardianship has the right to choose an attorney to represent the adult in the matter. If the adult is not represented by an attorney, the court shall appoint an attorney under the same conditions as in section 68, and amendments thereto. The court shall award reasonable attorney fees to the attorney for the adult as provided in section 42, and amendments thereto.

(h) Not later than 30 days after entering an order under this section, the court or the court's designee shall give notice of the order to the adult subject to guardianship and any person entitled to notice under section 73(e), and amendments thereto, or a subsequent order.

New Sec. 83. (a) On petition and after notice and hearing, the court may appoint a conservator for the property or financial affairs of a minor if the court finds by a preponderance of evidence that the minor owns funds or other property exceeding $25,000 in value derived from court settlements, death transfers or sources other than the minor's employment earnings or accounts established under the uniform transfers to minors act, and either:

(1) The minor owns funds or other property requiring management or protection that otherwise cannot be provided;

(2) the minor has or may have financial affairs that may be put at unreasonable risk or hindered because of the minor's age; or

(3) appointment is necessary or desirable to obtain or provide funds or other property needed for the support, care, education, health or welfare of the minor.

(b) On petition and after notice and hearing, the court may appoint a conservator for the property or financial affairs of an adult if the court finds by clear and convincing evidence that:

(1) The adult is unable to manage property or financial affairs because:

(A) Of a limitation in the adult's ability to receive and evaluate information or make or communicate decisions, even with the use of appropriate supportive services, technological assistance or supported decision making; or

(B) the adult is missing, detained or unable to return to the United States;

(2) appointment is necessary to:

(A) Avoid harm to the adult or significant dissipation of the property of the adult; or

(B) obtain or provide funds or other property needed for the support, care, education, health or welfare of the adult or of an individual entitled to the adult's support; and

(3) the adult's identified needs cannot be met by a protective arrangement instead of conservatorship or other less restrictive alternative.

(c) The court shall grant a conservator only those powers necessitated by demonstrated limitations and needs of the adult and issue orders that will encourage development of the adult's maximum self-determination and independence. The court may not establish a full conservatorship if a limited conservatorship, protective arrangement instead of conservatorship or other less restrictive alternative would meet the needs of the adult.

New Sec. 84. (a) The following may file a verified petition for the appointment of a conservator:

(1) The individual for whom the order is sought;

(2) a person interested in the estate, financial affairs or welfare of the individual, including a person that would be adversely affected by lack of effective management of property or financial affairs of the individual; or

(3) the guardian for the individual.

(b) A petition under subsection (a) must state the petitioner's name, principal residence, current street address if different, relationship to the respondent, interest in the appointment, the name and address of any attorney representing the petitioner and, to the extent known, the following:

(1) The respondent's name, age, principal residence, current street address if different and, if different, address of the dwelling in which it is proposed the respondent will reside if the petition is granted;

(2) the name and address of the respondent's:

(A) Spouse or, if the respondent has none, an adult with whom the respondent has shared household responsibilities for more than six months in the 12-month period before the filing of the petition;

(B) adult children, adult stepchildren, adult grandchildren and each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; and

(C) adult former stepchildren with whom the respondent had an ongoing relationship during the two years immediately before the filing of the petition;

(3) the name and current address of each of the following, if applicable:

(A) A person primarily responsible for the care or custody of the respondent;

(B) any attorney currently representing the respondent;

(C) the representative payee appointed by the social security administration for the respondent;

(D) a guardian or conservator acting for the respondent in this state or another jurisdiction;

(E) a trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;

(F) the fiduciary appointed for the respondent by the department of veterans affairs and any curator appointed under K.S.A. 73-507, and amendments thereto;

(G) an agent designated under a power of attorney for healthcare in which the respondent is identified as the principal;

(H) an agent designated under a power of attorney for finances in which the respondent is identified as the principal;

(I) a person known to have routinely assisted the respondent with decision making in the six-month period immediately before the filing of the petition; and

(J) if the individual for whom a conservator is sought is a minor:

(i) An adult not otherwise listed with whom the minor resides; and

(ii) each person not otherwise listed that had primary care or custody of the minor for at least 60 days during the two years immediately before the filing of the petition or for at least 730 days during the five years immediately before the filing of the petition;

(4) (A) The name, age, date of birth, gender, address, place of employment and relationship to the respondent, if any, of the proposed conservator;

(B) the reason the proposed conservator should be selected; and

(C) any potential conflict of interest including any personal or agency interest of the proposed conservator that may be perceived as self-serving or adverse to the position or best interest of the respondent;

(5) a general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts;

(6) the reason conservatorship is necessary, including a description of:

(A) The nature and extent of the respondent's alleged need;

(B) if the petition alleges the respondent is missing, detained or unable to return to the United States, the relevant circumstances, including the time and nature of the disappearance or detention and any search or inquiry concerning the respondent's whereabouts;

(C) any protective arrangement instead of conservatorship or other less restrictive alternative for meeting the respondent's alleged need which has been considered or implemented;

(D) if no protective arrangement or other less restrictive alternatives have been considered or implemented, the reason it has not been considered or implemented; and

(E) the reason a protective arrangement or other less restrictive alternative is insufficient to meet the respondent's need;

(7) whether the petitioner seeks a limited conservatorship or a full conservatorship;

(8) if the petitioner seeks a full conservatorship, the reason a limited

conservatorship or protective arrangement instead of conservatorship is not appropriate;

(9) if the petition is for a limited conservatorship, a description of the property to be placed under the conservator's control and any requested limitation on the authority of the conservator;

(10) whether the respondent needs an interpreter, translator or other form of support to communicate effectively with the court or understand court proceedings; and

(11) the name and address of an attorney representing the petitioner, if any.

New Sec. 85. (a) On filing of a petition under section 84, and amendments thereto, for appointment of a conservator, the court shall set a date, time and place for a hearing on the petition.

(b) A copy of a petition under section 84, and amendments thereto, and notice of a hearing on the petition must be served personally on the respondent. If the respondent's whereabouts are unknown or personal service cannot be made, service on the respondent must be made by substituted service, as ordered by the court. The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose and consequences of granting the petition. The court may not grant a petition for appointment of a conservator if notice substantially complying with this subsection is not served on the respondent. The court may order any of the following persons to serve the notice upon the respondent:

(1) The petitioner or the attorney for the petitioner;

(2) the attorney appointed by the court to represent the respondent;

(3) any law enforcement officer; or

(4) any other person whom the court finds to be a proper person to serve this notice.

(c) In a proceeding on a petition under section 84, and amendments thereto, the notice required under subsection (b) must be given to the persons required to be listed in the petition under section 84(b)(1) through (3), and amendments thereto, and any other person interested in the respondent's welfare the court determines. Failure to give notice under this subsection does not preclude the court from appointing a conservator.

(d) After the appointment of a conservator, notice of a hearing on a petition for any other order under sections 83 through 118, and amendments thereto, together with a copy of the petition, must be given to:

(1) The individual subject to conservatorship, if the individual is 12 years of age or older and not missing, detained or unable to return to the United States;

(2) the conservator; and

(3) any other person the court determines.

New Sec. 86. While a petition under section 84, and amendments thereto, is pending, after preliminary hearing and without notice to others, the court may issue an order to preserve and apply property of the respondent as required for the support of the respondent or an individual who is in fact dependent on the respondent. The court may appoint an emergency conservator to assist in implementing the order.

New Sec. 87. (a) If the respondent in a proceeding to appoint a conservator is a minor, the court may appoint a court liaison to investigate a matter related to the petition or inform the minor or a parent of the minor about the petition or a related matter.

(b) If the respondent in a proceeding to appoint a conservator is an adult, the court may appoint a court liaison. The duties and reporting requirements of the court liaison are limited to the relief requested in the petition. The court liaison must be an individual with training or experience in the type of abilities, limitations and needs alleged in the petition.

(c) (1) A court liaison appointed under subsection (b) for an adult shall interview the respondent in person and in a manner the respondent is best able to understand:

(A) Explain, in general, the petition, and the nature and purpose of the proceeding, including the potential loss of rights as a result of the proceeding; and

(B) obtain the respondent's views about the appointment sought by the petitioner, including views about a proposed conservator, the conservator's proposed powers and duties and the scope and duration of the proposed conservatorship.

(2) These explanations and discussions are not intended to be a substitute for the attorney appointed to represent the respondent to inform the respondent of the respondent's rights and the nature and purpose of the proceeding.

(d) A court liaison appointed under subsection (b) for an adult may be assigned any or all of the following duties, in the discretion of the presiding judge:

(1) Interview the petitioner and proposed conservator, if any;

(2) review financial records of the respondent, if relevant to the court liaison's recommendation under subsection (e)(1);

(3) investigate whether the respondent's needs could be met by a protective arrangement instead of conservatorship or other less restrictive alternative and, if so, identify the arrangement or other less restrictive alternative; and

(4) investigate the allegations in the petition and any other matter relating to the petition as directed by the court, including, but not limited to, the respondent's family relationships, past conduct, the nature and extent

of any property or income of the respondent, whether the respondent is likely to injure self or others and other matters as the court may specify.

(e) A court liaison appointed under subsection (b) for an adult shall file a report with the court at least 10 days prior to the hearing on the petition or other hearing as directed by the court. Unless otherwise ordered by the court, such report must include:

(1) A recommendation:

(A) Regarding the appropriateness of conservatorship, or whether a protective arrangement instead of conservatorship or other less restrictive alternative for meeting the respondent's needs is available;

(B) if a conservatorship is recommended, whether it should be full or limited; and

(C) if a limited conservatorship is recommended, the powers to be granted to the conservator, and the property that should be placed under the conservator's control;

(2) a statement of the qualifications of the proposed conservator and whether the respondent approves or disapproves of the proposed conservator;

(3) a statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(4) a statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate; and

(5) any other matter the court directs.

(d) The costs of an investigation by a court liaison shall be assessed as provided for in section 42, and amendments thereto.

New Sec. 88. (a) Unless the respondent in a proceeding for appointment of a conservator is represented by an attorney, the court shall appoint an attorney to represent the respondent, regardless of the respondent's ability to pay. The court shall give preference in the appointment of an attorney to any attorney who has represented the respondent in other matters if the court has knowledge of that prior representation or to an attorney whom the respondent has requested. Any appointment made by the court shall terminate after the conservator's plan has been approved and after any appeal from the appointment of a conservator, unless the court continues the appointment by further order. Thereafter, an attorney may be appointed by the court if requested, in writing, by the adult subject to conservatorship, the conservator or upon the court's own motion.

(b) An attorney representing the respondent in a proceeding for appointment of a conservator shall:

(1) Make reasonable efforts to ascertain the respondent's wishes;

(2) advocate for the respondent's wishes to the extent reasonably ascertainable; and

(3) if the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least-restrictive in type, duration and scope, consistent with the respondent's interests.

(c) An attorney representing the respondent shall interview the respondent in person and, in a manner the respondent is best able to understand:

(1) Explain to the respondent the substance of the petition, the nature, purpose and effect of the proceeding, the respondent's rights at the hearing on the petition and the general powers and duties of a conservator;

(2) determine the respondent's views about the appointment sought by the petitioner, including views about a proposed conservator, the conservator's proposed powers and duties and the scope and duration of the proposed conservatorship; and

(3) inform the respondent that all costs and expenses of the proceeding, including respondent's attorney fees, may be paid from the respondent's assets.

(d) The court shall appoint an attorney to represent a parent of a minor who is the subject of a proceeding under section 84, and amendments thereto, if the court determines the parent needs representation.

New Sec. 89. (a) Upon the filing of the petition or any other time at or before the hearing, if the contents of the petition or evidence at the hearing support a prima facie case of the need for a conservator, the court shall order an examination and evaluation of the respondent to be conducted through a general hospital, psychiatric hospital, community mental health center or community developmental disability organization, or by a licensed physician, psychiatrist, psychologist, physician assistant, nurse practitioner, social worker or other professional appointed by the court who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest.

(b) Unless otherwise specified by the court, the report of the examination and evaluation submitted to the court shall contain:

(1) The respondent's name, age and date of birth;

(2) a description of the respondent's physical and mental condition;

(3) a description of the nature and extent of the respondent's cognitive and functional abilities and limitations, including adaptive behaviors and social skills, and, as appropriate, educational and developmental potential;

(4) a prognosis for any improvement and, as appropriate, any recommendation for treatment or rehabilitation;

(5) a list and description of any prior assessments, evaluations or examinations of the respondent, including the dates thereof, which were relied upon in the preparation of this evaluation;

(6) the date and location where this examination and evaluation occurred, and the name or names of the professional or professionals performing the examination and evaluation and such professional's qualifications;

(7) a statement by the professional that the professional has personally completed an independent examination and evaluation of the respondent, and that the report submitted to the court contains the results of that examination and evaluation, and the professional's opinion with regard to the issues of whether or not the respondent is in need of a conservator and whether there are barriers to the respondent's attendance and participation at the hearing on the petition; and

(8) the signature of the professional who prepared the report.

(c) The professional shall file with the court, at least five days prior to the date of the trial, such professional's written report concerning the examination and evaluation ordered by the court. The report shall be made available by the court to counsel for all parties.

(d) In lieu of entering an order for an examination and evaluation as provided for in this section, the court may determine that the report accompanying the petition is in compliance with the requirements of this section and that no further examination or evaluation should be required, unless the respondent, or such person's attorney, requests such an examination and evaluation in writing. Any such request shall be filed with the court, and a copy thereof delivered to the petitioner, at least four days prior to the date of the trial. Accompanying the request shall be a statement of the reasons why an examination and evaluation is requested and the name and address of a qualified professional or facility willing and able to conduct this examination and evaluation. If the court orders a further examination and evaluation, the court may continue the trial and fix a new date, time and place of the trial at a time not to exceed 30 days from the date of the filing of the request.

New Sec. 90. (a) Except as otherwise provided in subsection (b), a hearing under section 85, and amendments thereto, may not proceed unless the respondent attends the hearing. If it is not reasonably feasible for the respondent to attend a hearing at the location court proceedings typically are held, the court shall make reasonable efforts to hold the hearing at an alternative location convenient to the respondent or allow the respondent to attend the hearing using real-time audio-visual technology.

(b) A hearing under section 85, and amendments thereto, may proceed without the respondent in attendance if the court finds by clear and convincing evidence that:

(1) The respondent is choosing not to attend the hearing after having been fully informed of the right to attend and the potential consequences of failing to do so;

(2) there is no practicable way for the respondent to attend and participate in the hearing even with appropriate supportive services or technological assistance; or

(3) the respondent is a minor who has received proper notice and attendance would be harmful to the minor.

(c) The respondent may be assisted in a hearing under section 85, and amendments thereto, by a person or persons of the respondent's choosing, assistive technology or an interpreter or translator, or a combination of these supports. If assistance would facilitate the respondent's participation in the hearing, but is not otherwise available to the respondent, the court shall make reasonable efforts to provide it.

(d) The respondent has a right to retain an attorney to represent the respondent at a hearing under section 85, and amendments thereto.

(e) At a hearing under section 85, and amendments thereto, the respondent may:

(1) Present evidence and subpoena witnesses and documents;

(2) examine witnesses, including any court-appointed evaluator or court liaison; and

(3) otherwise participate in the hearing.

(f) Unless excused by the court for good cause, a proposed conservator shall attend a hearing under section 85, and amendments thereto.

(g) A hearing under section 85, and amendments thereto, must be closed on request of the respondent and a showing of good cause.

(h) Any person may request to participate in a hearing under section 85, and amendments thereto. The court may grant the request, with or without a hearing, on determining that the best interest of the respondent will be served. The court may impose appropriate conditions on the person's participation.

New Sec. 91. (a) The existence of a proceeding for or the existence of conservatorship is a matter of public record unless the court seals the record after:

(1) The respondent, the individual subject to conservatorship or the parent of a minor subject to conservatorship requests the record be sealed; and

(2) either:

(A) The petition for conservatorship is dismissed; or

(B) the conservatorship is terminated.

(b) (1) The following court records are a matter of public record unless sealed by the court:

(A) Letters of conservatorship;

(B) orders suspending or removing a conservator; and

(C) orders terminating a conservatorship.

(2) All other court records of a conservatorship proceeding are not a matter of public record except as further provided.

(3) The following persons may access court records of the proceeding and resulting conservatorship, including the conservator's plan under section 103, and amendments thereto, and the conservator's report under section 105, and amendments thereto:

(A) An individual subject to a proceeding for a conservatorship, whether or not a conservator is appointed;

(B) an attorney designated by the individual;

(C) a person entitled to notice under section 93(f), and amendments thereto, or a subsequent order; and

(D) a licensed attorney, abstractor or title insurance agent.

(4) A person not otherwise entitled to access to court records under this section for good cause may request permission from the court for access to court records of the conservatorship, including the conservator's plan and report. The court shall grant access if access is in the best interest of the respondent or individual subject to conservatorship or furthers the public interest and does not endanger the welfare or financial interests of the respondent or individual.

(c) A report under section 87, and amendments thereto, of a court liaison or professional evaluation under section 89, and amendments thereto, is confidential and must be sealed on filing, but is available to:

(1) The court;

(2) the individual who is the subject of the report or evaluation, without limitation as to use;

(3) the petitioner, court liaison and petitioner's and respondent's attorneys, for purposes of the proceeding;

(4) unless the court directs otherwise, an agent appointed under a power of attorney for finances in which the respondent is identified as the principal; and

(5) any other person if it is in the public interest or for a purpose the court orders for good cause.

New Sec. 92. (a) Except as otherwise provided in subsection (c), the court in appointing a conservator shall consider persons qualified to be a conservator in the following order of priority:

(1) A conservator, other than a temporary or emergency conservator, currently acting for the respondent in another jurisdiction;

(2) a person nominated as conservator by the respondent, including the respondent's most recent nomination made in a power of attorney for finances;

(3) an agent appointed by the respondent to manage the respondent's property under a power of attorney for finances;

(4) a spouse of the respondent;

(5) a family member or other individual who has shown special care and concern for the respondent; and

(6) a person nominated as conservator by the spouse, adult child or other close family member of the respondent.

(b) If two or more persons have equal priority under subsection (a), the court shall select as conservator the person the court considers best qualified. In determining the best qualified person, the court shall consider the person's relationship with the respondent, the person's skills, the expressed wishes of the respondent, the extent to which the person and the respondent have similar values and preferences and the likelihood the person will be able to perform the duties of a conservator successfully.

(c) The court, acting in the best interest of the respondent, may decline to appoint as conservator a person having priority under subsection (a) and appoint a person having a lower priority or no priority.

(d) The following persons shall not be appointed as conservator unless the court finds by clear and convincing evidence that the person is the best qualified person available for appointment and the appointment is in the best interest of the respondent:

(1) A person that provides paid services to the respondent, or an individual who is employed by a person that provides paid services to the respondent, or is the spouse, parent or child of an individual who provides or is employed to provide paid services to the respondent;

(2) an owner, operator or employee of any entity at which the respondent is receiving care; and

(3) a person who provides care or other services, or is an employee of an agency, partnership or corporation that provides care or other services to persons with needs similar to those of the respondent.

New Sec. 93. (a) A court order appointing a conservator for a minor must include findings to support appointment of a conservator.

(b) A court order appointing a conservator for an adult must:

(1) Include a specific finding that clear and convincing evidence has established that the identified needs of the respondent cannot be met by a protective arrangement instead of conservatorship or other less restrictive alternative, including use of appropriate supportive services, technological assistance or supported decision making; and

(2) include a specific finding that clear and convincing evidence established the respondent was given proper notice of the hearing on the petition.

(c) A court order establishing a full conservatorship for an adult must state the basis for granting a full conservatorship and include specific findings to support the conclusion that a limited conservatorship would not meet the functional needs of the adult.

(d) A court order establishing a limited conservatorship must state the specific property placed under the control of the conservator and the powers granted to the conservator.

(e) A court order appointing a conservator must include the date of a review hearing to be set 90 days after the order of appointment is entered. At that hearing, the court shall review the conservator's plan filed pursuant to section 103, and amendments thereto, and the inventory filed pursuant to section 104, and amendments thereto.

(f) The court, as part of an order establishing a conservatorship, shall identify any person that subsequently is entitled to:

(1) Notice of the rights of the individual subject to conservatorship under section 94(b), and amendments thereto;

(2) notice of a sale or other disposition of, encumbrance of an interest in, or surrender of a lease to any real or personal property of the individual;

(3) notice that the conservator will be unavailable to perform the conservator's duties for more than one month;

(4) a copy of the conservator's plan under section 103, and amendments thereto, and the conservator's report under section 105, and amendments thereto;

(5) access to court records relating to the conservatorship;

(6) notice of a transaction involving a substantial conflict between the conservator's fiduciary duties and personal interests;

(7) notice of the death or significant change in the condition of the individual;

(8) notice that a petition has been filed to limit or modify the powers of the conservator or that the court has limited or modified the powers of the conservator; and

(9) notice that a petition has been filed to remove the conservator or that the court has removed the conservator.

(g) If an individual subject to conservatorship is an adult, the spouse and adult children of the adult subject to conservatorship are entitled under subsection (e) to notice unless the court determines notice would be contrary to the preferences or prior directions of the adult subject to conservatorship or not in the best interest of the adult.

(h) If an individual subject to conservatorship is a minor, each parent and adult sibling of the minor is entitled under subsection (e) to notice unless the court determines notice would not be in the best interest of the minor.

New Sec. 94. (a) Not later than 14 days after the appointment, a conservator appointed under section 93, and amendments thereto, shall give to the individual subject to conservatorship and to all other persons given notice under section 85, and amendments thereto, a copy of the order of appointment.

(b) Not later than 30 days after appointment of a conservator under section 93, and amendments thereto, the court or the court's designee shall give to the individual subject to conservatorship, the conservator,

and any other person entitled to notice under section 93(f), and amendments thereto, a statement of the rights of the individual subject to conservatorship and procedures to seek relief if the individual is denied those rights. The statement must be in plain language, in at least 16-point font, and to the extent feasible, in a language in which the individual subject to conservatorship is proficient. The statement must notify the individual subject to conservatorship of the right to:

(1) Seek termination or modification of the conservatorship, or removal of the conservator, and choose an attorney to represent the individual in these matters;

(2) file a grievance against the conservator under section 50, and amendments thereto;

(3) participate in decision making to the extent reasonably feasible;

(4) receive a copy of the conservator's plan under section 103, and amendments thereto, the conservator's inventory under section 104, and amendments thereto, and the conservator's report under section 105, and amendments thereto; and

(5) object to the conservator's inventory, plan or report.

(c) If a conservator is appointed for the reasons stated in section 83(b)(1)(B), and amendments thereto, and the individual subject to conservatorship is missing, notice under this section to the individual is not required. If the individual subject to conservatorship is a minor under the age of 12, notice under this section to the minor is not required.

(d) Any person required to provide notice under this section shall file proof of service of such notice with the court.

New Sec. 95. (a) On its own after a petition has been filed under section 84, and amendments thereto, or on a verified petition by a person interested in an individual's welfare, the court may appoint an emergency conservator for the individual if the court finds a sufficient factual basis to establish probable cause that:

(1) Appointment of an emergency conservator is necessary to prevent imminent, substantial and irreparable harm to the individual's property or financial interests;

(2) no other person has authority and willingness to act in the circumstances; and

(3) a basis for appointment of a conservator under section 83, and amendments thereto, exists.

(b) The duration of authority of an emergency conservator may not exceed 30 days and the emergency conservator may exercise only the powers specified in the order of appointment. The emergency conservator's authority may be extended up to three times for not more than 30 days per extension if the court finds good cause and that the conditions for appointment of an emergency conservator under subsection (a) continue.

(c) Immediately on filing of a petition for an emergency conservator, the court shall appoint an attorney to represent the respondent in the proceeding. Except as otherwise provided in subsection (d), reasonable notice of the date, time and place of a hearing on the petition must be given to the respondent, the respondent's attorney and any other person the court determines.

(d) The court may appoint an emergency conservator without notice to the respondent and any attorney for the respondent only if the court finds from an affidavit or testimony that the respondent's property or financial interests will be substantially and irreparably harmed before a hearing with notice on the appointment can be held. If the court appoints an emergency conservator without giving notice under subsection (c), the court must give notice of the appointment not later than 48 hours after the appointment to:

(1) The respondent;

(2) the respondent's attorney; and

(3) any other person the court determines.

(e) Not later than five days after the appointment, the court shall hold a hearing on the appropriateness of the appointment.

(f) Appointment of an emergency conservator under this section is not a determination that a basis exists for appointment of a conservator under section 83, and amendments thereto.

(g) The court may remove an emergency conservator appointed under this section at any time. The emergency conservator shall make any report the court requires.

New Sec. 96. An individual subject to conservatorship or a person interested in the welfare of the individual may petition for an order:

(a) Modifying bond requirements;

(b) requiring an accounting for the administration of the conservatorship estate;

(c) directing distribution;

(d) removing the conservator and appointing a temporary or successor conservator;

(e) modifying the type of appointment or powers granted to the conservator, if the extent of protection or management previously granted is excessive or insufficient to meet the individual's needs, including because the individual's abilities or supports have changed;

(f) rejecting or modifying the conservator's plan under section 103, and amendments thereto, the conservator's inventory under section 104, and amendments thereto, or the conservator's report under section 105, and amendments thereto; or

(g) granting other appropriate relief.

New Sec. 97. (a) Except as otherwise provided in subsection (c), the court shall require a conservator to furnish a bond with a surety, or re-

quire an alternative asset-protection arrangement, conditioned on faithful discharge of all duties of the conservator. The court may waive the requirement only if the court finds that a bond or other asset-protection arrangement is not necessary to protect the interests of the individual subject to conservatorship. Except as otherwise provided in subsection (c), the court may not waive the requirement if the conservator is in the business of serving as a conservator and is being paid for the conservator's service.

(b) Unless the court directs otherwise, the bond required under this section must be in the amount of the aggregate capital value of the conservatorship estate, plus one year's estimated income, less the value of property deposited under an arrangement requiring a court order for its removal, and less the value of real property. The court, in place of surety on a bond, may accept collateral for the performance of the bond, including a pledge of securities or a mortgage of real property.

(c) A regulated financial-service institution qualified to do trust business in this state is not required to give a bond under this section.

(d) If the conservator appointed is under contract with the Kansas guardianship program, the Kansas department for children and families shall act as surety on the bond.

New Sec. 98. (a) The following rules apply to the bond required under section 97, and amendments thereto:

(1) Except as otherwise provided by the bond, the surety and the conservator are jointly and severally liable.

(2) By executing a bond provided by a conservator, the surety submits to the personal jurisdiction of the court that issued letters of office to the conservator in a proceeding relating to the duties of the conservator in which the surety is named as a party. Notice of the proceeding must be given to the surety at the address shown in the records of the court in which the bond is filed and any other address of the surety then known to the person required to provide the notice.

(3) On petition of a successor conservator or person affected by a breach of the obligation of the bond, a proceeding may be brought against the surety for breach of the obligation of the bond.

(4) A proceeding against the bond may be brought until liability under the bond is exhausted.

(b) A proceeding may not be brought under this section against a surety of a bond on a matter as to which a proceeding against the conservator is barred.

(c) If a bond under section 97, and amendments thereto, is not renewed by the conservator, the surety or sureties immediately shall give notice to the court and the individual subject to conservatorship. Upon receiving such notice, the clerk of the district court shall forward the notice

to the presiding judge who shall set the matter for hearing and determine who should receive notice.

New Sec. 99. (a) A conservator is a fiduciary and has duties of prudence, loyalty, reasonable care and diligence to the individual subject to conservatorship.

(b) A conservator shall promote the self-determination of the individual subject to conservatorship and, to the extent feasible, encourage the individual to participate in decisions, act on the individual's own behalf, and develop or regain the capacity to manage the individual's personal affairs. A conservator shall strive to assure that the personal, civil and human rights of the individual subject to conservatorship are protected.

(c) In making a decision for an individual subject to conservatorship, the conservator shall make the decision that the conservator reasonably believes the individual would make if able, unless doing so would fail to preserve the resources needed to maintain the individual's well-being and lifestyle or otherwise unreasonably harm or endanger the welfare or personal or financial interests of the individual. To determine the decision the individual would make if able, the conservator shall consider the individual's prior or current directions, preferences, opinions, values and actions, to the extent actually known or reasonably ascertainable by the conservator.

(d) If a conservator cannot make a decision under subsection (c) because the conservator does not know and cannot reasonably determine the decision the individual subject to conservatorship probably would make if able, or the conservator reasonably believes the decision the individual would make would fail to preserve resources needed to maintain the individual's well-being and lifestyle or otherwise unreasonably harm or endanger the welfare or personal or financial interests of the individual, the conservator shall act in accordance with the best interest of the individual. In determining the best interest of the individual, the conservator shall consider:

(1) Information received from professionals and persons that demonstrate sufficient interest in the welfare of the individual;

(2) other information the conservator believes the individual would have considered if the individual were able to act; and

(3) other factors a reasonable person in the circumstances of the individual would consider, including consequences for others.

(e) Except when inconsistent with the conservator's duties under subsections (a) through (d), a conservator shall invest and manage the conservatorship estate as a prudent investor would, by considering:

(1) The circumstances of the individual subject to conservatorship and the conservatorship estate;

(2) general economic conditions;

(3) the possible effect of inflation or deflation;

(4) the expected tax consequences of an investment decision or strategy;

(5) the role of each investment or course of action in relation to the conservatorship estate as a whole;

(6) the expected total return from income and appreciation of capital;

(7) the need for liquidity, regularity of income and preservation or appreciation of capital; and

(8) the special relationship or value, if any, of specific property to the individual subject to conservatorship.

(f) The propriety of a conservator's investment and management of the conservatorship estate is determined in light of the facts and circumstances existing when the conservator decides or acts and not by hindsight.

(g) A conservator shall make a reasonable effort to verify facts relevant to the investment and management of the conservatorship estate.

(h) A conservator that has special skills or expertise, or is named conservator in reliance on the conservator's representation of special skills or expertise, has a duty to use the special skills or expertise in carrying out the conservator's duties.

(i) In investing, selecting specific property for distribution, and invoking a power of revocation or withdrawal for the use or benefit of the individual subject to conservatorship, a conservator shall consider any estate plan of the individual known or reasonably ascertainable to the conservator and may examine the will or other donative, nominative or appointive instrument of the individual.

(j) A conservator shall maintain insurance on the insurable real and personal property of the individual subject to conservatorship, unless the conservatorship estate lacks sufficient funds to pay for insurance or the court finds:

(1) The property lacks sufficient equity; or

(2) insuring the property would unreasonably dissipate the conservatorship estate or otherwise not be in the best interest of the individual.

(k) A conservator has access to and authority over a digital asset of the individual subject to conservatorship to the extent provided by the revised uniform fiduciary access to digital assets act or court order.

(l) A conservator for an adult shall notify the court immediately if the condition of the adult has changed so that the adult is capable of exercising rights previously removed.

New Sec. 100. (a) Except as otherwise provided in section 102, and amendments thereto, or as qualified or limited in the court's order of appointment and stated in the letters of office, a conservator has all powers granted in this section.

(b) A conservator, acting reasonably and consistent with the fiduciary duties of the conservator to accomplish the purpose of the conservator-

ship, without specific court authorization or confirmation, may with respect to the conservatorship estate:

(1) Collect, hold and retain property, including property in which the conservator has a personal interest and real property in another state, until the conservator determines disposition of the property should be made;

(2) receive additions to the conservatorship estate;

(3) manage any ongoing business that the individual subject to conservatorship was managing and operating prior to the appointment of the conservator;

(4) acquire an undivided interest in property in which the conservator, in a fiduciary capacity, holds an undivided interest;

(5) invest assets;

(6) deposit funds or other property in a financial institution, including one operated by the conservator;

(7) make ordinary or necessary repairs, replacements and renovations for the use and benefit of the individual subject to conservatorship;

(8) enter for any purpose into a lease of property as lessor or lessee, with or without an option to purchase or renew, for a term not exceeding one year;

(9) vote a security, in person or by general or limited proxy;

(10) pay a call, assessment or other sum chargeable or accruing against or on account of a security;

(11) sell or exercise a stock subscription or conversion right;

(12) consent, directly or through a committee or agent, to the reorganization, consolidation, merger, dissolution or liquidation of a corporation or other business enterprise in which the conservatorship has less than a 20% ownership interest;

(13) hold a security in the name of a nominee or in other form without disclosure of the conservatorship so that title to the security may pass by delivery;

(14) insure:

(A) The conservatorship estate, in whole or in part, against damage or loss in accordance with section 99(j), and amendments thereto; and

(B) the conservator against liability with respect to a third person;

(15) borrow funds without security to be repaid from the conservatorship estate or otherwise;

(16) advance the conservator's personal funds for the protection of the conservatorship estate or the individual subject to conservatorship and all expenses, losses and liability sustained in the administration of the conservatorship estate or because of holding any property for which the conservator has a lien on the conservatorship estate, subject to reimbursement as provided in section 43, and amendments thereto;

(17) pay or contest a claim, settle a claim by or against the conserva-

torship estate or the individual subject to conservatorship by compromise, arbitration or otherwise, or release, in whole or in part, a claim belonging to the conservatorship estate to the extent the claim is uncollectible;

(18) pay a tax, assessment and other expense incurred in the collection, care, administration and protection of the conservatorship estate;

(19) pay a sum distributable to the individual subject to conservatorship or an individual who is in fact dependent on the individual subject to conservatorship by paying the sum to the distributee or for the use of the distributee:

(A) To the guardian for the distributee;

(B) to the custodian of the distributee under the uniform transfers to minors act or custodial trustee under the uniform custodial trust act; or

(C) if there is no guardian, custodian or custodial trustee, to a relative or other person having physical custody of the distributee;

(20) bring or defend an action, claim or proceeding in any jurisdiction for the protection of the conservatorship estate or the conservator in the performance of the conservator's duties;

(21) structure the finances of the individual subject to conservatorship to establish eligibility for a public benefit, if the conservator's action does not jeopardize the individual's welfare and otherwise is consistent with the conservator's duties;

(22) assert spousal rights in an estate, including the spousal elective share; and

(23) execute and deliver any instrument that will accomplish or facilitate the exercise of a power of the conservator.

New Sec. 101. Except as otherwise provided in section 102, and amendments thereto, or as qualified or limited in the court's order of appointment and stated in the letters of office, and unless contrary to a conservator's plan under section 103, and amendments thereto, the conservator may expend or distribute income or principal of the conservatorship estate without specific court authorization or confirmation for the support, care, education, health or welfare of the individual subject to conservatorship or an individual who is in fact dependent on the individual subject to conservatorship, including the payment of child or spousal support, in accordance with the following rules:

(a) The conservator shall consider a recommendation relating to the appropriate standard of support, care, education, health, or welfare for the individual subject to conservatorship or individual who is dependent on the individual subject to conservatorship, made by a guardian for the individual subject to conservatorship, if any, and, if the individual subject to conservatorship is a minor, a recommendation made by a parent of the minor.

(b) The conservator acting in compliance with the conservator's duties under section 99, and amendments thereto, is not liable for an expen-

diture or distribution made based on a recommendation under subsection (a) unless the conservator knows the expenditure or distribution is not in the best interest of the individual subject to conservatorship.

(c) In making an expenditure or distribution under this section, the conservator shall consider:

(1) The size of the conservatorship estate, the estimated duration of the conservatorship and the likelihood the individual subject to conservatorship, at some future time, may be fully self-sufficient and able to manage the individual's financial affairs and the conservatorship estate;

(2) the accustomed standard of living of the individual subject to conservatorship and individual who is dependent on the individual subject to conservatorship;

(3) other funds or source used for the support of the individual subject to conservatorship; and

(4) the preferences, values and prior directions of the individual subject to conservatorship.

(d) Subject to section 43, and amendments thereto, funds expended or distributed under this section may be paid by the conservator to any person, including the individual subject to conservatorship, as reimbursement for expenditures the conservator might have made, or in advance for services to be provided to the individual subject to conservatorship or individual who is dependent on the individual subject to conservatorship if it is reasonable to expect the services will be performed and advance payment is customary or reasonably necessary under the circumstances.

New Sec. 102. (a) Except as otherwise ordered by the court, a conservator must give notice to persons entitled to notice under section 85(d), and amendments thereto, and receive specific authorization by the court before the conservator may exercise, with respect to the conservatorship, the power to:

(1) Make a gift, except a gift of de minimis value, unless such power to make a gift is included in a conservator's plan approved by the court and by the attorney for the individual subject to conservatorship;

(2) sell or otherwise dispose of, encumber an interest in, or surrender a lease to any real or personal property of the individual subject to conservatorship, unless such power is included in a conservator's plan approved by the court and by the attorney for the individual subject to conservatorship;

(3) acquire or dispose of property, including real property in another state, for cash or on credit, at public or private sale, and manage, develop, improve, exchange, partition, change the character of or abandon property;

(4) make extraordinary repairs or alterations in a building or other structure, demolish any improvement, or raze an existing or erect a new party wall or building;

(5) subdivide or develop land, dedicate land to public use, make or obtain the vacation of a plat and adjust a boundary, adjust a difference in valuation of land, exchange or partition land by giving or receiving consideration and dedicate an easement to public use without consideration;

(6) enter for any purpose into a lease of property as lessor or lessee, with or without an option to purchase or renew, for a term exceeding one year;

(7) enter into a lease or arrangement for exploration and removal of minerals or other natural resources or a pooling or unitization agreement;

(8) grant an option involving disposition of property or accept or exercise an option for the acquisition of property;

(9) convey, release or disclaim a contingent or expectant interest in property, including marital property and any right of survivorship incident to joint tenancy;

(10) exercise or release a power of appointment;

(11) create a revocable or irrevocable trust of property of the conservatorship estate, including an irrevocable trust which will enable the individual subject to conservatorship to qualify for benefits from any federal, state or local government program, or which will accelerate the individual's qualification for such benefits, whether or not the trust extends beyond the duration of the conservatorship;

(12) revoke or amend a trust revocable by the individual subject to conservatorship pursuant to K.S.A. 58a-411 or 58a-602, and amendments thereto;

(13) exercise a right to elect an option or change a beneficiary under an insurance policy or annuity or surrender the policy or annuity for its cash value;

(14) renounce or disclaim a property interest;

(15) grant a creditor priority for payment over creditors of the same or higher class if the creditor is providing property or services used to meet the basic living and care needs of the individual subject to conservatorship and preferential treatment otherwise would be impermissible under section 110(e), and amendments thereto; and

(16) litigate as petitioner or respondent an action for divorce, dissolution or annulment of marriage of the individual subject to conservatorship, including negotiation of a settlement thereof.

(b) The court shall set the matter for hearing and, if the individual subject to conservatorship is not represented by an attorney, shall appoint an attorney to represent the individual.

(c) In approving a conservator's exercise of a power listed in subsection (a), the court shall consider primarily the decision the individual subject to conservatorship would make if able, to the extent the decision can be ascertained.

(d) To determine under subsection (b) the decision the individual subject to conservatorship would make if able, the court shall consider the individual's prior or current directions, preferences, opinions, values and actions, to the extent actually known or reasonably ascertainable by the conservator. The court shall also consider:

(1) The financial needs of the individual subject to conservatorship and individuals who are in fact dependent on the individual subject to conservatorship for support, and the interests of creditors of the individual;

(2) possible reduction of income, estate, inheritance or other tax liabilities;

(3) eligibility for governmental assistance;

(4) the previous pattern of giving or level of support provided by the individual;

(5) any existing estate plan or lack of estate plan of the individual;

(6) the life expectancy of the individual and the probability the conservatorship will terminate before the individual's death; and

(7) any other relevant factor.

New Sec. 103. (a) Not later than 60 days after appointment, and whenever there is a significant change in circumstances or the conservator seeks to deviate significantly from the existing conservator's plan, a conservator shall file with the court a plan for protecting, managing, expending and distributing the assets of the conservatorship estate. The plan must be based on the needs of the individual subject to conservatorship and take into account the best interest of the individual as well as the individual's preferences, values and prior directions, to the extent known to or reasonably ascertainable by the conservator. The conservator shall include in the plan:

(1) A budget containing projected expenses and resources, including an estimate of the total amount of fees the conservator anticipates charging per year and a statement or list of the amount the conservator proposes to charge for each service the conservator anticipates providing to the individual;

(2) how the conservator will involve the individual in decisions about management of the conservatorship estate;

(3) any step the conservator plans to take to develop or restore the ability of the individual to manage the conservatorship estate; and

(4) an estimate of the duration of the conservatorship.

(b) A conservator shall give notice of the filing of the conservator's plan under subsection (a), together with a copy of the plan, to the individual subject to conservatorship, any attorney representing the individual subject to conservatorship, a person entitled to notice under section 93(f), and amendments thereto, or a subsequent order, and any other person the court determines. The notice must include a statement of the right to object to the plan and must be given at the time of the filing.

(c) An individual subject to conservatorship and any person entitled under subsection (b) to receive notice and a copy of the conservator's plan may object to the plan in writing not later than 21 days after the filing.

(d) The court shall review the conservator's plan filed under subsection (a) and determine whether to approve the plan or require a new plan. In deciding whether to approve the plan, the court shall consider an objection under subsection (c) and whether the plan is consistent with the conservator's duties and powers. The court shall review an initial conservator's plan at the review hearing scheduled under section 93(e), and amendments thereto. For subsequent conservator's plans, the court has discretion whether to set the matter for hearing but may not approve the plan until 30 days after the filing.

(e) After a conservator's plan under this section is approved by the court, the conservator shall provide a copy of the plan to the individual subject to conservatorship, any attorney representing the individual subject to conservatorship, a person entitled to notice under section 93(f), and amendments thereto, or a subsequent order, and any other person the court determines.

New Sec. 104. (a) Not later than 60 days after appointment, a conservator shall prepare and file with the appointing court a detailed inventory of the conservatorship estate, together with an oath or affirmation that the inventory is believed to be complete and accurate as far as information permits. The inventory shall include all of the property and assets of the conservatorship estate, including any sources of regular income to the estate, and information about how property is titled and any beneficiary designations, including pay-on-death and transfer-on-death beneficiaries.

(b) A conservator shall give notice of the filing of an inventory to the individual subject to conservatorship, a person entitled to notice under section 93(f), and amendments thereto, or a subsequent order, and any other person the court determines. The notice must be given not later than 14 days after the filing.

(c) A conservator shall keep records of the administration of the conservatorship estate and make them available for examination on reasonable request of the individual subject to conservatorship, a guardian for the individual, or any other person the conservator or the court determines.

New Sec. 105. (a) A conservator shall file with the court a report in a record regarding the administration of the conservatorship estate annually unless the court otherwise directs, on resignation or removal, on termination of the conservatorship, and at any other time the court directs.

(b) A report under subsection (a) must state or contain:

(1) An accounting that lists property included in the conservatorship estate and the receipts, disbursements, liabilities and distributions during the period for which the report is made;

(2) a list of the services provided to the individual subject to conservatorship;

(3) a statement whether the conservator has deviated from the conservator's most recently approved plan and, if so, how the conservator has deviated and why;

(4) a recommendation as to the need for continued conservatorship and any recommended change in the scope of the conservatorship;

(5) to the extent feasible, a copy of the most recent reasonably available financial statements evidencing the status of bank accounts, investment accounts and mortgages or other debts of the individual subject to conservatorship with account numbers and social security number redacted;

(6) anything of more than de minimis value which the conservator, any individual who resides with the conservator, or the spouse, parent, child or sibling of the conservator has received from a person providing goods or services to the individual subject to conservatorship;

(7) any business relation the conservator has with a person the conservator has paid or that has benefited from the property of the individual subject to conservatorship;

(8) whether any co-conservator or successor conservator appointed to serve when a designated event occurs is alive and able to serve; and

(9) a copy of the bond renewal.

(c) The court may appoint a court liaison to review a report under this section or conservator's plan under section 103, and amendments thereto, interview the individual subject to conservatorship or conservator, or investigate any other matter involving the conservatorship. In connection with the report, the court may order the conservator to submit the conservatorship estate to appropriate examination in a manner the court directs.

(d) Notice of the filing under this section of a conservator's report, together with a copy of the report, must be provided to the individual subject to conservatorship, a person entitled to notice under section 93(f), and amendments thereto, or a subsequent order, and other persons the court determines. The notice and report must be given not later than 14 days after filing.

(e) The court shall establish procedures for monitoring a report submitted under this section and review each report at least annually to determine whether:

(1) The reports provide sufficient information to establish the conservator has complied with the conservator's duties;

(2) the conservatorship should continue; and

(3) the conservator's requested fees, if any, should be approved.

(f) If the court determines there is reason to believe a conservator has not complied with the conservator's duties or the conservatorship should not continue, the court:

(1) Shall notify the individual subject to conservatorship, the conservator and any other person entitled to notice under section 93(f), and amendments thereto, or a subsequent order;

(2) may require additional information from the conservator;

(3) may appoint a court liaison to interview the individual subject to conservatorship or conservator or investigate any matter involving the conservatorship; and

(4) consistent with sections 112 and 113, and amendments thereto, may hold a hearing to consider removal of the conservator, termination of the conservatorship or a change in the powers granted to the conservator or terms of the conservatorship.

(g) If the court has reason to believe fees requested by a conservator are not reasonable, the court shall hold a hearing to determine whether to adjust the requested fees.

(h) A conservator may petition the court for approval of a report filed under this section. The court after review may approve the report. If the court approves the report, there is a rebuttable presumption the report is accurate as to a matter adequately disclosed in the report.

(i) An order, after notice and hearing, approving an interim report of a conservator filed under this section adjudicates liabilities concerning a matter adequately disclosed in the report, as to a person given notice of the report or accounting.

(j) An order, after notice and hearing, approving a final report filed under this section discharges the conservator from all liabilities, claims and causes of action by a person given notice of the report and the hearing as to a matter adequately disclosed in the report.

New Sec. 106. (a) The interest of an individual subject to conservatorship in property included in the conservatorship estate is not transferrable or assignable by the individual and is not subject to levy, garnishment, or similar process for claims against the individual unless allowed under section 110, and amendments thereto.

(b) If an individual subject to conservatorship enters into a contract after having the right to enter the contract removed by the court, the contract is void against the individual and the individual's property but is enforceable against the person that contracted with the individual.

(c) A person other than the conservator that deals with an individual subject to conservatorship with respect to property included in the conservatorship estate is entitled to protection provided by law of this state other than this act.

New Sec. 107. A transaction involving a conservatorship estate which is affected by a substantial conflict between the conservator's fiduciary duties and personal interests is voidable unless the transaction is authorized by court order after notice to persons entitled to notice under section 93(f),

and amendments thereto, or a subsequent order. A transaction affected by a substantial conflict includes a sale, encumbrance or other transaction involving the conservatorship estate entered into by the conservator, an individual with whom the conservator resides, the spouse, descendant, sibling, agent or attorney of the conservator, or a corporation or other enterprise in which the conservator has a substantial beneficial interest.

New Sec. 108. (a) A person that assists or deals with a conservator in good faith and for value in any transaction, other than a transaction requiring a court order under section 102, and amendments thereto, is protected as though the conservator properly exercised any power in question. Knowledge alone by a person that the person is dealing with a conservator does not require the person to inquire into the existence of authority of the conservator or the propriety of the conservator's exercise of authority, but restrictions on authority stated in letters of office, or otherwise provided by law, are effective as to the person. A person that pays or delivers property to a conservator is not responsible for proper application of the property.

(b) Protection under subsection (a) extends to a procedural irregularity or jurisdictional defect in the proceeding leading to the issuance of letters of office and does not substitute for protection for a person that assists or deals with a conservator provided by comparable provisions in law of this state other than this act relating to a commercial transaction or simplifying a transfer of securities by a fiduciary.

New Sec. 109. (a) If an individual subject to conservatorship dies, the conservator shall deliver to the district court any will of the individual that is in the conservator's possession and inform the personal representative named in the will if feasible. The conservator shall give notice of the delivery of the will under this section to any person entitled to notice under section 93(f), and amendments thereto, or a subsequent order.

(b) On the death of an individual subject to conservatorship, the conservator shall conclude the administration of the conservatorship estate as provided in section 113, and amendments thereto.

New Sec. 110. (a) A conservator may pay a claim against the conservatorship estate or the individual subject to conservatorship arising before or during the conservatorship, on presentation and allowance in accordance with the priorities under subsection (d). A claimant may present a claim by:

(1) Sending or delivering to the conservator a statement in a record of the claim, indicating its basis, the name and address of the claimant and the amount claimed; or

(2) filing the claim with the court, in a form acceptable to the court, and sending or delivering a copy of the claim to the conservator.

(b) A claim under subsection (a) is presented on receipt by the conservator of the statement of the claim or the filing with the court of the claim, whichever occurs first. A presented claim is allowed, if it is not disallowed in whole or in part, by the conservator in a record sent or delivered to the claimant not later than 60 days after its presentation. Before payment, the conservator may change an allowance of the claim to a disallowance in whole or in part, but not after allowance under a court order or order directing payment of the claim. Presentation of a claim tolls until 30 days after disallowance of the claim the running of a statute of limitations that has not expired relating to the claim.

(c) A claimant whose claim under subsection (a) has not been paid may petition the court to determine the claim at any time before it is barred by a statute of limitations, and the court may order its allowance, payment or security by encumbering property included in the conservatorship estate. If a proceeding is pending against the individual subject to conservatorship at the time of appointment of the conservator or is initiated thereafter, the moving party shall give the conservator notice of the proceeding if it could result in creating a claim against the conservatorship estate.

(d) If a conservatorship estate is likely to be exhausted before all existing claims are paid, the conservator shall distribute the estate in money or in kind in payment of claims in the following order:

(1) Costs and expenses of administration;

(2) a claim of the federal or state government having priority under law other than this act;

(3) a claim incurred by the conservator for support, care, education, health or welfare previously provided to the individual subject to conservatorship or an individual who is in fact dependent on the individual subject to conservatorship;

(4) a claim arising before the conservatorship; and

(5) all other claims.

(e) Preference may not be given in the payment of a claim under subsection (d) over another claim of the same class. A claim due and payable may not be preferred over a claim not due unless:

(1) Doing so would leave the conservatorship estate without sufficient funds to pay the basic living and healthcare expenses of the individual subject to conservatorship; and

(2) the court authorizes the preference under section 102(a)(8), and amendments thereto.

(f) If assets of a conservatorship estate are adequate to meet all existing claims, the court, acting in the best interest of the individual subject to conservatorship, may order the conservator to grant a security interest in the conservatorship estate for payment of a claim at a future date.

New Sec. 111. (a) Except as otherwise agreed by a conservator, the conservator is not personally liable on a contract properly entered into in a fiduciary capacity in the course of administration of the conservatorship estate unless the conservator fails to reveal the conservator's representative capacity in the contract or before entering into the contract.

(b) A conservator is personally liable for an obligation arising from control of property of the conservatorship estate or an act or omission occurring in the course of administration of the conservatorship estate only if the conservator is personally at fault.

(c) A claim based on a contract entered into by a conservator in a fiduciary capacity, an obligation arising from control of property included in the conservatorship estate, or a tort committed in the course of administration of the conservatorship estate may be asserted against the conservatorship estate in a proceeding against the conservator in a fiduciary capacity, whether or not the conservator is personally liable for the claim.

(d) A question of liability between a conservatorship estate and the conservator personally may be determined in a proceeding for accounting, surcharge, or indemnification or another appropriate proceeding or action.

New Sec. 112. (a) The court may remove a conservator for failure to perform the conservator's duties or other good cause and appoint a successor conservator to assume the duties of the conservator.

(b) The court shall hold a hearing to determine whether to remove a conservator and appoint a successor on:

(1) Petition of the individual subject to conservatorship, conservator or person interested in the welfare of the individual which contains allegations that, if true, would support a reasonable belief that removal of the conservator and appointment of a successor may be appropriate, but the court may decline to hold a hearing if a petition based on the same or substantially similar facts was filed during the preceding six months;

(2) communication from the individual subject to conservatorship, conservator or person interested in the welfare of the individual which supports a reasonable belief that removal of the conservator and appointment of a successor may be appropriate;

(3) determination by the court that a hearing would be in the best interest of the individual subject to conservatorship; or

(4) determination by the court that the conservator's reports and accountings are delinquent or deficient as filed.

(c) Notice of a petition under subsection (b)(1) or any hearing under this section must be given to the individual subject to conservatorship, the conservator, a person entitled to notice under section 93(f), and amendments thereto, or a subsequent order, and any other person the court determines.

(d) If the individual subject to conservatorship is not represented by an attorney, the court shall appoint an attorney under the same conditions as in section 88, and amendments thereto. The court shall award reasonable attorney fees to the attorney as provided in section 42, and amendments thereto.

(e) In selecting a successor conservator, the court shall follow the priorities under section 92, and amendments thereto.

(f) Not later than 30 days after appointing a successor conservator, the court or court's designee shall give notice of the appointment to the individual subject to conservatorship and any person entitled to notice under section 93(f), and amendments thereto, or a subsequent order.

New Sec. 113. (a) A conservatorship for a minor terminates on the earliest of:

(1) A court order terminating the conservatorship;

(2) the minor becoming an adult except as provided in section 114, and amendments thereto;

(3) emancipation of the minor; or

(4) death of the minor.

(b) A conservatorship for an adult terminates on order of the court or when the adult dies.

(c) An individual subject to conservatorship, the conservator, or a person interested in the welfare of the individual may petition for:

(1) Termination of the conservatorship on the ground that a basis for appointment under section 83, and amendments thereto, does not exist or termination would be in the best interest of the individual or for other good cause; or

(2) modification of the conservatorship on the ground that the extent of protection or assistance granted is not appropriate or for other good cause.

(d) The court shall hold a hearing to determine whether termination or modification of a conservatorship is appropriate on:

(1) Petition under subsection (c) which contains allegations that, if true, would support a reasonable belief that termination or modification of the conservatorship may be appropriate, but the court may decline to hold a hearing if a petition based on the same or substantially similar facts was filed within the preceding six months;

(2) a communication from the individual subject to conservatorship, conservator or person interested in the welfare of the individual which supports a reasonable belief that termination or modification of the conservatorship may be appropriate, including because the functional needs of the individual or supports or services available to the individual have changed;

(3) a report from a guardian or conservator which indicates that termination or modification may be appropriate because the functional

needs or supports or services available to the individual have changed or a protective arrangement instead of conservatorship or other less restrictive alternative is available; or

(4) a determination by the court that a hearing would be in the best interest of the individual.

(e) Notice of a petition under subsection (c) or of a hearing under this section must be given to the individual subject to conservatorship, the conservator, a person entitled to notice under section 93(f), and amendments thereto, or a subsequent order, and any other person the court determines.

(f) After the hearing, the court shall order termination unless it is proven that a basis for appointment of a conservator under section 83, and amendments thereto, continues to exist.

(g) The court shall modify the powers granted to a conservator if the powers are excessive or inadequate due to a change in the abilities or limitations of the individual subject to conservatorship, the individual's supports or other circumstances.

(h) Unless the court otherwise orders for good cause, before terminating a conservatorship, the court shall follow the same procedures to safeguard the rights of the individual subject to conservatorship which apply to a petition for conservatorship.

(i) An individual subject to conservatorship who seeks to terminate or modify the terms of the conservatorship has the right to retain an attorney to represent the individual in this matter. If the individual is not represented by an attorney, the court shall appoint an attorney under the same conditions as in section 88, and amendments thereto. The court shall award reasonable attorney fees to the attorney as provided in section 42, and amendments thereto.

(j) On termination of a conservatorship other than by reason of the death of the individual subject to conservatorship, property of the conservatorship estate passes to the individual. The order of termination must direct the conservator to file a final report and petition for discharge on approval by the court of the final report.

(k) On termination of a conservatorship by reason of the death of the individual subject to conservatorship, the conservator promptly shall file a final report and petition for discharge on approval by the court of the final report. On approval of the final report, the conservator shall proceed expeditiously to distribute the conservatorship estate to the individual's estate or as otherwise ordered by the court. The conservator may take reasonable measures necessary to preserve the conservatorship estate until distribution can be made.

(l) The court shall issue a final order of discharge on the approval by the court of the final report and satisfaction by the conservator of any other condition the court imposed on the conservator's discharge.

(m) Not later than 30 days after entering an order under this section, the court or the court's designee shall give notice of the order to the adult subject to conservatorship and any person entitled to notice under section 93(f), and amendments thereto, or a subsequent order.

New Sec. 114. (a) A conservatorship for a minor may be extended beyond the minor's 18th birthday if the minor consents or the court finds by clear and convincing evidence that substantial harm to the minor's interests is otherwise likely. A conservatorship may be extended under this section until the minor reaches the age of 21 and may be extended for two additional two-year periods upon the same finding by the court or upon consent of the minor. Consent to the extension of a conservatorship may be withdrawn at any time.

(b) Any request to extend a minor conservatorship under this section must be accompanied by:

(1) A description of the funds or assets of the minor's estate which the conservator proposes to distribute to the minor over an extended period following the minor's 18th birthday;

(2) the factual basis upon which the conservator alleges the need for such an extended distribution plan; and

(3) a proposed conservator's plan that describes how the distribution will occur.

(c) The court shall appoint an attorney to represent the minor as provided in section 88, and amendments thereto.

(d) After a hearing, the court may extend a conservatorship for a minor and grant to the conservator the authority to establish an extended distribution plan if the court finds by clear and convincing evidence that:

(1) Substantial harm to the minor's interests is likely if the conservatorship is not extended; and

(2) the plan approved by the court adequately provides for meeting the expected needs of the minor from the minor's 18th birthday until the final distribution of the funds or assets which the court authorizes to be set aside or transferred from the estate are paid over to the minor, including provisions for accelerated distribution in extraordinary circumstances, which may require court approval.

(e) If the court orders a conservatorship for a minor to be extended under this section, the court shall order the conservator to report any expenditure or transfer of funds or assets from the minor's estate for the purposes of effectuating an extended distribution plan within the conservator's next accounting.

(f) The court may extend the conservatorship with regard to specific funds or assets of the minor's estate, even though other funds or assets of the minor's estate are paid over to the minor upon the minor's becoming 18 years of age.

(g) The minor shall be without the power, voluntarily or involuntarily, to sell, mortgage, pledge, hypothecate, assign, alienate, anticipate, transfer or convey any interest in the principal or the income from any funds or assets of the minor's estate set aside or transferred to effectuate a plan for extended distribution until such is actually paid to the minor.

New Sec. 115. (a) Unless a person required to transfer funds or other property to a minor knows that a conservator for the minor has been appointed or a proceeding is pending for conservatorship, the person may transfer an amount or value not exceeding $25,000 in a 12-month period to:

(1) A person that has care or custody of the minor and with whom the minor resides;

(2) a guardian for the minor;

(3) a custodian under the uniform transfers to minors act; or

(4) a financial institution as a deposit in an interest-bearing account or certificate solely in the name of the minor and shall give notice to the minor of the deposit.

(b) A person that transfers funds or other property under this section is not responsible for its proper application.

(c) A person that receives funds or other property for a minor under subsection (a)(1) or (2) may apply it only to the support, care, education, health or welfare of the minor, and may not derive a personal financial benefit from it, except for reimbursement for necessary expenses. Funds not applied for these purposes must be preserved for the future support, care, education, health or welfare of the minor, and the balance, if any, transferred to the minor when the minor becomes an adult or otherwise is emancipated.

(d) Any accumulated balance under this section shall be subject to other provisions of this act.

New Sec. 116. The parent of a minor has the right and responsibility to hold in trust and manage for the minor's benefit all of the personal and real property vested in such minor when the total of such property does not exceed $25,000 in value, unless a guardian or conservator has been appointed for the minor.

New Sec. 117. (a) Any court having either control over or possession of any amount of money not exceeding $100,000, the right to which is vested in a minor, shall have the discretion to authorize, without the appointment of a conservator or the giving of bond, and notwithstanding the authority of a parent as provided for in section 116, and amendments thereto, the deposit of the money in a savings account of a bank, credit union, savings and loan association or any other investment account that the court may authorize, payable either to a conservator, if one shall be appointed for the minor, or to the minor upon attaining 18 years of age.

(b) Any court having either control over or possession of any amount of money not exceeding $25,000, the right to which is vested in a minor, shall have the discretion to order the payment of the money to any person, including the parent of the minor, or the minor. If the person is the conservator for the minor, the court may waive or recommend the waiver of the requirement of a bond. If the person is anyone other than the minor, the court shall order that person to hold in trust and manage the minor's estate for the minor's benefit.

New Sec. 118. Any court having either control over or possession of any amount of money not exceeding $25,000, the right to which is vested in an adult subject to guardianship, shall have the discretion to authorize, without the appointment of a conservator or the giving of bond, the deposit of the money in a savings account of a bank, credit union or savings and loan association, payable to the guardian for the benefit of the adult subject to guardianship if authorized pursuant to section 78(e), and amendments thereto, payable to a conservator, if one shall be appointed for the adult, or payable to the adult subject to guardianship upon termination of the guardianship.

New Sec. 119. (a) On receiving a petition for a guardianship for an adult, a court may order a protective arrangement instead of guardianship as a less restrictive alternative to guardianship.

(b) On receiving a petition for a conservatorship for an individual, a court may order a protective arrangement instead of conservatorship as a less restrictive alternative to conservatorship.

(c) A person interested in an adult's welfare, including the adult or a conservator for the adult, may petition under sections 119 through 130, and amendments thereto, for a protective arrangement instead of guardianship.

(d) The following persons may petition under sections 119 through 130, and amendments thereto, for a protective arrangement instead of conservatorship:

(1) The individual for whom the protective arrangement is sought;

(2) a person interested in the property, financial affairs or welfare of the individual, including a person that would be affected adversely by lack of effective management of property or financial affairs of the individual; and

(3) the guardian for the individual.

New Sec. 120. (a) After the hearing on a petition under section 65, and amendments thereto, for a guardianship or under section 119(b), and amendments thereto, for a protective arrangement instead of guardianship, the court may issue an order under subsection (b) for a protective arrangement instead of guardianship if the court finds by clear and convincing evidence that:

(1) The respondent lacks the ability to meet essential requirements for physical health, safety or self-care because the respondent is unable to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance or supported decision making; and

(2) the respondent's identified needs cannot be met by a less restrictive alternative.

(b) If the court makes the findings under subsection (a), the court, instead of appointing a guardian, may:

(1) Authorize or direct a transaction necessary to meet the respondent's need for health, safety or care, including:

(A) A particular medical treatment or refusal of a particular medical treatment;

(B) a move to a specified place of dwelling; or

(C) visitation between the respondent and another person;

(2) order supervised visitation with, or restrict access to the respondent by, a specified person whose access places the respondent at serious risk of physical, psychological or financial harm; and

(3) order other arrangements on a limited basis that are appropriate.

(c) In deciding whether to issue an order under this section, the court shall consider the factors under sections 76 and 77, and amendments thereto, which a guardian must consider when making a decision on behalf of an adult subject to guardianship.

(d) Any order issued under this section may include reporting requirements, time limits, bond requirements or any other provisions deemed necessary by the court.

New Sec. 121. (a) After the hearing on a petition under section 84, and amendments thereto, for conservatorship for an adult or under section 119(c), and amendments thereto, for a protective arrangement instead of conservatorship for an adult, the court may issue an order under subsection (c) for a protective arrangement instead of conservatorship for the adult if the court finds by clear and convincing evidence that:

(1) The adult is unable to manage property or financial affairs because:

(A) Of a limitation in the ability to receive and evaluate information or make or communicate decisions, even with appropriate supportive services, technological assistance or supported decision making; or

(B) the adult is missing, detained, or unable to return to the United States;

(2) an order under subsection (c) is necessary to:

(A) Avoid harm to the adult or significant dissipation of the property of the adult; or

(B) obtain or provide funds or other property needed for the support,

care, education, health or welfare of the adult or an individual entitled to the adult's support; and

(3) the respondent's identified needs cannot be met by a less restrictive alternative.

(b) After the hearing on a petition under section 84, and amendments thereto, for conservatorship for a minor or under section 119(c), and amendments thereto, for a protective arrangement instead of conservatorship for a minor, the court may issue an order under subsection (c) for a protective arrangement instead of conservatorship for the respondent if the court finds by a preponderance of the evidence that the arrangement is in the minor's best interest, and:

(1) If the minor has a parent, the court gives weight to any recommendation of the parent whether an arrangement is in the minor's best interest;

(2) either:

(A) The minor owns money or property requiring management or protection that otherwise cannot be provided;

(B) the minor has or may have financial affairs that may be put at unreasonable risk or hindered because of the minor's age; or

(C) the arrangement is necessary or desirable to obtain or provide funds or other property needed for the support, care, education, health or welfare of the minor; and

(3) the order under subsection (c) is necessary or desirable to obtain or provide money needed for the support, care, education, health or welfare of the minor.

(c) If the court makes the findings under subsection (a) or (b), the court, instead of appointing a conservator, may:

(1) Authorize or direct a transaction necessary to protect the financial interest or property of the respondent, including:

(A) An action to establish eligibility for benefits;

(B) payment, delivery, deposit or retention of funds or property;

(C) sale, mortgage, lease or other transfer of property;

(D) purchase of an annuity;

(E) entry into a contractual relationship, including a contract to provide for personal care, supportive services, education, training or employment;

(F) addition to or establishment of a trust;

(G) ratification or invalidation of a contract, trust, will or other transaction, including a transaction related to the property or business affairs of the respondent; or

(H) settlement of a claim; or

(2) restrict access to the respondent's property by a specified person whose access to the property places the respondent at serious risk of financial harm.

(d) After the hearing on a petition under section 119(a)(2) or (c), and amendments thereto, whether or not the court makes the findings under subsection (a) or (b), the court may issue an order to restrict access to the respondent or the respondent's property by a specified person that the court finds by clear and convincing evidence:

(1) Through fraud, coercion, duress or the use of deception and control caused or attempted to cause an action that would have resulted in financial harm to the respondent or the respondent's property; and

(2) poses a serious risk of substantial financial harm to the respondent or the respondent's property.

(e) Before issuing an order under subsection (c) or (d), the court shall consider the factors under section 99, and amendments thereto, a conservator must consider when making a decision on behalf of an individual subject to conservatorship.

(f) Before issuing an order under subsection (c) or (d) for a respondent who is a minor, the court also shall consider the best interest of the minor, the preference of the parents of the minor and the preference of the minor, if the minor is 12 years of age or older.

(g) Any order issued under this section may include reporting requirements, time limits, bond requirements or any other provisions deemed necessary by the court.

New Sec. 122. A verified petition for a protective arrangement instead of guardianship or conservatorship must state the petitioner's name, principal residence, current street address, if different, relationship to the respondent, interest in the protective arrangement, the name and address of any attorney representing the petitioner and, to the extent known, the following:

(a) The respondent's name, age, principal residence, current street address if different, and address of the dwelling in which it is proposed the respondent will reside if the petition is granted;

(b) the name and address of the respondent's:

(1) Spouse or, if the respondent has none, an adult with whom the respondent has shared household responsibilities for more than six months in the 12-month period before the filing of the petition; and

(2) adult children, adult stepchildren, adult grandchildren and each parent and adult sibling of the respondent, or, if none, at least one adult nearest in kinship to the respondent who can be found with reasonable diligence; and

(3) adult former stepchildren with whom the respondent had an ongoing relationship in the two-year period immediately before the filing of the petition;

(c) the name and current address of each of the following, if applicable:

(1) A person primarily responsible for the care or custody of the respondent;

(2) any attorney currently representing the respondent;

(3) the representative payee appointed by the social security administration for the respondent;

(4) a guardian or conservator acting for the respondent in this state or another jurisdiction;

(5) a trustee or custodian of a trust or custodianship of which the respondent is a beneficiary;

(6) the fiduciary appointed for the respondent by the department of veterans affairs and any curator appointed under K.S.A. 73-507, and amendments thereto;

(7) an agent designated under a power of attorney for healthcare in which the respondent is identified as the principal;

(8) an agent designated under a power of attorney for finances in which the respondent is identified as the principal;

(9) a person nominated as guardian or conservator by the respondent if the respondent is 12 years of age or older;

(10) a person nominated as guardian by the respondent's parent or spouse in a will or other signed record;

(11) a person known to have routinely assisted the respondent with decision making in the six-month period immediately before the filing of the petition; and

(12) if the respondent is a minor:

(A) An adult not otherwise listed with whom the respondent resides; and

(B) each person not otherwise listed that had primary care or custody of the respondent for at least 60 days during the two years immediately before the filing of the petition or for at least 730 days during the five years immediately before the filing of the petition;

(d) the nature of the protective arrangement sought;

(e) the reason the protective arrangement sought is necessary, including a description of:

(1) The nature and extent of the respondent's alleged need;

(2) any less restrictive alternative for meeting the respondent's alleged need which has been considered or implemented;

(3) if no less restrictive alternative has been considered or implemented, the reason less restrictive alternatives have not been considered or implemented; and

(4) the reason other less restrictive alternatives are insufficient to meet the respondent's alleged need;

(f) the name and current address, if known, of any person with whom the petitioner seeks to limit the respondent's contact and the reason why limited contact with the respondent is necessary;

(g) whether the respondent needs an interpreter, translator, or other

form of support to communicate effectively with the court or understand court proceedings;

(h) if a protective arrangement instead of guardianship is sought and the respondent has property other than personal effects, a general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of any other anticipated income or receipts; and

(i) if a protective arrangement instead of conservatorship is sought, a general statement of the respondent's property with an estimate of its value, including any insurance or pension, and the source and amount of other anticipated income or receipts.

New Sec. 123. (a) On filing of a petition under section 119, and amendments thereto, the court shall set a date, time and place for a hearing on the petition.

(b) A copy of a petition under section 119, and amendments thereto, and notice of a hearing on the petition must be served personally on the respondent. The notice must inform the respondent of the respondent's rights at the hearing, including the right to an attorney and to attend the hearing. The notice must include a description of the nature, purpose and consequences of granting the petition. The court may not grant the petition if notice substantially complying with this subsection is not served on the respondent. The court may order any of the following persons to serve the notice upon the respondent:

(1) The petitioner or the attorney for the petitioner;

(2) the attorney appointed by the court to represent the respondent;

(3) any law enforcement officer; or

(4) any other person whom the court finds to be a proper person to serve this notice.

(c) In a proceeding on a petition under section 119, and amendments thereto, the notice required under subsection (b) must be given to the persons required to be listed in the petition under section 122(a) through (c), and amendments thereto, and any other person interested in the respondent's welfare the court determines. Failure to give notice under this subsection does not preclude the court from granting the petition.

(d) After the court has ordered a protective arrangement under sections 119 through 130, and amendments thereto, notice of a hearing on a petition for any other order filed under this act, together with a copy of the petition, must be given to the respondent and any other person the court determines.

New Sec. 124. (a) On filing of a petition under section 119, and amendments thereto, for a protective arrangement instead of guardianship, the court may appoint a court liaison. The court liaison must be an

individual with training or experience in the type of abilities, limitations and needs alleged in the petition.

(b) On filing of a petition under section 119, and amendments thereto, for a protective arrangement instead of conservatorship for a minor, the court may appoint a court liaison to investigate a matter related to the petition or inform the minor or a parent of the minor about the petition or a related matter.

(c) On filing of a petition under section 119, and amendments thereto, for a protective arrangement instead of conservatorship for an adult, the court may appoint a court liaison. The court liaison must be an individual with training or experience in the types of abilities, limitations and needs alleged in the petition.

(d) A court liaison appointed under subsection (a) or (c) shall interview the respondent in person and in a manner the respondent is best able to understand:

(1) Explain, in general, the petition, and the nature and purpose of the proceeding including the potential loss of rights as a result of the proceeding;

(2) obtain the respondent's views with respect to the order sought;

(3) if the petitioner seeks an order related to the dwelling of the respondent, visit the respondent's present dwelling and any dwelling in which it is reasonably believed the respondent will live if the order is granted;

(4) if a protective arrangement instead of guardianship is sought, obtain information from any physician or other provider known to have treated, advised or assessed the respondent's relevant physical or mental condition, to the extent that such information has not already been provided to the court;

(5) if a protective arrangement instead of conservatorship is sought, review financial records of the respondent, if relevant to the court liaison's recommendation under subsection (e)(2); and

(6) investigate the allegations in the petition and any other matter relating to the petition as directed by the court, including, but not limited to, the respondent's family relationships, past conduct, the nature and extent of any property or income of the respondent, whether the respondent is likely to injure self or others and other matters as the court may specify.

(e) A court liaison under this section promptly shall file a report with the court at least 10 days prior to the hearing on the petition or other hearing as directed by the court. Unless otherwise ordered by the court, such report must include:

(1) To the extent relevant to the order sought, a summary of self-care, independent-living tasks and financial-management tasks the respondent:

(A) Can manage without assistance or with existing supports;

(B) could manage with the assistance of appropriate supportive services, technological assistance or supported decision making; and

(C) cannot manage;

(2) a recommendation regarding the appropriateness of the protective arrangement sought and whether a less restrictive alternative for meeting the respondent's needs is available;

(3) if the petition seeks to change the physical location of the dwelling of the respondent, a statement whether the proposed dwelling meets the respondent's needs and whether the respondent has expressed a preference as to the respondent's dwelling;

(4) a statement whether the respondent is able to attend a hearing at the location court proceedings typically are held;

(5) a statement whether the respondent is able to participate in a hearing and which identifies any technology or other form of support that would enhance the respondent's ability to participate; and

(6) any other matter the court directs.

(f) The costs of an investigation by a court liaison shall be assessed as provided for in section 42, and amendments thereto.

New Sec. 125. (a) Unless the respondent in a proceeding under sections 119 through 130, and amendments thereto, is represented by an attorney, the court shall appoint an attorney to represent the respondent, regardless of the respondent's ability to pay. The court shall give preference in the appointment of an attorney to an attorney whom the respondent has requested or to any attorney who has represented the respondent in other matters if the court has knowledge of that prior representation.

(b) An attorney representing the respondent in a proceeding under sections 119 through 130, and amendments thereto, shall:

(1) Make reasonable efforts to ascertain the respondent's wishes;

(2) advocate for the respondent's wishes to the extent reasonably ascertainable; and

(3) if the respondent's wishes are not reasonably ascertainable, advocate for the result that is the least restrictive alternative in type, duration and scope, consistent with the respondent's interests.

(c) The court may appoint an attorney to represent a parent of a minor who is the subject of a proceeding under sections 119 through 130, and amendments thereto, if:

(1) The parent objects to the entry of an order for a protective arrangement instead of guardianship or conservatorship;

(2) the court determines that counsel is needed to ensure that consent to the entry of an order for a protective arrangement is informed; or

(3) the court otherwise determines the parent needs representation.

(d) An attorney representing the respondent shall interview the respondent in person and, in a manner the respondent is best able to understand:

(1) Explain to the respondent the substance of the petition, the nature, purpose and effect of the proceeding, and the respondent's rights at the hearing on the petition;

(2) determine the respondent's views about the order sought by the petitioner; and

(3) inform the respondent that all costs and expenses of the proceeding, including respondent's attorney fees, may be paid from the respondent's assets.

New Sec. 126. (a) Upon the filing of the petition or any other time at or before the hearing, if the contents of the petition or evidence at the hearing support a prima facie case of the need for a protective arrangement, the court shall order an examination and evaluation of the respondent to be conducted through a general hospital, psychiatric hospital, community mental health center, or community developmental disability organization, or by a licensed physician, psychiatrist, psychologist, physician assistant, nurse practitioner, social worker or other professional appointed by the court who is qualified to evaluate the respondent's alleged cognitive and functional abilities and limitations and will not be advantaged or disadvantaged by a decision to grant the petition or otherwise have a conflict of interest.

(b) Unless otherwise specified by the court, the report of the examination and evaluation submitted to the court shall contain:

(1) The respondent's name, age and date of birth;

(2) a description of the respondent's physical and mental condition;

(3) a description of the nature and extent of the respondent's cognitive and functional abilities and limitations, including adaptive behaviors and social skills, and, as appropriate, educational and developmental potential;

(4) a summary of self-care and independent-living tasks the respondent can manage without assistance or with existing supports, could manage with the assistance of appropriate supportive services, technological assistance or supported decision making, and cannot manage;

(5) a prognosis for any improvement and, as appropriate, any recommendation for treatment or rehabilitation;

(6) a list and description of any prior assessments, evaluations or examinations of the respondent, including the dates thereof, which were relied upon in the preparation of this evaluation;

(7) the date and location where this examination and evaluation occurred, and the name or names of the professional or professionals performing the examination and evaluation and such professional's qualifications;

(8) a statement by the professional that the professional has personally completed an independent examination and evaluation of the respondent,

and that the report submitted to the court contains the results of that examination and evaluation, and the professional's opinion with regard to the issues of whether or not the respondent is in need of a guardian and whether there are barriers to the respondent's attendance and participation at the hearing on the petition; and

(9) the signature of the professional who prepared the report.

(c) The professional shall file with the court, at least five days prior to the date of the trial, such professional's written report concerning the examination and evaluation ordered by the court. The report shall be made available by the court to counsel for all parties.

(d) In lieu of entering an order for an examination and evaluation as provided for in this section, the court may determine that the report accompanying the petition is in compliance with the requirements of this section and that no further examination or evaluation should be required, unless the respondent, or such person's attorney, requests such an examination and evaluation in writing. Any such request shall be filed with the court, and a copy thereof delivered to the petitioner, at least four days prior to the date of the trial. Accompanying the request shall be a statement of the reasons why an examination and evaluation is requested and the name and address of a qualified professional or facility willing and able to conduct this examination and evaluation. If the court orders a further examination and evaluation, the court may continue the trial and fix a new date, time and place of the trial at a time not to exceed 30 days from the date of the filing of the request.

New Sec. 127. (a) Except as otherwise provided in subsection (b), a hearing under sections 119 through 130, and amendments thereto, may not proceed unless the respondent attends the hearing. If it is not reasonably feasible for the respondent to attend a hearing at the location where court proceedings typically are held, the court shall make reasonable efforts to hold the hearing at an alternative location convenient to the respondent or allow the respondent to attend the hearing using real-time audio-visual technology.

(b) A hearing under sections 119 through 130, and amendments thereto, may proceed without the respondent in attendance if the court finds by clear and convincing evidence that:

(1) The respondent is choosing not to attend the hearing after having been fully informed of the right to attend and the potential consequences of failing to do so;

(2) there is no practicable way for the respondent to attend and participate in the hearing even with appropriate supportive services and technological assistance; or

(3) the respondent is a minor who has received proper notice and attendance would be harmful to the minor.

(c) The respondent may be assisted in a hearing under sections 119 through 130, and amendments thereto, by a person or persons of the respondent's choosing, assistive technology or an interpreter or translator, or a combination of these supports. If assistance would facilitate the respondent's participation in the hearing, but is not otherwise available to the respondent, the court shall make reasonable efforts to provide it.

(d) The respondent has a right to retain an attorney to represent the respondent at a hearing under sections 119 through 130, and amendments thereto.

(e) At a hearing under sections 119 through 130, and amendments thereto, the respondent may:

(1) Present evidence and subpoena witnesses and documents;

(2) examine witnesses, including any court-appointed evaluator and the court liaison; and

(3) otherwise participate in the hearing.

(f) A hearing under sections 119 through 130, and amendments thereto, must be closed on request of the respondent and a showing of good cause.

(g) Any person may request to participate in a hearing under sections 119 through 130, and amendments thereto. The court may grant the request, with or without a hearing, on determining that the best interest of the respondent will be served. The court may impose appropriate conditions on the person's participation.

New Sec. 128. The court shall give notice of an order under sections 119 through 130, and amendments thereto, to the individual who is subject to the protective arrangement instead of guardianship or conservatorship, a person whose access to the individual is restricted by the order and any other person the court determines.

New Sec. 129. (a) The existence of a proceeding for or the existence of a protective arrangement instead of guardianship or conservatorship is a matter of public record unless the court seals the record after:

(1) The respondent, the individual subject to the protective arrangement, or the parent of a minor subject to the protective arrangement requests the record be sealed; and

(2) either:

(A) The proceeding is dismissed;

(B) the protective arrangement is no longer in effect; or

(C) an act authorized by the order granting the protective arrangement has been completed.

(b) (1) An order of protective arrangement is a matter of public record unless sealed by the court. All other court records of the proceeding relating to the protective arrangement are not a matter of public record except as further provided.

(2) The following persons may access court records of the proceeding and resulting protective arrangement:

(A) A respondent;

(B) an individual subject to a protective arrangement instead of guardianship or conservatorship;

(C) an attorney designated by the respondent or individual;

(D) a parent of a minor subject to a protective arrangement; and

(E) a licensed attorney, abstractor, or title insurance agent.

(3) A person not otherwise entitled to access to court records under this subsection for good cause may request permission from the court for access. The court shall grant access if access is in the best interest of the respondent or individual subject to the protective arrangement or furthers the public interest and does not endanger the welfare or financial interests of the respondent or individual.

(c) A report of a court liaison or professional evaluation generated in the course of a proceeding under sections 119 through 130, and amendments thereto, must be sealed on filing but is available to:

(1) The court;

(2) the individual who is the subject of the report or evaluation, without limitation as to use;

(3) the petitioner, court liaison and petitioner's and respondent's attorneys, for purposes of the proceeding;

(4) unless the court orders otherwise, an agent appointed under a power of attorney for finances in which the respondent is the principal;

(5) if the order is for a protective arrangement instead of guardianship and unless the court orders otherwise, an agent appointed under a power of attorney for healthcare in which the respondent is identified as the principal; and

(6) any other person if it is in the public interest or for a purpose the court orders for good cause.

New Sec. 130. The court may appoint a facilitator to assist in implementing a protective arrangement under sections 119 through 130, and amendments thereto. The facilitator has the authority conferred by the order of appointment and serves until discharged by court order.

New Sec. 131. For purposes of this act, the judicial council shall develop a statement of rights form, petition forms and report and accounting forms.

New Sec. 132. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

New Sec. 133. This act modifies, limits or supersedes the electronic signatures in global and national commerce act, 15 U.S.C. § 7001 et

seq., but does not modify, limit or supersede section 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in section 103(b) of that act, 15 U.S.C. § 7003(b).

New Sec. 134. (a) This act applies to:

(1) A proceeding for appointment of a guardian or conservator or for a protective arrangement instead of guardianship or conservatorship commenced after January 1, 2026; and

(2) except as provided in subsection (b), a guardianship, conservatorship or protective arrangement instead of guardianship or conservatorship in existence on January 1, 2026, unless the court finds application of a particular provision of this act would substantially interfere with the effective conduct of the proceeding or prejudice the rights of a party, in which case the particular provision of this act does not apply and the superseded law applies.

(b) Sections 79 and 103, and amendments thereto, mandating a guardian's plan or conservator's plan shall not apply to guardianships or conservatorships in existence on January 1, 2026, unless the court orders that a guardian's plan or conservator's plan is required.

New Sec. 135. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Sec. 136. K.S.A. 9-1215 is hereby amended to read as follows: 9-1215. (a) Subject to the provisions of this section, an individual owner of an account may enter into a written contract with any bank located in this state that provides that at the time of the owner's death, the balance of the owner's legal share of the account shall be paid to one or more beneficiaries. If a beneficiary has predeceased the owner, that beneficiary's share shall be divided equally among the remaining beneficiaries unless the contract provides otherwise.

(b) If any beneficiary is a minor at the time funds become payable to the beneficiary pursuant to this section, the bank shall pay out in accordance with ~~K.S.A. 59-3053~~ *section 116*, and amendments thereto.

(c) During the owner's lifetime, the owner has the right to both withdraw funds on deposit in the account in the manner provided in the contract, in whole or in part, as though no beneficiary has been named, and to change the designation of beneficiary. No change in the designation of the beneficiary shall be valid unless executed in the form and manner prescribed by the bank and delivered to the bank prior to the death of the owner.

(d) The interest of the beneficiary shall not vest until the death of the owner. Vesting of the beneficiary's interest is subject to the following

if, prior to the owner's death or payment to the beneficiary, the bank has received written notice:

(1) From the department for children and families of a claim pursuant to K.S.A. 39-709, and amendments thereto, the balance of the owner's share shall be paid to the department for children and families to the extent of medical assistance expended on the deceased owner, with the beneficiary then receiving the balance of the owner's share, if any remains; or

(2) of the owner's surviving spouse's intent to claim an elective share under K.S.A. 59-6a214, and amendments thereto, the balance of the owner's share shall be paid to the court having jurisdiction as provided in K.S.A. 59-6a214, and amendments thereto, to the extent of the owner's surviving spouse's elective share, with the beneficiary then receiving the balance of the owner's share, if any remains.

(e) Transfers pursuant to this section shall not be considered testamentary or be invalidated due to nonconformity with the provisions of chapter 59 of the Kansas Statutes Annotated, and amendments thereto.

(f) Payment by the bank of the owner's deposit account pursuant to the provisions of this section shall release and discharge the bank from further liability for the payment.

(g) For the purposes of this section:

(1) The balance of the owner's deposit account or the balance of the owner's legal share of a deposit account shall be construed to not include any portion of the account which under the law of joint tenancy is the property of another joint tenant of the account upon the death of the owner; and

(2) where multiple owners exist, such owners will be presumed to own equal shares of the deposit account unless the deposit contract with the bank specifies a different percentage of ownership for the owners.

Sec. 137. K.S.A. 17-2263 is hereby amended to read as follows: 17-2263. (a) Subject to the provisions of this section and K.S.A. 17-2264, and amendments thereto, an individual adult or minor, hereafter referred to as the member, may enter into a written contract with any credit union located in this state providing that the balance of the member's account, or the balance of the member's legal share of an account, at the time of death of the member shall be made payable on the death of the member to one or more persons or, if the persons predecease the owner, to another person or persons, hereafter referred to as the beneficiary or beneficiaries. If any beneficiary is a minor at the time the account, or any portion of the account, becomes payable to the beneficiary and the balance, or portion of the balance, exceeds the amount specified by ~~K.S.A. 59-3053~~ *section 116*, and amendments thereto, the moneys shall be payable only to a conservator of the minor beneficiary.

(b) Transfers pursuant to this section shall not be considered testamentary or be invalidated due to nonconformity with the provisions of chapter 59 of the Kansas Statutes Annotated, and amendments thereto.

(c) Every contract authorized by this section shall be considered to contain a right on the part of the member during the member's lifetime both to withdraw funds on deposit in the account in the manner provided in the contract, in whole or in part, as though no beneficiary has been named, and to change the designation of beneficiary. The interest of the beneficiary shall be considered not to vest until the death of the member and, if there is a claim pursuant to K.S.A. 39-709, and amendments thereto, until such claim is satisfied.

(d) No change in the designation of the beneficiary shall be valid unless executed in the form and manner prescribed by the credit union and delivered to the credit union prior to the death of the member.

(e) For the purposes of this section, the balance of the member's account or the balance of the member's legal share of an account shall not be construed to include any portion of the account that under the law of joint tenancy is the property of another joint tenant of the account, upon the death of the owner.

(f) As used in this section, "person" means any individual, individual or corporate fiduciary or nonprofit religious or charitable organization as defined by K.S.A. 79-4701, and amendments thereto.

Sec. 138. K.S.A. 17-2264 is hereby amended to read as follows: 17-2264. When the shareholder and the credit union have entered into a contract authorized in K.S.A. 17-2263, and amendments thereto, the shareholder's account subject to the contract or any part of or interest on the account shall be paid by the credit union to the shareholder or pursuant to the shareholder's order during the shareholder's lifetime. On the shareholder's death, the deposit account or any part of or interest on the account shall be paid by the credit union to the secretary for children and families for a claim pursuant to K.S.A. 39-709, and amendments thereto, or, if there is no such claim or if any portion of the account remains after such claim is satisfied, to the designated beneficiary or beneficiaries. If any designated beneficiary is a minor at the time the account, or any portion of the account, becomes payable to the beneficiary and the balance, or portion of the balance, exceeds the amount specified by ~~K.S.A. 59-3053~~ *section 116*, and amendments thereto, the credit union shall pay the moneys or any interest on them only to a conservator of the minor beneficiary. The receipt of the conservator shall release and discharge the credit union for the payment.

Sec. 139. K.S.A. 21-5417 is hereby amended to read as follows: 21-5417. (a) Mistreatment of a dependent adult or an elder person is knowingly committing one or more of the following acts:

(1) Infliction of physical injury, unreasonable confinement or unreasonable punishment upon a dependent adult or an elder person;

(2) taking the personal property or financial resources of a dependent adult or an elder person for the benefit of the defendant or another person by taking control, title, use or management of the personal property or financial resources of a dependent adult or an elder person through:

(A) Undue influence, coercion, harassment, duress, deception, false representation, false pretense or without adequate consideration to such dependent adult or elder person;

(B) a violation of the Kansas power of attorney act, K.S.A. 58-650 et seq., and amendments thereto;

(C) a violation of the Kansas uniform trust code, K.S.A. 58a-101 et seq., and amendments thereto; or

(D) a violation of the ~~act for obtaining a guardian or a conservator, or both, K.S.A. 59-3050 et seq.~~ *Kansas uniform guardianship, conservatorship and other protective arrangements act, sections 24 through 135*, and amendments thereto; or

(3) omission or deprivation of treatment, goods or services that are necessary to maintain physical or mental health of such dependent adult or elder person.

(b) Mistreatment of a dependent adult or an elder person as defined in:

(1) (A) Subsection (a)(1) is a severity level 5, person felony, except as provided in subsection (b)(1)(B);

(B) subsection (a)(1) is a severity level 2, person felony, when the victim is a dependent adult who is a resident of an adult care home, as described in subsection (e)(2)(A), during the commission of the offense;

(2) subsection (a)(2) if the aggregate amount of the value of the personal property or financial resources is:

(A) $1,000,000 or more is a severity level 2, person felony;

(B) at least $250,000 but less than $1,000,000 is a severity level 3, person felony;

(C) at least $100,000 but less than $250,000 is a severity level 4, person felony;

(D) at least $25,000 but less than $100,000 is a severity level 5, person felony;

(E) at least $1,500 but less than $25,000 is a severity level 7, person felony;

(F) less than $1,500 is a class A person misdemeanor, except as provided in subsection (b)(2)(G); and

(G) less than $1,500 and committed by a person who has, within five years immediately preceding commission of the crime, been convicted of a violation of this section two or more times is a severity level 7, person felony; and

(3) (A) subsection (a)(3) is a severity level 8, person felony, except as provided in subsection (b)(3)(B); and

(B) subsection (a)(3) is a severity level 5, person felony, when the victim is a dependent adult who is a resident of an adult care home, as described in subsection (e)(2)(A), during the commission of the offense.

(c) It shall be an affirmative defense to any prosecution for mistreatment of a dependent adult or an elder person as described in subsection (a)(2) that:

(1) The personal property or financial resources were given as a gift consistent with a pattern of gift giving to the person that existed before the dependent adult or elder person became vulnerable;

(2) the personal property or financial resources were given as a gift consistent with a pattern of gift giving to a class of individuals that existed before the dependent adult or elder person became vulnerable;

(3) the personal property or financial resources were conferred as a gift by the dependent adult or elder person to the benefit of a person or class of persons, and such gift was reasonable under the circumstances; or

(4) a court approved the transaction before the transaction occurred.

(d) No dependent adult or elder person is considered to be mistreated under subsection (a)(1) or (a)(3) for the sole reason that such dependent adult or elder person relies upon or is being furnished treatment by spiritual means through prayer in lieu of medical treatment in accordance with the tenets and practices of a recognized church or religious denomination of which such dependent adult or elder person is a member or adherent.

(e) As used in this section:

(1) "Adequate consideration" means the personal property or financial resources were given to the person as payment for bona fide goods or services provided by such person and the payment was at a rate customary for similar goods or services in the community that the dependent adult or elder person resided in at the time of the transaction.

(2) "Dependent adult" means an individual 18 years of age or older who is unable to protect the individual's own interest. Such term shall include, but is not limited to, any:

(A) Resident of an adult care home including, but not limited to, those facilities defined by K.S.A. 39-923, and amendments thereto;

(B) adult cared for in a private residence;

(C) individual kept, cared for, treated, boarded, confined or otherwise accommodated in a medical care facility;

(D) individual with intellectual disability or a developmental disability receiving services through a community facility for people with intellectual disability or residential facility licensed under K.S.A. 39-2001 et seq., and amendments thereto;

(E) individual with a developmental disability receiving services provided by a community service provider as provided in the developmental disability reform act; or

(F) individual kept, cared for, treated, boarded, confined or otherwise accommodated in a state psychiatric hospital or state institution for people with intellectual disability.

(3) "Elder person" means a person 60 years of age or older.

(f) An offender who violates the provisions of this section may also be prosecuted for, convicted of, and punished for any other offense in article 54, 55, 56 or 58 of chapter 21 of the Kansas Statutes Annotated, or K.S.A. 21-6418, and amendments thereto.

Sec. 140. K.S.A. 38-2217 is hereby amended to read as follows: 38-2217. (a) *Physical or mental care and treatment.* (1) When a child less than 18 years of age is alleged to have been physically, mentally or emotionally abused or neglected or sexually abused, no consent shall be required to medically examine the child to determine whether the child has been abused or neglected. Unless the child is alleged or suspected to have been abused by the parent or guardian, the investigating officer shall notify or attempt to notify the parent or guardian of the medical examination of the child.

(2) When the health or condition of a child who is subject to jurisdiction of the court requires it, the court may consent to the performing and furnishing of hospital, medical, surgical or dental treatment or procedures, including the release and inspection of medical or dental records. A child, or parent of any child, who is opposed to certain medical procedures authorized by this subsection may request an opportunity for a hearing thereon before the court. Subsequent to the hearing, the court may limit the performance of matters provided for in this subsection or may authorize the performance of those matters subject to terms and conditions the court considers proper.

(3) The custodian or agent of the custodian is the personal representative for the purpose of consenting to disclosure of otherwise protected health information and may give consent to the following:

(A) Dental treatment for the child by a licensed dentist;

(B) diagnostic examinations of the child, including but not limited to the withdrawal of blood or other body fluids, x-rays and other laboratory examinations;

(C) releases and inspections of the child's medical history records;

(D) immunizations for the child;

(E) administration of lawfully prescribed drugs to the child;

(F) examinations of the child including, but not limited to, the withdrawal of blood or other body fluids or tissues for the purpose of determining the child's parentage; and

(G) subject to *the* limitations in ~~K.S.A. 59-3075(e)(4), (5) and (6)~~ *section 78*, and amendments thereto, medical or surgical care determined by a physician to be necessary for the welfare of such child, if the parents are not available or refuse to consent.

(4) When the court has adjudicated a child to be in need of care, the custodian or an agent designated by the custodian is the personal representative for the purpose of consenting to disclosure of otherwise protected health information and shall have authority to consent to the performance and furnishing of hospital, medical, surgical or dental treatment or procedures or mental care or treatment other than inpatient treatment at a state psychiatric hospital, including the release and inspection of medical or hospital records, subject to terms and conditions the court considers proper and subject to the limitations of ~~K.S.A. 59-3075 (e)(4), (5) and (6)~~ *section 78*, and amendments thereto.

(5) Any health care provider who in good faith renders hospital, medical, surgical, mental or dental care or treatment to any child or discloses protected health information as authorized by this section shall not be liable in any civil or criminal action for failure to obtain consent of a parent.

(6) Nothing in this section shall be construed to mean that any person shall be relieved of legal responsibility to provide care and support for a child.

(b) *Care and treatment requiring court action.* If it is brought to the court's attention, while the court is exercising jurisdiction over the person of a child under this code, that the child may be a mentally ill person as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem as defined in K.S.A. 59-29b46, and amendments thereto, the court may:

(1) Direct or authorize the county or district attorney or the person supplying the information to file the petition provided for in K.S.A. 59-2957, and amendments thereto, and proceed to hear and determine the issues raised by the application as provided in the care and treatment act for mentally ill persons or the petition provided for in K.S.A. 59-29b57, and amendments thereto, and proceed to hear and determine the issues raised by the application as provided in the care and treatment act for persons with an alcohol or substance abuse problem; or

(2) authorize that the child seek voluntary admission to a treatment facility as provided in K.S.A. 59-2949, and amendments thereto, or K.S.A. 59-29b49, and amendments thereto.

The application to determine whether the child is a mentally ill person or a person with an alcohol or substance abuse problem may be filed in the same proceedings as the petition alleging the child to be a child in need of care, or may be brought in separate proceedings. In either event, the court may enter an order staying any further proceedings under this code until all proceedings have been concluded under the care and treat-

ment act for mentally ill persons or the care and treatment act for persons with an alcohol or substance abuse problem.

Sec. 141. K.S.A. 44-513a is hereby amended to read as follows: 44-513a. Whenever a minor person shall be entitled to compensation under the provisions of the workers compensation act, the administrative law judge is authorized to direct such compensation to be paid in accordance with ~~K.S.A. 59-3050 through 59-3095~~ *the Kansas uniform guardianship, conservatorship and other protective arrangements act, sections 24 through 135*, and amendments thereto.

Sec. 142. K.S.A. 44-1601 is hereby amended to read as follows: 44-1601. As used in this act:

(a) (1) "Amusement ride" means any mechanical or electrical device that carries or conveys passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills or excitement, including, but not be limited to:

(A) Rides commonly known as ferris wheels, carousels, parachute towers, bungee jumping, reverse bungee jumping, tunnels of love, roller coasters, boat rides, water slides, inflatable devices, commercial zip lines, trampoline courts and go-karts;

(B) equipment generally associated with winter activities, such as ski lifts, ski tows, j-bars, t-bars, chair lifts and aerial tramways; and

(C) equipment not originally designed to be used as an amusement ride, such as cranes or other lifting devices, when used as part of an amusement ride.

(2) "Amusement ride" does not include:

(A) Games, concessions and associated structures;

(B) any single passenger coin-operated ride that: (i) Is manually, mechanically or electrically operated; (ii) is customarily placed in a public location; and (iii) does not normally require the supervision or services of an operator;

(C) nonmechanized playground equipment, including, but not limited to, swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides and physical fitness devices;

(D) antique amusement rides;

(E) limited-use amusement rides;

(F) registered agritourism activities;

(G) any ride commonly known as a hayrack ride in which patrons sit in a wagon or cart that is then pulled by horses or a tractor or other motor vehicle;

(H) any ride commonly known as a barrel train, which has a series of handmade cars fashioned from barrels that are connected and pulled by a tractor or other motor vehicle; or

(I) any amusement ride owned by an individual and operated solely within a single county for strictly private use.

(b) "Antique amusement ride" means an amusement ride, as defined in subsection (a)(1), manufactured prior to January 1, 1930.

(c) "Certificate of inspection" means a certificate, signed and dated by a qualified inspector, showing that an amusement ride has satisfactorily passed inspection by such inspector.

(d) "Class A amusement ride" means an amusement ride designed for use primarily by individuals aged 12 or less.

(e) "Class B amusement ride" means an amusement ride that is not classified as a class A amusement ride.

(f) "Department" means the department of labor.

(g) "Limited-use amusement ride" means an amusement ride, as defined in subsection (a)(1), owned and operated by a nonprofit, community-based organization that is operated for less than 20 days, or 160 hours, in a year and is operated at only one location each year.

(h) "Nondestructive testing" means the development and application of technical methods in accordance with ASTM F747 standards such as radiographic, magnetic particle, ultrasonic, liquid penetrant, electromagnetic, neutron radiographic, acoustic emission, visual and leak testing to:

(1) Examine materials or components in ways that do not impair the future usefulness and serviceability in order to detect, locate, measure and evaluate discontinuities, defects and other imperfections;

(2) assess integrity, properties and composition; and

(3) measure geometrical characters.

(i) "Operator" means a person actually supervising, or engaged in or directly controlling the operations of an amusement ride.

(j) "Owner" means a person who owns, leases, controls or manages the operations of an amusement ride and may include the state or any political subdivision of the state.

(k) "Parent or guardian" means any parent, guardian or custodian responsible for the control, safety, training or education of a minor or an adult or minor with an impairment in need of a guardian or a conservator, or both, as those terms are defined by ~~K.S.A. 59-3051~~ *section 25*, and amendments thereto.

(l) (1) "Patron" means any individual who is:

(A) Waiting in the immediate vicinity of an amusement ride to get on the ride;

(B) getting on an amusement ride;

(C) using an amusement ride;

(D) getting off an amusement ride; or

(E) leaving an amusement ride and still in the immediate vicinity of the ride.

(2) "Patron" does not include employees, agents or servants of the owner while engaged in the duties of their employment.

(m) "Person" means any individual, association, partnership, corporation, limited liability company, government or other entity.

(n) "Qualified inspector" means a person who:

(1) Is a licensed professional engineer, as defined in K.S.A. 74-7003, and amendments thereto, and has completed at least two years of experience in the amusement ride field, consisting of at least one year of actual inspection of amusement rides under a qualified inspector for a manufacturer, governmental agency, amusement park, carnival or insurance underwriter, and an additional year of practicing any combination of amusement ride inspection, design, fabrication, installation, maintenance, testing, repair or operation;

(2) provides satisfactory evidence of completing a minimum of five years of experience in the amusement ride field, at least two years of which consisted of actual inspection of amusement rides under a qualified inspector for a manufacturer, governmental agency, amusement park, carnival or insurance underwriter, and the remaining experience consisting of any combination of amusement ride inspection, design, fabrication, installation, maintenance, testing, repair or operation;

(3) has received qualified training from a third party, such as attainment of level I certification from the national association of amusement ride safety officials (NAARSO), attainment of level I certification from the amusement industry manufacturers and suppliers international (AIMS), attainment of a qualified inspector certification from the association for challenge course technology (ACCT), when applicable, or other similar qualification from another nationally recognized organization; or

(4) for purposes of inspecting inflatable devices that are rented on a regular basis and erected at temporary locations, provides satisfactory evidence of completing a minimum of five years of experience working with inflatable devices and has received qualified training from a third party, such as attainment of an advanced inflatable safety operations certification from the safe inflatable operators training organization or other nationally recognized organization.

(o) "Registered agritourism activity" means an amusement ride, as defined in subsection (a)(1), that is a registered agritourism activity, as defined in K.S.A. 32-1432, and amendments thereto.

(p) "Secretary" means the secretary of labor.

(q) "Serious injury" means an injury that results in:

(1) Death, dismemberment, significant disfigurement or permanent loss of the use of a body organ, member, function or system;

(2) a compound fracture; or

(3) other injury or illness that requires immediate admission and overnight hospitalization, and observation by a licensed physician.

(r) "Sign" means any symbol or language reasonably calculated to communicate information to patrons or their parents or guardians, including placards, prerecorded messages, live public address, stickers, pictures, pictograms, guide books, brochures, videos, verbal information and visual signals.

(s) "Water slide" means a slide that is at least 35 feet in height and that uses water to propel the patron through the ride.

Sec. 143. K.S.A. 2024 Supp. 58a-103 is hereby amended to read as follows: 58a-103. As used in this code:

(1) "Action," with respect to an act of a trustee, includes a failure to act.

(2) "Beneficiary" means a person that:

(A) Has a present or future beneficial interest in a trust, vested or contingent; or

(B) in a capacity other than that of trustee, holds a power of appointment over trust property.

(3) "Charitable trust" means a trust, or portion of a trust, created for a charitable purpose described in K.S.A. 58a-405(a), and amendments thereto.

(4) "Conservator" means a person appointed by the court pursuant to ~~K.S.A. 59-3001 et seq.~~ *section 25*, and amendments thereto, to administer the estate of a minor or adult individual.

(5) "Environmental law" means a federal, state, or local law, rule, regulation, or ordinance relating to protection of the environment.

(6) "Guardian" means a person appointed by the court pursuant to ~~K.S.A. 59-3001 et seq.~~ *section 25*, and amendments thereto, to make decisions regarding the support, care, education, health, and welfare of a minor or adult individual. The term does not include a guardian ad litem.

(7) "Interests of the beneficiaries" means the beneficial interests provided in the terms of the trust.

(8) "Jurisdiction," with respect to a geographic area, includes a state or country.

(9) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government; governmental subdivision, agency, or instrumentality; public corporation, or any other legal or commercial entity.

(10) "Power of withdrawal" means a presently exercisable general power of appointment other than a power:

(A) Exercisable by a trustee and limited by an ascertainable standard relating to an individuals health, education, support or maintenance within the meaning of section 2041(b)(1)(A) or 2514(c)(1) of the internal revenue code of 1986, as in effect on July 1, 2022; or

(B) exercisable by another person only upon consent of the trustee or a person holding an adverse interest.

(11) "Property" means anything that may be the subject of ownership, whether real or personal, legal or equitable, or any interest therein.

(12) (A) "Qualified beneficiary" means a beneficiary who, as of the date in question, either is eligible to receive mandatory or discretionary distributions of trust income or principal, or would be so eligible if the trust terminated on that date.

(B) For the purpose of trustee determining "qualified beneficiaries" of a trust in which a beneficial interest is subject to a power of appointment of any nature, the trustee may conclusively presume such power of appointment has not been exercised unless the trustee has been furnished by the powerholder or the legal representative of the powerholder or the powerholder's estate with the original or a copy of an instrument validly exercising such power of appointment, in which event the qualified beneficiaries shall be subsequently determined by giving due consideration to such exercise unless and until the trustee has been given notification in a similar manner of an instrument which validly revokes or modifies such exercise.

(13) "Revocable," as applied to a trust, means revocable by the settlor without the consent of the trustee or a person holding an adverse interest.

(14) "Settlor" means a person, including a testator, who creates, or contributes property to, a trust. If more than one person creates or contributes property to a trust, each person is a settlor of the portion of the trust property attributable to that person's contribution except to the extent another person has the power to revoke or withdraw that portion.

(15) "Spendthrift provision" means a term of a trust which restrains either voluntary or involuntary transfer of a beneficiary's interest.

(16) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States. The term includes an Indian tribe or band recognized by federal law or formally acknowledged by a state.

(17) "Terms of a trust" means:

(A) Except as otherwise provided in subparagraph (B), the manifestation of the settlor's intent regarding a trust's provisions as:

(i) Expressed in the trust instrument; or

(ii) established by other evidence that would be admissible in a judicial proceeding; or

(B) the trust's provisions as established, determined, or amended by:

(i) A trustee or person holding a power to direct under K.S.A. 58a-808, and amendments thereto, in accordance with applicable law;

(ii) court order; or

(iii) a nonjudicial settlement agreement under K.S.A. 58a-111, and amendments thereto.

(18) "Trust instrument" means an instrument executed by the settlor that contains terms of the trust, including any amendments thereto.

(19) "Trustee" includes an original, additional, and successor trustee, and a cotrustee.

Sec. 144. K.S.A. 2024 Supp. 58-656 is hereby amended to read as follows: 58-656. (a) An attorney in fact who elects to act under a power of attorney is under a duty to act in the interest of the principal and to avoid conflicts of interest that impair the ability of the attorney in fact so to act. A person who is appointed an attorney in fact under a power of attorney who undertakes to exercise the authority conferred in the power of attorney, has a fiduciary obligation to exercise the powers conferred in the best interests of the principal, and to avoid self-dealing and conflicts of interest, as in the case of a trustee with respect to the trustee's beneficiary or beneficiaries. The attorney in fact shall keep a record of receipts, disbursements and transactions made on behalf of the principal and shall not comingle funds or assets of the principal with the funds or assets of the attorney in fact. In the absence of explicit authorization, the attorney in fact shall exercise a high degree of care in maintaining, without modification, any estate plan which the principal may have in place, including, but not limited to, arrangements made by the principal for disposition of assets at death through beneficiary designations, ownership by joint tenancy or tenancy by the entirety, trust arrangements or by will or codicil. Unless otherwise provided in the power of attorney or in a separate agreement between the principal and attorney in fact, an attorney in fact who elects to act shall exercise the authority granted in a power of attorney with that degree of care that would be observed by a prudent person dealing with the property and conducting the affairs of another, except that all investments made on or after July 1, 2003, shall be in accordance with the provisions of the Kansas uniform prudent investor act, K.S.A. 58-24a01 et seq., and amendments thereto. If the attorney in fact has special skills or was appointed attorney in fact on the basis of representations of special skills or expertise, the attorney in fact has a duty to use those skills in the principal's behalf.

(b) On matters undertaken or to be undertaken in the principal's behalf and to the extent reasonably possible under the circumstances, an attorney in fact has a duty to keep in regular contact with the principal, to communicate with the principal and to obtain and follow the instructions of the principal.

(c) If, following execution of a durable power of attorney, a court of the principal's domicile appoints a conservator, guardian of the estate or other fiduciary charged with the management of all of the principal's

property or all of the principal's property except specified exclusions, the attorney in fact is accountable to the fiduciary as well as to the principal. The fiduciary has the same power to revoke or amend the durable power of attorney that the principal would have had if the principal were not an adult with an impairment in need of a guardian or conservator or both as defined by ~~subsection (a) of K.S.A. 59-3051~~ *section 25*, and amendments thereto.

(d) A principal may nominate by a power of attorney, a guardian or conservator, or both, for consideration by the court. If a petition to appoint a guardian or conservator, or both, is filed, the court shall make the appointment in accordance with the principal's most recent nomination in the power of attorney, so long as the individual nominated is a fit and proper person.

(e) An attorney in fact shall exercise authority granted by the principal in accordance with the instrument setting forth the power of attorney, any modification made therein by the principal or the principal's legal representative or a court, and the oral and written instructions of the principal, or the written instructions of the principal's legal representative or a court.

(f) An attorney in fact may be instructed in a power of attorney that the authority granted shall not be exercised until, or shall terminate on, the happening of a future event, condition or contingency, as determined in a manner prescribed in the instrument.

(g) On the death of the principal, the attorney in fact shall follow the instructions of the court, if any, having jurisdiction over the estate of the principal, or any part thereof, and shall communicate with and be accountable to the principal's personal representative, or if none, the principal's successors. The attorney in fact shall promptly deliver to and put in the possession and control of the principal's personal representative or successors, any property of the principal and copies of any records of the attorney in fact relating to transactions undertaken in the principal's behalf that are deemed by the personal representative or the court to be necessary or helpful in the administration of the decedent's estate.

(h) If an attorney in fact has a property or contract interest in the subject of the power of attorney or the authority of the attorney in fact is otherwise coupled with an interest in a person other than the principal, this section does not impose any duties on the attorney in fact that would conflict or be inconsistent with that interest.

Sec. 145. K.S.A. 58-662 is hereby amended to read as follows: 58-662. (a) The principal may petition the court for an accounting by the principal's attorney in fact or the legal representative of the attorney in fact. If the principal is disabled or deceased, a petition for accounting may be filed by the principal's legal representative, an adult member of the principal's family or any person interested in the welfare of the principal.

(b) Any requirement for an accounting may be waived or an accounting may be approved by the court without hearing, if the accounting is waived or approved by a principal who is not disabled, or by a principal whose legal capacity has been restored, or by all creditors and distributees of a deceased principal's estate whose claims or distributions theretofore have not been satisfied in full. The approval or waiver shall be in writing, signed by the affected persons and filed with the court.

(c) For the purposes of subsection (b), a legal representative or a person providing services to the principal's estate shall not be considered a creditor of the principal's estate. No express approval or waiver shall be required from the legal representative of a disabled principal if the principal's legal capacity has been restored, or from the personal representative of a deceased principal's estate, or from any other person entitled to compensation or expense for services rendered to a disabled or deceased principal's estate, unless the principal or the principal's estate is unable to pay in full the compensation and expense to which the person rendering the services may be entitled.

(d) The principal, the principal's attorney in fact, an adult member of the principal's family or any person interested in the welfare of the principal may petition the district court in the county where the principal is then residing to determine and declare whether a principal, who has executed a power of attorney, is a disabled person.

(e) If the principal is a disabled person, on petition of the principal's legal representative, an adult member of the principal's family or any interested person, including a person interested in the welfare of the principal, for good cause shown, the court may:

(1) Order the attorney in fact to exercise or refrain from exercising authority in a durable power of attorney in a particular manner or for a particular purpose;

(2) modify the authority of an attorney in fact under a durable power of attorney;

(3) declare suspended a power of attorney that is nondurable;

(4) terminate a durable power of attorney;

(5) remove the attorney in fact under a durable power of attorney;

(6) confirm the authority of an attorney in fact or a successor attorney in fact to act under a durable power of attorney; and

(7) issue such other orders as the court finds will be in the best interest of the disabled principal, including appointment of a conservator for the principal pursuant to ~~K.S.A. 59-3050, et seq.~~ *the Kansas uniform guardianship, conservatorship and other protective arrangements act, sections 24 through 135*, and amendments thereto.

(f) In addition to any other remedies available under law, if after notice and hearing, the court determines that there has been a showing that the

principal is a disabled person and that the attorney in fact has breached such attorney in fact's fiduciary duty to the principal or that there is a reasonable likelihood that such attorney in fact may do so in the immediate future, the court, in its discretion, may issue an order that some or all of the authority granted by the durable power of attorney be suspended or modified, and that a different attorney in fact be authorized to exercise some or all of the powers granted by the durable power of attorney. Such attorney in fact may be designated by the court. The court may require any person petitioning for any such order to file a bond in such amount and with such sureties as required by the court to indemnify either the attorney in fact who has been acting on behalf of the principal or the principal and the principal's successors in interest for the expenses, including attorney fees, incurred by any such persons with respect to such proceeding. The court, after hearing, may allow payment or enter judgment. None of the actions described in this subsection shall be taken by the court until after hearing upon reasonable notice to all persons identified in a verified statement supplied by the petitioner who is requesting such action identifying the immediate relatives of the principal and any other persons known to the petitioner to be interested in the welfare of the principal. Except that in the event of an emergency as determined by the court, the court, without notice, may enter such temporary order as seems proper to the court, but no such temporary order shall be effective for more than 30 days unless extended by the court after hearing on reasonable notice to the persons identified as ~~herein~~ provided *in this subsection*.

(g) If a power of attorney is suspended or terminated by the court or the attorney in fact is removed by the court, the court may require an accounting from the attorney in fact and order delivery of any property belonging to the principal and copies of any necessary records of the attorney in fact concerning the principal's property and affairs to a successor attorney in fact or the principal's legal representative.

(h) In a proceeding under this act or in any other proceeding, or upon petition of an attorney in fact or successor, the court may:

(1) Require or permit an attorney in fact under a power of attorney to account;

(2) authorize the attorney in fact under a power of attorney to enter into any transaction, or approve, ratify, confirm and validate any transaction entered into by the attorney in fact that the court finds is, was or will be beneficial to the principal and which the court has power to authorize for a conservator pursuant to ~~K.S.A. 59-3050 et seq.~~ *the Kansas uniform guardianship, conservatorship and other protective arrangements act, sections 24 through 135*, and amendments thereto; and

(3) relieve the attorney in fact of any obligation to exercise authority for a disabled principal under a durable power of attorney.

(i) Unless previously barred by adjudication, consent or limitation, any cause of action against an attorney in fact or successor for breach of duty to the principal shall be barred as to any principal who has received an account or other statement fully disclosing the matter unless a proceeding to assert the cause of action is commenced within two years after receipt of the account or statement by the principal or, if the principal is a disabled person, by a guardian or conservator of the disabled person's estate. If a disabled person has no guardian or conservator of the disabled person's estate at the time an account or statement is presented, then the cause of action shall not be barred until one year after the removal of the principal's disability or incapacity, one year after the appointment of a conservator for the principal or one year after the death of the principal. The cause of action thus barred does not include any action to recover from an attorney in fact or successor for fraud, misrepresentation or concealment related to the settlement of any transaction involving the agency relationship of the attorney in fact with the principal.

Sec. 146. K.S.A. 58-24a15 is hereby amended to read as follows: 58-24a15. Conservators shall not invest funds under their control and management in investments other than those specifically permitted by ~~K.S.A. 59-3078~~ *sections 99 and 100*, and amendments thereto, except upon the entry of an order of a court of competent jurisdiction, after a hearing on a verified petition. Before authorizing any such investment, the court shall require evidence of value and advisability of such purchase.

Sec. 147. K.S.A. 2024 Supp. 58-4802 is hereby amended to read as follows: 58-4802. In this act:

(a) "Account" means an arrangement under a terms-of-service agreement in which a custodian carries, maintains, processes, receives or stores a digital asset of the user or provides goods or services to the user.

(b) "Agent" means an attorney-in-fact granted authority under a durable or nondurable power of attorney.

(c) "Carries" means engages in the transmission of an electronic communication.

(d) "Catalogue of electronic communications" means information that identifies each person with which a user has had an electronic communication, the time and date of the communication and the electronic address of the person.

(e) "Conservatee" means an individual for whom a conservator has been appointed.

(f) "Conservator" means a person appointed by a court pursuant to ~~K.S.A. 59-3050 et seq.~~ *the Kansas uniform guardianship, conservatorship and other protective arrangements act, sections 24 through 135*, and amendments thereto, to manage the estate of a minor or adult individual. The term includes a temporary conservator.

(g) "Content of an electronic communication" means information concerning the substance or meaning of the communication which:

(1) Has been sent or received by a user;

(2) is in electronic storage by a custodian providing an electronic communication service to the public or is carried or maintained by a custodian providing a remote computing service to the public; and

(3) is not readily accessible to the public.

(h) "Court" means the district court.

(i) "Custodian" means a person that carries, maintains, processes, receives or stores a digital asset of a user.

(j) "Designated recipient" means a person chosen by a user using an online tool to administer digital assets of the user.

(k) "Digital asset" means an electronic record in which an individual has a right or interest. The term does not include an underlying asset or liability unless the asset or liability is itself an electronic record.

(l) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic or similar capabilities.

(m) "Electronic communication" has the meaning set forth in 18 U.S.C. § 2510(12).

(n) "Electronic communication service" means a custodian that provides to a user the ability to send or receive an electronic communication.

(o) "Fiduciary" means an original, additional or successor personal representative, guardian, conservator, agent or trustee.

(p) "Guardian" means a person appointed by the court pursuant to ~~K.S.A. 59-3050 et seq.~~ *the Kansas uniform guardianship, conservatorship and other protective arrangements act, sections 24 through 135*, and amendments thereto, to make decisions regarding the support, care, education, health and welfare of a minor or adult individual. The term includes a temporary guardian but does not include a guardian ad litem.

(q) "Information" means data, text, images, videos, sounds, codes, computer programs, software, databases or the like.

(r) "Online tool" means an electronic service provided by a custodian that allows the user, in an agreement distinct from the terms-of-service agreement between the custodian and user, to provide directions for disclosure or nondisclosure of digital assets to a third person.

(s) "Person" means an individual, estate, business or nonprofit entity, public corporation, government or governmental subdivision, agency or instrumentality, or other legal entity.

(t) "Personal representative" means an executor, administrator, special administrator or person that performs substantially the same function under law of this state other than this act.

(u) "Power of attorney" means a record that grants an agent authority to act on behalf of a principal.

(v) "Principal" means an individual who grants authority to an agent in a power of attorney.

(w) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(x) "Remote computing service" means a custodian that provides to a user computer-processing services or the storage of digital assets by means of an electronic communications system, as defined in 18 U.S.C. § 2510(14).

(y) "Terms of service agreement" means an agreement that controls the relationship between a user and a custodian.

(z) "Trustee" means a fiduciary with legal title to property under an agreement or declaration that creates a beneficial interest in another. The term includes a successor trustee.

(aa) "User" means a person that has an account with a custodian.

(bb) "Ward" means an individual for whom a guardian has been appointed.

(cc) "Will" includes a codicil, a testamentary instrument that only appoints an executor and an instrument that revokes or revises a testamentary instrument.

Sec. 148. K.S.A. 2024 Supp. 58-4814 is hereby amended to read as follows: 58-4814. (a) After an opportunity for a hearing under ~~K.S.A. 59-3050 et seq.~~ *the Kansas uniform guardianship, conservatorship and other protective arrangements act, sections 24 through 135*, and amendments thereto, the court may grant a guardian or conservator access to the digital assets of a ward or conservatee.

(b) Unless otherwise ordered by the court or directed by the user, a custodian shall disclose to a guardian or conservator the catalogue of electronic communications sent or received by a ward or conservatee and any digital assets, other than the content of electronic communications, in which the ward or conservatee has a right or interest if the guardian or conservator gives the custodian:

(1) A written request for disclosure in physical or electronic form;

(2) a certified copy of the court order that gives the guardian or conservator authority over the digital assets of the ward or conservatee; and

(3) if requested by the custodian:

(A) A number, username, address or other unique subscriber or account identifier assigned by the custodian to identify the account of the ward or conservatee; or

(B) evidence linking the account to the ward or conservatee.

(c) A guardian or conservator with general authority to manage the assets of a ward or conservatee may request a custodian of the digital assets of the ward or conservatee to suspend or terminate an account of the ward

or conservatee for good cause. A request made under this section must be accompanied by a certified copy of the court order giving the guardian or conservator authority over the ward or conservatee's property.

Sec. 149. K.S.A. 59-1701 is hereby amended to read as follows: 59-1701. (a) No bank, savings and loan association or other corporation shall be appointed or authorized directly or indirectly to act as a fiduciary in this state except:

(1) A bank, savings and loan association or other corporation organized under the laws of, and having its principal place of business in, this state;

(2) a national bank, federal savings bank or federal savings and loan association located in this state;

(3) a bank, savings and loan association or other corporation organized under the laws of, and having its principal place of business in, another state which permits a bank, savings and loan association or other corporation which is similarly organized in this state to act in a like fiduciary capacity in the other state under similar conditions;

(4) a national bank, federal savings bank or federal savings and loan association located in another state which permits a national bank, federal savings bank or federal savings and loan association located in this state to act in a like fiduciary capacity in the other state under similar conditions;

(5) a nonprofit corporation certified in accordance with ~~K.S.A. 59-3070~~ *section 35*, and amendments thereto, to the extent provided by that statute; or

(6) as provided in K.S.A. 59-1707 and 59-1708, and amendments thereto.

(b) No officer, employee or agent of a bank, savings and loan association or corporation which is not authorized to act as a fiduciary in this state shall be permitted to act as a fiduciary, whether such officer, employee or agent is a resident or a nonresident of this state, when in fact such officer, employee or agent is acting as a fiduciary on behalf of such bank, savings and loan association or corporation.

(c) No bank, savings and loan association or other corporation, other than a nonprofit corporation certified in accordance with ~~K.S.A. 59-3070~~ *section 35*, and amendments thereto, shall be appointed guardian of the person of a ward.

Sec. 150. K.S.A. 2024 Supp. 59-2401a is hereby amended to read as follows: 59-2401a. (a) An appeal by an interested party from a district magistrate judge who is not regularly admitted to practice law in Kansas to a district judge may be taken no later than 14 days from any final order, judgment or decree entered in any proceeding pursuant to:

(1) The Kansas adoption and relinquishment act, K.S.A. 59-2111 et seq., and amendments thereto;

(2) the care and treatment act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments thereto;

(3) the care and treatment act for persons with an alcohol or substance abuse problem, K.S.A. 59-29b45 et seq., and amendments thereto; or

(4) the ~~act for obtaining a guardian or conservator, or both, K.S.A. 59-3050 et seq.~~ *Kansas uniform guardianship, conservatorship and other protective arrangements act, sections 24 through 135*, and amendments thereto.

The appeal shall be heard no later than 30 days from the date the notice of appeal is filed. If no record was made of the proceedings, the trial shall be de novo. Except as provided further, if a record was made of the proceedings, the district judge shall conduct the appeal on the record. Upon motion of any party to the proceedings, the district judge may hold a trial de novo.

(b) An appeal by an interested party from a district judge, or a district magistrate judge who is regularly admitted to practice law in Kansas, to an appellate court shall be taken pursuant to article 21 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, from any final order, judgment or decree entered in any proceeding pursuant to:

(1) The Kansas adoption and relinquishment act, K.S.A. 59-2111 et seq., and amendments thereto;

(2) the care and treatment act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments thereto;

(3) the Kansas sexually violent predator act, K.S.A. 59-29a01 et seq., and amendments thereto;

(4) the care and treatment act for persons with an alcohol or substance abuse problem, K.S.A. 59-29b45 et seq., and amendments thereto; or

(5) the ~~act for obtaining a guardian or conservator, or both, K.S.A. 59-3050 et seq.~~ *Kansas uniform guardianship, conservatorship and other protective arrangements act, sections 24 through 135*, and amendments thereto.

Except for appeals under the Kansas judicial review act and cases otherwise specifically provided for by law, appeals under this section shall have priority over all others.

(c) Pending the determination of an appeal pursuant to subsection (a) or (b), any order appealed from shall continue in force unless modified by temporary orders entered by the court hearing the appeal. The supersedeas bond provided for in K.S.A. 60-2103, and amendments thereto, shall not stay proceedings under an appeal from the district court to an appellate court.

(d) In an appeal taken pursuant to subsection (a) or (b), the court from which the appeal is taken may require an appropriate party, other than the state of Kansas, any subdivision thereof, and all cities and counties in this

state, to file a bond in such sum and with such sureties as may be fixed and approved by the court to ensure that the appeal will be prosecuted without unnecessary delay and to ensure the payment of all judgments and any sums, damages and costs that may be adjudged against that party.

(e) As used in this section, "interested party" means:

(1) The parent in a proceeding pursuant to the Kansas adoption and relinquishment act, K.S.A. 59-2111 et seq., and amendments thereto;

(2) the patient under the care and treatment act for mentally ill persons, K.S.A. 59-2945 et seq., and amendments thereto;

(3) the patient under the care and treatment act for persons with an alcohol or substance abuse problem, K.S.A. 59-29b45 et seq., and amendments thereto;

(4) the person adjudicated a sexually violent predator under the Kansas sexually violent predator act, K.S.A. 59-29a01 et seq., and amendments thereto;

(5) the ward or conservatee under the ~~act for obtaining a guardian or conservator, or both, K.S.A. 59-3050 et seq.~~ *Kansas uniform guardianship, conservatorship and other protective arrangements act, sections 24 through 135*, and amendments thereto;

(6) the parent of a minor person adjudicated a ward or conservatee under the ~~act for obtaining a guardian or conservator, or both, K.S.A. 59-3050 et seq.~~ *Kansas uniform guardianship, conservatorship and other protective arrangements act, sections 24 through 135*, and amendments thereto;

(7) the petitioner in the case on appeal; and

(8) any other person granted interested party status by the court from which the appeal is being taken.

(f) This section shall be part of and supplemental to the Kansas probate code.

Sec. 151. K.S.A. 2024 Supp. 59-29b46 is hereby amended to read as follows: 59-29b46. When used in the care and treatment act for persons with an alcohol or substance abuse problem:

(a) "Discharge" means the final and complete release from treatment, by either the head of a treatment facility acting pursuant to K.S.A. 59-29b50, and amendments thereto, or by an order of a court issued pursuant to K.S.A. 59-29b73, and amendments thereto.

(b) "Head of a treatment facility" means the administrative director of a treatment facility or such person's designee.

(c) "Law enforcement officer" means the same as defined in K.S.A. 22-2202, and amendments thereto.

(d) "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed by the behavioral sciences regulatory board. Such person

shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or while completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 75-7d01 through 75-7d13, and amendments thereto, unless otherwise exempt from licensure under subsection (n).

(e) "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed by the behavioral sciences regulatory board.

(f) "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of substance abuse disorders or mental disorders.

(g) "Other facility for care or treatment" means any mental health clinic, medical care facility, nursing home, the detox units at either Osawatomie state hospital or Larned state hospital, any physician or any other institution or individual authorized or licensed by law to give care or treatment to any person.

(h) "Patient" means a person who is a voluntary patient, a proposed patient or an involuntary patient.

(1) "Voluntary patient" means a person who is receiving treatment at a treatment facility pursuant to K.S.A. 59-29b49, and amendments thereto.

(2) "Proposed patient" means a person for whom a petition pursuant to K.S.A. 59-29b52 or 59-29b57, and amendments thereto, has been filed.

(3) "Involuntary patient" means a person who is receiving treatment under order of a court or a person admitted and detained by a treatment facility pursuant to an application filed pursuant to K.S.A. 59-29b54(b) or (c), and amendments thereto.

(i) "Person with an alcohol or substance abuse problem" means a person who: (1) Lacks self-control as to the use of alcoholic beverages or any substance as defined in subsection (m); or

(2) uses alcoholic beverages or any substance to the extent that the person's health may be substantially impaired or endangered without treatment.

(j) (1) "Person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment" means a person with an

alcohol or substance abuse problem who also is incapacitated by alcohol or any substance and is likely to cause harm to self or others.

(2) "Incapacitated by alcohol or any substance" means that the person, as the result of the use of alcohol or any substance, has impaired judgment resulting in the person:

(A) Being incapable of realizing and making a rational decision with respect to the need for treatment; or

(B) lacking sufficient understanding or capability to make or communicate responsible decisions concerning either the person's well-being or estate.

(3) "Likely to cause harm to self or others" means that the person, by reason of the person's use of alcohol or any substance: (A) Is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty; or

(B) is substantially unable, except for reason of indigency, to provide for any of the person's basic needs, such as food, clothing, shelter, health or safety, causing a substantial deterioration of the person's ability to function on the person's own.

(k) "Physician" means a person licensed to practice medicine and surgery as provided for in the Kansas healing arts act or a person who is employed by a state psychiatric hospital or by an agency of the United States and who is authorized by law to practice medicine and surgery within that hospital or agency.

(l) "Psychologist" means a licensed psychologist, as defined by K.S.A. 74-5302, and amendments thereto.

(m) "Substance" means: (1) The same as the term "controlled substance" as defined in K.S.A. 21-5701, and amendments thereto; or

(2) fluorocarbons, toluene or volatile hydrocarbon solvents.

(n) "Treatment" means the broad range of emergency, outpatient, intermediate and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological and social service care, vocational rehabilitation and career counseling, which may be extended to persons with an alcohol or substance abuse problem.

(o) (1) "Treatment facility" means a treatment program, public or private treatment facility, or any facility of the United States government available to treat a person for an alcohol or other substance abuse problem, but such term does not include a licensed medical care facility, a licensed adult care home, a facility licensed under K.S.A. 2015

Supp. 75-3307b, prior to its repeal or under K.S.A. 39-2001 et seq., and amendments thereto, a community-based alcohol and drug safety action program certified under K.S.A. 8-1008, and amendments thereto, and performing only those functions for which the program is certified to perform under K.S.A. 8-1008, and amendments thereto, or a professional licensed by the behavioral sciences regulatory board to diagnose and treat mental disorders at the independent level or a physician, who may treat in the usual course of the behavioral sciences regulatory board licensee's or physician's professional practice individuals incapacitated by alcohol or other substances, but who are not primarily engaged in the usual course of the individual's professional practice in treating such individuals, or any state institution, even if detoxification services may have been obtained at such institution.

(2) "Private treatment facility" means a private agency providing facilities for the care and treatment or lodging of persons with either an alcohol or other substance abuse problem and meeting the standards prescribed in either K.S.A. 65-4013 or 65-4603, and amendments thereto, and licensed under either K.S.A. 65-4014 or 65-4607, and amendments thereto.

(3) "Public treatment facility" means a treatment facility owned and operated by any political subdivision of the state of Kansas and licensed under either K.S.A. 65-4014 or 65-4603, and amendments thereto, as an appropriate place for the care and treatment or lodging of persons with an alcohol or other substance abuse problem.

(p) The terms defined in ~~K.S.A. 59-3051~~ *section 25*, and amendments thereto, shall have the meanings provided by that section.

Sec. 152. K.S.A. 2024 Supp. 59-29b48 is hereby amended to read as follows: 59-29b48. (a) The fact that a person may have voluntarily accepted any form of treatment for an alcohol or substance abuse problem, or become subject to a court order entered under authority of this act, shall not be construed to mean that such person shall have lost any civil right they otherwise would have as a resident or citizen, any property right or their legal capacity, except as may be specified within any court order or as otherwise limited by the provisions of this act or the reasonable rules and regulations which the head of a treatment facility may for good cause find necessary to make for the orderly operations of that facility. No person held in custody under the provisions of this act shall be denied the right to apply for a writ of habeas corpus.

(b) There shall be no implication or presumption that a patient within the terms of this act is for that reason alone a person in need of a guardian or a conservator, or both, as provided in ~~K.S.A. 59-3050 through 59-3095~~ *the Kansas uniform guardianship, conservatorship and other protective arrangements act, sections 24 through 135*, and amendments thereto.

(c) A person who is a mentally ill person subject to involuntary commitment for care and treatment as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto, shall be subject to K.S.A. 21-6301, and amendments thereto.

Sec. 153. K.S.A. 59-29b49 is hereby amended to read as follows: 59-29b49. (a) A person with an alcohol or substance abuse problem may be admitted to a treatment facility as a voluntary patient when there are available accommodations and the head of the treatment facility determines such person is in need of treatment therein, and that the person has the capacity to consent to treatment.

(b) Admission shall be made upon written application:

(1) If such person is 18 years of age or older the person may make such application for themself; or

(2) (A) If such person is less than 18 years of age, a parent may make such application for their child; or

(B) if such person is less than 18 years of age, but 14 years of age or older, the person may make such written application on their own behalf without the consent or written application of their parent, legal guardian or any other person. Whenever a person who is 14 years of age or older makes written application on their own behalf and is admitted as a voluntary patient, the head of the treatment facility shall promptly notify the child's parent, legal guardian or other person known to the head of the treatment facility to be interested in the care and welfare of the minor of the admittance of that child; or

(3) if such person has a legal guardian, the legal guardian may make such application provided that if the legal guardian is required to obtain authority to do so pursuant to ~~K.S.A. 59-3077~~ *sections 77 and 78*, and amendments thereto, then only in accordance with the provisions thereof. If the legal guardian is seeking admission of their ward upon an order giving the guardian continuing authority to admit the ward to a treatment facility as defined in ~~K.S.A. 59-3077~~ *sections 77 and 78*, and amendments thereto, the head of the treatment facility may require a statement from the patient's attending physician or from the local health officer of the area in which the patient resides confirming that the patient is in need of treatment for an alcohol or substance abuse problem in a treatment facility before accepting the ward for admission, and shall divert any such person to a less restrictive treatment alternative as may be appropriate.

(c) No person shall be admitted as a voluntary patient under the provisions of this act to any treatment facility unless the head of the treatment facility has informed such person or such person's parent, legal guardian,

or other person known to the head of the treatment facility to be interested in the care and welfare of a minor, in writing, of the following:

(1) The rules and procedures of the treatment facility relating to the discharge of voluntary patients;

(2) the legal rights of a voluntary patient receiving treatment from a treatment facility as provided for in K.S.A. 59-29b78 and amendments thereto; and

(3) in general terms, the types of treatment which are available or would not be available to a voluntary patient from that treatment facility.

(d) Nothing in this act shall be construed as to prohibit a proposed or involuntary patient with capacity to do so from making an application for admission as a voluntary patient to a treatment facility. Any proposed or involuntary patient desiring to do so shall be afforded an opportunity to consult with their attorney prior to making any such application. If the head of the treatment facility accepts the application and admits the patient as a voluntary patient, then the head of the treatment facility shall notify, in writing, the patient's attorney, the patient's legal guardian, if the patient has a legal guardian, and the district court which has jurisdiction over the patient of the patient's voluntary status. When a notice of voluntary admission is received, the court shall file the same which shall terminate the proceedings.

Sec. 154. K.S.A. 59-29b51 is hereby amended to read as follows: 59-29b51. (a) A voluntary patient shall be entitled to be discharged from a treatment facility, by the head of the treatment facility, by no later than the third day, excluding Saturdays, Sundays and holidays, after receipt of the patient's written request for discharge.

(b) (1) If the voluntary patient is an adult admitted upon the application of a legal guardian or pursuant to an order of the court issued pursuant to ~~K.S.A. 59-3077~~ *sections 77 and 78*, and amendments thereto, any request for discharge must be made, in writing, by the legal guardian.

(2) If the voluntary patient is a minor, the written request for discharge shall be made by the child's parent or legal guardian except if the minor was admitted upon their own written application to become a voluntary patient made pursuant to K.S.A. 59-29b49 and amendments thereto, then the minor may make the request. In the case of a minor 14 or more years of age who had made written application to become a voluntary patient on their own behalf and who has requested to be discharged, the head of the treatment facility shall promptly inform the child's parent, legal guardian or other person known to the head of the treatment facility to be interested in the care and welfare of the minor of the minor's request for discharge.

Sec. 155. K.S.A. 2024 Supp. 59-29b60 is hereby amended to read as follows: 59-29b60. (a) Upon the filing of the petition provided for in

K.S.A. 59-29b57, and amendments thereto, the district court shall issue the following:

(1) An order fixing the time and place of the trial upon the petition. Such hearing, in the court's discretion, may be conducted in a courtroom, a treatment facility or at some other suitable place. The time fixed in the order shall in no event be earlier than seven days or later than 14 days after the date of the filing of the petition. If a demand for a trial by jury is later filed by the proposed patient, the court may continue the trial and fix a new time and place of the trial at a time that may exceed beyond the 14 days but shall be fixed within a reasonable time not exceeding 30 days from the date of the filing of the demand.

(2) An order that the proposed patient appear at the time and place of the hearing and providing that the proposed patient's presence will be required at the hearing unless the attorney for the proposed patient shall make a request that the proposed patient's presence be waived and the court finds that the proposed patient's presence at the hearing would be injurious to the proposed patient's welfare. The order shall further provide that notwithstanding the foregoing provision, if the proposed patient requests in writing to the court or to such person's attorney that the proposed patient wishes to be present at the hearing, the proposed patient's presence cannot be waived.

(3) An order appointing an attorney to represent the proposed patient at all stages of the proceedings and until all orders resulting from such proceedings are terminated. The court shall give preference, in the appointment of this attorney, to any attorney who has represented the proposed patient in other matters if the court has knowledge of that prior representation. The proposed patient shall have the right to engage an attorney of the proposed patient's own choice and, in such event, the attorney appointed by the court shall be relieved of all duties by the court.

(4) An order that the proposed patient shall appear at a time and place that is in the best interests of the patient where the proposed patient will have the opportunity to consult with the proposed patient's court-appointed attorney, which time shall be at least five days prior to the date set for the trial under K.S.A. 59-29b65, and amendments thereto.

(5) An order for an evaluation as provided for in K.S.A. 59-29b61, and amendments thereto.

(6) A notice as provided for in K.S.A. 59-29b63, and amendments thereto.

(7) If the petition also contains allegations as provided for in ~~K.S.A. 59-3058, 59-3059, 59-3060, 59-3061 or 59-3062~~ *sections 17, 18, 28, 49, 52 or 65*, and amendments thereto, those orders necessary to make a determination of the need for a legal guardian or conservator, or both, to act on behalf of the proposed patient. For these purposes, the tri-

als required by K.S.A. 59-29b65 ~~and K.S.A. 59-3067~~, and amendments thereto, *sections 30, 53, 55, 66 and 70, and amendments thereto,* may be consolidated.

(8) If the petitioner shall not have named a proposed treatment facility to which the proposed patient may be sent as provided for ~~subsection (b)(8) of~~ *in* K.S.A. 59-29b57*(b)(8)*, and amendments thereto, but instead stated that the secretary for aging and disability services has been notified and requested to determine which treatment facility the proposed patient should be sent to, then the court shall issue an order requiring the secretary, or the secretary's designee, to make that determination and to notify the court of the name and address of that treatment facility by such time as the court shall specify in the court's order.

(b) Nothing in this section shall prevent the court from granting an order of continuance, for good cause shown, to any party for no longer than seven days, except that such limitation does not apply to a request for an order of continuance made by the proposed patient or to a request made by any party if the proposed patient is absent such that further proceedings can not be held until the proposed patient has been located. The court also, upon the request of any party, may advance the date of the hearing if necessary and in the best interests of all concerned.

Sec. 156. K.S.A. 2024 Supp. 59-29c03 is hereby amended to read as follows: 59-29c03. (a) The fact that a person has been detained for emergency observation and treatment under this act shall not be construed to mean that such person shall have lost any civil right such person would otherwise have as a resident or citizen, any property right or legal capacity, except as may be specified within any court order or as otherwise limited by the provisions of this act or the reasonable policies which the head of a crisis intervention center may, for good cause shown, find necessary to make for the orderly operations of that facility. No person held in custody under the provisions of this act shall be denied the right to apply for a writ of habeas corpus. No judicial action taken as part of the procedure provided in K.S.A. 2024 Supp. 59-29c08(c), and amendments thereto, shall constitute a finding by the court.

(b) There shall be no implication or presumption that a patient within the terms of this act is, for that reason alone, a person in need of a guardian or a conservator, or both, as provided in ~~K.S.A. 59-3050 through 59-3097~~ *the Kansas uniform guardianship, conservatorship and other protective arrangements act, sections 24 through 135*, and amendments thereto.

Sec. 157. K.S.A. 2024 Supp. 59-2946 is hereby amended to read as follows: 59-2946. When used in the care and treatment act for mentally ill persons:

(a) "Discharge" means the final and complete release from treatment, by either the head of a treatment facility acting pursuant to K.S.A. 59-

2950, and amendments thereto, or by an order of a court issued pursuant to K.S.A. 59-2973, and amendments thereto.

(b) "Head of a treatment facility" means the administrative director of a treatment facility or such person's designee.

(c) "Law enforcement officer" means the same as defined in K.S.A. 22-2202, and amendments thereto.

(d) (1) "Mental health center" means any community mental health center as defined in K.S.A. 39-2002, and amendments thereto, or a mental health clinic organized as a not-for-profit or a for-profit corporation pursuant to K.S.A. 17-1701 through 17-1775, and amendments thereto, or K.S.A. 17-6001 through 17-6010, and amendments thereto, and licensed in accordance with the provisions of K.S.A. 39-2001 et seq., and amendments thereto.

(2) "Participating mental health center" means a mental health center that has entered into a contract with the secretary for aging and disability services pursuant to the provisions of K.S.A. 39-1601 through 39-1612, and amendments thereto.

(e) "Mentally ill person" means any person who is suffering from a mental disorder that is manifested by a clinically significant behavioral or psychological syndrome or pattern and associated with either a painful symptom or an impairment in one or more important areas of functioning, and involving substantial behavioral, psychological or biological dysfunction, to the extent that the person is in need of treatment.

(f) (1) "Mentally ill person subject to involuntary commitment for care and treatment" means a mentally ill person, as defined in subsection (e), who also lacks capacity to make an informed decision concerning treatment, is likely to cause harm to self or others, and whose diagnosis is not solely one of the following mental disorders: Alcohol or chemical substance abuse; antisocial personality disorder; intellectual disability; organic personality syndrome; or an organic mental disorder.

(2) "Lacks capacity to make an informed decision concerning treatment" means that the person, by reason of the person's mental disorder, is unable, despite conscientious efforts at explanation, to understand basically the nature and effects of hospitalization or treatment or is unable to engage in a rational decision-making process regarding hospitalization or treatment, as evidenced by an inability to weigh the possible risks and benefits.

(3) "Likely to cause harm to self or others" means that the person, by reason of the person's mental disorder: (A) Is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that

the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty; or (B) is substantially unable, except for reason of indigency, to provide for any of the person's basic needs, such as food, clothing, shelter, health or safety, causing a substantial deterioration of the person's ability to function on the person's own.

No person who is being treated by prayer in the practice of the religion of any church that teaches reliance on spiritual means alone through prayer for healing shall be determined to be a mentally ill person subject to involuntary commitment for care and treatment under this act unless substantial evidence is produced upon which the district court finds that the proposed patient is likely in the reasonably foreseeable future to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty.

(g) "Patient" means a person who is a voluntary patient, a proposed patient or an involuntary patient.

(1) "Voluntary patient" means a person who is receiving treatment at a treatment facility pursuant to K.S.A. 59-2949, and amendments thereto.

(2) "Proposed patient" means a person for whom a petition pursuant to K.S.A. 59-2952 or 59-2957, and amendments thereto, has been filed.

(3) "Involuntary patient" means a person who is receiving treatment under order of a court or a person admitted and detained by a treatment facility pursuant to an application filed pursuant to K.S.A. 59-2954(b) or (c), and amendments thereto.

(h) "Physician" means a person licensed to practice medicine and surgery as provided for in the Kansas healing arts act or a person who is employed by a state psychiatric hospital or by an agency of the United States and who is authorized by law to practice medicine and surgery within that hospital or agency.

(i) "Psychologist" means a licensed psychologist, as defined by K.S.A. 74-5302, and amendments thereto.

(j) "Qualified mental health professional" means a physician or psychologist who is employed by a participating mental health center or who is providing services as a physician or psychologist under a contract with a participating mental health center, a licensed master's level psychologist, a licensed clinical psychotherapist, a licensed marriage and family therapist, a licensed clinical marriage and family therapist, a licensed professional counselor, a licensed clinical professional counselor, a licensed specialist social worker or a licensed master social worker or a registered nurse who

has a specialty in psychiatric nursing, who is employed by a participating mental health center and who is acting under the direction of a physician or psychologist who is employed by, or under contract with, a participating mental health center.

(1) "Direction" means monitoring and oversight including regular, periodic evaluation of services.

(2) "Licensed master social worker" means a person licensed as a master social worker by the behavioral sciences regulatory board under K.S.A. 65-6301 through 65-6318, and amendments thereto.

(3) "Licensed specialist social worker" means a person licensed in a social work practice specialty by the behavioral sciences regulatory board under K.S.A. 65-6301 through 65-6318, and amendments thereto.

(4) "Licensed master's level psychologist" means a person licensed as a licensed master's level psychologist by the behavioral sciences regulatory board under K.S.A. 74-5361 through 74-5373, and amendments thereto.

(5) "Registered nurse" means a person licensed as a registered professional nurse by the board of nursing under K.S.A. 65-1113 through 65-1164, and amendments thereto.

(k) "Secretary" means the secretary for aging and disability services.

(l) "State psychiatric hospital" means Larned state hospital, Osawatomie state hospital or Rainbow mental health facility.

(m) "Treatment" means any service intended to promote the mental health of the patient and rendered by a qualified professional, licensed or certified by the state to provide such service as an independent practitioner or under the supervision of such practitioner.

(n) "Treatment facility" means any mental health center or clinic, psychiatric unit of a medical care facility, state psychiatric hospital, psychologist, physician or other institution or person authorized or licensed by law to provide either inpatient or outpatient treatment to any patient.

(o) The terms defined in ~~K.S.A. 59-3051~~ *section 25*, and amendments thereto, shall have the meanings provided by that section.

Sec. 158. K.S.A. 2024 Supp. 59-2948 is hereby amended to read as follows: 59-2948. (a) The fact that a person may have voluntarily accepted any form of psychiatric treatment, or become subject to a court order entered under authority of this act, shall not be construed to mean that such person shall have lost any civil right they otherwise would have as a resident or citizen, any property right or their legal capacity, except as may be specified within any court order or as otherwise limited by the provisions of this act or the reasonable rules and regulations which the head of a treatment facility may for good cause find necessary to make for the orderly operations of that facility. No person held in custody under the provisions of this act shall be denied the right to apply for a writ of habeas corpus.

(b) There shall be no implication or presumption that a patient within the terms of this act is for that reason alone a person in need of a guardian or a conservator as provided for in ~~K.S.A. 59-3050 through 59-3095~~ *the Kansas uniform guardianship, conservatorship and other protective arrangements act, sections 24 through 135*, and amendments thereto.

(c) A person who is a mentally ill person subject to involuntary commitment for care and treatment as defined in K.S.A. 59-2946, and amendments thereto, or a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment as defined in K.S.A. 59-29b46, and amendments thereto, shall be subject to K.S.A. 21-6301, and amendments thereto.

Sec. 159. K.S.A. 59-2949 is hereby amended to read as follows: 59-2949. (a) A mentally ill person may be admitted to a treatment facility as a voluntary patient when there are available accommodations and the head of the treatment facility determines such person is in need of treatment therein, and that the person has the capacity to consent to treatment, except that no such person shall be admitted to a state psychiatric hospital without a written statement from a qualified mental health professional authorizing such admission.

(b) Admission shall be made upon written application:

(1) If such person is 18 years of age or older the person may make such application for themself; or

(2) (A) If such person is less than 18 years of age, a parent may make such application for their child; or

(B) if such person is less than 18 years of age, but 14 years of age or older the person may make such written application on their own behalf without the consent or written application of their parent, legal guardian or any other person. Whenever a person who is 14 years of age or older makes written application on their own behalf and is admitted as a voluntary patient, the head of the treatment facility shall promptly notify the child's parent, legal guardian or other person known to the head of the treatment facility to be interested in the care and welfare of the minor of the admittance of that child; or

(3) if such person has a legal guardian, the legal guardian may make such application provided that if the legal guardian is required to obtain authority to do so pursuant to ~~K.S.A. 59-3077~~ *section 78*, and amendments thereto. If the legal guardian is seeking admission of their ward upon an order giving the guardian continuing authority to admit the ward to a treatment facility, as defined in ~~K.S.A. 59-3077~~ *section 78*, and amendments thereto, the head of the treatment facility may require a statement from the patient's attending physician or from the local health officer of the area in which the patient resides confirming that the patient is in need of psychiatric treatment in a treatment facility before accepting the ward

for admission, and shall divert any such person to a less restrictive treatment alternative, as may be appropriate.

(c) No person shall be admitted as a voluntary patient under the provisions of this act to any treatment facility unless the head of the treatment facility has informed such person or such person's parent, legal guardian, or other person known to the head of the treatment facility to be interested in the care and welfare of a minor, in writing, of the following:

(1) The rules and procedures of the treatment facility relating to the discharge of voluntary patients;

(2) the legal rights of a voluntary patient receiving treatment from a treatment facility as provided for in K.S.A. 59-2978 and amendments thereto; and

(3) in general terms, the types of treatment which are available or would not be available to a voluntary patient from that treatment facility.

(d) Nothing in this act shall be construed as to prohibit a proposed or involuntary patient with capacity to do so from making an application for admission as a voluntary patient to a treatment facility. Any proposed or involuntary patient desiring to do so shall be afforded an opportunity to consult with their attorney prior to making any such application. If the head of the treatment facility accepts the application and admits the patient as a voluntary patient, then the head of the treatment facility shall notify, in writing, the patient's attorney, the patient's legal guardian, if the patient has a legal guardian, and the district court which has jurisdiction over the patient of the patient's voluntary status. When a notice of voluntary admission is received, the court shall file the same which shall terminate the proceedings.

Sec. 160. K.S.A. 59-2951 is hereby amended to read as follows: 59-2951. (a) A voluntary patient shall be entitled to be discharged from a treatment facility, by the head of the treatment facility, by no later than the third day, excluding Saturdays, Sundays and holidays, after receipt of the patient's written request for discharge. If the voluntary patient is a patient in a state psychiatric hospital, that hospital shall immediately give either oral or facsimile notice to the participating mental health center serving the area where the patient intends to reside and shall consider any recommendations from that mental health center which may be received prior to the time set for discharge as specified in the notice.

(b) (1) If the voluntary patient is an adult admitted upon the application of a legal guardian or pursuant to an order of the court issued pursuant to ~~K.S.A. 59-3077~~ *section 78*, and amendments thereto, any request for discharge must be made, in writing, by the legal guardian.

(2) If the voluntary patient is a minor, the written request for discharge shall be made by the child's parent or legal guardian except if the minor was admitted upon their own written application to become a voluntary

patient made pursuant to K.S.A. 59-2949 and amendments thereto, then the minor may make the request. In the case of a minor 14 or more years of age who had made written application to become a voluntary patient on their own behalf and who has requested to be discharged, the head of the treatment facility shall promptly inform the child's parent, legal guardian, or other person known to the head of the treatment facility to be interested in the care and welfare of the minor of the minor's request for discharge.

Sec. 161. K.S.A. 59-2960 is hereby amended to read as follows: 59-2960. (a) Upon the filing of the petition provided for in K.S.A. 59-2957 and amendments thereto, the district court shall issue the following:

(1) An order fixing the time and place of the trial upon the petition. Such hearing, in the court's discretion, may be conducted in a courtroom, a treatment facility or at some other suitable place. The time fixed in the order shall in no event be earlier than seven days or later than 14 days after the date of the filing of the petition. If a demand for a trial by jury is later filed by the proposed patient, the court may continue the trial and fix a new time and place of the trial at a time that may exceed beyond the 14 days but shall be fixed within a reasonable time not exceeding 30 days from the date of the filing of the demand.

(2) An order that the proposed patient appear at the time and place of the hearing and providing that the proposed patient's presence will be required at the hearing unless the attorney for the proposed patient shall make a request that the proposed patient's presence be waived and the court finds that the proposed patient's presence at the hearing would be injurious to the proposed patient's welfare. The order shall further provide that notwithstanding the foregoing provision, if the proposed patient requests in writing to the court or to such person's attorney that the proposed patient wishes to be present at the hearing, the proposed patient's presence cannot be waived.

(3) An order appointing an attorney to represent the proposed patient at all stages of the proceedings and until all orders resulting from such proceedings are terminated. The court shall give preference, in the appointment of this attorney, to any attorney who has represented the proposed patient in other matters if the court has knowledge of that prior representation. The proposed patient shall have the right to engage an attorney of the proposed patient's own choice and, in such event, the attorney appointed by the court shall be relieved of all duties by the court.

(4) An order that the proposed patient shall appear at a time and place that is in the best interests of the patient where the proposed patient will have the opportunity to consult with the proposed patient's court-appointed attorney, which time shall be at least five days prior to the date set for the trial under K.S.A. 59-2965 and amendments thereto.

(5) An order for a mental evaluation as provided for in K.S.A. 59-2961 and amendments thereto.

(6) A notice as provided for in K.S.A. 59-2963 and amendments thereto.

(7) If the petition also contains allegations as provided for in ~~K.S.A. 59-3058, 59-3059, 59-3060, 59-3061 or 59-3062~~ *sections 17, 18, 28, 49, 52 or 65*, and amendments thereto, those orders necessary to make a determination of the need for a legal guardian or conservator, or both, to act on behalf of the proposed patient. For these purposes, the trials required by K.S.A. 59-2965 ~~and 59-3067~~, and amendments thereto, *sections 30, 53, 55, 66 and 70, and amendments thereto,* may be consolidated.

(b) Nothing in this section shall prevent the court from granting an order of continuance, for good cause shown, to any party for no longer than seven days, except that such limitation does not apply to a request for an order of continuance made by the proposed patient or to a request made by any party if the proposed patient absents him or herself such that further proceedings can not be held until the proposed patient has been located. The court also, upon the request of any party, may advance the date of the hearing if necessary and in the best interests of all concerned.

Sec. 162. K.S.A. 73-507 is hereby amended to read as follows: 73-507. Upon the filing of a petition for the appointment of a curator, under the provisions of this act, the court shall cause such notice to be given as provided by the ~~act for obtaining a guardian or conservator, or both (K.S.A. 59-3050 through 59-3095~~ *Kansas uniform guardianship, conservatorship and other protective arrangements act, sections 24 through 135*, and amendments thereto~~)~~.

Sec. 163. K.S.A. 2024 Supp. 75-652 is hereby amended to read as follows: 75-652. As used in this act:

(a) "Account" or "ABLE savings account" means an individual savings account established in accordance with the provisions of this act.

(b) "Account owner" means the person who enters into an ABLE savings agreement pursuant to the provisions of this act. The account owner shall also be the designated beneficiary. A conservator, guardian or a person authorized by the treasurer through procedures established by the treasurer may act on behalf of a designated beneficiary of an account in accordance with procedures established by the treasurer.

(c) "Conservator" means a person appointed by the court pursuant to ~~K.S.A. 59-3050 et seq.~~ *the Kansas uniform guardianship, conservatorship and other protective arrangements act, sections 24 through 135*, and amendments thereto.

(d) "Designated beneficiary" means a Kansas resident or a person authorized by the treasurer pursuant to K.S.A. 75-653, and amendments thereto, whose qualified disability expenses may be paid from the ac-

count. The designated beneficiary must be an eligible individual at the time the account is established.

(e) "Eligible individual" means the same as defined in section 529A of the federal internal revenue code of 1986, as amended.

(f) "Financial organization" means an organization authorized to do business in the state of Kansas and is:

(1) Licensed or chartered by the commissioner of insurance;

(2) licensed or chartered by the state bank commissioner;

(3) chartered by an agency of the federal government; or

(4) subject to the jurisdiction and regulation of the securities and exchange commission of the federal government.

(g) "Guardian" means a person appointed by the court pursuant to ~~K.S.A. 59-3050 et seq.~~ *the Kansas uniform guardianship, conservatorship and other protective arrangements act, sections 24 through 135*, and amendments thereto.

(h) "Management contract" means the contract executed by the treasurer and a financial organization selected to act as a depository and manager of the program.

(i) "Member of the family" means the same as defined in section 529A of the federal internal revenue code of 1986, as amended.

(j) "Nonqualified withdrawal" means a withdrawal from an account which is not:

(1) A qualified withdrawal; or

(2) a rollover distribution.

(k) "Program" means the Kansas ABLE savings program established pursuant to this act.

(l) "Program manager" means a financial organization selected by the treasurer to act as a depository and manager of the program.

(m) "Qualified disability expense" means the same as defined in section 529A of the federal internal revenue code of 1986, as amended.

(n) "Qualified withdrawal" means a withdrawal from an account to pay the qualified disability expenses of the designated beneficiary of the account.

(o) "Rollover distribution" means a rollover distribution as defined in section 529A of the federal internal revenue code of 1986, as amended.

(p) "Savings agreement" means an agreement between the program manager or the treasurer and the account owner.

(q) "Secretary" means the secretary of the United States treasury.

(r) "Treasurer" means the state treasurer.

Sec. 164. K.S.A. 76-729 is hereby amended to read as follows: 76-729. (a) (1) Persons enrolling at the state educational institutions under the control and supervision of the state board of regents who, if such persons are adults, have been domiciliary residents of the state of Kansas or, if

such persons are minors, whose parents have been domiciliary residents of the state of Kansas for at least 12 months prior to enrollment for any term or session at a state educational institution are residents for fee purposes. A person who has been a resident of the state of Kansas for fee purposes and who leaves the state of Kansas to become a resident of another state or country shall retain status as a resident of the state of Kansas for fee purposes if the person returns to domiciliary residency in the state of Kansas within 60 months of departure. All other persons are nonresidents of the state of Kansas for fee purposes.

(2) The provisions of this subsection shall not apply to a person who is deemed a resident for fee purposes pursuant to K.S.A. 76-731a, and amendments thereto.

(b) The state board of regents may authorize the following persons, or any class or classes thereof, and their spouses and dependents to pay an amount equal to resident fees:

(1) Persons who are employees of a state educational institution;

(2) persons having special domestic relations circumstances;

(3) persons who have lost their resident status within six months of enrollment;

(4) persons who are not domiciliary residents of the state, who have graduated from a high school accredited by the state board of education within six months of enrollment, who were domiciliary residents of the state at the time of graduation from high school or within 12 months prior to graduation from high school, and who are entitled to admission at a state educational institution pursuant to K.S.A. 76-717b, and amendments thereto;

(5) persons who are domiciliary residents of the state, whose domiciliary residence was established in the state for the purpose of accepting, upon recruitment by an employer, or retaining, upon transfer required by an employer, a position of full-time employment at a place of employment in Kansas, but the domiciliary residence of whom was not timely enough established to meet the residence duration requirement of subsection (a), and who are not otherwise eligible for authorization to pay an amount equal to resident fees under this subsection.

(c) Pursuant to K.S.A. 2024 Supp. 48-3601, and amendments thereto, a veteran, an active duty member of the armed forces and the spouse and dependent child of such veteran or active duty member of the armed forces shall be deemed residents of the state for fee purposes.

(d) As used in this section:

(1) "Parents" means and includes natural parents, adoptive parents, stepparents, guardians and custodians.

(2) "Guardian" ~~has the meaning ascribed thereto by K.S.A. 59-3051~~ *means the same as defined in section 25*, and amendments thereto.

(3) "Custodian" means a person, agency or association granted legal custody of a minor under the revised Kansas code for care of children.

(4) "Domiciliary resident" means a person who has present and fixed residence in Kansas where the person intends to remain for an indefinite period and to which the person intends to return following absence.

(5) "Full-time employment" means employment requiring at least 1,500 hours of work per year.

(6) "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 person in military service and who is related to such individual by marriage or consanguinity.

(7) "Academic year" means the ~~twelve-month~~ *12-month* period ending June 30.

Sec. 165. K.S.A. 76-12b04 is hereby amended to read as follows: 76-12b04. If in the opinion of the superintendent an applicant for admission meets the definition of a person in need of a guardian or a conservator, or both, as provided in ~~K.S.A. 59-3050 through 59-3095~~ *the Kansas uniform guardianship, conservatorship and other protective arrangements act, sections 24 through 135*, and amendments thereto, the person shall not be admitted to an institution except for the purposes of conducting a court ordered evaluation pursuant to ~~K.S.A. 59-3064~~ *section 69*, and amendments thereto, until a court has determined the legal status of the person under the act for obtaining a guardian or conservator, or both. The provisions of this paragraph shall not be applicable if a court has already determined the legal status of the applicant under the act.

Sec. 166. K.S.A. 77-201 is hereby amended to read as follows: 77-201. In the construction of the statutes of this state the following rules shall be observed, unless the construction would be inconsistent with the manifest intent of the legislature or repugnant to the context of the statute:

First. The repeal of a statute does not revive a statute previously repealed, nor does the repeal affect any right which accrued, any duty imposed, any penalty incurred or any proceeding commenced, under or by virtue of the statute repealed. The provisions of any statute, so far as they are the same as those of any prior statute, shall be construed as a continuation of the prior provisions and not as a new enactment.

Second. Words and phrases shall be construed according to the context and the approved usage of the language, but technical words and phrases, and other words and phrases that have acquired a peculiar and appropriate meaning in law, shall be construed according to their peculiar and appropriate meanings.

Third. Words importing the singular number only may be extended to several persons or things, and words importing the plural number only

may be applied to one person or thing. Words importing the masculine gender only may be extended to females.

Fourth. Words giving a joint authority to three or more public officers or other persons shall be construed as given that authority to a majority of them, unless it is otherwise expressed in the act giving the authority.

Fifth. "Highway" and "road" include public bridges and may be construed to be equivalent to "county way," "county road," "common road," "state road" and "territorial road."

Sixth. "Incompetent person" includes disabled persons and incapacitated persons as defined ~~herein~~ *in this section*.

Seventh. "Issue," as applied to the descent of estates, includes all the lawful lineal descendants of the ancestor.

Eighth. "Land," "real estate" and "real property" include lands, tenements and hereditaments, and all rights to them and interest in them, equitable as well as legal.

Ninth. "Personal property" includes money, goods, chattels, evidences of debt and things in action, and digital assets as defined in the revised uniform fiduciary access to digital assets act, K.S.A. 2024 Supp. 58-4801 through 58-4819, and amendments thereto.

Tenth. "Property" includes personal and real property.

Eleventh. "Month" means a calendar month, unless otherwise expressed. "Year" alone, and also the abbreviation "A.D.," is equivalent to the expression "year of our Lord."

Twelfth. "Oath" includes an affirmation in all cases where an affirmation may be substituted for an oath, and in similar cases "swear" includes affirm.

Thirteenth. "Person" may be extended to bodies politic and corporate.

Fourteenth. If the seal of a court or public office or officer is required by law to be affixed to any paper, "seal" includes an impression of the seal upon the paper alone, as well as upon wax or a wafer affixed to the paper. "Seal" also includes both a rubber stamp seal used with permanent ink and the word "seal" printed on court documents produced by computer systems, so that the seal may be legibly reproduced by photographic process.

Fifteenth. "State," when applied to the different parts of the United States, includes the District of Columbia and the territories. "United States" may include that district and those territories.

Sixteenth. "Town" may mean a civil township, unless a different meaning is plainly intended.

Seventeenth. "Will" includes codicils.

Eighteenth. "Written" and "in writing" may include printing, engraving, lithography and any other mode of representing words and letters, excepting those cases where the written signature or the mark of any person is required by law.

Nineteenth. "Sheriff" may be extended to any person performing the duties of the sheriff, either generally or in special cases.

Twentieth. "Deed" is applied to an instrument conveying lands but does not imply a sealed instrument. "Bond" and "indenture" do not necessarily imply a seal but in other respects mean the same kind of instruments as above. "Undertaking" means a promise or security in any form where required by law.

Twenty-first. "Executor" includes an administrator where the subject matter applies to an administrator.

Twenty-second. Roman numerals and Arabic figures are to be taken as a part of the English language.

Twenty-third. "Residence" means the place which is adopted by a person as the person's place of habitation and to which, whenever the person is absent, the person has the intention of returning. When a person eats at one place and sleeps at another, the place where the person sleeps shall be considered the person's residence.

Twenty-fourth. "Usual place of residence" and "usual place of abode," when applied to the service of any process or notice, means the place usually occupied by a person. If a person has no family, or does not have family with the person, the person's office or place of business or, if the person has no place of business, the room or place where the person usually sleeps shall be construed to be the person's place of residence or abode.

Twenty-fifth. "Householder" means a person who is 18 or more years of age and who owns or occupies a house as a place of residence and not as a boarder or lodger.

Twenty-sixth. "General election" refers to the election required to be held on the Tuesday following the first Monday in November of each even-numbered year.

Twenty-seventh. "Under legal disability" includes persons who are within the period of minority, or who are incapacitated, incompetent or imprisoned.

Twenty-eighth. When a person is required to be disinterested or indifferent in acting on any question or matter affecting other parties, relationship within the degree of second cousin, inclusive, shall disqualify the person from acting, except by consent of parties.

Twenty-ninth. "Head of a family" shall include any person who has charge of children, relatives or others living with the person.

Thirtieth. "Mentally ill person" means a mentally ill person as defined in K.S.A. 59-2946, and amendments thereto.

Thirty-first. "Incapacitated person" means an individual whose ability to receive and evaluate relevant information, or to effectively communicate decisions, or both, even with the use of assistive technologies or other supports, is impaired to the degree that the person lacks the capacity to

manage the person's estate, or to meet essential needs for the person's physical health, safety or welfare, as defined in ~~K.S.A. 59-3051~~ *section 25*, and amendments thereto, whether or not a guardian or a conservator has been appointed for that person.

Thirty-second. "Guardian" means an individual or a nonprofit corporation certified in accordance with ~~K.S.A. 59-3070~~ *section 35*, and amendments thereto, which has been appointed by a court to act on behalf of a ward and possessed of some or all of the powers and duties set out in ~~K.S.A. 59-3075~~ *sections 76 through 78*, and amendments thereto. "Guardian" does not mean natural guardian unless specified.

Thirty-third. "Natural guardian" means both the biological or adoptive mother and father of a minor if neither parent has been found to be an adult with an impairment in need of a guardian or has had parental rights terminated by a court of competent jurisdiction. If either parent of a minor is deceased, or has been found to be an adult with an impairment in need of a guardian, as provided for in ~~K.S.A. 59-3050 through 59-3095~~ *the Kansas uniform guardianship, conservatorship and other protective arrangements act, sections 24 through 135*, and amendments thereto, or has had parental rights terminated by a court of competent jurisdiction, then the other parent shall be the natural guardian, unless also deceased, or found to be an adult with an impairment in need of a guardian, or has had parental rights terminated by a court of competent jurisdiction, in which case no person shall qualify as the natural guardian.

Thirty-fourth. "Conservator" means an individual or corporation appointed by the court to act on behalf of a conservatee and possessed of some or all of the powers and duties set out in ~~K.S.A. 59-3078~~ *sections 99 through 102*, and amendments thereto.

Thirty-fifth. "Minor" means any person defined by K.S.A. 38-101, and amendments thereto, as being within the period of minority.

Thirty-sixth. "Proposed ward" means a person for whom a petition for the appointment of a guardian pursuant to ~~K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061~~ *sections 17, 18, 28, 49, 52 or 65*, and amendments thereto, has been filed.

Thirty-seventh. "Proposed conservatee" means a person for whom a petition for the appointment of a conservator pursuant to ~~K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061~~ *sections 17, 18, 28, 49, 52 or 65*, and amendments thereto, has been filed.

Thirty-eighth. "Ward" means a person who has a guardian.

Thirty-ninth. "Conservatee" means a person who has a conservator.

Fortieth. "Manufactured home" means a structure which:

(1) Is transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on

a permanent chassis and designed to be used as a dwelling, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and

(2) is subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. § 5403.

Forty-first. "Mobile home" means a structure which:

(1) Is transportable in one or more sections which, in the traveling mode, is 8 body feet or more in width and 36 body feet or more in length and is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; and

(2) is not subject to the federal manufactured home construction and safety standards established pursuant to 42 U.S.C. § 5403.

Forty-second. "Disabled person" includes incapacitated persons and incompetent persons as defined ~~herein~~ *in this section*.

Sec. 167. K.S.A. 9-1215, 17-2263, 17-2264, 21-5417, 38-2217, 44-513a, 44-1601, 58-662, 58-24a15, 59-1701, 59-2701, 59-2702, 59-2703, 59-2704, 59-2705, 59-2706, 59-2707, 59-2708, 59-2949, 59-2951, 59-2960, 59-29b49, 59-29b51, 59-3050, 59-3054, 59-3057, 59-3063, 59-3064, 59-3066, 59-3071, 59-3072, 59-3074, 59-3076, 59-3079, 59-3081, 59-3082, 59-3084, 59-3085, 59-3087, 59-3088, 59-3089, 59-3090, 59-3091, 59-3092, 59-3093, 59-3095, 59-3096, 73-507, 76-729, 76-12b04 and 77-201 and K.S.A. 2024 Supp. 58-656, 58-4802, 58-4814, 58a-103, 59-2401a, 59-2946, 59-2948, 59-29b46, 59-29b48, 59-29b60, 59-29c03, 59-3051, 59-3052, 59-3053, 59-3055, 59-3056, 59-3058, 59-3059, 59-3060, 59-3061, 59-3062, 59-3065, 59-3067, 59-3068, 59-3069, 59-3070, 59-3073, 59-3075, 59-3077, 59-3078, 59-3080, 59-3083, 59-3086, 59-3094, 59-3097 and 75-652 are hereby repealed.

Sec. 168. This act shall take effect and be in force from and after January 1, 2026, and its publication in the statute book.

Approved April 1, 2025.

CHAPTER 41

Substitute for HOUSE BILL No. 2152

AN ACT concerning public moneys; relating to the deposit and investment thereof; mandating banks, savings and loan associations and savings banks to secure governmental unit deposits in excess of the amount insured or guaranteed by the federal deposit insurance corporation by utilizing the public moneys pooled method; directing the state treasurer to establish procedures therefor; requiring financial institutions to make certain reports upon the request of a governmental unit; prohibiting investment advisers that execute bids for the investment of public moneys from engaging in a principal transaction with a governmental unit directly related to such public moneys; allowing governmental unit deposits to be invested in a financial institution at a rate agreed upon by the governmental unit and the financial institution; requiring certification from governmental units that deposits in the municipal investment pool fund were first offered to a bank, savings and loan association or savings bank in the preceding year; allowing eligible financial institutions to file a complaint with the state treasurer upon the failure of a governmental unit to comply with certain requirements; establishing the investment rate for the pooled money investment board bank certificate of deposit program; amending K.S.A. 9-1402, 12-1675, 12-1677a and 12-1677b and K.S.A. 2024 Supp. 75-4237 and repealing the existing sections.

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

New Section 1. (a) For purposes of sections 1 through 3, and amendments thereto:

(1) "Administrator" means the treasurer or the treasurer's designee.

(2) "Governmental unit" means the state or any county, municipality or other political subdivision thereof.

(3) "Public moneys" means the same as defined in K.S.A. 9-701, and amendments thereto.

(4) "Public moneys pooled method" or "pool of securities" means shares of investment companies registered under the federal investment company act of 1940 when the investment companies' assets are limited to obligations that are eligible for investment by the bank, savings and loan association or savings bank and limited by their prospectuses to owning securities enumerated in K.S.A. 9-1402(c), and amendments thereto.

(5) "Treasurer" means the state treasurer.

(b) A bank, savings and loan association or savings bank designated as a public depositary shall secure the deposit of public moneys in excess of the amount insured or guaranteed by the federal deposit insurance corporation pursuant to K.S.A. 9-1402 and 12-1675, and amendments thereto, by the public moneys pooled method. A bank, savings and loan association or savings bank designated as a public depositary shall secure the deposits of one or more governmental units by depositing, pledging or granting a security interest in a pool of securities to secure the repayment of all public moneys deposited in such bank, savings and loan association or savings bank by such governmental units and not otherwise secured pursuant to law, if at all times the aggregate market value on such pool of securities

so deposited, pledged or in which a security interest is granted is equal to at least 102% of the amount on deposit that is in excess of the amount so insured or guaranteed. Each such bank, savings and loan association or savings bank shall carry on such bank's or association's accounting records a general ledger or other appropriate accounting of the total amount of all public moneys to be secured by the pool of securities as determined at the opening of each business day and the aggregate market value of the pool of securities deposited, pledged or in which a security interest is granted to secure such public moneys.

(c) The treasurer may serve as the administrator with respect to a public moneys pooled method or may designate a bank, savings and loan association, savings bank, trust company or other qualified firm, corporation or association that is authorized to transact business in this state to serve as the administrator. The administrator shall not accept public deposits from a governmental unit while administering the public moneys pooled method pursuant to this section. The administrator shall submit a formal conflict of interest document in a manner prescribed by the treasurer. Expenses of such administrator shall be paid by the office of the state treasurer.

(d) The administrator shall be tasked with assessing and managing the sufficiency of the public moneys pooled method, including, but not limited to, the compliance by a bank, savings and loan association or savings bank that the aggregate market value of the pool of securities of such bank, savings and loan association or savings bank is an amount of not less than 102% of the total amount of public moneys or public funds less the portion of such public moneys or funds insured or guaranteed by the federal deposit insurance corporation and pursuant to K.S.A. 9-1402 and 12-1675, and amendments thereto. To fulfill the duties of sections 1 through 3, and amendments thereto, the treasurer may adopt rules and regulations to administer and implement the provisions of sections 1 through 3, and amendments thereto, including, but not limited to, rules and regulations to assess and manage the sufficiency of the public moneys pooled method.

(e) A bank, savings and loan association or savings bank in which public moneys or public funds are deposited may at any time substitute, exchange or release securities deposited if such substitution, exchange or release does not reduce the aggregate market value of the pool of securities to an amount that is less than 102% of the total amount of public moneys or public funds less the portion of such public moneys or funds insured or guaranteed by the federal deposit insurance corporation and pursuant to K.S.A. 9-1402 and 12-1675, and amendments thereto. Such bank, savings and loan association or savings bank shall notify the administrator if additional collateral is required to be pledged due to an increase in deposits placed by the governmental unit. Such bank, savings and loan

association or savings bank shall notify the administrator if such bank, savings and loan association or savings bank desires to release collateral due to a reduction in governmental unit deposits.

(f) Each bank, savings and loan association or savings bank that satisfies its requirement to secure the deposit of public moneys or public funds in excess of the amount insured or guaranteed by the federal deposit insurance corporation by depositing, pledging or granting a security interest in a single pool of securities, or any combination thereof, shall, on or before the 10th day of each month, render to the administrator a statement showing as of the last business day of the previous month the:

(1) Amount of public moneys or public funds deposited in such bank, savings and loan association or savings bank that is not insured or guaranteed by the federal deposit insurance corporation by:

(A) Each governmental unit separately; and

(B) all governmental units in the aggregate;

(2) aggregate market value of the pool of securities; and

(3) name, phone number and email address of a representative of each governmental unit represented in the pool.

(g) Not later than 20 days after the deadline for receiving the statement required under subsection (f), the administrator shall provide a report to each governmental unit listed in such statement reflecting:

(1) The amount of public moneys or public funds deposited in such bank, savings and loan association or savings bank by each governmental unit as of the last business day of the previous month that is not insured or guaranteed by the federal deposit insurance corporation and that is secured pursuant to K.S.A. 9-1402 and 12-1675, and amendments thereto; and

(2) the aggregate market value of the pool of securities deposited as of the last business day of the previous month.

Such report shall clearly notify the governmental unit if the value of the securities did not meet the statutory requirement.

(h) If the administrator at any time determines that the value of the securities does not meet the statutory requirement, the administrator shall send notice to the bank, savings and loan association or savings bank allowing such bank, savings and loan association or savings bank up to five business days to adjust the securities to meet the statutory requirement. If such bank, savings and loan association or savings bank does not meet the statutory requirement within the required timeframe, such bank, savings and loan association or savings bank shall be subject to a fine and potential sanctions issued by the administrator pursuant to rules and regulations adopted by the treasurer.

(i) The public moneys pooled method shall not be utilized by any

bank, savings and loan association or savings bank unless the treasurer establishes a public moneys pooled method in accordance with this section or designates an administrator pursuant to subsection (c).

(j) This section shall take effect on and after January 1, 2026.

New Sec. 2. (a) When the administrator determines that a bank, savings and loan association or savings bank has experienced a default, the administrator shall:

(1) Ascertain the aggregate amounts of public moneys secured pursuant to K.S.A. 9-1402 and 12-1675, and amendments thereto, and deposited in the defaulting bank, savings and loan association or savings bank, as disclosed by the records of such bank, savings and loan association or savings bank. The administrator shall determine for each governmental unit for which public moneys are deposited in the defaulting bank, savings and loan association or savings bank the accounts and amount of federal deposit insurance or guarantee that is available for each account. The administrator shall then determine for each such governmental unit the amount of public moneys not insured or guaranteed by the federal deposit insurance corporation and the amount of public moneys secured by a pool of securities pledged. Upon completion of such determination, the administrator shall provide each such governmental unit with a statement that reports the amount of public moneys deposited by such governmental unit in the defaulting bank, savings and loan association or savings bank, the amount of public moneys that may be insured or guaranteed by the federal deposit insurance corporation and the amount of public moneys secured by a pool of securities, or any combination thereof, pursuant to K.S.A. 9-1402 and 12-1675, and amendments thereto. Each such governmental unit shall verify the information in such report with such governmental unit's records within 10 business days after receiving the report and information from the administrator; and

(2) shall repay each governmental unit for the public moneys not insured or guaranteed by the federal deposit insurance corporation deposited in the defaulting bank, savings and loan association or savings bank by the governmental unit upon receipt of a verified report from such governmental unit. The administrator may liquidate the securities pledged for immediate distribution if the defaulting bank, savings and loan association or savings bank is to be liquidated or if, for any other reason, the administrator determines that public moneys are not likely to be promptly paid upon demand. In the event that the amount of the deposit guaranty bond or the proceeds of the securities held by the administrator after liquidation is insufficient to cover all public moneys not insured or guaranteed by the federal deposit insurance corporation for all governmental units served by the administrator, the administrator shall pay out to each governmental unit available amounts pro rata in accordance with the re-

spective public moneys not insured or guaranteed by the federal deposit insurance corporation for each such governmental unit.

(b) Any liquidation occurring under the provisions of this section shall conform to the procedures established in this section. In the event that a federal deposit insurance agency is appointed and acts as a liquidator or receiver of any bank, savings and loan association or savings bank under state or federal law, the duties under this section that are specified to be performed by the administrator in the event of default may be delegated to and performed by such federal deposit insurance agency.

(c) This section shall take effect on and after January 1, 2026.

New Sec. 3. (a) A bank, savings and loan association or savings bank, upon the request of a governmental unit, shall report as of the date of such request the amount of public moneys deposited in such bank, savings and loan association or savings bank that is not insured or guaranteed by the federal deposit insurance corporation by:

(1) The governmental unit making the request; and

(2) the total amount for all other governmental units secured pursuant to K.S.A. 9-1402 and 12-1675, and amendments thereto, and the aggregate market value of the pool of securities deposited, pledged or in which a security interest has been granted to secure public moneys held by the bank, savings and loan association or savings bank, including those public moneys deposited by the governmental unit.

Such report shall be made on or before the date that the governmental unit specifies.

(b) The administrator, upon the request of a governmental unit, shall report as of the date of such request the aggregate market value of the pool of securities deposited, pledged or in which a security interest has been granted by the bank, savings and loan association or savings bank and provide an itemized list of the securities in such pool. The governmental unit shall specify the date on which such report shall be made by such qualified trustee.

(c) This section shall take effect on and after January 1, 2026.

New Sec. 4. (a) An investment adviser that executes bids for the investment of public moneys on behalf of a governmental unit shall not be permitted to engage in a principal transaction with the governmental unit that is the same or directly related to the issue of securities or financial product for which the investment adviser is providing or has provided advice. Nothing in this section shall prevent governmental units from engaging with a federally registered investment adviser.

(b) For purposes of this section:

(1) "Governmental unit" means the state or any county, municipality or other political subdivision thereof; and

(2) "investment adviser" means the same as defined in K.S.A. 17-12a102, and amendments thereto.

New Sec. 5. (a) If a bank, savings and loan association or savings bank has a good faith reason to believe that a governmental unit has not acted in compliance with K.S.A. 12-1675, 12-1677a or 12-1677b, and amendments thereto, the eligible financial institution may file a complaint with the state treasurer in writing and signed by an executive officer of the eligible financial institution. The complaint shall be submitted in the form prescribed by the state treasurer.

(b) Each filed complaint shall be confidential, not subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto, and not be disclosed except as provided in this section. The provisions of this subsection shall expire on July 1, 2030, unless the legislature reviews and acts to continue such provisions pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2030.

(c) If the state treasurer determines that such verified complaint does allege facts, directly or upon information and belief, sufficient to constitute a violation of the provisions of K.S.A. 12-1675, 12-1677a or 12-1677b, and amendments thereto, the state treasurer shall promptly investigate the alleged violation.

(d) If, after the investigation, the state treasurer finds that probable cause does not exist to believe the allegations of the complaint, the state treasurer shall dismiss the complaint. If, after such preliminary investigation, the state treasurer finds that probable cause exists to believe the allegations of the complaint, such complaint shall no longer be confidential and may be disclosed. Upon making any such finding, the state treasurer shall fix a time for a hearing on the matter, which shall be not more than 30 days after such finding. In either event the state treasurer shall notify the complainant and the respondent of the state treasurer's determination.

(e) The state treasurer shall notify the attorney general and the pooled money investment board of any apparent violation of law that is discovered during the course of any such investigation.

(f) Any governmental entity that knowingly violates the provisions of K.S.A. 12-1675, 12-1677a or 12-1677b, and amendments thereto, for a first violation shall be required to complete a training approved by the state treasurer concerning the requirements of K.S.A. 12-1675, 12-1677a or 12-1677b, and amendments thereto. For a second and each succeeding violation, the governmental entity shall be liable for the payment of a civil penalty in an action brought by the attorney general, in a sum set by the court of not to exceed $500 for each violation. Any civil penalty sued for and recovered hereunder by the attorney general shall be paid into the attorney general's open government fund.

Sec. 6. K.S.A. 9-1402 is hereby amended to read as follows: 9-1402. (a) Before any deposit of public moneys or funds shall be made by any

~~municipal corporation or quasi-municipal corporation~~ *governmental unit* of the state of Kansas with any bank, savings and loan association or savings bank, such ~~municipal or quasi-municipal corporation~~ *governmental unit* shall obtain security for such deposit in one of the following manners prescribed by this section.

(b) Such bank, savings and loan association or savings bank may give a corporate surety bond of some surety corporation authorized to do business in this state~~, which~~. *Such* bond shall be in an amount equal to the public moneys or funds on deposit at any given time less the amount of such public moneys or funds ~~which~~ *that* is insured by the federal deposit insurance corporation or its successor and such bond shall be conditioned that such deposit shall be paid promptly on the order of the ~~municipal corporation or quasi-municipal corporation~~ *governmental unit* making such deposits.

(c) Such bank, savings and loan association or savings bank may deposit, maintain, pledge, assign and grant a security interest in, or cause its agent, trustee, wholly owned subsidiary or affiliate having identical ownership to deposit, maintain, pledge, assign and grant a security interest in, for the benefit of the governing body of the ~~municipal corporation or quasi-municipal corporation~~ *governmental unit* in the manner provided in this section, securities, security entitlements, financial assets and securities accounts owned by the depository institution directly or indirectly through the institution's agent or trustee holding securities on the institution's behalf, or owned by the depository institutions wholly owned subsidiary or by such affiliate, the market value of which is equal to 100% of the total deposits at any given time, and such securities, security entitlements, financial assets and securities accounts, may be accepted or rejected by the governing body of the ~~municipal corporation or quasi-municipal corporation~~ *governmental unit* and shall consist of the following and security entitlements thereto:

(1) Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations, including, but not limited to, letters of credit and securities of United ~~States sponsored~~ *States-sponsored* corporations ~~which~~ *that* under federal law may be accepted as security for public funds;

(2) bonds of any ~~municipal corporation or quasi-municipal corporation~~ *governmental unit* of the state of Kansas ~~which~~ *that* have been refunded in advance of the bonds' maturity and are fully secured as to payment of principal and interest thereon by deposit in trust, under escrow agreement with a bank, of direct obligations of, or obligations the principal of and the interest on which are unconditionally guaranteed by, the United States of America;

(3) bonds of the state of Kansas;

(4) general obligation bonds of any ~~municipal corporation or quasi-municipal corporation~~ *governmental unit* of the state of Kansas;

(5) revenue bonds of any ~~municipal corporation or quasi-municipal corporation~~ *governmental unit* of the state of Kansas if approved by the commissioner;

(6) temporary notes of any ~~municipal corporation or quasi-municipal corporation~~ *governmental unit* of the state of Kansas ~~which~~ *that* are general obligations of the ~~municipal or quasi-municipal corporation~~ *governmental unit* issuing ~~the same~~ *such temporary notes*;

(7) warrants of any ~~municipal corporation or quasi-municipal corporation~~ *governmental unit* of the state of Kansas the issuance of which is authorized by the state board of tax appeals and ~~which~~ *that* are payable from the proceeds of a mandatory tax levy;

(8) bonds of either a Kansas not-for-profit corporation or of a local housing authority that are rated at least Aa by Moody's investors service or AA by Standard & Poor's corp.;

(9) bonds issued pursuant to K.S.A. 12-1740 et seq., and amendments thereto, that are rated at least MIG-1 or Aa by Moody's investors service or AA by Standard & Poor's corp.;

(10) notes of a Kansas not-for-profit corporation that are issued to provide only the interim funds for a mortgage loan that is insured by the federal housing administration;

(11) bonds issued pursuant to K.S.A. 74-8901 through 74-8916, and amendments thereto;

(12) bonds issued pursuant to K.S.A. 68-2319 through 68-2330, and amendments thereto;

(13) commercial paper that does not exceed 270 days to maturity and ~~which~~ has received one of the two highest commercial paper credit ratings by a nationally recognized investment rating firm; or

(14) (A) negotiable promissory notes together with first lien mortgages on one to four family residential real estate located in Kansas securing payment of such notes when such notes or mortgages:

(i) Are underwritten by the federal national mortgage association, the federal home loan mortgage corporation, the federal housing administration or the veterans administration standards;

(ii) have been in existence with the same borrower for at least two years and with no history of any installment being unpaid for 30 days or more; and

(iii) are valued at not to exceed 50% of the lesser of the following three values: Outstanding mortgage balance, current appraised value of the real estate or discounted present value based upon current federal national mortgage association or government national mortgage association interest rates quoted for conventional, federal housing administration or veterans administration mortgage loans.

(B) Securities under ~~paragraph~~ *subparagraph* (A) shall be taken at their value for not more than 50% of the security required under the provisions of this section.

(C) Securities under ~~paragraph~~ *subparagraph* (A) shall be withdrawn immediately from the collateral pool if any installment is unpaid for 30 days or more.

(D) A status report on all such loans shall be provided to the investing governmental entity by the financial institution on a quarterly basis.

(d) *Such bank, savings and loan association or savings bank shall secure the deposit of public moneys of one or more governmental units through the public moneys pooled method pursuant to section 1, and amendments thereto, for the benefit of the governmental unit having public moneys with such bank, savings and loan association or savings bank as provided in section 1, and amendments thereto.*

(e) No such bank, savings and loan association or savings bank may deposit and maintain for the benefit of the governing body of a ~~municipal or quasi-municipal corporation~~ *governmental unit* of the state of Kansas, any securities ~~which~~ *that* consist of:

(1) Bonds secured by revenues of a utility ~~which~~ *that* has been in operation for less than three years; or

(2) bonds issued under K.S.A. 12-1740 et seq., and amendments thereto, unless such bonds have been refunded in advance of their maturity as provided in subsection ~~(d)~~ *(c)* or such bonds are rated at least Aa by Moody's investors service or AA by Standard & Poor's corp.

~~(e)~~*(f)* Any applicant requesting approval of a revenue bond pursuant to subsection (c)(5) shall pay to the commissioner a fee in an amount established pursuant to K.S.A. 9-1726, and amendments thereto, to defray the expenses of the commissioner in the examination and investigation of the application. The commissioner shall remit all amounts received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the bank investigation fund. The moneys in the bank investigation fund shall be used to pay the expenses of the commissioner in the examination and investigation of such applications and any unused balance shall be transferred to the bank commissioner fee fund.

(g) For purposes of this section, "governmental unit" means the state or any county, municipality or other political subdivision of the state.

Sec. 7. K.S.A. 12-1675 is hereby amended to read as follows: 12-1675. (a) The governing body of any county, city, township, school district, area vocational-technical school, community college, firemen's relief association, community mental health center, community facility for people with intellectual disability or any other governmental entity, unit or subdivision

in the state of Kansas having authority to receive, hold and expend public moneys or funds may invest any moneys ~~which~~ *that* are not immediately required for the purposes for which the moneys were collected or received, and the investment of which is not subject to or regulated by any other statute.

(b) Such moneys shall be invested only:

(1) In temporary notes or no-fund warrants issued by such investing governmental unit;

(2) in savings deposits, demand deposits, time deposit, open accounts, certificates of deposit or time certificates of deposit with maturities of not more than two years:

(A) In banks, savings and loan associations and savings banks~~, which~~ *that* have main or branch offices located in such investing governmental unit; or

(B) if no main or branch office of a bank, savings and loan association or savings bank is located in such investing governmental unit, then in banks, savings and loan associations and savings banks~~, which~~ *that* have main or branch offices in the county or counties in which all or part of such investing governmental unit is located.

(C) In selecting a bank, savings and loan association or savings bank pursuant to subparagraphs (A) and (B), the investing governmental unit may accept any rate agreed upon by the governmental unit and the eligible bank, savings and loan association or savings bank. If a bank, savings and loan association or savings bank eligible for an investment deposit pursuant to subparagraphs (A) and (B) will make such deposits available to the investing governmental unit at interest rates equal to or greater than the investment rate, as defined in K.S.A. 12-1675a(g), and amendments thereto, the investing governmental unit shall select one or more of such eligible banks, savings and loan associations or savings banks;

(3) in repurchase agreements with:

(A) Banks, savings and loan associations and savings banks, ~~which~~ *that* have main or branch offices located in such investing governmental unit, for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof; or

(B) (i) if no main or branch office of a bank, savings and loan association or savings bank, is located in such investing governmental unit; or

(ii) if no such bank, savings and loan association or savings bank having a main or branch office located in such investing governmental unit is willing to enter into such an agreement with the investing governmental unit at an interest rate equal to or greater than the investment rate, as defined in ~~subsection (g) of~~ K.S.A. 12-1675a(*g*), and amendments thereto, then such repurchase agreements may be entered into with banks, savings and loan associations or savings banks ~~which~~ *that* have main or branch

offices in the county or counties in which all or part of such investing governmental unit is located; or

(C) if no bank, savings and loan association or savings bank, having a main or branch office in such county or counties is willing to enter into such an agreement with the investing governmental unit at an interest rate equal to or greater than the investment rate, as defined in ~~subsection (g) of~~ K.S.A. 12-1675a*(g)*, and amendments thereto, then such repurchase agreements may be entered into with banks, savings and loan associations or savings banks located within this state.

(D) In selecting a bank, savings and loan association or savings bank pursuant subparagraphs (A), (B) and (C), the governmental unit may accept any rate agreed upon by the governmental unit and the eligible bank, savings and loan association or savings bank;

(4) in direct obligations of or obligations that are insured as to principal and interest by the United States or any agency thereof, not including mortgage-backed securities with maturities as the governing body shall determine, but not exceeding two years. Such investment transactions shall only be conducted with*:*

(A) Banks, savings and loan associations and savings banks;

(B) the federal reserve bank of Kansas City, Missouri; or ~~with~~

(C) primary government securities dealers ~~which~~ *that* report to the market report division of the federal reserve bank of New York, or any broker-dealer engaged in the business of selling government securities ~~which~~ *that* is registered in compliance with the requirements of section 15 or 15C of the securities exchange act of 1934 and registered pursuant to K.S.A. 17-12a401, and amendments thereto;

(5) in the municipal investment pool fund established in K.S.A. 12-1677a, and amendments thereto;

(6) in the investments authorized and in accordance with the conditions prescribed in K.S.A. 12-1677b, and amendments thereto;

(7) in multiple municipal client investment pools managed by the trust departments of banks ~~which~~ *that* have main or branch offices located in the county or counties where such investing governmental unit is located or with trust companies incorporated under the laws of this state ~~which~~ *that* have contracted to provide trust services under the provisions of K.S.A. 9-2107, and amendments thereto, with banks ~~which~~ *that* have main or branch offices located in the county or counties in which such investing governmental unit is located. Public moneys invested under this paragraph shall be secured in the same manner as provided for under K.S.A. 9-1402, and amendments thereto. Pooled investments of public moneys made by trust departments under this paragraph shall be subject to the same terms, conditions and limitations as are applicable to the municipal investment pool established by K.S.A. 12-1677a, and amendments thereto; or

(8) municipal bonds or other obligations issued by any municipality of the state of Kansas as defined in K.S.A. 10-1101, and amendments thereto, ~~which~~ *that* are general obligations of the municipality issuing the same.

(c) The investments authorized in ~~paragraphs (4), (5), (6), (7) or (8) of~~ subsection (b)*(4), (5), (6), (7) or (8)* shall be utilized only if the banks, savings and loan associations and savings banks eligible for investments authorized in ~~paragraph (2) of~~ subsection (b)*(2)*, cannot or will not make the investments authorized in ~~paragraph (2) of~~ subsection (b)*(2)* available to the investing governmental unit at interest rates equal to or greater than the investment rate, as defined in ~~subsection (g) of~~ K.S.A. 12-1675a*(g)*, and amendments thereto.

~~(d) In selecting a depository pursuant to paragraph (2) of subsection (b), if a bank, savings and loan association or savings bank eligible for an investment deposit thereunder has an office located in the investing governmental unit and such financial institution will make such deposits available to the investing governmental unit at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, and such financial institution otherwise qualifies for such deposit, the investing governmental unit shall select one or more of such eligible financial institutions for deposit of funds pursuant to this section. If no such financial institution qualifies for such deposits, the investing governmental unit may select for such deposits one or more eligible banks, savings and loan associations or savings banks which have offices in the county or counties in which all or a part of such investing governmental unit is located which will make such deposits available to the investing governmental unit at interest rates equal to or greater than the investment rate, as defined in subsection (g) of K.S.A. 12-1675a, and amendments thereto, and which otherwise qualify for such deposits.~~

~~(e)~~*(d)* (1) All security purchases and repurchase agreements shall occur on a delivery versus payment basis.

(2) All securities, including those acquired by repurchase agreements, shall be perfected in the name of the investing governmental unit and shall be delivered to the purchaser or a third-party custodian, which may be the state treasurer.

~~(f)~~*(e)* Public moneys deposited pursuant to subsection (b)(2) ~~of K.S.A. 12-1675, and amendments thereto,~~ by the governing body of any governmental unit listed in subsection (a) ~~of K.S.A. 12-1675, and amendments thereto,~~ through a selected bank, savings and loan association or savings bank ~~which~~ *that* is part of a reciprocal deposit program in which the bank, savings and loan association or savings bank:

(1) Receives reciprocal deposits from other participating institutions located in the United States in an amount equal to the amount of funds

deposited by the ~~municipal corporation or quasi-municipal corporation~~ *investing governmental unit*; and

(2) for which the total cumulative amount of each deposit does not exceed the maximum deposit insurance amount for one depositor at one financial institution as determined by the federal deposit insurance corporation.

Such deposits shall not be treated as securities and need not be secured as provided in this or any other ~~act~~ *statute*.

(f) Public moneys deposited pursuant to subsection (b)(2) by the governing body of any investing governmental unit specified in subsection (a) through a selected bank, savings and loan association or savings bank shall be secured by the public moneys pooled method pursuant to section 1, and amendments thereto, for the benefit of such investing governmental unit having public moneys with such bank, savings and loan association or savings bank as provided in section 1, and amendments thereto.

(g) In selecting a depository institution pursuant to subsection (b)(2), an investing governmental unit shall allow an eligible financial institution two business days to respond to the bid.

Sec. 8. K.S.A. 12-1677a is hereby amended to read as follows: 12-1677a. (a) Moneys deposited by any municipality with the state treasurer for investment authorized in ~~paragraph (5) of subsection (b) of~~ K.S.A. 12-1675*(b)(5)*, and amendments thereto, shall be deposited in the municipal investment pool fund, which is hereby created in the state treasury. The state treasurer shall provide the board a monthly record of the deposits and withdrawals of municipalities. Such record may include the amount of the deposit, the date of the deposit and such other information as the pooled money investment board may require.

(b) The director of investments may invest and reinvest moneys in the municipal investment pool fund in accordance with investment policies established by the pooled money investment board under K.S.A. 75-4232, and amendments thereto, and in accordance with K.S.A. 75-4234 and 75-4209, and amendments thereto.

(c) The director of investments shall apportion earnings and losses among the accounts of the depositors in the various investment options of the municipal investment pool in accordance with policies approved and published by the board. A statement for each municipality participating unit account showing deposits, withdrawals, earnings and losses distributions shall be provided monthly to the municipality. The director of investments shall make comprehensive reports monthly to those municipalities participating in the municipal investment pool fund and to other interested parties requesting such reports. Such reports shall include a summary of transactions for the month, the current market value of the pooled money investment portfolio investments, the weighted average

maturity of the portfolio, the original costs of the investments in the portfolio, including any fees associated with such investments and such other relevant information the director of investments may wish to include in such report.

(d) The municipal investment pool reserve fund is abolished effective July 1, 1996, and any unencumbered balance remaining therein shall be applied to net losses in the municipal investment pool fund. The municipal investment pool fund fee fund is abolished on July 1, 1997, and any unencumbered balance remaining therein shall be transferred to the pooled money investment portfolio fee fund and such amounts shall be applied to net losses, as of July 1, 1996, in the municipal investment pool fund.

(e) The pooled money investment board may adopt rules and regulations necessary for the administration and operation of the municipal investment pool fund and may enter into agreements with any municipality as to methods of deposits, withdrawals and investments.

(f) Deposits in the municipal investment pool fund: (1) May only be made for the same maturity as the maturity ~~which~~ *that* is offered under ~~paragraph (2) of subsection (b) of~~ K.S.A. 12-1675*(b)(2)*, and amendments thereto; ~~and~~ (2) upon the maturity of such deposits, such moneys shall be offered for investment under ~~paragraph (2) of subsection (b) of~~ K.S.A. 12-1675*(b)(2)*, and amendments thereto, and may be reinvested in such fund only if the conditions contained in ~~subsection (c) of~~ K.S.A. 12-1675*(c)*, and amendments thereto, have been satisfied*; and (3) shall be accompanied with a certification to prove compliance with K.S.A. 12-1675(c), and amendments thereto, and a listing of the banks, savings and loan associations and savings banks from which the governmental unit requested bids*.

(g) Moneys and investments in the municipal investment pool fund shall be managed by the pooled money investment board in accordance with investment policies provided for in K.S.A. 75-4209, and amendments thereto. A copy of such published policies shall be distributed to all municipalities participating in the municipal investment pool fund and to other interested persons requesting a copy of such policies. The pooled money investment board shall not contract for management of investments by a money manager.

Sec. 9. K.S.A. 12-1677b is hereby amended to read as follows: 12-1677b. (a) The governing body of any city, county or school district ~~which~~ *that* has a written investment policy approved by the governing body of such city, county or school district and such written investment policy is approved by the pooled money investment board as provided in subsection (b) may invest and reinvest pursuant to the approved investment policy in the following investments, as authorized under ~~paragraph (6) of subsection (b) of~~ K.S.A. 12-1675*(b)(6)*, and amendments thereto:

(1) Direct obligations of, or obligations that are insured as to principal and interest by, the United States of America or any agency thereof and obligations and securities of United States ~~sponsored~~ *government-sponsored* enterprises ~~which~~ *that* under federal law may be accepted as security for public funds, except that such investments shall not be in mortgage-backed securities;

(2) interest-bearing time deposits in any banks, savings and loan associations and savings banks; or

(3) repurchase agreements with banks, savings and loan associations and savings banks, or with a primary government securities dealer ~~which~~ *that* reports to the market reports division of the federal reserve bank of New York for direct obligations of, or obligations that are insured as to principal and interest by, the United States government or any agency thereof and obligations and securities of United States ~~government sponsored~~ *government-sponsored* enterprises ~~which~~ *that* under federal law may be accepted as security for public funds.

(b) In approving the investment policy of any city, county or school district, the pooled money investment board shall require that such policy addresses liquidity, diversification, safety of principal, yield, maturity and quality and capability of investment management staff. In addition, the policy shall provide procedures for compliance with ~~subsection (c) of~~ K.S.A. 12-1675*(c)*, and amendments thereto, and a certification from the investment management staff that those procedures have been followed.

(c) The investment policy of any city, county or school district approved by the pooled money investment board under this section shall be reviewed and approved at least annually by such board or when such city, county or school district makes changes in such investment policy. On condition of approving the investment policy, the pooled money investment board shall review the policy to assure that it addresses liquidity, diversification, safety of principal, yield, maturity and quality and capability of investment management staff. In addition, the policy shall provide procedures for compliance with ~~subsection (c) of~~ K.S.A. 12-1675*(c)*, and amendments thereto, a certification from the investment management staff that those procedures have been followed and*:*

(1) A listing of the banks, savings and loan associations and savings banks from which the city, county or school district requested bids in the preceding year*;*

(2) an annual portfolio holdings report in a form prescribed by the pooled money investment board; and

(3) any fee or cost that the city, county or school district is paying for investment adviser services.

(d) *The pooled money investment board shall report annually to the legislature a list of cities, counties and school districts that have been*

approved under this section, including the documents provided in subsection (c).

(e) (1) All security purchases shall occur on a delivery versus payment basis.

(2) All securities shall be perfected in the name of the city, county or school district and shall be delivered to the purchaser or a ~~third party~~ *third-party* custodian, which may be the state treasurer.

(3) Investment transactions shall only be conducted with banks, savings and loan associations and savings banks~~; or~~, with primary government securities dealers ~~which~~ *that* report to the market report division of the federal reserve bank of New York~~;~~, or any broker-dealer ~~which~~ *that* is registered in compliance with the requirements of section 15C of the securities exchange act of 1934 and registered pursuant to K.S.A. 17-12a401, and amendments thereto.

(4) The maximum maturity for investments under subsection (a) shall be four years.

~~(e)~~*(f)* Investments in securities under ~~paragraph (1) of~~ subsection (a) *(1)* shall be limited to securities ~~which~~ *that* do not have any more interest rate risk than do direct United States government obligations of similar maturities. For purposes of this subsection, "interest rate risk" means market value changes due to changes in current interest rates.

~~(f)~~*(g)* A city, county or school district ~~which~~ *that* violates ~~subsection (c) or (d) of~~ K.S.A. 12-1675*(c)*, and amendments thereto, or the rules and regulations of the pooled money investment board shall forfeit its rights under this section for a two year period and shall be reinstated only after a complete review of its investment policy as provided for in subsection (b). Such forfeiture shall be determined by the pooled money investment board after notice and opportunity to be heard in accordance with the Kansas administrative procedure act.

Sec. 10. K.S.A. 2024 Supp. 75-4237 is hereby amended to read as follows: 75-4237. (a) The director of investments shall accept requests from banks interested in obtaining investment accounts of state moneys. Such requests may be submitted any business day and shall specify the dollar amount and maturity. The director of investments is authorized to award the investment account to the requesting bank at the ~~market~~ *investment* rate established by subsection (b). Awards of investment accounts pursuant to this section shall be subject to investment policies of the pooled money investment board. When multiple requests are received and are in excess of the amount available for investment that day for any maturity, awards shall be made available in ascending order from smallest to largest dollar amount requested, subject to investment policies of the board. *The maximum dollar amount invested in any one bank shall not exceed 2.5% of the bank certificate of deposit program.*

(b) *The investment rate shall be determined each business day by the director of investments, in accordance with any procedures established by the pooled money investment board, at an interest rate that is up to 2% less than the market rate provided by this section.*

(c) The market rate shall be determined each business day by the director of investments, in accordance with any procedures established by the pooled money investment board. Subject to any policies of the board, the market rate shall reflect the highest rate at which state moneys can be invested on the open market in investments authorized by K.S.A. 75-4209(a), and amendments thereto, for equivalent maturities.

~~(c)~~*(d)* (1) Notwithstanding the provisions of this section, linked deposits made pursuant to the provisions of K.S.A. 2-3703 through 2-3707, and amendments thereto, shall be at an interest rate that is 2% less than the market rate determined under this section and that shall be recalculated on the first business day of each calendar year using the market rate then in effect.

(2) Notwithstanding the provisions of this section, agricultural production loan deposits made pursuant to the provisions of K.S.A. 75-4268 through 75-4274, and amendments thereto, shall be at an interest rate that is 2% less than the market rate provided by this section and that shall be recalculated on the first business day of each calendar year using the market rate then in effect.

(3) Notwithstanding the provisions of this section, loan deposits made pursuant to the city utility low-interest loan program shall be at an interest rate that is 2% less than the market rate provided by this section and that shall be recalculated on the first business day of each calendar year using the market rate then in effect.

(4) Notwithstanding the provisions of this section, economic recovery loan deposits made pursuant to the Kansas economic recovery loan deposit program shall be at an interest rate that is 2% less than the market rate provided by this section and that shall be recalculated on the first business day of each calendar year using the market rate then in effect.

(5) Notwithstanding the provisions of this section, extraordinary utility costs loan deposits made pursuant to the Kansas extraordinary utility costs loan deposit program shall be at an interest rate that is 2% less than the market rate provided by this section and that shall be recalculated on the first business day of each calendar year using the market rate then in effect.

~~(d)~~*(e)* (1) The director of investments may place deposits through a selected bank, savings and loan association or savings bank that is part of a reciprocal deposit program in which the bank, savings and loan association or savings bank:

(A) Receives reciprocal deposits from other participating institutions located in the United States in an amount equal to the amount of funds deposited by the municipal corporation or quasi-municipal corporation; and

(B) for which the total cumulative amount of each deposit does not exceed the maximum deposit insurance amount for one depositor at one financial institution as determined by the federal deposit insurance corporation.

(2) Such deposits shall not be treated as securities and need not be secured as provided in this or any other act, except that such deposits shall be secured as provided in K.S.A. 75-4218, and amendments thereto, when they are held by the selected financial institution prior to placement with reciprocal institutions or upon maturity.

~~(e)~~*(f)* The pooled money investment board shall establish procedures for administering reciprocal deposit programs in its investment policies, as authorized by K.S.A. 75-4232, and amendments thereto.

Sec. 11. K.S.A. 9-1402, 12-1675, 12-1677a and 12-1677b and K.S.A. 2024 Supp. 75-4237 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 2, 2025.

CHAPTER 42

HOUSE BILL No. 2101*

AN ACT concerning public assistance; prohibiting cities and counties from adopting or implementing a guaranteed income program; rendering prior adopted programs null and void; defining guaranteed income program.

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

Section 1. (a) A city or county shall not adopt or enforce an ordinance or resolution, respectively, that establishes or provides for the operation of a guaranteed income program that uses tax revenue unless the legislature expressly consents to and approves of such program by an act of the legislature.

(b) Any ordinance or resolution prohibited by subsection (a) that was adopted prior to July 1, 2025, shall be null and void.

(c) As used in this section, "guaranteed income program" means a program that is not expressly required by federal law or regulation and provides individuals with a regular periodic cash payment.

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

Allowed to become law without signature.

(See Messages from the Governor)

CHAPTER 43

HOUSE BILL No. 2020

AN ACT concerning driver's licenses of noncitizens; requiring the director of the division of motor vehicles to make quarterly reports of names and addresses of noncitizens to the secretary of state; amending K.S.A. 8-240 and repealing the existing section.

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

New Section 1. The director of the division of motor vehicles shall provide a list of all permanent and temporary drivers' licenses issued to noncitizens quarterly and forward this list to the secretary of state. The list of noncitizens shall contain the names, addresses, phone numbers, social security numbers, dates of birth, alien registration numbers, temporary drivers' license numbers and expiration dates of such licenses. The secretary of state shall compare such lists with the voter registration rolls and, after an investigation, direct the county election officer to remove within five business days any names of noncitizens that appear on the voter rolls. The county election officer shall notify any person removed from the voter registration rolls that the person may be reinstated on the voter registration rolls by providing proof of their citizenship.

Sec. 2. K.S.A. 8-240 is hereby amended to read as follows: 8-240. (a) (1) Every application for an instruction permit shall be made upon a form furnished by the division of vehicles and accompanied by a fee of $2 for class A, B, C or M and $5 for all commercial classes. Every other application shall be made upon a form furnished by the division and accompanied by an examination fee of $3, unless a different fee is required by K.S.A. 8-241, and amendments thereto, and by the proper fee for the license for which the application is made. All commercial class applicants shall be charged a $15 driving test fee for the drive test portion of the commercial driver's license application. If the applicant is not required to take an examination or the commercial license drive test, the examination or commercial drive test fee shall not be required. The examination shall consist of three tests, as follows: (A) Vision; (B) written; and (C) driving. For a commercial driver's license, the drive test shall consist of three components, as follows: (A) Pre-trip; (B) skills test; and (C) road test. If the applicant fails the vision test, the applicant may have correction of vision made and take the vision test again without any additional fee. If an applicant fails the written test, the applicant may take such test again upon the payment of an additional examination fee of $1.50. If an applicant fails the driving test, the applicant may take such test again upon the payment of an additional examination fee of $1.50. If an applicant for a commercial driver's license fails any portion of the commercial drive test, the applicant may take such test again upon the payment of an additional drive test fee

of $10. If an applicant fails to pass all three of the tests within a period of six months from the date of original application and desires to take additional tests, the applicant shall file an application for reexamination upon a form furnished by the division, which shall be accompanied by a reexamination fee of $3, except that any applicant who fails to pass the written or driving portion of an examination four times within a six-month period, shall be required to wait a period of six months from the date of the last failed examination before additional examinations may be given. Upon the filing of such application and the payment of such reexamination fee, the applicant shall be entitled to reexamination in like manner and subject to the additional fees and time limitation as provided for examination on an original application. If the applicant passes the reexamination, the applicant shall be issued the classified driver's license for which the applicant originally applied, which license shall be issued to expire as if the applicant had passed the original examination.

(2) Applicants for class M licenses who have completed prior motorcycle safety training in accordance with department of defense instruction 6055.04 (DoDI 6055.04) or the motorcycle safety foundation are not required to complete further written and driving testing pursuant to paragraph (1). An applicant seeking exemption from the written and driving tests pursuant to this paragraph shall provide a copy of the motorcycle safety foundation completion form to the division prior to receiving a class M license.

(3) On and after January 1, 2017, an applicant for a class M license who passes a driving examination on a three-wheeled motorcycle that is not an autocycle shall have a restriction placed on such applicant's license limiting the applicant to the operation of a registered three-wheeled motorcycle. An applicant for a class M license who passes a driving examination on a two-wheeled motorcycle may operate any registered two-wheeled or three-wheeled motorcycle. The driving examination required by this paragraph shall be administered by the division, by the department of defense or as part of a curriculum recognized by the motorcycle safety foundation.

(b) (1) For the purposes of obtaining any driver's license or instruction permit, an applicant shall submit, with the application, proof of age and proof of identity as the division may require. The applicant also shall provide 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 number. The applicant's social security number shall remain confidential and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012, 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 license or permit.

(2) The division shall not issue any driver's license or instruction permit to any person who fails to provide proof that the person is lawfully present in the United States. Before issuing a driver's license or instruction permit to a person, the division shall require valid documentary evidence that the applicant: (A) Is a citizen or national of the United States; (B) is an alien lawfully admitted for permanent or temporary residence in the United States; (C) has conditional permanent resident status in the United States; (D) has an approved application for asylum in the United States or has entered into the United States in refugee status; (E) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States; (F) has a pending application for asylum in the United States; (G) has a pending or approved application for temporary protected status in the United States; (H) has approved deferred action status; or (I) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(3) If an applicant provides evidence of lawful presence set out in subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for temporary residence under subsection (b)(2)(B), the division may only issue a driver's license to the person under the following conditions: (A) A driver's license 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) a driver's license issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires; (C) no driver's license issued pursuant to this subparagraph shall be for a longer period of time than the time period permitted by K.S.A. 8-247(a), and amendments thereto; and (D) a driver's license issued pursuant to this subparagraph may be renewed, subject at the time of renewal, to the same requirements and conditions as set out in this subsection (b) for the issuance of the original driver's license.

(4) The division shall not issue any driver's license or instruction permit to any person who is not a resident of the state of Kansas, except as provided in K.S.A. 8-2,148, and amendments thereto.

(5) The division shall not issue a driver's license to a person holding a driver's license issued by another state without making reasonable efforts to confirm that the person is terminating or has terminated the driver's license in the other state.

(6) The parent or guardian of an applicant under 16 years of age shall sign the application for any driver's license submitted by such applicant.

(c) Every application shall state the full legal name, date of birth, gender and address of principal residence of the applicant, and briefly describe the applicant, and shall state whether the applicant has been licensed as a driver prior to such application, and, if so, when and by what state or country. Such application shall state whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal. In addition, applications for commercial drivers' licenses and instruction permits for commercial licenses ~~must~~ *shall* include the following: The applicant's social security number~~;~~, the person's signature~~;~~ *and* the person's: (1) Digital color image or photograph; or (2) a laser engraved photograph~~;~~, certifications, including those required by 49 C.F.R. § 383.71(a), effective January 1, 1991~~;~~, a consent to release driving record information~~;~~ and~~,~~ any other information required by the division. Each application for a driver's license shall include a question asking if the applicant is willing to give such applicant's authorization to be listed as an organ, eye or 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.

(d) When an application is received from a person previously licensed in another jurisdiction, the division shall request a copy of the driver's record from the other jurisdiction. When received, the driver's record shall become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

(e) When the division receives a request for a driver's record from another licensing jurisdiction the record shall be forwarded without charge.

(f) A fee shall be charged as follows:

(1) For a class C driver's license issued to a person at least 21 years of age, but less than 65 years of age, $18;

(2) for a class C driver's license issued to a person 65 years of age or older, $12;

(3) for a class M driver's license issued to a person at least 21 years of age, but less than 65 years of age, $12.50;

(4) for a class M driver's license issued to a person 65 years of age or older, $9;

(5) for a class A or B driver's license issued to a person who is at least 21 years of age, but less than 65 years of age, $24;

(6) for a class A or B driver's license issued to a person 65 years of age or older, $16;

(7) for any class of commercial driver's license issued to a person 21 years of age or older, $18; or

(8) for class A, B, C or M, or a farm permit, or any commercial driver's license issued to a person less than 21 years of age, $20.

A fee of $10 shall be charged for each commercial driver's license endorsement, except air brake endorsements, which shall have no charge.

A fee of $3 per year shall be charged for any renewal of a license issued prior to the effective date of this act to a person less than 21 years of age.

If one fails to make an original application or renewal application for a driver's license within the time required by law, or fails to make application within 60 days after becoming a resident of Kansas, a penalty of $1 shall be added to the fee charged for the driver's license.

(g) Any person who possesses an identification card as provided in K.S.A. 8-1324, and amendments thereto, shall surrender such identification card to the division upon being issued a valid Kansas driver's license or upon reinstatement and return of a valid Kansas driver's license.

(h) The division shall require that any person applying for a driver's license submit to a mandatory facial image capture. The captured facial image shall be displayed on the front of the applicant's driver's license.

(i) The director of vehicles may issue a temporary driver's license to an applicant who cannot provide valid documentary evidence as defined by subsection (b)(2), if the applicant provides compelling evidence proving current lawful presence. Any temporary license issued pursuant to this subsection shall be valid for one year.

(j) (1) 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 class C or M driver's license or any class of commercial driver's license if the division has the information on file. The determination on whether an electronic online renewal application or equivalent of a driver's license is permitted shall be made by the director of vehicles or the director's designee. The division shall not renew a driver's license through an electronic online or equivalent process if the license has been previously renewed through an electronic online application in the immediately preceding driver's license period. No renewal under this subsection shall be granted to any person who is:

(A) Younger than 30 days from turning 21 years of age;

(B) 65 years of age or older;

(C) a registered offender pursuant to K.S.A. 22-4901 et seq., and amendments thereto;

(D) a person issued a temporary driver's license issued pursuant to K.S.A. 8-240(b)(3), and amendments thereto, provided the license is not otherwise withdrawn; or

(E) a person issued a commercial driver's license that has a hazardous materials endorsement.

(2) The vision examination requirements in K.S.A. 8-247(e), and

amendments thereto, are not required for electronic online renewal applications, except that the electronic online renewal applicant must certify under penalty of law that the applicant's vision satisfies the requirements of K.S.A. 8-295, and amendments thereto, and has undergone an examination of eyesight by a licensed ophthalmologist or a licensed optometrist within the last year. As a condition for any electronic online renewal application, the applicant must: (A) Authorize the exchange of vision and medical information between the division and the applicant's ophthalmologist or optometrist; and (B) is at least 21 years of age~~,~~ but less than 65 years of age. The ophthalmologist or optometrist shall have four business days to confirm or deny the vision and medical information of the applicant. If no response is received by the division, the division shall accept the vision and medical information provided for processing the renewal application. The waiver of vision examination for online renewal applications contained within this subsection shall expire on July 1, 2022.

(3) The secretary of revenue shall adopt and administer rules and regulations to implement a program to permit an electronic online renewal of a driver's license, including, but not limited to, requirements that an electronic online renewal applicant shall have previously provided documentation of identity, lawful presence and residence to the division for electronic scanning.

(4) Prior to February 1, 2022, the division shall report to the house and *the* senate committees on transportation regarding the online renewal process of this subsection and its effects to safety on the state's roads and highways.

(5) Any person seeking to renew a commercial driver's license pursuant to this subsection shall be required to provide the division with a valid medical examiner's certificate and proof of completion of the truckers against trafficking training.

(k) The director of the division of motor vehicles shall submit a quarterly report to the secretary of state for all persons for whom a driver's license has been issued as required by section 1, and amendments thereto.

Sec. 3. K.S.A. 8-240 is hereby repealed.

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

Allowed to become law without signature.

(See Messages from the Governor)

Published in the *Kansas Register* April 17, 2025.

CHAPTER 44

SENATE BILL No. 117

AN ACT concerning aviation; relating to economic development; expanding the property tax exemption for Strother field airport property; amending K.S.A. 79-201r and repealing the existing section.

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

Section 1. K.S.A. 79-201r is hereby amended to read as follows: 79-201r. For all taxable years commencing after December 31, 1991, the Strother field airport commission *and the political subdivisions comprising the Strother field airport commission* shall be exempt from the payment of ad valorem taxes levied by the state and any other political or taxing subdivision of the state on property owned by ~~it prior to and on January 1, 1992~~ *the Strother field airport commission or the political subdivisions comprising the Strother field airport commission and depicted on the airport's federally approved airport layout plan whether used for aviation-related purposes, to promote aviation commerce or to provide revenue to operate all Strother field components and activities. Such property shall be, and is hereby, exempt from all property or ad valorem taxes levied under the laws of the state of Kansas*. All property taxes, including any penalties and interest accrued thereon, imposed upon any property herein described for all taxable years commencing prior to January 1, 1992, are hereby declared to be cancelled but any such amounts paid in any such year shall not be refunded.

Sec. 2. K.S.A. 79-201r 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 1, 2025.

CHAPTER 45

SENATE BILL No. 137

AN ACT concerning the Kansas standard asset seizure and forfeiture act; relating to the disposition of forfeited property; authorizing the sale or transfer of forfeited firearms to a licensed federal firearms dealer; amending K.S.A. 2024 Supp. 60-4117 and repealing the existing section.

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

Section 1. K.S.A. 2024 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 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;

(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

(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, *sold or transferred to a properly licensed*

federal firearms dealer 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 nonsworn 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;

(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.

Sec. 2. K.S.A. 2024 Supp. 60-4117 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 1, 2025.

CHAPTER 46

HOUSE BILL No. 2061

AN ACT concerning crimes, punishment and criminal procedure; relating to the crimes of trespassing on a critical infrastructure facility and criminal damage to a critical infrastructure facility; defining a critical infrastructure facility used for telecommunications or video services to include aboveground and belowground lines, cables, wires and certain other structures and equipment; amending K.S.A. 21-5818 and repealing the existing section.

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

Section 1. K.S.A. 21-5818 is hereby amended to read as follows: 21-5818. (a) Trespassing on a critical infrastructure facility is, without consent of the owner or the owner's agent, knowingly entering or remaining in:

(1) A critical infrastructure facility; or

(2) any property containing a critical infrastructure facility, if such property is completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders or is clearly marked with a sign or signs that are posted on the property that are reasonably likely to come to the attention of intruders and indicate that entry is forbidden without site authorization.

(b) Aggravated trespassing on a critical infrastructure facility is:

(1) Knowingly entering or remaining in:

(A) A critical infrastructure facility; or

(B) any property containing a critical infrastructure facility, if such property is completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders or is clearly marked with a sign or signs that are posted on the property that are reasonably likely to come to the attention of intruders and indicate that entry is forbidden without site authorization; and

(2) with the intent to damage, destroy or tamper with a critical infrastructure facility or impede or inhibit operations of the facility.

(c) Criminal damage to a critical infrastructure facility is knowingly damaging, destroying or tampering with a critical infrastructure facility.

(d) Aggravated criminal damage to a critical infrastructure facility is knowingly damaging, destroying or tampering with a critical infrastructure facility with the intent to impede or inhibit operations of the facility.

(e) (1) Trespassing on a critical infrastructure facility is a class A nonperson misdemeanor.

(2) Aggravated trespassing on a critical infrastructure facility is a severity level 7, nonperson felony.

(3) Criminal damage to a critical infrastructure facility is a severity level 6, nonperson felony.

(4) Aggravated criminal damage to a critical infrastructure facility is a severity level 5, nonperson felony.

(f) Nothing in this section shall be construed to prevent:

(1) An owner or operator of a critical infrastructure facility that has been damaged from pursuing any other remedy in law or equity; or

(2) a person who violates the provisions of this section from being prosecuted for, convicted of and punished for any other offense in article 58 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 66-2303, and amendments thereto.

(g) As used in this section, "critical infrastructure facility" means any:

(1) Petroleum or alumina refinery;

(2) electric generation facility, substation, switching station, electrical control center, electric distribution or transmission lines, or associated equipment infrastructure;

(3) chemical, polymer or rubber manufacturing facility;

(4) water supply diversion, production, treatment, storage or distribution facility and appurtenances, including, but not limited to, underground pipelines and a wastewater treatment plant or pump station;

(5) natural gas compressor station;

(6) liquid natural gas or propane terminal or storage facility;

(7) facility *or any aboveground or belowground line, cable or wire* that is used for wireline, broadband or wireless telecommunications or video services infrastructure, including*:*

*(A) B*ackup power supplies*;* ~~and~~

(B) cable television headend;

(C) antennas, radio transceivers, towers, wireless support structures, small cell facilities and any associated support structures and accessory equipment; and

(D) related equipment buildings, cabinets and storage sheds, shelters or similar structures;

(8) port, railroad switching yard, railroad tracks, trucking terminal or other freight transportation facility;

(9) gas processing plant, including a plant used in the processing, treatment or fractionation of natural gas, propane or natural gas liquids;

(10) transmission facility used by a federally licensed radio or television station;

(11) steelmaking facility that uses an electric arc furnace to make steel;

(12) facility identified and regulated by the United States department of homeland security chemical facility anti-terrorism standards program, a facility operated by the office of laboratory services under the supervision of the secretary of health and environment pursuant to K.S.A. 75-5608, and amendments thereto, the national bio and agro-defense facility or the biosecurity research institute at Kansas state university;

(13) dam that is regulated by the state as a hazard class B or C dam or by the federal government;

(14) natural gas distribution utility facility or natural gas transmission facility, including, but not limited to, pipeline interconnections, a city gate or town border station, metering station, belowground or aboveground piping, a regular station or a natural gas storage facility;

(15) crude oil, including y-grade or natural gas liquids, or refined products storage and distribution facility, including, but not limited to, valve sites, pipeline interconnections, pump station, metering station, belowground or aboveground pipeline or piping and truck loading or offloading facility; or

(16) portion of any belowground or aboveground oil, gas, hazardous liquid or chemical pipeline, tank, railroad facility or any other storage facility that is enclosed by a fence or other physical barrier or is clearly marked with signs prohibiting trespassing, that are obviously designed to exclude intruders.

Sec. 2. K.S.A. 21-5818 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 1, 2025.

CHAPTER 47

HOUSE BILL No. 2120*

AN ACT concerning the disposition of state real property; authorizing the state board of regents on behalf of Kansas state university veterinary medical center to sell certain real property in the city of Omaha, Douglas county, Nebraska; authorizing the state board of regents on behalf of Kansas state university to sell certain real property in the city of Manhattan, Riley county, Kansas.

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

Section 1. (a) The state board of regents is hereby authorized and empowered, for and on behalf of Kansas state university veterinary medical center, to sell and convey all of the rights, title and interest subject to all easements and appurtenances in the following described real estate, located at 9706 Mockingbird Drive, Omaha, Douglas county, Nebraska, and further described as:

A part of Lot 555, in Mockingbird Hills West, an addition to the City of Omaha, as surveyed, platted and recorded in Douglas County, Nebraska, (sometimes referred to as Parcel 15A), being more particularly described as follows:

Commencing at the Southeast property corner of Lot 555; thence South 89°17'33" West (assumed bearing), on the South line of said Lot 555, (said line also being the Northerly right-of-way line of Mockingbird Drive), a distance of 706.00 feet, to the Point of Beginning; thence continuing along said South line of Lot 555, a distance of 4.64 feet, to a point of curvature, thence Northwesterly along a 932.78 foot radius curve to the right, an arc distance of 206.80 feet; thence North 00°42'27" West, a distance of 216.72 feet; thence Nort 89°17'33" East, a distance of 209.75 feet; thence South 00°42'27" East, a distance of 239.56 feet, to the point of beginning;

Together with non-exclusive easement rights reserved in instrument dated October 29, 1981 and recorded October 30, 1981 in Book 1678 at Page 35 of the Deed Records of Douglas County, Nebraska.

(b) Conveyance of such rights, title and interest in such real estate shall be executed in the name of the state board of regents by its chairperson and executive officer. All proceeds from the sale and conveyance thereof shall be deposited in the restricted fees fund (368-00-2590-5530) of Kansas state university veterinary medical center.

(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. 75-6609, and amendments thereto.

Sec. 2. (a) The state board of regents is hereby authorized and empowered, for and on behalf of Kansas state university, to sell and convey all of the rights, title and interest subject to all easements and appurtenances in the following described real estate, commonly known as the Unger complex, located in the city of Manhattan, Riley county, Kansas:

(1) A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 10 SOUTH, RANGE 7 EAST OF THE 6TH P.M., IN THE CITY OF MANHATTAN, RILEY COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED BY BRIAN J. WESTBERG, PS 1708, ON FEBRUARY 5, 2025, AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 13

N. 88°29'54" E. 1752.92 FEET TO A NORTHEAST CORNER OF BELLEHAVEN ADDITION, A SUBDIVISION IN THE CITY OF MANHATTAN, BEING 25' NORTH OF THE NORTHEAST CORNER OF LOT 20 OF SAID BELLEHAVEN ADDITION; THENCE ALONG AN EASTERLY LINE OF SAID BELLEHAVEN ADDITION

S. 00°05'53" E. 25.01 FEET TO THE POINT OF BEGINNING AT THE NORTHEAST CORNER OF LOT 20 OF SAID BELLEHAVEN ADDITION; THENCE CONTINUING

S. 00°05'53" E. 420.64 FEET TO THE NORTHWEST CORNER OF LOT 30 OF SAID BELLEHAVEN ADDITION; THENCE ALONG THE NORTHERLY LINE OF LOTS 30-34 OF SAID BELLEHAVEN ADDITION

N. 88°25'22" E. 450.00 FEET TO THE NORTHEAST CORNER OF LOT 34 OF SAID BELLEHAVEN ADDITION; THENCE

N. 52°53'41" E. 234.32 FEET TO THE WESTERLY RIGHT OF WAY LINE OF ANDERSON AVENUE (PREVIOUSLY U.S. HIGHWAY 24) A PUBLIC STREET IN THE CITY OF MANHATTAN; THENCE ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID ANDERSON AVENUE

N. 37°06'19" W. 348.69 FEET TO THE SOUTH RIGHT OF WAY LINE OF TIMBERLANE DRIVE, A PUBLIC STREET IN THE CITY OF MANHATTAN DEDICATED BY THE HARLINGS OWNER CERTIFICATE ON THE FINAL PLAT OF TIMBERLANE ADDITION TO MANHATTAN; THENCE ALONG SOUTH RIGHT OF WAY LINE OF SAID TIMBERLANE DRIVE

S. 88°29'54" W. 427.21 FEET TO THE POINT OF BEGINNING, CONTAINING 5.17 ACRES; and

(2) LOTS 35, 36, AND 37, BELLEHAVEN ADDITION TO THE CITY OF MANHATTAN, RILEY COUNTY, KANSAS

AND;

A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 13, TOWNSHIP 10 SOUTH, RANGE 7 EAST OF THE 6TH P.M., IN THE CITY OF MANHATTAN, RILEY COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED BY BRIAN J. WESTBERG, PS 1708, ON FEBRUARY 5, 2025, AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 37, BELLEHAVEN ADDITION TO THE CITY OF MANHATTAN; THENCE ALONG THE NORTH LINE OF LOTS 37, 36, AND 35 OF SAID BELLEHAVEN ADDITION

S. 88°25'22" W. 287.92 FEET; THENCE

N. 52°53'41" E. 234.32 FEET TO THE WESTERLY RIGHT OF WAY LINE OF ANDERSON AVENUE (PREVIOUSLY U.S. HIGHWAY 24), A PUBLIC STREET IN THE CITY OF MANHATTAN; THENCE ALONG THE WESTERLY RIGHT OF WAY LINE OF SAID ANDERSON AVENUE

S. 37°06'19" E. 167.31 FEET TO THE POINT OF BEGINNING, CONTAINING 0.45 ACRES

THE ABOVE-DESCRIBED TRACT CONTAINS 1.37 ACRES.

(b) Conveyance of such rights, title and interest in such real estate shall be executed in the name of the state board of regents by its chairperson and executive officer. All proceeds from the sale and conveyance thereof shall be deposited in the restricted fees fund (367-00-2520-2080) 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. 75-6609, and amendments thereto.

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

Approved April 1, 2025.

Published in the *Kansas Register* April 17, 2025.

CHAPTER 48

HOUSE BILL No. 2031

AN ACT concerning drivers' training; relating to driving instructors; providing that driving school instructors and motorcycle instructors may possess a driver's license or motorcycle driver's license from any state; amending K.S.A. 8-276 and repealing the existing section.

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

Section 1. K.S.A. 8-276 is hereby amended to read as follows: 8-276. *(a)* In order for a person to qualify as an instructor for a driving school, such person shall meet the following requirements:

~~(a)~~*(1)* Present to the department evidence of:

~~(1)~~*(A)* Credit in driver education and safety from an accredited college or university equivalent to credits in those subjects required of instructors in the schools accredited by the state board;

~~(2)~~*(B)* having a valid credential issued by the state board to teach driver education; or

~~(3)~~*(C)* having completed at least 30 hours of classroom and 24 hours of behind the wheel training under the direct supervision of an individual who is presently licensed as an instructor by the state board under ~~paragraph (1)~~ *subparagraph (A)* or ~~(2)~~ *(B)* and who has been continuously licensed and who has actively instructed students for a period of at least three years;

~~(b)~~*(2)* have knowledge of the Kansas operation lifesaver highway/railroad grade crossing safety program;

~~(c)~~*(3)* be physically able to operate safely a motor vehicle and to train others in the operation of motor vehicles;

~~(d)~~*(4)* provide a certificate of health from a medical doctor stating that such person is physically and mentally able to safely operate a motor vehicle;

~~(e)~~*(5)* hold a valid Kansas ~~drivers'~~ *driver's* license *or driver's license issued by any other state*; and

~~(f)~~*(6)* pay to the department an application fee of $5.

(b) For a motorcycle instructor subject to the provisions of this section, such motorcycle instructor shall be required to:

(1) Have successfully completed all requirements of this section; and

(2) possess a valid class M driver's license or equivalent license allowing such individual to operate a motorcycle for another state.

Sec. 2. K.S.A. 8-276 is hereby repealed.

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

Approved April 1, 2025.

Published in the *Kansas Register* April 17, 2025.

CHAPTER 49

HOUSE BILL No. 2109*

AN ACT concerning law enforcement; relating to public utilities; exempting public utilities from civil liability relating to the attachment, access, operation, maintenance or removal of law enforcement equipment on any utility pole or other structure that is owned or operated by the public utility.

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

Section 1. (a) Any public utility that authorizes a law enforcement agency or enters into an agreement with a law enforcement agency to authorize the law enforcement agency to attach, access, operate, maintain or remove law enforcement equipment on any utility pole or other structure that is owned or operated by the public utility shall be immune from liability in any civil action that is based upon or arises from such authorization or agreement.

(b) As used in this section:

(1) "Law enforcement agency" means a city police department, a county sheriff's department or a county police department.

(2) "Public utility" means any public utility as defined in K.S.A. 66-104, and amendments thereto, municipally owned or operated public utility or electric cooperative public utility.

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

Approved April 1, 2025.

CHAPTER 50

HOUSE BILL No. 2195*

AN ACT concerning technical colleges; establishing the Kansas technical college operating grant fund administered by the state board of regents.

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

Section 1. (a) There is hereby established in the state treasury the Kansas technical college operating grant fund, which shall be administered by the state board of regents. All expenditures from the Kansas technical college operating grant fund shall be for instruction and operations to meet target objectives established by the postsecondary technical education authority for each technical college's region and the entire state. All expenditures from the Kansas technical college operating grant fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive officer of the state board of regents or the executive officer's designee.

(b) As used in this section, "technical college" means the same as defined in K.S.A. 71-1802, and amendments thereto, and the Washburn institute of technology.

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

Approved April 1, 2025.

Published in the *Kansas Register* April 17, 2025.

CHAPTER 51

HOUSE BILL No. 2037

AN ACT concerning economic development; relating to tourism; increasing the membership of the council on travel and tourism appointed by the governor and updating the house committee assignment required for the house members of the council from the committee on agriculture and natural resources to the committee on commerce, labor and economic development; removing the restriction on the percentage of such funds granted to any single entity or type of entity; amending K.S.A. 2024 Supp. 32-1410 and 32-1420 and repealing the existing sections.

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

Section 1. K.S.A. 2024 Supp. 32-1410 is hereby amended to read as follows: 32-1410. (a) (1) There is hereby established the council on travel and tourism. The council shall consist of ~~17~~ *20* voting members as follows:

(A) The chairperson of the ~~standing~~ *senate* committee on commerce ~~of the senate~~, or a member of the senate appointed by the president of the senate;

(B) the vice chairperson of the ~~standing~~ *senate* committee on commerce ~~of the senate~~, or a member of the senate appointed by the president of the senate;

(C) the ranking minority member of the ~~standing~~ *senate* committee on commerce ~~of the senate~~, or a member of the senate appointed by the minority leader of the senate;

(D) the chairperson of the ~~standing~~ *house of representatives* committee on ~~agriculture and natural resources of the house of representatives~~ *commerce, labor and economic development*, or its successor committee, or a member of the house of representatives appointed by the speaker of the house of representatives;

(E) the vice chairperson of the ~~standing~~ *house of representatives* committee on ~~agriculture and natural resources of the house of representatives~~ *commerce, labor and economic development*, or its successor committee, or a member of the house of representatives appointed by the speaker of the house of representatives;

(F) the ranking minority member of the ~~standing~~ *house of representatives* committee on ~~agriculture and natural resources of the house of representatives~~ *commerce, labor and economic development*, or its successor committee, or a member of the house of representatives appointed by the minority leader of the house of representatives; and

(G) ~~eleven~~*fourteen* members appointed by the governor. Of the ~~11~~ *14* members appointed by the governor, ~~one~~ *six* shall be appointed *to represent the general public and eight shall be appointed to represent the organizations specified in this subparagraph, respectively. The appointment*

of a representative of an organization shall be made from a list of three nominations ~~made~~ *submitted* by the *organization as follows:*

(i) The travel industry association of Kansas~~, one shall be an individual engaged in the lodging industry and appointed from a list of three nominations made by~~*;*

(ii) the Kansas restaurant and hospitality association,~~ one shall be an individual engaged in the restaurant industry and appointed from a list of three nominations made by the Kansas restaurant and hospitality association, one shall be appointed from a list of three nominations made by~~ *for two representatives, one whose nominees shall be individuals engaged in the lodging industry and the second whose nominees shall be individuals engaged in the restaurant industry;*

(iii) the petroleum marketers and convenience store association of Kansas~~, one shall be appointed from a list of three nominations by~~*;*

(iv) the Kansas sport hunting association ~~and six shall be appointed to represent the general public~~*;*

(v) the national independent venue association, whose nominees shall be Kansas residents;

(vi) the Kansas museums association; and

(vii) the Kansas sampler foundation.

(2) In addition to the voting members of the council, four members of the council shall serve ex officio: The secretary of commerce, the secretary of transportation, the secretary of wildlife and parks and the executive director of the state historical society. Each ex officio member of the council may designate an officer or employee of the state agency of the ex officio member to serve on the council in place of the ex officio member. The ex officio members of the council, or their designees, shall be nonvoting members of the council and shall provide information and advice to the council.

(b) Legislator members shall be appointed for terms coinciding with the terms for which such members are elected. ~~Of the 11 members first appointed by the governor, six shall be appointed for terms of three years and five shall be appointed for terms of two years as determined by the governor. Thereafter,~~ All members appointed by the governor shall be appointed for terms of three years. All members appointed to fill vacancies in the membership of the council and all members appointed to succeed members appointed to membership on the council shall be appointed in like manner as that provided for the original appointment of the member succeeded.

(c) On July 1 of each year, the council shall elect a chairperson and ~~vice-chairperson~~ *vice chairperson* from among its members. The council shall meet at least four times each year at the call of the chairperson of the council. ~~Nine~~ *Eleven* voting members of the council shall constitute a quorum.

(d) Members of the council attending meetings of such council, or attending a subcommittee meeting thereof authorized by such council, shall be

paid amounts for mileage as provided in K.S.A. 75-3223(c), and amendments thereto, or a lesser amount as determined by the secretary of commerce. Amounts paid under this subsection to ex officio members of the council, or their designees, shall be from appropriations to the state agencies, of which such members are officers or employees, upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief administrative officers of such agencies. Amounts paid under this subsection to voting members of the council shall be from moneys available for the payment of such amounts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the council.

Sec. 2. K.S.A. 2024 Supp. 32-1420 is hereby amended to read as follows: 32-1420. (a) There is hereby established a state matching grant program to provide assistance in the promotion of tourism and development of quality tourist attractions within the state of Kansas. Grants awarded under this program shall be limited to not more than 40% of the cost of any proposed project. Applicants shall not utilize any state moneys to meet the matching requirements under the provisions of this program. Both public and private entities shall be eligible to apply for a grant under the provisions of this act. ~~Not less than 75% of all moneys granted under this program shall be allocated to public entities or entities exempt from taxation under the provisions of 501(c)(3) of the federal internal revenue code of 1986, and amendments thereto. No more than 20% of moneys granted to public or nonprofit entities shall be granted to any single such entity. Furthermore, no more than 20% of moneys granted to private entities shall be granted to any single such entity.~~ The secretary of commerce shall administer the provisions of this act and ~~the secretary~~ may adopt rules and regulations establishing criteria for qualification for a matching grant and such other matters deemed necessary by the secretary for the administration of this act.

(b) For the purpose of K.S.A. 32-1420 through 32-1422, and amendments thereto, "tourist attraction" means a site that is of significant interest to tourists as a historic, cultural, scientific, educational, recreational or architecturally unique site, or as a site of natural scenic beauty or an area naturally suited for outdoor recreation, ~~however,~~ *except that* under no circumstances shall "tourist attraction" mean a race track facility, as defined in K.S.A. 74-8802, and amendments thereto, or any casino or other establishment that operates class three games, as defined in 25 U.S.C. § 2703, as in effect on July 1, 1991.

Sec. 3. K.S.A. 2024 Supp. 32-1410 and 32-1420 are hereby repealed.

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

Approved April 1, 2025.

CHAPTER 52

HOUSE BILL No. 2040

AN ACT concerning the state corporation commission; relating to electric transmission line siting permits; extending the time in which the commission shall make a final order on an electric transmission line siting application; amending K.S.A. 66-1,178 and repealing the existing section.

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

Section 1. K.S.A. 66-1,178 is hereby amended to read as follows: 66-1,178. (a) No electric utility may begin site preparation for or construction of an electric transmission line, or exercise the right of eminent domain to acquire any interest in land in connection with the site preparation for ~~a~~ construction of any such line without first acquiring a siting permit from the commission. Whenever any electric utility desires to obtain such a permit, the utility shall file an application with the commission setting forth therein that the utility proposes to construct an electric transmission line and specifying:

(1) The proposed location thereof;

(2) the names and addresses of the landowners of record whose land or interest therein is proposed to be acquired in connection with the construction of or is located within 660 feet of the center line of the easement where the line is proposed to be located; and

(3) such other information as may be required by the commission.

(b) Upon the filing of an application pursuant to subsection (a), the commission shall fix a time for a public hearing on such application, which shall be not more than 90 days after the date the application was filed, to determine the necessity for and the reasonableness of the location of the proposed electric transmission line. The commission shall fix the place for hearing, which shall be in one of the counties through which the electric transmission line is proposed to traverse.

(c) The commission may conduct an evidentiary hearing on an application filed pursuant to this section at such time and place as the commission deems appropriate.

(d) The commission shall issue a final order on the application within ~~120~~ *180* days after the date the application was filed.

Sec. 2. K.S.A. 66-1,178 is hereby repealed.

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

Approved April 1, 2025.

Published in the *Kansas Register* April 17, 2025.

CHAPTER 53

HOUSE BILL No. 2107*

AN ACT concerning utilities; relating to liability for fire event damages; providing for claims and recovery for damages; limiting recovery of punitive damages; requiring the state corporation commission to convene a workshop on wildfire risk and mitigation and authorizing the commission to open a general investigation or convene additional workshops to further assess wildfire risk and mitigation.

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

New Section 1. (a) As used in this section:

(1) "Commission" means the state corporation commission.

(2) "Electric public utility" means a public utility as defined in K.S.A. 66-104, and amendments thereto, that is engaged in the generation, transmission or distribution of electricity.

(3) "Fire claim" means any claim, whether based on negligence, nuisance, trespass or any other claim for relief, brought by a person against an electric public utility in a civil action to recover for damages resulting from a fire event.

(4) "Fire event" means an uncontrolled or unplanned fire in the state alleged to have been caused by an electric public utility.

(b) A fire claim shall be brought within two years of the date of the damage from the fire event that is the subject of such claim or, if the fact of injury is not reasonably ascertainable until some time after the initial act, then the period of limitation shall not commence until the fact of injury becomes reasonably ascertainable to the injured party, except that in no event shall an action be commenced more than 10 years beyond the fire event.

(c) After an injured plaintiff establishes by a preponderance of evidence that a loss was due to a fire event caused by an electric public utility's conduct, such plaintiff bringing a fire claim under this section may recover economic and noneconomic damages to compensate for any such loss.

(d) Pursuant to K.S.A. 60-3702(e), and amendments thereto, punitive damages awarded under a fire claim brought pursuant to this section shall not exceed $5,000,000.

Sec. 2. (a) On or before July 31, 2026, the state corporation commission shall convene a workshop to assess wildfire risk and mitigation. Such workshop shall provide a forum for the presentation and discussion of the following information:

(1) General wildfire risks in the state;

(2) utility readiness to mitigate wildfire risks;

(3) risk mitigation strategies and approaches; and

(4) cost recovery treatment for wildfire mitigation costs, including investments and expenses.

(b) If determined necessary by the state corporation commission, the commission may open a general investigation or convene additional workshops to further assess utility wildfire risk and mitigation.

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

Approved April 1, 2025.

CHAPTER 54

HOUSE BILL No. 2304

AN ACT concerning economic development; relating to government transparency; requiring local governments to report certain local economic development incentive program information to the secretary of commerce; defining such programs; requiring the secretary of commerce to post such information on the economic development incentive program database maintained by the secretary; requiring certain search result presentation formats, a comprehensive report and a summary report; amending K.S.A. 2024 Supp. 74-50,226 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. 2024 Supp. 74-50,226 is hereby amended to read as follows: 74-50,226. As used in K.S.A. 2024 Supp. 74-50,226 and 74-50,227, and amendments thereto:

(a) "Administering agency" means the state agency or department charged with administering a particular economic development incentive program, as set forth by the program's enacting statute or, where no department or agency is set forth, the department of revenue.

(b) "Economic development incentive program" means:

(1) Any economic development incentive program administered wholly or in part by the secretary of commerce;

(2) any tax credit program, except for social and domestic tax credits, regardless of the administering agency;

(3) property that has been exempted from ad valorem taxation under the provisions of section 13 of article 11 of the constitution of the state of Kansas;

(4) property that has been purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 through 12-1749a, and amendments thereto, that is exempt from ad valorem taxation under K.S.A. 79-201a *Second*, and amendments thereto;~~ and~~

(5) any economic development fund, including, but not limited to, the job creation program fund established by K.S.A. 74-50,224, and amendments thereto, and the economic development initiatives fund, established by K.S.A. 79-4804, and amendments thereto*; and*

(6) local government-based economic development programs or incentives, including, but not limited to:

(A) Community improvement districts, K.S.A. 12-6a26 et seq., and amendments thereto;

(B) tax increment financing, K.S.A. 12-1770 et seq., and amendments thereto;

(C) business improvement districts, K.S.A. 12-1781 et seq., and amendments thereto;

(D) self-supported municipal improvement districts, K.S.A. 12-1794 et seq., and amendments thereto;

(E) neighborhood revitalization act, K.S.A. 12-17,114 et seq., and amendments thereto;

(F) downtown redevelopment act, K.S.A. 12-17,121 et seq., and amendments thereto;

(G) transportation development districts, K.S.A. 12-17,140 et seq., and amendments thereto;

(H) public improvement districts, K.S.A. 12-17,152 et seq., and amendments thereto;

(I) industrial development bonds, K.S.A. 12-3801 et seq., and amendments thereto; and

(J) any other economic development incentive offered by the local government and accepted by the recipient that may be quantified as to the value provided to the recipient, including any grant, loan, lease, land acquisition, site preparation, utilities, facilities, streets or roadways, workforce development or workforce training.

(c) "Enterprise" means a corporation, limited liability company, S corporation, partnership, registered limited liability partnership, foundation, association, nonprofit entity, sole proprietorship, business trust or other entity engaged in business.

(d) *"Local government" means:*

(1) Any city, county or unified government, or any subdivision thereof; or

(2) any instrumentality of a city, county or unified government, established for the purpose of economic development of such city, county or unified government, that is funded in whole or in part by such local government.

(e) "Recipient" means the enterprise, *identified by the business name filed with the secretary of state,* that is the original applicant for and ~~that~~ receives proceeds from an economic development incentive program directly from the administering agency. "Recipient" includes an enterprise that is no longer solvent due to bankruptcy and a recipient with respect to an economic development project that has failed. *If the "recipient" is an enterprise created primarily for the purpose of the economic development project, "recipient" includes the enterprise or enterprises, partners or principals that own or, individually or with other enterprises, have a controlling interest in the "recipient."*

(f) "Searchable website or web page" means a website or web page that allows the public to search and aggregate the information identified and required to be provided by this section and K.S.A. 74-50,227, and amendments thereto, including requirements that the website or web page offer users the ability to efficiently search and display data at least by

economic development incentive program, recipient and location of the economic development project by county and calculate incentive totals for each category claimed by year and be searchable by year.

~~(e)~~*(g)* "Social and domestic tax credits" means the adoption credit created pursuant to K.S.A. ~~79-202a~~ *79-32,202a*, and amendments thereto, the earned income tax credit created pursuant to K.S.A. 79-32,205, and amendments thereto, the food sales tax credit created pursuant to K.S.A. 79-32,271, and amendments thereto, the child and dependent care tax credit created pursuant to K.S.A. 79-32,111c, and amendments thereto, and the homestead property tax refund created pursuant to K.S.A. 79-4501 et seq., and amendments thereto.

~~(f)~~*(h)* "Tax credit program" means any credit allowed against the tax imposed by the Kansas income tax act, the premium or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by net income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 2. K.S.A. 2024 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 *or local governments* as required by this section. Such data shall be collected from administering agencies *or local governments* 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 *at least* 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. *The database shall be a searchable website or web page that is comprehensive of all information required by this section for all years as required by this section and shall permit searches by a user of such information by economic development incentive program, county and recipient. The database shall permit the user, on one web page and by means of an easily accessible drop-down menu or other similar prompt, to select to search at least by keyword or phrase within separately identified categories of economic development incentive program, county and recipient name. The database shall be capable of calculating total incentives for each category claimed by year and be searchable by year. A search result shall include all information required by this section, and such information applicable to the search re-*

sult shall be in one printable or downloadable report. In addition to such a comprehensive report, the database shall be configured to provide a summary report in response to a search when requested. The summary report shall provide the total incentives awarded to the recipient, the number of years that the incentive may be claimed, the total unencumbered incentive award that may be claimed and the total incentives that have been claimed by the recipient per year. Such information shall be produced by economic development incentive program, county and recipient name. Such summary report shall be provided to the house committee on commerce, labor and economic development and the senate committee on commerce on or before January 31 of each year and shall disclose the most recent three years of economic incentives claimed and the total amount of funds committed by the state or the local government that are required to be paid as an incentive over the entire period of the incentive.

(b) (1) Local governments shall provide the department of commerce with all available and reasonably obtainable information required by this section for all active economic development incentive programs of such local government commenced prior to July 1, 2025, that provide more than $50,000 in value in annual incentives as provided by subsection (c). On and after July 1, 2025, requiring the provision of all information required by this section as necessary from a recipient and providing such information to the department of commerce by the local government shall be a condition of commencing or providing any incentive to a recipient pursuant to any economic development incentive program that will provide more than $50,000 in value in annual incentives. Information required by this section for programs commencing after July 1, 2025, shall be provided to the department of commerce within 45 days of the execution of an economic development incentive program agreement between the local government and the recipient. The local government shall provide updates of all applicable information required by this section to the secretary of commerce, in the manner and form as required by the secretary, at least annually and at such additional time or times as may be required by the secretary.

(2) On and after July 1, 2025, any recipient that will receive more than $50,000 in value in annual incentives from any economic development incentive program provided by a local government or any administering agency shall, as a condition of the award of such incentives, agree to provide all information required by this section to the secretary, at such times and in the form and manner as required by the secretary, for publication on the department's database as provided by this section.

(3) All information shall be provided in the form and manner as required by the secretary, except that the secretary shall make an electronic form available for local governments to report such information in a

simple online format and shall only require the submission of information in digital form.

~~(b)~~*(c)* 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~~*, except that local governments shall provide such information as required by this section for active economic development incentive programs commenced prior to July 1, 2025, specified in section 1(b)(6)(A) through (I), and amendments thereto, to the secretary on or before July 1, 2026, and thereafter as required by this section. Local governments shall provide such information as required by this section for active economic development incentive programs commenced prior to July 1, 2025, specified in section 1(b)(6)(A) through (J) to the secretary on or before July 1, 2028, and thereafter as required by this section*:

(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)~~*(d)* Data collected pursuant to this section ~~must~~ *shall* be aggregated and provided by program, recipient and county.

~~(d)~~*(e)* 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~~ *2025*;

(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)~~*(f)* (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 *why* the information was not disclosed.

Commencing on January 31, 2026, such reports shall be made on or before January 31 of each year for such information not disclosed in the fiscal year ending the preceding June 30. 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)~~ *(f)(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.

(g) The secretary may impose an administrative fee of 1% of the amount of the total incentive, not to exceed $1,000, upon each recipient of an economic development incentive program administered by the secretary for the purpose of the payment of costs incurred by the secretary for administering and maintaining the database required by this section.

Sec. 3. K.S.A. 2024 Supp. 74-50,226 and 74-50,227 are hereby repealed.

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

Approved April 1, 2025.

CHAPTER 55

HOUSE BILL No. 2052

AN ACT concerning firearms; relating to the possession thereof; updating cross references in the personal and family protection act regarding the eligibility requirements to obtain a license to carry a concealed handgun; requiring a license be surrendered to the attorney general upon suspension or revocation of such license; providing for a transition from a provisional license to a standard license; prohibiting the collection of personal information of an off-duty law enforcement officer entering buildings while armed or requiring such officer to wear any item identifying such person as a law enforcement officer or being armed; amending K.S.A. 75-7c07 and 75-7c22 and K.S.A. 2024 Supp. 75-7c04, 75-7c05 and 75-7c08 and repealing the existing sections.

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

Section 1. K.S.A. 2024 Supp. 75-7c04 is hereby amended to read as follows: 75-7c04. (a) The attorney general shall not issue a license pursuant to this act if the applicant:

(1) Is not a resident of the county where application for licensure is made or is not a resident of the state;

(2) is prohibited from shipping, transporting, possessing or receiving a firearm or ammunition under 18 U.S.C. § 922(g) or (n), and amendments thereto, or K.S.A. 21-4204, prior to its repeal, or K.S.A. 21-6301(a)(10) ~~through~~, (a)(13) *or (a)(15) through (a)(18)* or K.S.A. 21-6304(a)(1) through ~~(a)(3)~~ *(a)(4)*, and amendments thereto; or

(3) (A) For a provisional license, is less than 18 years of age; or

(B) for a standard license, is less than 21 years of age.

(b) (1) The attorney general shall adopt rules and regulations establishing procedures and standards as authorized by this act for an eight-hour handgun safety and training course required by this section. Such standards shall include:

(A) A requirement that trainees receive training in the safe storage of handguns, actual firing of handguns and instruction in the laws of this state governing the carrying of concealed handguns and the use of deadly force;

(B) general guidelines for courses which are compatible with the industry standard for basic handgun training for civilians;

(C) qualifications of instructors; and

(D) a requirement that the course be:

(i) A handgun course certified or sponsored by the attorney general; or

(ii) a handgun course certified or sponsored by the national rifle association or by a law enforcement agency, college, private or public institution or organization or handgun training school, if the attorney general determines that such course meets or exceeds the standards required by rules and regulations adopted by the attorney general and is taught by instructors certified by the attorney general or by the national rifle asso-

ciation, if the attorney general determines that the requirements for certification of instructors by such association meet or exceed the standards required by rules and regulations adopted by the attorney general.

(2) Any person wanting to be certified by the attorney general as an instructor shall submit to the attorney general an application in the form required by the attorney general and a fee not to exceed $150.

~~(2)~~*(3)* The cost of the handgun safety and training course required by this section shall be paid by the applicant. The following shall constitute satisfactory evidence of satisfactory completion of an approved handgun safety and training course:

(A) Evidence of completion of a course that satisfies the requirements of subsection (b)(1), in the form provided by rules and regulations adopted by the attorney general;

(B) an affidavit from the instructor, school, club, organization or group that conducted or taught such course attesting to the completion of the course by the applicant;

(C) evidence of completion of a course offered in another jurisdiction which is determined by the attorney general to have training requirements that are equal to or greater than those required by this act; or

(D) a determination by the attorney general pursuant to subsection (c).

(c) (1) The attorney general may:

(A) Create a list of concealed carry handgun licenses or permits issued by other jurisdictions that the attorney general finds have training requirements that are equal to or greater than those of this state; and

(B) review each application received pursuant to K.S.A. 75-7c05, and amendments thereto, to determine if the applicant's previous training qualifications were equal to or greater than those of this state.

(2) For the purposes of this subsection:

(A) "Equal to or greater than" means the applicant's prior training meets or exceeds the training established in this section by having required, at a minimum, the applicant to:

(i) Receive instruction on the laws of self-defense; and

(ii) demonstrate training and competency in the safe handling, storage and actual firing of handguns.

(B) "Jurisdiction" means another state or the District of Columbia.

(C) "License or permit" means a concealed carry handgun license or permit from another jurisdiction that has not expired and, except for any residency requirement of the issuing jurisdiction, is currently in good standing.

Sec. 2. K.S.A. 2024 Supp. 75-7c05 is hereby amended to read as follows: 75-7c05. (a) The application for a license pursuant to this act shall be completed, under oath, on a form prescribed by the attorney general and shall only include:

(1) (A) Subject to the provisions of subsection (a)(1)(B), the name, address, social security number, Kansas driver's license number or Kansas nondriver's license identification number, place and date of birth, a photocopy of the applicant's driver's license or nondriver's identification card and a photocopy of the applicant's certificate of training course completion; *or*

(B) in the case of an applicant who presents proof that such person is on active duty with any branch of the armed forces of the United States, or is the dependent of such a person, and who does not possess a Kansas driver's license or Kansas nondriver's license identification, the number of such license or identification shall not be required;

(2) a statement that the applicant is in compliance with criteria contained within K.S.A. 75-7c04, and amendments thereto;

(3) a statement that the applicant has been furnished a copy of this act and is knowledgeable of its provisions;

(4) a conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant, subjects the applicant to criminal prosecution under K.S.A. 21-5903, and amendments thereto; and

(5) a statement that the applicant desires a concealed handgun license as a means of lawful self-defense.

(b) Except as otherwise provided in subsection ~~(i)~~ *(j)*, the applicant shall submit to the sheriff of the county where the applicant resides, during any normal business hours:

(1) A completed application described in subsection (a);

(2) an amount of $32.50 payable to the sheriff of the county where the applicant resides for the purpose of covering the cost of taking fingerprints pursuant to subsection (c);

(3) if applicable, a photocopy of the proof of training required by K.S.A. 75-7c04(b)(1), and amendments thereto; and

(4) a full frontal view photograph of the applicant taken within the preceding 30 days.

(c) (1) Except as otherwise provided in subsection ~~(i)~~ *(j)*, the sheriff, upon receipt of the items listed in subsection (b), shall provide for the full set of fingerprints of the applicant to be taken and forwarded to the attorney general for purposes of a criminal history records check as provided by subsection (d). In addition, the sheriff shall forward the application to the attorney general. Notwithstanding any provision in this section to the contrary, an applicant shall not be required to submit fingerprints for a renewal application under K.S.A. 75-7c08, and amendments thereto.

(2) The sheriff of the applicant's county of residence or the chief law enforcement officer of any law enforcement agency, at the sheriff's or chief law enforcement officer's discretion, may participate in the pro-

cess by submitting a voluntary report to the attorney general containing readily discoverable information, corroborated through public records, which, when combined with another enumerated factor, establishes that the applicant poses a significantly greater threat to law enforcement or the public at large than the average citizen. Any such voluntary reporting shall be made within 45 days after the date the sheriff receives the application. Any sheriff or chief law enforcement officer submitting a voluntary report shall not incur any civil or criminal liability as the result of the good faith submission of such report.

(3) All funds retained by the sheriff pursuant to the provisions of this section shall be credited to a special fund of the sheriff's office which shall be used solely for the purpose of administering this act.

(d) Each applicant shall be subject to a state and national criminal history records check, *including an inquiry of the national instant criminal background check system,* in accordance with K.S.A. 2024 Supp. 22-4714, and amendments thereto.

(e) Within 90 days after the date of receipt of the items listed in subsection (b), the attorney general shall:

(1) (A) Issue the license and certify the issuance to the department of revenue; and

(B) if it is impractical for the division of vehicles of the department of revenue to issue physical cards consistent with the requirements of this act and the attorney general has determined that the conditions for such impracticality have existed for at least 30 days, the attorney general shall issue an authorization document in accordance with K.S.A. 75-7c03(d), and amendments thereto; or

(2) deny the application based solely on: (A) The report submitted by the sheriff or other chief law enforcement officer under subsection (c)(2) for good cause shown therein; or (B) the ground that the applicant is disqualified under the criteria listed in K.S.A. 75-7c04, and amendments thereto. If the attorney general denies the application, the attorney general shall notify the applicant in writing, stating the ground for denial and informing the applicant the opportunity for a hearing pursuant to the Kansas administrative procedure act.

(f) *(1) Any person who holds a provisional license issued pursuant to this act may, on reaching the age of 21 years, submit a request to the attorney general to have a standard license issued to such person. Upon confirmation that such person is at least 21 years of age, the attorney general shall issue a standard license to such person in accordance with this act. The term of such standard license shall be for the remaining unexpired portion of the term of such person's provisional license.*

(2) The attorney general shall notify each person holding a provisional license at least 60 days prior to such person's 21st birthday that

such person may apply for a standard license to be issued on the person's 21st birthday.

(g) No person who is issued a license or has such license renewed shall be required to pay a fee for the cost of the license or renewal except as otherwise provided in subsection (b) for the purpose of covering the cost of taking fingerprints.

~~(g)~~*(h)* (1) A person who is a retired law enforcement officer, as defined in K.S.A. 21-5111, and amendments thereto, shall be:

(A) Exempt from the required completion of a handgun safety and training course if such person was certified by the Kansas commission on peace officer's standards and training, or similar body from another jurisdiction, not more than eight years prior to submission of the application; and

(B) required to comply with the criminal history records check requirement of this section.

(2) Proof of retirement as a law enforcement officer shall be required and provided to the attorney general in the form of a letter from the agency head, or their designee, of the officer's retiring agency that attests to the officer having retired in good standing from that agency as a law enforcement officer for reasons other than mental instability and that the officer has a nonforfeitable right to benefits under a retirement plan of the agency.

~~(h)~~*(i)* A person who is a corrections officer, a parole officer or a corrections officer employed by the federal bureau of prisons, as defined by K.S.A. 75-5202, and amendments thereto, shall be:

(1) Exempt from the required completion of a handgun safety and training course if such person was issued a certificate of firearms training by the department of corrections or the federal bureau of prisons or similar body not more than one year prior to submission of the application; and

(2) required to comply with the criminal history records check requirement of this section.

~~(i)~~*(j)* A person who presents proof that such person is on active duty with any branch of the armed forces of the United States and is stationed at a United States military installation located outside this state, may submit by mail an application described in subsection (a) and the other materials required by subsection (b) to the sheriff of the county where the applicant resides. Provided the applicant is fingerprinted at a United States military installation, the applicant may submit a full set of fingerprints of such applicant along with the application. Upon receipt of such items, the sheriff shall forward to the attorney general the application.

Sec. 3. K.S.A. 75-7c07 is hereby amended to read as follows: 75-7c07. (a) In accordance with the provisions of the Kansas administrative proce-

dure act, the attorney general shall deny a license *or the renewal thereof* to any applicant ~~for license~~ who is ineligible *for such license* under K.S.A. 75-7c04, and amendments thereto, and, except as provided by subsection (b), shall revoke at any time the license of any person who ~~would be~~ *becomes* ineligible *for such license* under K.S.A. 75-7c04, and amendments thereto~~, if submitting an application for a license at such time~~. Review by the district court in accordance with the Kansas judicial review act shall be, at the option of the party seeking review, in Shawnee county or the county in which the petitioner resides. The revocation shall remain in effect pending any appeal and shall not be stayed by the court.

(b) The license of a person who is charged for an offense or is subject to a proceeding that could render the person ineligible pursuant to ~~subsection (a) of~~ K.S.A. 75-7c04*(a)*, and amendments thereto, shall be subject to suspension and shall be reinstated upon final disposition of the charge or outcome of the proceeding as long as the arrest or proceeding does not result in a disqualifying conviction, commitment, finding or order.

(c) The sheriff of the county where a restraining order is issued that would prohibit issuance of a license under ~~subsection (a)(2) of~~ K.S.A. 75-7c04*(a)(2)*, and amendments thereto, shall notify the attorney general immediately upon receipt of such order. If the person subject to the restraining order holds a license issued pursuant to this act, the attorney general immediately shall suspend such license upon receipt of notice of the issuance of such order. The attorney general shall adopt rules and regulations establishing procedures which allow for 24-hour notification and suspension of a license under the circumstances described in this subsection. The attorney general shall immediately reinstate the license, if it has not otherwise expired, upon proof of the cancellation of the order.

(d) *Upon the suspension or revocation of a license issued pursuant to this act, the licensee shall surrender the physical license card or authorization document issued pursuant to K.S.A. 75-7c03(d), and amendments thereto, to the division of motor vehicles. Upon receipt by the division, such physical license card or authorization document shall be destroyed. Upon the conclusion of such suspension, the attorney general shall issue an authorization document for the license to be reissued for the remaining unexpired portion of the term of such person's license.*

(e) (1) If the provisions of paragraph (2) are met, a license issued pursuant to this act shall not be revoked until 90 days after the person issued such license is no longer a resident of this state, if being a nonresident of this state is the only grounds for revocation.

(2) A license issued pursuant to this act shall be considered valid for 90 days after a licensee is no longer a resident of Kansas, provided that:

(A) Prior to the change in residency, the licensee notified the attorney general in writing of the pending change; and

(B) the licensee's new state of residence, or any other state or jurisdiction that such licensee travels to during the 90-day period, would recognize such license as valid.

~~(e)~~*(f)* A person who has been issued a license pursuant to this act and who gave up residency in this state, but has returned to reside in this state shall be eligible to have their license reinstated as valid provided that:

(1) The license has not expired; and

(2) (A) the licensee notified the attorney general in writing of both the residency departure and relocation back to this state; or

(B) if such licensee failed to comply with the notification requirements of this subsection, the penalty provisions of ~~subsection (e) of~~ K.S.A. 75-7c06*(e)*, and amendments thereto, have been satisfied.

Sec. 4. K.S.A. 2024 Supp. 75-7c08 is hereby amended to read as follows: 75-7c08. (a) Not less than 90 days prior to the expiration date of the license, the attorney general shall mail to the licensee a written notice of the expiration and a renewal form prescribed by the attorney general. The licensee shall renew the license on or before the expiration date by filing with the attorney general the renewal form, a notarized affidavit, either in person or by certified mail, stating that the licensee remains qualified pursuant to the criteria specified in K.S.A. 75-7c04, and amendments thereto, and a full frontal view photograph of the applicant taken within the preceding 30 days to the attorney general. The attorney general shall complete a name-based background check, including a search of the national instant criminal background check system database. A renewal application is considered filed on the date the renewal form and affidavit are delivered in person to the attorney general's office or on the date a certified mailing to the attorney general's office containing these items is postmarked.

(b) Upon receipt of a renewal application as specified in subsection (a), a background check in accordance with K.S.A. 75-7c05(d), and amendments thereto, shall be completed. Fingerprints shall not be required for renewal applications. If the licensee is not disqualified as provided by this act, the license shall be renewed upon receipt by the attorney general of the items listed in subsection (a) and the completion of the background check. If the licensee holds a valid provisional license at the time the renewal application is submitted *and has not been issued a standard license pursuant to K.S.A. 75-7c05(f), and amendments thereto*, then the attorney general shall issue a standard license to the licensee if the licensee is not disqualified as provided by this act.

(c) No license shall be renewed if the renewal application is filed six months or more after the expiration date of the license, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure but an application for licensure pursuant to K.S.A. 75-7c05, and amendments thereto, shall

be submitted, and a background investigation including the submission of fingerprints, shall be conducted pursuant to the provisions of that section.

Sec. 5. K.S.A. 75-7c22 is hereby amended to read as follows: 75-7c22. (a) *(1)* An off-duty law enforcement officer may carry a concealed handgun in any building where an on-duty law enforcement officer would be authorized to carry a concealed handgun regardless of whether the requirements of K.S.A. 75-7c10 or 75-7c20, and amendments thereto, for prohibiting the carrying of a concealed handgun in such building have been satisfied, provided:

~~(1)~~*(A)* Such officer is in compliance with the firearms policies of such officer's law enforcement agency; and

~~(2)~~*(B)* such officer possesses identification required by such officer's law enforcement agency and presents such identification when requested by another law enforcement officer or by a person of authority for the building where the carrying of concealed handguns is otherwise prohibited.

(2) No person of authority for a building shall require, request or record personal information of any off-duty law enforcement officer entering such building in accordance with this section, including, but not limited to, such officer's email address, home phone number or home address, nor shall such officer be required to wear any item identifying such officer as a law enforcement officer or as being armed.

(b) A law enforcement officer from another state or a retired law enforcement officer meeting the requirements of the federal law enforcement officers safety act, 18 U.S.C. §§ 926B and 926C, may carry a concealed handgun in any building where an on-duty law enforcement officer would be authorized to carry a concealed handgun regardless of whether the requirements of K.S.A. 75-7c10 or 75-7c20, and amendments thereto, for prohibiting the carrying of a concealed handgun in such building have been satisfied, provided, such officer possesses identification required by the federal law enforcement officers safety act and presents such identification when requested by another law enforcement officer or by a person of authority for the building where the carrying of concealed handguns is otherwise prohibited.

(c) Any law enforcement officer or retired law enforcement officer who is issued a license to carry a concealed handgun under the personal and family protection act shall be subject to the provisions of that act, except that for any such law enforcement officer or retired law enforcement officer who satisfies the requirements of either subsection (a) or (b) the provisions of this section shall control with respect to where a concealed handgun may be carried.

(d) The provisions of this section shall not apply to any building where the possession of firearms is prohibited or restricted by an order of the chief judge of a judicial district, or by federal law or regulation.

(e) The provisions of this section shall not apply to any law enforcement officer or retired law enforcement officer who has been denied a license to carry a concealed handgun pursuant to K.S.A. 75-7c04, and amendments thereto, or whose license to carry a concealed handgun has been suspended or revoked in accordance with the provisions of the personal and family protection act.

(f) As used in this section:

(1) "Law enforcement officer" means:

(A) Any person employed by a law enforcement agency, who is in good standing and is certified under the Kansas law enforcement training act;

(B) a law enforcement officer who has obtained a similar designation in a jurisdiction outside the state of Kansas but within the United States; or

(C) a federal law enforcement officer who as part of such officer's duties is permitted to make arrests and to be armed.

(2) "Person of authority" means any person who is tasked with screening persons entering the building, or who otherwise has the authority to determine whether a person may enter or remain in the building.

(g) This section shall be a part of and supplemental to the personal and family protection act.

Sec. 6. K.S.A. 75-7c07 and 75-7c22 and K.S.A. 2024 Supp. 75-7c04, 75-7c05 and 75-7c08 are hereby repealed.

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

Approved April 2, 2025.

CHAPTER 56

HOUSE BILL No. 2118*

AN ACT concerning consumer protection; requiring any person who solicits a fee for filing or retrieving certain documents from the federal government, the state, a state agency or a local government to give certain notices to consumers; providing that violation of such requirements is a deceptive act or practice subject to penalties under the Kansas consumer protection act.

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

Section 1. (a) This section applies to any person other than the federal government, the state, a state agency or a local government who solicits a fee for filing a document with, or retrieving a copy or certified copy of a certificate or public record from, the federal government, the state, a state agency or a local government.

(b) A person who solicits as described in subsection (a) shall include in each solicitation:

(1) A statement in the solicitation, in the same language as the solicitation, that is identical or substantially similar to the following: "This is an advertisement. This offer is not being made by, or on behalf of, any government agency. You are not required to make any payment or take any other action in response to this offer." If the solicitation is in writing, the statement shall be in at least 24-point type and located at the top of the physical document or the beginning of the electronic communication;

(2) the name of the person making the solicitation and the person's physical address, which shall not be a post office box;

(3) information on where the consumer can file a document directly with the secretary of state or retrieve a copy or certified copy of a certificate or public record; and

(4) if the solicitation is mailed, the words "THIS IS NOT A GOVERNMENT DOCUMENT" in 24-point type and all capital letters on the envelope, outside cover or wrapper in which the solicitation is mailed.

(c) A solicitation described in subsection (a) shall not be in a form or use deadline dates or other language that makes the document appear to be issued by the federal government, the state, a state agency or a local government, or that appears to impose a legal duty on the person being solicited.

(d) A violation of this section shall constitute a deceptive act or practice as provided in K.S.A. 50-626, and amendments thereto. For the purposes of the remedies and penalties provided by the Kansas consumer protection act, the person committing the conduct prohibited by this section shall be deemed the supplier and the person who is the victim of such conduct shall be deemed the consumer. Proof of a consumer transaction shall not be required.

(e) As used in this section, "solicit" or "solicitation" means to directly advertise to a person. "Solicit" and "solicitation" do not include:

(1) Communication initiated by a consumer; or

(2) advertising or marketing to a consumer with whom the solicitor has a current or former commercial relationship.

(f) This section shall be a part of and supplemental to the Kansas consumer protection act.

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

Approved April 7, 2025.

CHAPTER 57

HOUSE BILL No. 2168

AN ACT concerning United States public land surveys; relating to reports filed with the state historical society; extending the time to file such reports from 30 to 90 days; amending K.S.A. 2024 Supp. 58-2011 and repealing the existing section.

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

Section 1. K.S.A. 2024 Supp. 58-2011 is hereby amended to read as follows: 58-2011. (a) Whenever a survey originates from a United States public land survey corner or any related accessory, the land surveyor shall file a reference report for each corner or accessory with the secretary of the state historical society and with the county surveyor for the county or counties in which the survey corner exists. If there is no county surveyor of such county, such reference report shall be filed with the county engineer. If there is no county engineer, such report shall be filed in the office of the county road department *or in a county office designated by the county commission*. Reports filed with the secretary of the state historical society may be filed and retrieved using electronic technologies if authorized by the secretary. Such report shall be filed within ~~30~~ *90* days of the date the references are made. At the time of filing such report with the secretary of the state historical society, the land surveyor shall pay a filing fee in an amount fixed by rules and regulations of the secretary of the state historical society. Fees charged for filing and retrieval of such reports may be billed and paid periodically.

(b) Any person engaged in an activity in which a United States public land survey corner or any related accessory is likely to be altered, removed, damaged or destroyed, shall have a person qualified to practice land surveying establish such reference points as necessary for the restoration, reestablishment or replacement of the corner or accessory. The land surveyor shall file a reference report with the secretary of the state historical society and with the county surveyor for the county or counties in which the survey corner exists. Such report shall be filed within ~~30~~ *90* days of the date the references are made. At the time of filing such report with the secretary of the state historical society, the land surveyor shall pay a filing fee in an amount fixed by rules and regulations of the secretary of the state historical society.

(c) Upon completion of the activity likely to alter, remove, damage or destroy the public land survey corner or related accessory, the land surveyor shall review the survey corner and its accessories. If the survey corner or any accessory has been altered, removed, damaged or destroyed, the land surveyor shall replace the corner or accessory with a survey monument and file a restoration report with the secretary of the state histor-

ical society and the county surveyor in the county or counties in which it existed. If the survey corner and accessories are not damaged during the activity, a restoration report so stating shall be filed with the secretary of the state historical society and county surveyor's office. Such report shall be filed within ~~30~~ *90* days after the activity is completed. At the time of filing such report with the office of the secretary of the state historical society the land surveyor shall pay a filing fee in an amount fixed by rules and regulations of the secretary of the state historical society.

(d) Failure to comply with the filing requirements of this section shall be grounds for the suspension or revocation of the land surveyor's license.

(e) The secretary of the state historical society may produce, reproduce and sell maps, plats, reports, studies and records relating to land surveys. The secretary of the state historical society shall charge a fee in an amount to be fixed by rules and regulations of the secretary for the furnishing of information retrieved from records filed pursuant to this section and for reproductions or copies of maps, plats, reports, studies and records filed in such office.

(f) All moneys collected by the secretary of the state historical society under 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. Ten percent of each such deposit shall be credited to the state general fund and the balance shall be credited to the land survey fee fund, which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants approved by the secretary of the state historical society or a person designated by the secretary of the state historical society and shall be used only for the purpose of paying the costs incurred in administering the provisions of this act. After the effective date of this act, any reference to the secretary of state in regard to appropriations to the land survey fee fund shall be deemed to refer to the secretary of the state historical society.

(g) The failure of any person to have a land surveyor establish reference points as required by subsection (b) shall be a class C misdemeanor.

Sec. 2. K.S.A. 2024 Supp. 58-2011 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 7, 2025.

CHAPTER 58

HOUSE BILL No. 2030*

AN ACT concerning motor vehicles; relating to the vehicle dealers and manufacturers licensing act; excluding dealers and manufacturers of trailers from certain provisions thereof; exceptions thereto.

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

Section 1. (a) Except as provided in subsection (b), the provisions of K.S.A. 8-2414 through 8-2416, 8-2419, 8-2430, 8-2431, 8-2438, 8-2439, 8-2445 and 8-2446, and amendments thereto, shall not apply to dealers and manufacturers of trailers, as defined in K.S.A. 8-126, and amendments thereto.

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

(1) Dealers and manufacturers of semitrailers or travel trailers, as those terms are defined in K.S.A. 8-126, and amendments thereto; and

(2) a dealer in the sale or exchange of any other type of vehicle other than trailers.

(c) The provisions of this section shall be a part of and supplemental to the vehicle dealers and manufacturers licensing act.

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

Approved April 7, 2025.

CHAPTER 59

HOUSE BILL No. 2242

AN ACT concerning federal jurisdiction; relating to federal property; authorizing the governor to accept requests from the federal government to establish concurrent jurisdiction in certain circumstances; amending K.S.A. 27-102 and repealing the existing section.

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

Section 1. K.S.A. 27-102 is hereby amended to read as follows: 27-102. *(a)* That exclusive jurisdiction over and within any lands so acquired by the United States shall be, and the same is hereby, ceded to the United States, for all purposes; saving, however, to the state of Kansas the right to serve therein any civil or criminal process issued under the authority of the state, in any action on account of rights acquired, obligations incurred or crimes committed in said state, but outside the boundaries of such land; and saving further to said state the right to tax the property and franchises of any railroad, bridge or other corporations within the boundaries of such lands; but the jurisdiction hereby ceded shall not continue after the United States shall cease to own said lands.

(b) (1) The state of Kansas authorizes the governor to grant requests from the United States to establish concurrent jurisdiction over land owned by the United States for military purposes within the boundaries of Kansas. Concurrent jurisdiction shall be effective upon completion of:

(A) A written offer for concurrent jurisdiction being sent to the governor by the principal officer of the military installation or other authorized representative of the United States having supervision and control over the land that:

(i) Clearly states the subject matter for the concurrent jurisdiction request;

(ii) provides the metes and bounds description of the boundary of the concurrent jurisdiction offer; and

(iii) indicates whether the request includes future contiguous expansion of land acquired for military purposes; and

(B) the governor accepting the offer in writing that clearly confirms each of the elements of the offer that are accepted; and

(C) the governor recording and indexing the offer, acceptance and metes and bounds description of the boundary of concurrent jurisdiction with the secretary of state who shall publish such information in the Kansas register.

(2) After concurrent jurisdiction is effective:

(A) The governor shall send a copy of the information provided to the secretary of state to the official who made the initial written offer; and

(B) any state or local agency may enter into a reciprocal agreement or memorandum of understanding with any agency of the United States for the coordination and designation of responsibilities related to the concurrent jurisdiction.

Sec. 2. K.S.A. 27-102 is hereby repealed.

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

Approved April 7, 2025.

Published in the *Kansas Register* April 24, 2025.

CHAPTER 60

Substitute for SENATE BILL No. 54

AN ACT concerning the code of civil procedure; relating to litigation funding by third parties; limiting discovery and disclosure of third-party litigation funding agreements; requiring reporting of such agreements to the court; amending K.S.A. 2024 Supp. 60-226 and repealing the existing section.

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

Section 1. K.S.A. 2024 Supp. 60-226 is hereby amended to read as follows: 60-226. (a) *Discovery methods.* Parties may obtain discovery by one or more of the following methods: Depositions on oral examination or written questions; written interrogatories; production of documents or things or permission to enter onto land or other property under K.S.A. 60-234, ~~K.S.A.~~ 60-245(a)(1)(A)(iii) or ~~K.S.A.~~ 60-245a, and amendments thereto; physical and mental examinations; and requests for admission.

(b) *Discovery scope and limits.* (1) *Scope in general.* Unless otherwise limited by court order, the scope of discovery is as follows: Parties may obtain discovery regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving the issues and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within this scope of discovery need not be admissible in evidence to be discoverable.

(2) *Limitations on frequency and extent.* (A) On motion, or on its own, the court may limit the frequency or extent of discovery methods otherwise allowed by the rules of civil procedure and must do so if it determines that:

(i) The discovery sought is unreasonably cumulative or duplicative, or can be obtained from some other source that is more convenient, less burdensome or less expensive;

(ii) the party seeking discovery has had ample opportunity to obtain the information by discovery in the action; or

(iii) the proposed discovery is outside the scope permitted by subsection (b)(1).

(B) A party need not provide discovery of electronically stored information from sources that the party identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the party from whom discovery is sought must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering

the limitations of subsection (b)(2)(A). The court may specify conditions for the discovery.

(3) *Agreements. (A) Insurance agreements.* A party may obtain discovery of the existence and contents of any insurance agreement under which an insurance business may be liable to satisfy part or all of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment. Information concerning the insurance agreement is not by reason of disclosure admissible in evidence at trial. For purposes of this paragraph, an application for insurance is not a part of an insurance agreement.

(B) (i) Third-party litigation funding agreements. (a) A party shall provide to the court, for in camera review, any third-party litigation funding agreement within 30 days after commencement of a legal action or 30 days after execution of a third-party litigation funding agreement, whichever is later.

(b) Except as otherwise stipulated by the parties or ordered by the court, if a party has entered into a third-party litigation funding agreement, such party shall deliver to all other parties, within 30 days after commencement of a legal action or 30 days after execution of such third-party litigation funding agreement, whichever is later, a sworn statement disclosing:

(1) The identity of all contracting parties to the third-party litigation funding agreement, including the name, address and, if a party is a legal entity, the place of formation of such entity;

(2) whether the agreement grants a third-party funder control or approval rights with respect to litigation or settlement decisions or otherwise has the potential to create conflicts of interest between the third-party funder and the party and, if the agreement does grant such control or approval rights, the nature of the terms and conditions relating to such control or approval rights;

(3) whether the agreement grants a third-party funder the right to receive materials designated as confidential pursuant to a protective or confidentiality agreement or order in the action;

(4) the existence of any known relationship between a third-party funder and the adverse party, the adverse party's counsel or the court;

(5) a description of the nature of the financial interest, including, but not limited to, whether such interest is, in whole or in part, recourse or non-recourse; and

(6) whether any foreign person from a foreign country of concern is providing funding, directly or indirectly, for the third-party litigation funding agreement and, if so, the name, address and country of incorporation or registration of the foreign person.

(ii) Limitations on discovery of third-party litigation funding agree-

ments. (a) Information concerning the third-party litigation funding agreement is not by reason of disclosure admissible in evidence at trial.

(b) Subsection (b)(3)(B)(i) shall not be construed to require a nonprofit corporation or association to disclose its members or donors.

(c) Except as provided in subsection (b)(3)(B)(i), the provisions of this section shall not be construed to modify the applicability of articles 2 or 4 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto.

(4) *Trial preparation; materials.* (A) *Documents and tangible things.* Ordinarily, a party may not discover documents and tangible things that are prepared in anticipation of litigation or for trial by or for another party or its representative, including the other party's attorney, consultant, surety, indemnitor, insurer or agent. But, subject to subsection (b)(5), those materials may be discovered if:

(i) They are otherwise discoverable under paragraph (1); and

(ii) the party shows that it has substantial need for the materials to prepare its case and cannot, without undue hardship, obtain their substantial equivalent by other means.

(B) *Protection against disclosure.* If the court orders discovery of those materials, it must protect against disclosure of the mental impressions, conclusions, opinions or legal theories of a party's attorney or other representative concerning the litigation.

(C) *Previous statement.* Any party or other person may, on request and without the required showing, obtain the person's own previous statement about the action or its subject matter. If the request is refused, the person may move for a court order, and K.S.A. 60-237, and amendments thereto, applies to the award of expenses. A previous statement is either:

(i) A written statement that the person has signed or otherwise adopted or approved; or

(ii) a contemporaneous stenographic, mechanical, electrical or other recording, or a transcription of it, that recites substantially verbatim the person's oral statement.

(5) *Trial preparation; experts.*

(A) *Deposition of an expert who may testify.* A party may depose any person who has been identified as an expert whose opinions may be presented at trial. If a disclosure is required under subsection (b)(6), the deposition may be conducted only after the disclosure is provided.

(B) *Trial-preparation protection for draft disclosures.* Subsections (b)(4)(A) and (b)(4)(B) protect drafts of any disclosure required under subsection (b)(6), and drafts of a disclosure by an expert witness provided in lieu of the disclosure required by subsection (b)(6), regardless of the form in which the draft is recorded.

(C) *Trial-preparation protection for communications between a party's attorney and expert witnesses.* Subsections (b)(4)(A) and (b)(4)(B)

protect communications between the party's attorney and any witness about whom disclosure is required under subsection (b)(6), regardless of the form of the communications, except to the extent that the communications:

(i) Relate to compensation for the expert's study or testimony;

(ii) identify facts or data that the party's attorney provided and that the expert considered in forming the opinions to be expressed; or

(iii) identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed.

(D) *Expert employed only for trial preparation.* Ordinarily, a party may not, by interrogatories or deposition, discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or to prepare for trial and who is not expected to be called as a witness at trial. But a party may do so only:

(i) As provided in K.S.A. 60-235(b), and amendments thereto; or

(ii) on showing exceptional circumstances under which it is impracticable for the party to obtain facts or opinions on the same subject by other means.

(E) *Payment.* Unless manifest injustice would result, the court must require that the party seeking discovery:

(i) Pay the expert a reasonable fee for time spent in responding to discovery under subsection (b)(5)(A) or (b)(5)(D); and

(ii) for discovery under subsection (b)(5)(D), also pay the other party a fair portion of the fees and expenses it reasonably incurred in obtaining the expert's facts and opinions.

(6) *Disclosure of expert testimony.* (A) *Required disclosures.* A party must disclose to other parties the identity of any witness it may use at trial to present expert testimony. The disclosure must state:

(i) The subject matter on which the expert is expected to testify; and

(ii) the substance of the facts and opinions to which the expert is expected to testify.

(B) *Witness who is retained or specially employed.* Unless otherwise stipulated or ordered by the court, if the witness is retained or specially employed to provide expert testimony in the case, or is one whose duties as the party's employee regularly involve giving expert testimony, the disclosure under subsection (b)(6)(A) must also state a summary of the grounds for each opinion.

(C) *Time to disclose expert testimony.* A party must make these disclosures at the times and in the sequence that the court orders. Absent a stipulation or court order, the disclosures must be made:

(i) At least 90 days before the date set for trial or for the case to be ready for trial; or

(ii) if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under subsection (b)(6)(B), within 30 days after the other party's disclosure.

(D) *Supplementing the disclosure.* The parties must supplement these disclosures when required under subsection (e).

(E) *Form of disclosures.* Unless otherwise ordered by the court, all disclosures under this subsection must be:

(i) In writing, signed and served; and

(ii) filed with the court in accordance with K.S.A. 60-205(d), and amendments thereto.

(7) *Claiming privilege or protecting trial preparation materials.* (A) *Information withheld.* When a party withholds information otherwise discoverable by claiming that the information is privileged or subject to protection as trial preparation material, the party must:

(i) Expressly make the claim; and

(ii) describe the nature of the documents, communications or things not produced or disclosed, and do so in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the claim.

(B) *Information produced.* If information produced in discovery is subject to a claim of privilege or of protection as trial preparation material, the party making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the court under seal for a determination of the claim. The producing party must preserve the information until the claim is resolved.

(c) *Protective orders.* (1) *In general.* A party or any person from whom discovery is sought may move for a protective order in the court where the action is pending, as an alternative on matters relating to a deposition, in the district court where the deposition will be taken. The motion must include a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action and must describe the steps taken by all attorneys or unrepresented parties to resolve the issues in dispute. The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression or undue burden or expense, including one or more of the following:

(A) Forbidding the disclosure or discovery;

(B) specifying terms, including time and place or the allocation of expenses, for the disclosure or discovery;

(C) prescribing a discovery method other than the one selected by the party seeking discovery;

(D) forbidding inquiry into certain matters, or limiting the scope of disclosure or discovery to certain matters;

(E) designating the persons who may be present while the discovery is conducted;

(F) requiring that a deposition be sealed and opened only on court order;

(G) requiring that a trade secret or other confidential research, development or commercial information not be revealed or be revealed only in a specified way; and

(H) requiring that the parties simultaneously file specified documents or information in sealed envelopes, to be opened as the court orders.

(2) *Ordering discovery.* If a motion for a protective order is wholly or partly denied the court may, on just terms, order that any party or person provide or permit discovery.

(3) *Awarding expenses.* The provisions of K.S.A. 60-237, and amendments thereto, apply to the award of expenses.

(d) *Sequence of discovery.* Unless the parties stipulate or the court orders otherwise for the parties' and witnesses' convenience and in the interests of justice:

(1) Methods of discovery may be used in any sequence; and

(2) discovery by one party does not require any other party to delay its discovery.

(e) *Supplementing disclosures and responses.* (1) *In general.* A party who has made a disclosure under subsection (b)(6), or who has responded to an interrogatory, request for production or request for admission, must supplement or correct its disclosure or response:

(A) In a timely manner if the party learns that in some material respect the disclosure or response is incomplete or incorrect, and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing; or

(B) as ordered by the court.

(2) *Expert witness.* For an expert to whom the disclosure requirement in subsection (b)(6) applies, the party's duty to supplement extends both to information included in the disclosure and to information given during the expert's deposition. Any additions or changes to this information must be disclosed at least 30 days before trial, unless the court orders otherwise.

(f) *Signing disclosures and discovery requests, responses and objections.* (1) *Signature required; effect of signature.* Every disclosure under subsection (b)(6) and every discovery request, response or objection must be signed by at least one attorney of record in the attorney's own name,

or by the party personally, if unrepresented, and must state the signor's address, e-mail address and telephone number. By signing, an attorney or party certifies that to the best of the person's knowledge, information and belief formed after a reasonable inquiry:

(A) With respect to a disclosure, it is complete and correct as of the time it is made;

(B) with respect to a discovery request, response or objection, it is:

(i) Consistent with the rules of civil procedure and warranted by existing law or by a nonfrivolous argument for extending, modifying or reversing existing law or for establishing new law;

(ii) not interposed for any improper purpose, such as to harass, cause unnecessary delay or needlessly increase the cost of litigation; and

(iii) neither unreasonable nor unduly burdensome or expensive considering the needs of the case, prior discovery in the case, the amount in controversy and the importance of the issues at stake in the action.

(2) *Failure to sign.* Other parties have no duty to act on an unsigned disclosure, request, response or objection until it is signed, and the court must strike it unless a signature is promptly supplied after the omission is called to the attorney's or party's attention.

(3) *Sanction for improper certification.* If a certification violates this section without substantial justification, the court, on motion, or on its own, must impose an appropriate sanction on the signer, the party on whose behalf the signer was acting, or both. The sanction may include an order to pay the reasonable expenses, including attorney's fees, caused by the violation.

(g) Definitions. As used in this section:

(1) "Foreign country of concern" means any foreign adversary as such term is defined by 15 C.F.R. § 7.4, as in effect on July 1, 2025, and any organization that is designated as a foreign terrorist organization as of July 1, 2025, pursuant to 8 U.S.C. § 1189, as in effect on July 1, 2025.

(2) "Foreign person" means:

(A) An individual that is not a citizen of the United States or an alien lawfully admitted for permanent residence in the United States;

(B) an unincorporated association when a majority of the members are not citizens of the United States or aliens lawfully admitted for permanent residence in the United States;

(C) a corporation that is not incorporated in the United States;

(D) a government, political subdivision or political party of a country other than the United States;

(E) an entity that is organized under the laws of a county other than the United States;

(F) an entity that has a principal place of business in a country other than the United States and has shares or other ownership interest held

by the government or a government official of a country other than the United States; or

(G) an organization in which any person or entity described in subsections (g)(2)(A) through (g)(2)(F) holds a controlling or majority interest or in which the holdings of any such persons or entities, considered together, would constitute a controlling majority interest.

(3) "Reasonable interest" means a total interest not greater than 11.1% of the principal.

(4) "Third-party litigation funding agreement" means any agreement under which any person, other than a party, an attorney representing the party, such attorney's firm or a member of the family or household of a party has agreed to pay expenses directly related to prosecuting the legal claim and has a contractual right to receive compensation that is contingent in any respect on the outcome of the claim. "Third-party litigation funding agreement" does not include an agreement that does not afford the nonparty agreeing to pay legal expenses any profit from the legal claim beyond repayment of the amount such nonparty has contractually agreed to provide plus reasonable interest.

(h) The provisions of subsection (b)(3)(B) are severable. If any portion of such subsection is held by a court to be unconstitutional or invalid, or the application of any portion of such subsection to any person or circumstance is held by a court to be unconstitutional or invalid, the invalidity shall not affect the other portions of such subsection that can be given effect without the invalid portion or application, and the applicability of such other portions of such subsection to any person or circumstance remains valid and enforceable.

Sec. 2. K.S.A. 2024 Supp. 60-226 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 7, 2025.

CHAPTER 61

HOUSE BILL No. 2016

AN ACT concerning elections; relating to voter registration; including funeral home online obituary notices as sufficient grounds for removal of a deceased voter from the voter registration books; requiring that poll workers be citizens of the United States and live within the state of Kansas; prohibiting the disqualification of active military members, spouses or other dependents who are citizens of the United States as poll workers on the basis of residency or being a registered voter; relating to advance voting ballot applications; modifying the requirements for soliciting registered voters to submit advance voting applications; amending K.S.A. 25-2804 and K.S.A. 2024 Supp. 25-1122 and 25-2316c and repealing the existing sections.

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

New Section 1. (a) No county election officer shall disqualify an individual from serving as a poll worker at any election on the basis of residency or registered voter status if such individual is a citizen of the United States and an active military member or the spouse or other dependent of an active military member.

(b) Nothing in this section shall be construed to limit or otherwise restrict any poll worker qualifications based on the age of the individual, except as provided in K.S.A. 25-2804, and amendments thereto.

(c) "Active military member" means any person with full-time duty status in the armed forces of the United States, including members of the national guard and reserve.

Sec. 2. K.S.A. 2024 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county election officer where such person is a resident, or where such person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

(b) If the registered voter is applying for an advance voting ballot to be transmitted in person, the voter shall provide identification pursuant to K.S.A. 25-2908, and amendments thereto.

(c) If the registered voter is applying for an advance voting ballot to be transmitted by mail, the voter shall provide with the application for an advance voting ballot the voter's current and valid Kansas driver's license number, nondriver's identification card number or a photocopy of any other identification provided by K.S.A. 25-2908, and amendments thereto.

(d) A voter may vote a provisional ballot according to K.S.A. 25-409, and amendments thereto, if:

(1) The voter is unable or refuses to provide current and valid identification; or

(2) the name and address of the voter provided on the application for an advance voting ballot do not match the voter's name and address on the registration book. The voter shall provide a valid form of identification as defined in K.S.A. 25-2908, and amendments thereto, to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers. At the meeting of the county board of canvassers the county election officer shall present copies of identification received from provisional voters and the corresponding provisional ballots. If the county board of canvassers determines that a voter's identification is valid and the provisional ballot was properly cast, the ballot shall be counted.

(e) No county election officer shall provide an advance voting ballot to a person who is requesting an advance voting ballot to be transmitted by mail unless:

(1) The county election official verifies that the signature of the person matches that on file in the county voter registration records, except that verification of the voter's signature shall not be required if a voter has a disability preventing the voter from signing. Signature verification may occur by electronic device or by human inspection. In the event that the signature of a person who is requesting an advance voting ballot does not match that on file, the county election officer shall attempt to contact the person and shall offer the person another opportunity to provide the person's signature for the purposes of verifying the person's identity. If the county election officer is unable to reach the person, the county election officer may transmit a provisional ballot, however, such provisional ballot may not be counted unless a signature is included therewith that can be verified; and

(2) the person provides such person's full Kansas driver's license number, Kansas nondriver's identification card number issued by the division of vehicles, or submits such person's application for an advance voting ballot and a copy of identification provided by K.S.A. 25-2908, and amendments thereto, to the county election officer for verification. If a person applies for an advance voting ballot to be transmitted by mail but fails to provide identification pursuant to this subsection or the identification of the person cannot be verified by the county election officer, the county election officer shall provide information to the person regarding the voter rights provisions of subsection (d) and shall provide the person an opportunity to provide identification pursuant to this subsection. For the purposes of this act, Kansas state offices and offices of any subdivision of the state will allow any person seeking to vote by an advance voting ballot the use of a photocopying device to make one photocopy of an identification document at no cost.

(f) (1) Applications for advance voting ballots to be transmitted to the voter by mail shall be filed only at the following times:

(A) For the primary election occurring on the first Tuesday in August in both even-numbered and odd-numbered years, between April 1 of such year and the Tuesday of the week preceding such primary election;

(B) for the general election occurring on the Tuesday following the first Monday in November in both even-numbered and odd-numbered years, between 90 days prior to such election and the Tuesday of the week preceding such general election;

(C) for the presidential preference primary election held pursuant to K.S.A. 25-4501a, and amendments thereto, between January 1 of the year in which such election is held and 30 days prior to the day of such election;

(D) for question submitted elections occurring on the date of a primary or general election, the same as is provided for ballots for election of officers at such election;

(E) for question submitted elections not occurring on the date of a primary or general election, between the time of the first published notice thereof and the Tuesday of the week preceding such question submitted election, except that if the question submitted election is held on a day other than a Tuesday, the final date for mailing of advance voting ballots shall be one week before such election; and

(F) for any special election of officers, at such time as is specified by the secretary of state.

(2) The county election officer of any county may receive applications prior to the time specified in this subsection and hold such applications until the beginning of the prescribed application period. Such applications shall be treated as filed on that date.

(g) (1) Unless an earlier date is designated by the county election office, applications for advance voting ballots transmitted to the voter in person shall be filed on the Tuesday next preceding the election and on each subsequent business day until no later than ~~12~~ *12:00* noon on the day preceding such election. If the county election officer so provides, applications for advance voting ballots transmitted to the voter in person in the office of the county election officer also may be filed on the Saturday preceding the election. Upon receipt of any such properly executed application, the county election officer shall deliver to the voter such ballots and instructions as are provided for in this act.

(2) An application for an advance voting ballot filed by a voter who has a temporary illness or disability or who is not proficient in reading the English language or by a person rendering assistance to such voter may be filed during the regular advance ballot application periods until the close of the polls on election day.

(3) The county election officer may designate places other than the central county election office as satellite advance voting sites. At any sat-

ellite advance voting site, a registered voter may obtain an application for advance voting ballots. Ballots and instructions shall be delivered to the voter in the same manner and subject to the same limitations as otherwise provided by this subsection.

(h) Any person having a permanent disability or an illness that has been diagnosed as a permanent illness is hereby authorized to make an application for permanent advance voting status. Applications for permanent advance voting status shall be in the form and contain such information as is required for application for advance voting ballots and also shall contain information that establishes the voter's right to permanent advance voting status.

(i) On receipt of any application filed under the provisions of this section, the county election officer shall prepare and maintain in such officer's office a list of the names of all persons who have filed such applications, together with their correct post office address and the precinct, ward, township or voting area in which the persons claim to be registered voters or to be authorized by law to vote as former precinct residents and the present resident address of each applicant. Names and addresses shall remain so listed until the day of such election. The county election officer shall maintain a separate listing of the names and addresses of persons qualifying for permanent advance voting status. All such lists shall be available for inspection upon request in compliance with this subsection by any registered voter during regular business hours. The county election officer upon receipt of the applications shall enter upon a record kept by such officer the name and address of each applicant, which record shall conform to the list above required. Before inspection of any advance voting ballot application list, the person desiring to make the inspection shall provide to the county election officer identification in the form of driver's license or other reliable identification and shall sign a log book or application form maintained by the officer stating the person's name and address and showing the date and time of inspection. All records made by the county election officer shall be subject to public inspection, except that the voter identification information required by subsections (b) and (c) and the identifying number on ballots and ballot envelopes and records of such numbers shall not be made public.

(j) If a person on the permanent advance voting list fails to vote in four consecutive general elections, the county election officer may mail a notice to such voter. The notice shall inform the voter that the voter's name will be removed from the permanent advance voting list unless the voter renews the application for permanent advance voting status within 30 days after the notice is mailed. If the voter fails to renew such application, the county election officer shall remove the voter's name from

the permanent advance voting list. Failure to renew the application for permanent advance voting status shall not result in removal of the voter's name from the voter registration list.

(k) (1) Any person who solicits by mail a registered voter to file an application for an advance voting ballot and includes an application for an advance voting ballot in such mailing shall include on ~~the exterior of such mailing, and on each~~ *a* page ~~contained therein, except the application,~~ *in such mailing* a clear and conspicuous label in ~~14 point~~ *10-point* font or larger that includes:

(A) The name of the individual or organization that caused such solicitation to be mailed;

(B) ~~if an organization, the name of the president, chief executive officer or executive director of such organization;~~

~~(C)~~ the address of such individual or organization; and

~~(D)~~*(C)* the following statement: "Disclosure: This is not a government mailing. It is from a private individual or organization."

(2) The application for an advance voting ballot included in such mailing shall be the official application for advance ballot by mail provided by the secretary of state *or the appropriate county election office*. No portion of such application shall be completed prior to mailing such application to the registered voter, *except that the date of the election may be printed on the application*.

(3) An application for an advance voting ballot shall include ~~an envelope addressed to the appropriate county election office for the mailing of such application~~ *information on how to mail such application to the appropriate county election office*. In no case shall the person who mails the application to the voter direct that the completed application be returned to such person.

(4) The provisions of this subsection shall not apply to:

(A) The secretary of state or any election official or county election office; or

(B) the official protection and advocacy for voting access agency for this state as designated pursuant to the federal help America vote act of 2002, public law 107-252, or any other entity required to provide information concerning elections and voting procedures by federal law.

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

(l) (1) No person shall mail or cause to be mailed an application for an advance voting ballot, unless such person is a resident of this state or is otherwise domiciled in this state.

(2) Any individual may file a complaint in writing with the attorney general alleging a violation of this subsection. Such complaint shall include the name of the person alleged to have violated this subsection and any other information as required by the attorney general. Upon receipt

of a complaint, the attorney general shall investigate and may file an action against any person found to have violated this subsection.

(3) Any person who violates the provisions of this subsection is subject to a civil penalty of $20. Each instance in which a person mails an application for an advance voting ballot in violation of this section shall constitute a separate violation.

(m) A county election officer shall not mail a ballot to a voter unless such voter has submitted an application for an advance voting ballot, except that a ballot may be mailed to a voter if such voter has permanent advance voting ballot status pursuant to subsection (h) or if the election is conducted pursuant to the mail ballot election act, K.S.A. 25-431 et seq., and amendments thereto.

(n) The secretary of state may adopt rules and regulations in order to implement the provisions of this section and to define valid forms of identification.

Sec. 3. K.S.A. 2024 Supp. 25-2316c is hereby amended to read as follows: 25-2316c. (a) When a registered voter changes name by marriage, divorce or legal proceeding, if the voter is otherwise qualified to vote at such voting place the voter shall be allowed to vote a provisional ballot at any election, or apply for an advance voting ballot, on the condition that the voter first completes the application for registration prescribed by K.S.A. 25-2309, and amendments thereto. Completion of the application shall authorize the county election officer to update the registration records, if appropriate, for voting in future elections. The county election officer shall send, by nonforwardable mail, a notice of disposition to any voter completing such application.

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

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

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

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

(2) (A) (i) has failed to respond to the notice described in subsection (e)(1) through (e)(4); or (ii) the notice described in subsection (e)(5) is returned as undeliverable; and (B) has not appeared to vote in an election during the period beginning on the date of the notice and ending on the day after the date of the second federal general election that occurs after the date of the notice.

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

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

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

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

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

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

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

(f) *(1)* Except as otherwise provided by law, when a voter dies or is disqualified for voting, the registration of the voter shall be void, and the county election officer shall remove such voter's name from the registration books and the party affiliation lists.

~~Whenever (1)~~*(2) The county election officer shall remove the name of a registered voter from the registration books and the party affiliation lists in such officer's office when:*

(A) An obituary notice appears in a newspaper having general circulation in the county reports the death of ~~a~~ *such* registered voter~~, or (2) a~~*;*

(B) an obituary notice published online by a funeral home located in the county reports the death of such registered voter;

(C) such registered voter requests in writing that such voter's name be removed from registration~~, or (3)~~*;*

(D) a court of competent jurisdiction orders removal of the name of ~~a~~ *such* registered voter from registration lists~~, or (4)~~*; or*

(E) the name of ~~a~~ *such* registered voter appears on a list of deceased residents compiled by the secretary of health and environment as provided in K.S.A. 65-2422, and amendments thereto,~~ or~~ appears on a copy of a death certificate provided by the secretary of health and environment~~,~~ or appears in information provided by the social security administration~~, the county election officer shall remove from the registration books and the party affiliation lists in such officer's office the name of any person shown by such list or death certificate to be deceased~~.

(3) The county election officer shall not use or permit the use of ~~such~~ *any* lists of deceased residents or copies *of such lists* for any other purpose than *as* provided in this section.

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

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

Sec. 4. K.S.A. 25-2804 is hereby amended to read as follows: 25-2804. (a) Each person recommended as provided in K.S.A. 25-2803(a), and amendments thereto, shall be a ~~resident of the area served by the voting place in which such person is to be a judge or clerk~~ *citizen of the United States and live within the state of Kansas*.

(b) ~~Except as otherwise provided by this subsection,~~ All judges and clerks shall ~~have the qualifications of an elector in the election at which they serve, and~~ *be a citizen of the United States and live within the state of Kansas.* No judge or clerk shall be a candidate for any office, other than the office of precinct committeeman or precinct committeewoman, to be elected at such election. The county election officer may appoint persons who are at least 16 years of age to serve as election judges or clerks if such persons meet all other requirements ~~for qualification of an elector~~ and have a letter of recommendation from a school teacher, counselor or administrator. No more than 1/3 of the persons appointed to each election board may be under the age of 18.

(c) The county election officer may establish a pool of trained judges and clerks who shall be recommended by the county chairpersons specified in K.S.A. 25-2803(a), and amendments thereto. Judges and clerks in such pool may serve at voting places other than their own if:

(1) The chairpersons specified in K.S.A. 25-2803(a), and amendments thereto, or either of them, have failed to make appropriate recommendations;

(2) it is impossible to obtain judges and clerks for a voting place in any other way; or

(3) voting machines are used, in which case the third judge, who shall be trained in the use of voting machines, need not necessarily live in the area of the voting place.

(d) Any judge or clerk serving in a voting place not located in the area in which such judge or clerk resides or serving on a special election board established under K.S.A. 25-1133(c), and amendments thereto, shall be allowed to vote an advance voting ballot in accordance with the provisions of K.S.A. 25-1119, and amendments thereto, or shall be excused from duties as such judge or clerk to vote at the voting place in the area where such judge or clerk resides.

Sec. 5. K.S.A. 25-2804 and K.S.A. 2024 Supp. 25-1122 and 25-2316c 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 7, 2025.

CHAPTER 62

Substitute for SENATE BILL No. 45

AN ACT concerning education; relating to graduation rate determinations; requiring the state board of education to calculate graduation rates for purposes of accreditation using an alternative calculation for all school districts; amending K.S.A. 2024 Supp. 72-3713 and repealing the existing section.

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

New Section 1. For purposes of accreditation by the state board, the four-year adjusted cohort graduation rate for each school district and any schools operated by such school district, including any virtual school, shall be determined by excluding any student who:

(a) Had not earned sufficient credits to be expected to graduate in the same school year as such student's cohort at the time that such student transferred to and enrolled in such school or school district; or

(b) was enrolled in such school or school district but subsequently transferred to a nonaccredited private school in Kansas or another state.

Sec. 2. K.S.A. 2024 Supp. 72-3713 is hereby amended to read as follows: 72-3713. (a) Virtual schools shall be under the general supervision of the state board. The state board may adopt any rules and regulations relating to virtual schools that the state board deems necessary to administer and enforce the virtual school act.

(b) ~~For purposes of accreditation by the state board, the four-year adjusted cohort graduation rate for a virtual school shall be determined by only including those students enrolled in such virtual school who had earned sufficient credits to be expected to graduate in the same school year as such student's cohort at the time such student first enrolled in such virtual school. The virtual school's four-year adjusted cohort graduation rate shall be determined in addition to the graduation rates determined for the school district that operates the virtual school and any other high schools operated by the school district.~~

~~(c)~~ No virtual school shall offer or provide any financial incentive for a student to enroll in a virtual school.

~~(d)~~*(c)* As used in this section, "financial incentive" means any monetary payment or award that is intended to encourage, entice or motivate a student to enroll in a virtual school.

Sec. 3. K.S.A. 2024 Supp. 72-3713 is hereby repealed.

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

Approved April 7, 2025.

CHAPTER 63

Senate Substitute for HOUSE BILL No. 2172*

AN ACT concerning water; establishing the water program task force to evaluate the state's water program and funding for such program; requiring the task force to establish a water planning work group and submit reports to certain legislative committees and the governor.

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

Section 1. (a) There is hereby established the water program task force. The task force shall consist of:

(1) The following 13 voting members:

(A) The chair of the house of representatives committee on water or the chair's designee;

(B) the chair of the house of representatives committee on agriculture and natural resources or the chair's designee;

(C) the chair of the senate committee on agriculture and natural resources or the chair's designee;

(D) the ranking minority member of the house of representatives committee on water or the ranking member's designee;

(E) the ranking minority member of the senate agriculture and natural resources committee or the ranking member's designee;

(F) one member of the house of representatives who does not sit on the committee on water or the committee on agriculture and natural resources appointed by the speaker of the house of representatives;

(G) one member of the senate who does not sit on the committee on agriculture and natural resources appointed by the president of the senate;

(H) four Kansas residents jointly appointed by the speaker of the house of representatives and the president of the senate; and

(I) two Kansas residents jointly appointed by the minority leader of the house of representatives and the minority leader of the senate; and

(2) the following three nonvoting ex officio members:

(A) The director of the bureau of water of the department of health and environment;

(B) the director of the Kansas water office; and

(C) the chief engineer of the Kansas department of agriculture division of water resources.

(b) Each voting member of the task force who is not a member of the legislature shall represent at least one of the following stakeholders:

(1) A Kansas employer with a vested water right;

(2) a commercial user of a municipal or industrial water right;

(3) an agricultural producer;

(4) an economic development organization;

(5) a water utility;

(6) a resident Kansas Indian tribe, Potawatomi, Kickapoo, Iowa or Sac and Fox;

(7) a rural water district;

(8) a local conservation district;

(9) an organization that focuses on environmental or wildlife protection or conservation;

(10) a local water management district;

(11) the Kansas agricultural banking or appraisal industry;

(12) a student at a state educational institution engaged in a course of study related to water;

(13) a Kansas municipality;

(14) a provider of natural resources education;

(15) the Kansas agricultural commodity associations;

(16) the Kansas water authority or regional advisory committee;

(17) the Kansas livestock industry; or

(18) the Kansas grain and feed industry.

(c) (1) Members of the task force shall be residents of Kansas. The task force shall consist of at least one member from each of the five conservation regions of the state. Not more than two members of the task force who are not members of the legislature shall represent the same stakeholder enumerated in subsection (b).

(2) The speaker of the house of representatives and the president of the senate shall ensure that the requirements of paragraph (1) are met.

(d) Members of the task force shall be appointed by April 30, 2025. Any vacancy in the membership of the task force shall be filled by appointment in the same manner prescribed by this section for the original appointment.

(e) The speaker of the house of representatives shall select one member of the task force who is a member of the house of representatives to serve as co-chairperson of the task force. The president of the senate shall select one member of the task force who is a member of the senate to serve as co-chairperson of the task force.

(f) (1) The task force may meet at any time and at any place within the state upon the call of either co-chairperson.

(2) A majority of voting members shall constitute a quorum of the task force. All actions of the task force may be taken by a majority of members present when there is a quorum.

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

(4) The staff of the 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 task force.

(g) The water program task force shall:

(1) Evaluate major risks to the quality and quantity of the state's water supply, including any impact on current and future economic growth and population stability;

(2) steps that the state must take to define and achieve a future supply of water for Kansans; and

(3) evaluate current funding for water in the state and determine whether such funding is sufficient to address the water issues included in the state water plan, including the state's current and future water infrastructure needs.

(h) The task force shall prepare and submit a preliminary report on or before January 31, 2026, and a final report on or before January 31, 2027, to the house of representatives committees on agriculture and natural resources and water and the senate committee on agriculture and natural resources or any successor committees and the governor. Such reports shall include recommendations on:

(1) The water program's long-term structure to address the state's current and future water needs, including, but not limited to:

(A) The roles and responsibilities of the state, municipalities and regional entities;

(B) how the program's investments and successes should be evaluated, including gathering any stakeholder input; and

(C) criteria to determine program investments, including geographic diversity of such investments; and

(2) funding for the water program, including, but not limited to:

(A) New dedicated moneys or investments for the state water plan fund;

(B) changes to any existing fees or moneys dedicated to the state water plan fund; and

(C) any additional funding sources or tools necessary to ensure that the financial resources are adequate to address the state's water issues.

(i) (1) On or before June 30, 2025, the co-chairs of the task force shall jointly appoint five individuals to a water planning work group. Such individuals may be members of the water program task force but are not required to be members of the task force. The individuals shall be attorneys, engineers, hydrologists, natural resource planners or others with relevant experience with Kansas water issues.

(2) The work group shall meet regularly as may be necessary to conduct a study of the state water resource planning act, K.S.A. 82a-901 et seq., and amendments thereto, and develop draft legislation that proposes modernization of such act. The work group shall work under the direction of the task force and submit ongoing reports to the task force relating to:

(A) How the state water plan is created;
(B) what the state water plan should prioritize;
(C) how the state water plan is implemented;
(D) how recommendations for state water plan appropriations are made to the legislature;
(E) any future studies that might be undertaken; and
(F) any other related or relevant matters.

(3) If approved by the legislative coordinating council, members of the work group shall be paid amounts for expenses, mileage and subsistence as provided in K.S.A. 75-3223(e), and amendments thereto.

(4) The staff of the 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 work group.

(5) Any state agency or entity that is involved in the management or study of water in Kansas shall provide information and support to the work group upon request.

(j) This section shall expire on July 1, 2027.

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

Approved April 7, 2025.

Published in the *Kansas Register* April 24, 2025.

CHAPTER 64

HOUSE BILL No. 2122

AN ACT concerning motor vehicles; relating to vehicle registrations; modifying the threshold limit for allowing quarterly payments of certain truck and truck tractor annual vehicle registration fees; eliminating the two-quarter grace period for truck or truck tractor owners that have delinquent quarterly payments before certain penalties apply; relating to annual license fees of electric and electric hybrid passenger vehicles and trucks and electric motorcycles; increasing the annual fee and distributing the fees to the state highway fund and the special city and county highway fund; amending K.S.A. 8-143 and 8-143a and K.S.A. 2024 Supp. 8-145 and repealing the existing sections.

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

Section 1. On and after January 1, 2026, K.S.A. 8-143 is hereby amended to read as follows: 8-143. (a) All applications for the registration of motorcycles, motorized bicycles and passenger vehicles other than trucks and truck tractors, except as otherwise provided, shall be accompanied by an annual license fee as follows:

(1) ~~Prior to January 1, 2020:~~

~~(A) For motorized bicycles, $11;~~

~~(B) for motorcycles, $16;~~

~~(C) for passenger vehicles, other than motorcycles, used solely for the carrying of persons for pleasure or business, and for hearses and ambulances a fee of:~~

~~(i) For those having a gross weight of 4,500 pounds or less, $30; and~~

~~(ii) for those having a gross weight of more than 4,500 pounds, $40.~~

~~(D) Except for motor vehicles, trailers or semitrailers registered under the provisions of K.S.A. 8-1,134, and amendments thereto, the annual registration fee for each motor vehicle, trailer or semitrailer owned by any political or taxing subdivision of this state or by any agency or instrumentality of any one or more political or taxing subdivisions of this state and used exclusively for governmental purposes and not for any private or utility purposes, that is not otherwise exempt from registration, shall be $2.~~

~~(2) On and after January 1, 2020:~~

~~(A)~~ For motorized bicycles, $11;

~~(B)~~*(2)* for motorcycles, $16;

(3) for those motorcycles that are all-electric motorcycles, $30;

~~(C)~~*(4)* for passenger vehicles, other than motorcycles, used solely for the carrying of persons for pleasure or business, and for hearses and ambulances a fee of:

~~(i)~~*(A)* For those having a gross weight of 4,500 pounds or less, $30;

~~(ii)~~*(B)* for those having a gross weight of more than 4,500 pounds, $40;

~~(iii)~~*(C) for those motor vehicles that are electric hybrid vehicles, $70;*

(D) for those motor vehicles that are ~~electric hybrid or~~ plug-in electric hybrid vehicles, ~~$50~~ *$100*; and

~~(iv)~~*(E)* for those motor vehicles that are all-electric vehicles, ~~$100.~~ *$165; and*

~~(D)~~*(5)* except for motor vehicles, trailers or semitrailers registered under the provisions of K.S.A. 8-1,134, and amendments thereto, the annual registration fee for each motor vehicle, trailer or semitrailer owned by any political or taxing subdivision of this state or by any agency or instrumentality of any one or more political or taxing subdivisions of this state and used exclusively for governmental purposes and not for any private or utility purposes, that is not otherwise exempt from registration, shall be $2.

(b) (1) As used in this subsection, the term "gross weight" shall mean and include the empty weight of the truck, or combination of the truck or truck tractor and any type trailer or semitrailer, plus the maximum weight of cargo which will be transported on or with the same, except when the empty weight of a truck plus the maximum weight of cargo which will be transported thereon is 12,000 pounds or less. The term gross weight shall not include: The weight of any travel trailer propelled thereby which is being used for private recreational purposes; or the weight of any vehicle or combination of vehicles for which wrecker or towing service, as defined in K.S.A. 66-1329, and amendments thereto, is to be provided by a wrecker or tow truck, as defined in K.S.A. 66-1329, and amendments thereto. Such wrecker or tow truck shall be registered for the empty weight of such vehicle fully equipped for the recovery or towing of vehicles. The gross weight license fees hereinafter prescribed shall only apply to the truck or truck tractor used as the propelling unit for the cargo and vehicle propelled, either as a single vehicle or combination of vehicles. On application for the registration of a truck or truck tractor, the owner thereof shall declare as a part of such application the maximum gross weight the owner desires to be applicable to such vehicle, which declared gross weight in no event shall be in excess of the limitations described by K.S.A. 8-1908 and 8-1909, and amendments thereto, for such vehicle or combination of vehicles of which it will be a part. All applications for the registration of trucks or truck tractors, except as otherwise provided herein, shall be accompanied by an annual license fee as follows:

For a gross weight of 12,000 lbs. or less *unless otherwise provided* $40
For a gross weight of 12,000 lbs or less and the truck or truck tractor is an electric hybrid or plug-in electric hybrid 125
For a gross weight of 12,000 lbs or less and the truck or truck tractor is all-electric.....200
For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs. 202

For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs. 232
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs. 297
For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs. 412
For a gross weight of more than 26,000 lbs. and not more than 30,000 lbs. 412
For a gross weight of more than 30,000 lbs. and not more than 36,000 lbs. 475
For a gross weight of more than 36,000 lbs. and not more than 42,000 lbs. 575
For a gross weight of more than 42,000 lbs. and not more than 48,000 lbs. 705
For a gross weight of more than 48,000 lbs. and not more than 54,000 lbs. 905
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs. 1,145
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs. 1,345
For a gross weight of more than 66,000 lbs. and not more than 74,000 lbs. 1,670
For a gross weight of more than 74,000 lbs. and not more than 80,000 lbs. 1,870
For a gross weight of more than 80,000 lbs. and not more than 85,500 lbs. 2,070

(2) If the applicant for registration of any truck or truck tractor for a gross weight of more than 12,000 pounds in the state of Kansas or any political or taxing subdivision or agency of the state, except a city or county, whose truck or truck tractor is not otherwise entitled to the $2 license fee or otherwise exempt from all fees, such vehicle may be licensed for a fee in accordance with the schedule hereinafter prescribed for local trucks or truck tractors.

(3) If the applicant for registration of any truck or truck tractor for a gross weight of more than 12,000 pounds shall under oath state in writing on a form prescribed and furnished by the director of vehicles that the applicant does not expect to operate it more than 6,000 miles in the calendar year for which the applicant seeks registration, and that if the applicant shall operate it more than 6,000 miles during such registration year such applicant will pay an additional fee equal to the fee required by the schedule under paragraph (1), less the amount of the fee paid at time of registration, such vehicle may be licensed for a fee in accordance with the schedule prescribed for local trucks or truck tractors. Whenever

a truck or truck tractor is registered on a local truck or truck tractor fee basis a tab or marker shall be issued in connection with the regular license plate, which tab or marker shall be attached or affixed to and displayed with the regular license plate and the failure to have the same attached, affixed or displayed shall be subject to the same penalties as provided by law for the failure to display the regular license plate; and the secretary of revenue may adopt rules and regulations requiring the owners of trucks and truck tractors so registered on a local truck or truck tractor fee basis to keep such records and make such reports of mileage of such vehicles as the secretary of revenue shall deem proper.

(4) A transporter delivering vehicles not the transporter's own by the driveaway method where such vehicles are being driven, towed, or transported singly, or by the saddlemount, towbar, or fullmount methods, or by any lawful combination thereof, may apply for license plates which may be transferred from one such vehicle or combination to another for each delivery without further registration, and the annual license fee for such license plate shall be as follows:

For the first such set of license plates $64
For each additional such set of license plates 38

(5) A truck or truck tractor registered for a gross weight of more than 12,000 pounds that is operated wholly within the corporate limits of a city or village or within a radius of 25 miles beyond the corporate limits, shall be classified as a local truck except that in no event shall such vehicles operated as contract or common carriers outside a radius of three miles beyond the corporate limits of the city or village in which such vehicles were based when registered and licensed be considered local trucks or truck tractors. The secretary of revenue is hereby authorized and directed to adopt rules and regulations prescribing a procedure for the issuance of permits by the division of vehicles whereby owners of local trucks or truck tractors may operate any such vehicle, empty, beyond the radius hereinbefore prescribed, when such operation is solely for the purpose of having such vehicle repaired, painted or serviced or for adding additional equipment thereto. The annual license fee for a local truck or truck tractor, except as otherwise provided herein, shall be as follows:

For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs. $162
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs. 202
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs. 232
For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs. 277

For a gross weight of more than 26,000 lbs. and not more than 30,000 lbs. 277
For a gross weight of more than 30,000 lbs. and not more than 36,000 lbs. 315
For a gross weight of more than 36,000 lbs. and not more than 42,000 lbs. 345
For a gross weight of more than 42,000 lbs. and not more than 48,000 lbs. 415
For a gross weight of more than 48,000 lbs. and not more than 54,000 lbs. 515
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs. 615
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs. 715
For a gross weight of more than 66,000 lbs. and not more than 74,000 lbs. 895
For a gross weight of more than 74,000 lbs. and not more than 80,000 lbs. 1,025
For a gross weight of more than 80,000 lbs. and not more than 85,500 lbs. 1,145

(6) A truck or truck tractor registered for a gross weight of more than 12,000 pounds, which is owned by a person engaged in farming and which truck or truck tractor is used by such owner to transport agricultural products produced by such owner or commodities purchased by such owner for use on the farm owned or rented by the owner of such farm truck or truck tractor, shall be classified as a farm truck or truck tractor and the annual license fee for such farm truck shall be as follows:

For a gross weight of more than 12,000 lbs. and not more than 16,000 lbs. $57
For a gross weight of more than 16,000 lbs. and not more than 20,000 lbs. 142
For a gross weight of more than 20,000 lbs. and not more than 24,000 lbs. 152
For a gross weight of more than 24,000 lbs. and not more than 26,000 lbs. 172
For a gross weight of more than 26,000 lbs. and not more than 36,000 lbs. 172
For a gross weight of more than 36,000 lbs. and not more than 54,000 lbs. 175
For a gross weight of more than 54,000 lbs. and not more than 60,000 lbs. 325
For a gross weight of more than 60,000 lbs. and not more than 66,000 lbs. 505

For a gross weight of more than 66,000 lbs. 745

A vehicle licensed as a farm truck or truck tractor may be used by the owner thereof to transport, for charity and without compensation of any kind, commodities for religious or educational institutions. A truck that is licensed as a farm truck may also be used for the transportation of sand, gravel, slag stone, limestone, crushed stone, cinders, black top, dirt or fill material to a township road maintenance or construction site of the township in which the owner of such truck resides. Any applicant for registration of any farm truck or farm truck tractor used in combination with a trailer or semitrailer shall register the farm truck or farm truck tractor for a gross weight which shall include the empty weight of the truck or truck tractor or of the combination of any truck or truck tractor and any type of trailer or semitrailer, plus the maximum weight of cargo that will be transported on or with the same. The applicant for registration of any farm truck or farm truck tractor used to transport a gross weight of more than 54,000 pounds shall durably letter on the side of the motor vehicle the words "farm vehicle—not for hire." If an applicant for registration of any farm truck or farm truck tractor operates such vehicle for any use or purpose not authorized for a farm truck or farm truck tractor, such applicant shall pay an additional fee equal to the fee required for the registration of all trucks or truck tractors not registered as local, 6,000-mile or farm truck or farm truck tractor motor vehicles, less the amount of the fee paid at time of registration. Nothing in this or the preceding paragraph shall authorize a gross weight of a vehicle or combination of vehicles on the national system of interstate and defense highways greater than permitted by laws of the United States congress.

(7) Except as provided herein, the annual license fee for each local urban transit bus used in local urban transit operations exempted under the provisions of K.S.A. 66-1,109(a), and amendments thereto, shall be based on the passenger seating capacity of the bus and shall be as follows:

8 or more, but less than 31 passengers $35
31 or more, but less than 40 passengers 50
More than 39 passengers 80

The annual license fee for each local urban transit bus that is owned by a metropolitan transit authority established pursuant to articles 25 and 28 of chapter 12 or pursuant to article 31 of chapter 13 of the Kansas Statutes Annotated, and amendments thereto, shall be $2.

(8) For licensing purposes, station wagons with a carrying capacity of less than 10 passengers shall be subject to registration fees based on the weight of the vehicles, as provided in subsection (a). Station wagons with a carrying capacity of 10 or more passengers shall be subject to the truck classifications and license fees as provided.

(9) For any trailer, semitrailer, travel trailer or pole trailer the annual license fee shall be as follows:

(A) For any such vehicle with a gross weight of more than 12,000 pounds but less than 54,000 pounds the annual fee shall be $55;

(B) any such vehicle grossing more than 8,000 pounds but not over 12,000 pounds, the annual fee shall be $45; *and*

(C) for any such vehicle grossing more than 2,000 pounds but not over 8,000 pounds, the annual fee shall be $35.

Any such vehicle having a gross weight of 2,000 pounds or less may, at the owner's option, be registered and the fee for such registration shall be as provided in paragraph (C).

Any trailer, semitrailer or travel trailer owned by a nonresident of this state and based in another state that is properly registered and licensed in the state of residence of the owner or in the state where based, may be operated in this state without being registered or licensed in this state if the truck or truck tractor propelling the same is properly registered and licensed in this state, or is registered and licensed in some other state and is entitled to reciprocal privileges of operation in this state, but this provision shall not apply to any trailer or semitrailer owned by a nonresident of this state when such trailer or semitrailer is owned by a person who has proportionately registered and licensed a fleet of vehicles under the provisions of K.S.A. 8-1,101 through 8-1,123, and amendments thereto, or under the terms of any reciprocal or proration agreement made pursuant thereto.

At the option of the owner, any trailer, semitrailer or pole trailer, with a gross weight of more than 12,000 pounds, may be issued a multi-year registration for a five-year period upon payment of the appropriate registration fee. The fee for a five-year registration of such trailer shall be five times the annual fee for such trailer. If the annual registration fee is increased during the multi-year registration period, the owner of the trailer with such multi-year registration shall be subject to the amount of the increase of the annual registration fee for the remaining calendar years of such multi-year registration. When the owner of any trailer, semitrailer or pole trailer registered under this multi-year provision transfers or assigns the title, or interest thereto, the registration of such trailer shall expire. The owner shall remove the license plate from such trailer and forward the license plate to the division of vehicles or may have such license plate assigned to another trailer, semitrailer or pole trailer upon the payment of fees required by law. Any owner of a trailer, semitrailer or pole trailer where the multi-year registration fee has been paid and the trailer is sold, junked, repossessed, foreclosed by a mechanic's lien or title transferred by operation of law, and the registration thereon is not going to be transferred to another trailer, may secure a refund for the registration fee for

the remaining calendar years by making application to the division of vehicles on a form and in the manner prescribed by the director of vehicles. The secretary of revenue may adopt such rules and regulations necessary to implement the multi-year registration of such trailers, semitrailers and pole trailers.

(c) Any truck or truck tractor having a gross weight of 4,000 pounds or over, using solid tires, shall pay a license fee of double the amount herein charged. The annual fees herein provided for trucks, truck tractors and trailers not subject to K.S.A. 8-134a, and amendments thereto, shall be due January 1 of each year and payable on or before the last day of February in each year. If the fee is not paid by such date a penalty of $1 shall be added to the fee charged herein for each month or fraction thereof and until December 31 of each registration year. The annual registration fee for all passenger vehicles and vehicles subject to K.S.A. 8-134a, and amendments thereto, shall be due on or before the last day of the month in which the registration plate expires and shall be due for other vehicles as provided by K.S.A. 8-134, and amendments thereto. If the registration fee is not paid by such date a penalty of $1 shall be added to the fee charged herein for each month or fraction thereof until such registration fee is paid. Members of the armed forces of the United States shall be permitted to apply for registration at any time and be subject to registration fee, less penalties, applicable at the time the application is made. If any motorcycle, motorized bicycle, trailer, semitrailer, travel trailer, or pole trailer is either purchased or acquired after the anniversary or renewal date in any registration year there shall immediately become due and payable a registration fee as follows: If purchased or acquired between the anniversary or renewal date of any registration year and the first six months of such registration year, the annual fee provided herein; if purchased or acquired during the last six months of any registration year, 50% of such annual fee. If any truck or truck tractor, except trucks subject to K.S.A. 8-134a, and amendments thereto, is purchased or acquired prior to April 1 of any year the fee shall be the annual fee provided herein, but if such truck or truck tractor is purchased or acquired after the end of March of any year, the license fee for such year shall be reduced $^{1}/_{12}$ for each calendar month which has elapsed since the beginning of the year. If any truck registered for a gross weight of 12,000 pounds or less or passenger vehicle is purchased or acquired and less than 12 months remain in the registration period, the fee shall be $^{1}/_{12}$ of the annual fee for each calendar month remaining in the registration period.

(d) The owner of any motorcycle, motorized bicycle, passenger vehicle, truck, truck tractor, trailer, semitrailer, or electrically propelled vehicle who fails to pay the registration fee or fees herein provided on the date when the same become due and payable shall be guilty of a misdemeanor,

and upon conviction thereof shall be subject to a penalty in the sum of $1 for each month or fraction thereof during which such fee has remained unpaid after it became due and payable; and in addition thereto shall be subject to such other punishment as is provided in this act. Upon the transfer of motorcycles, motorized bicycles, passenger vehicles, trailers, semitrailers, trucks or truck tractors, on which registration fees have been paid for the year in which the transfer is made, either: (1) To a corporation by one or more persons, solely in exchange for stock or securities in such corporation; or (2) by one corporation to another corporation when all of the assets of such corporation are transferred to the other corporation, then in either case, paragraph (1) or (2) the corporation shall be exempt from the payment of registration fees on such vehicles for the year in which such transfer is made. Applications for transfer or registration shall be accompanied by a fee of $1.50. When the registration of a vehicle has expired at midnight on the last day of any registration year, and such vehicle is not thereafter operated upon the highways, any application for renewal of registration made subsequent to the anniversary or renewal date of any registration year following the expiration of such registration and for succeeding registration years in which such vehicle has not been registered shall be accompanied by an affidavit of nonoperation and nonuse, and such application for renewal or registration shall be received by the division of vehicles upon payment of the proper fees for the current registration year and without penalty.

(e) Any nonresident of Kansas purchasing a vehicle from a Kansas resident and desiring to secure registration on the vehicle in the state of such person's residence may make application in the office of any county treasurer for a sixty-day temporary registration. The county treasurer upon presentation of evidence of ownership in the applicant and evidence the sales tax has been paid, if due, shall charge and collect a fee of $3 for each sixty-day temporary license and issue a sticker or paper registration as may be determined by the director of vehicles, and the registration so issued shall be valid for a period of 60 days from the date of issuance.

(f) Any owner of any motor vehicle that is subject to taxation under the provisions of article 51 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or any other truck or truck tractor where the annual registration fee has been paid and the vehicle is sold, junked, repossessed, foreclosed by a mechanic's lien or title transferred by operation of law, and the registration thereon is not going to be transferred to another vehicle may secure a refund for the registration fee for the remaining portion of the year by making application to the division of vehicles on a form and in the manner prescribed by the director of vehicles, accompanied by all license plates and attachments issued in connection therewith. If the owner of the registration becomes deceased and the vehicle

is not going to be used on the highway, and title is not being currently transferred, the proper representative of the estate shall be entitled to the refund. The refund shall be made only for the period of time remaining in the registration year from the date of completion and filing of the application with and delivery of the license plate and attachments to the division of vehicles. Where the registration is secured under a quarterly payment annual registration fee, as provided for in K.S.A. 8-143a, and amendments thereto, such refund shall be made on the quarterly fee paid and unused and all remaining quarterly payments shall be canceled. Any truck or truck tractor having the registration fee paid on quarterly payment basis, all quarterly payments due or a fraction of quarterly payment due shall be paid before title may be transferred, except that in case of death, the filing of the application and returning of the license plate and attachment shall cancel the remaining annual payments due. Whenever a truck or truck tractor, where the registration is secured on a quarterly payment of the annual registration, the one repossessing the truck or truck tractor, or foreclosing by a mechanic's lien, or securing title by court order, the mortgagor or the assigns of the mortgagor, or the one securing title may pay the balance due on date of application for title, but the payments for the remaining portion of the year shall not be canceled unless application is made and the license plate and attachments are surrendered. Nothing in this subsection shall apply when registration is secured under the provisions of K.S.A. 8-1,101 through 8-1,123, and amendments thereto. Notwithstanding any of the foregoing provisions of this section, no refund shall be made under the provisions of this section where the amount thereof does not exceed $5. The division of vehicles shall furnish such blank forms as may be required under the provisions of this subsection as it deems necessary to be completed by the applicant. Whenever a registration which has been secured on a quarterly basis shall be canceled as provided in this subsection, the division of vehicles shall notify the county treasurer issuing the original registration of such cancellation so that the county treasurer may, and the county treasurer shall cancel the registration of such vehicle in the county treasurer's office and release any lien issued in connection with such registration.

(g) Every owner of a travel trailer designed for or intended to be moved upon any highway in this state shall, before the same is so moved, apply for and obtain the proper registration thereof as provided in this act, except when such unit is permitted to be moved under the special provisions relating to secured parties, manufacturers, dealers and nonresidents contained in this act. At the time of registering any travel trailer for the purpose of moving any such vehicle upon any highway in this state, the owner thereof shall indicate on the registration form whether or not such vehicle is being moved permanently to a location outside of the county in

which such vehicle is being registered. No such vehicle which the owner thereof intends to move to a permanent location outside the boundaries of such county shall be registered for movement on the highways of this state until all taxes levied against such vehicle have been paid. A copy of such registration form shall be sent to the county clerk or assessor of the county to which such vehicle is being moved. When such travel trailer is used for living quarters and not operated on the highways, the owner shall be exempt from the license fees as provided in subsection (b)(9) so long as such travel trailer is not operated on the highway.

Sec. 2. K.S.A. 8-143a is hereby amended to read as follows: 8-143a. *(a)* The provisions of this section shall not apply to vehicles registered on an apportioned basis as part of a fleet under the provisions of K.S.A. 8-1,101 ~~to~~ *through* 8-1,123, ~~inclusive,~~ and amendments thereto, or any agreement made by the director of vehicles~~, and~~. The payment of registration fees on a quarterly basis on such vehicles shall be in accordance with K.S.A. 8-1,115, and amendments thereto.

(b) A resident owner of any truck or truck tractor, holding a negotiable Kansas title, whether individual, partnership or Kansas corporation, may at such owner's election, made at the time the annual registration fee on such truck or truck tractor is payable, pay such annual registration fee if ~~it~~ *such fee* exceeds ~~$100~~ *$300*, in equal quarterly installments~~.~~. The first of ~~which~~ *such quarterly payments* shall be payable at the time of such application but not later than the last day of February in each year, and for each ensuing quarter thereafter shall be payable respectively on the first day of April, July and October. The applicant shall, at the time of registration, present such applicant's negotiable Kansas title to the county treasurer, who shall send it, along with the application for registration, to the division of vehicles. The division of vehicles shall retain the title until all quarterly payments are paid in full, at which time the title shall be returned to the owner of the vehicle to which the title was issued.

(c) The provisions of ~~the preceding paragraph~~ *subsection (b)* shall not in any manner be construed to affect or reduce the amount of annual registration fee due for any truck or truck tractor subject to registration on January 1, and for which the owner shall be liable, but relate only to an alternate method of payment of the amount of fees due and affixed as of January 1 of each year. If any owner shall default in the payment of any quarterly installment payment when the same is payable, the right to operate such vehicle on the highways of this state shall terminate and it shall be unlawful to operate such vehicle on the highways of this state until the delinquent quarterly installment payment plus any penalty, shall have been paid in full.

(d) (1) ~~If any owner shall fail to pay any two quarterly payment installments during any one registration year on any truck or truck tractor~~

~~registered hereunder, on or before the day the same are due and payable, such owner thereafter may be denied the privilege of the payment of annual registration fees on a quarterly basis on any vehicle.~~ If a quarterly installment payment shall be delinquent more than 10 days beyond the due date of such quarterly installment, except for any case where it is determined by the director of vehicles that such delinquency is not due to negligence or intentional disregard of the provisions of this section, then the entire balance of the annual registration fee, including the delinquent quarterly installment, plus a penalty in a sum equal to 10% of the annual registration fee, shall become due and payable~~; and~~. Any such owner so delinquent may thereafter be denied the privilege of the payment of annual registration fees on any vehicle on a quarterly basis. All such fees and penalties remaining unpaid shall constitute a debt due the state, which may be collected from the person owing ~~the same~~ *such unpaid fees and penalties* by suit or otherwise. All such fees *and any penalties* remaining unpaid after ~~the same~~ *such fees and any penalties* are due and payable ~~and any penalties~~ shall constitute a first and prior lien in favor of the state upon the truck or truck tractor registered ~~hereunder~~ *under this section,* and all other real and personal property of the owner located within the state in the amount such fees and penalties remain unpaid. Each lien shall attach at the time such unpaid fees and penalties accrue and shall be paramount to all prior liens or encumbrances of any character and to the rights of any holder of the legal title in or to any such truck or truck tractor.

(2) When a quarterly installment is delinquent more than 10 days beyond the due date, upon default of such installment payment, the county treasurer shall promptly file a notice of lien in the office of the register of deeds of the county where the registration fee is payable, and in any other county in which such owner has any property. A copy of such notice of lien shall be mailed to the division of vehicles, and the owner so delinquent, and the sheriff of any county in which such notice of lien is filed. Such notice of lien shall set forth the name and address of the owner, the amount of fees and penalties payable and unpaid, and the description of the vehicle or vehicles ~~to which~~ applicable *to such notice of lien*. It shall be the duty of each register of deeds in this state to index and file immediately all such notices of lien in the manner provided in cases of financing statements and no fee shall be charged for filing and indexing.

(3) The county treasurer shall issue a release of lien upon payment of all fees and penalties payable by such owner and such person may file the same with the register of deeds of any county in which such notice of lien has been filed. The county treasurer shall mail a copy of the release of lien to the division, and to the sheriff of any county where ~~said~~ *such* notice of lien has been filed.

(4) If a quarterly installment payment shall be delinquent more than 10 days beyond the due date of such quarterly installment, the division, shall promptly on such default and the filing of the notice of lien issue a tax warrant to the sheriff of any county in which such notice of lien has been filed and may thereafter issue further warrants as may be necessary~~,~~ ~~and~~. Such sheriff shall seize and hold all personal property subject ~~thereto~~ *to such lien* and proceed to advertise and sell ~~the same~~ *such property* or so much thereof as may be necessary, to satisfy the state's lien, together with all expense of selling at public sale for cash, upon such notice as is provided by law in the case of a security agreement sale.

(5) Any surplus of the proceeds of such sale, after paying to the county treasurer, the amount of the state's lien, and the cost of the officer in giving notice of and executing ~~said~~ *such* warrant computed to the same extent as in judicial sales on execution, and of securing and preserving the property pending such sale, shall be delivered to the person lawfully entitled ~~thereto~~ *to such surplus amount*. In the event that any truck or truck tractor for which the annual registration fee is being paid quarterly shall be sold or otherwise disposed of, the entire balance remaining unpaid on such annual registration fee shall become immediately due and payable.

(6) No certificate of title shall be assigned or transferred or new certificate of title be issued for such vehicle until all the registration fees and penalties are paid in full. In the event such vehicle shall be repossessed by the enforcement of a lien or security interest on ~~the same~~ *such vehicle*, during any quarterly period for which the registration fees have not been paid, the person repossessing such vehicle or the person purchasing such vehicle at a repossession sale, may acquire a new certificate of title upon the payment of a fee equal to 1/4 of the annual registration fee of the vehicle registered ~~hereunder~~ *under this section*, plus the regular fee prescribed by law for certificate of title. If any truck or truck tractor ~~which~~ *that* is registered under the provisions of this ~~subsection~~ *section* is exchanged or traded by the owner ~~thereof~~ for another truck or truck tractor, any registration fee and any quarterly installments ~~which~~ *that* have been paid shall be applied to the registration fee due for the registration of the newly acquired vehicle. The application of any such registration fee or quarterly installment to the newly acquired vehicle shall not affect or reduce the original amount of the annual registration fee or any quarterly installment payment, for which such owner was originally liable.

(e) The division of vehicles may call to its aid the state highway patrol or any peace officer or any duly appointed representative of the department to enforce the provisions of this section within their respective jurisdiction and it shall be the duty of such officers to do so. The remedies for enforcement and collection provided in this section are cumulative and the use of one shall not be deemed to be a waiver of the right to use any other.

Sec. 3. On and after January 1, 2026, K.S.A. 2024 Supp. 8-145 is hereby amended to read as follows: 8-145. (a) All registration and certificates of title fees shall be paid to the division of vehicles, a contractor of the division or the county treasurer of the county in which the applicant for registration resides or has an office or principal place of business within this state. The division, contractor or the county treasurer shall issue a receipt to the applicant for such fees paid.

(b) The county treasurer, division or contractor shall deposit $.75 out of each license application, $.75 out of each application for transfer of license plate and $2 out of each application for a certificate of title, collected under this act, in a special fund, which fund is hereby appropriated for the use of the county treasurer, division or contractor in paying for necessary help and expenses incidental to the administration of duties in accordance with the provisions of this law. The county treasurer shall receive extra compensation for the services performed in administering the provisions of this act, which compensation shall be in addition to any other compensation provided by any other law, except that the county treasurer shall receive as additional compensation for administering the motor vehicle title and registration laws and fees, a sum computed as follows: The county treasurer, during the month of December, shall determine the amount to be retained for extra compensation not to exceed the following amounts each year for calendar year 2006 or any calendar year thereafter: The sum of $110 per hundred registrations for the first 5,000 registrations; the sum of $90 per hundred registrations for the second 5,000 registrations; the sum of $5 per hundred for the third 5,000 registrations; and the sum of $2 per hundred registrations for all registrations thereafter. In no event, however, shall any county treasurer be entitled to receive more than $15,000 additional annual compensation.

If more than one person shall hold the office of county treasurer during any one calendar year, such compensation shall be prorated among such persons in proportion to the number of weeks served. The total amount of compensation paid the treasurer together with the amounts expended in paying for other necessary help and expenses incidental to the administration of the duties of the county treasurer in accordance with the provisions of this act, shall not exceed the amount deposited in such special fund. Any balance remaining in such fund at the close of any calendar year shall be withdrawn and credited to the general fund of the county prior to June 1 of the following calendar year.

(c) The county treasurer, division or contractor shall remit the remainder of all such fees collected, together with the original copy of all applications, to the secretary of revenue. The secretary of revenue shall remit all such fees remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of

each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state highway fund, except as provided in subsection (d).

(d) (1) Three dollars and fifty cents of each certificate of title fee collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such $3.50 to the Kansas highway patrol motor vehicle fund. Three dollars of each certificate of title fee collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such $3 to the VIPS/CAMA technology hardware fund.

(2) For repossessed vehicles, $3 of each certificate of title fee collected shall be retained by the contractor or county treasurer who processed the application.

(3) Three dollars and fifty cents of each reassignment form fee collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such $3.50 to the Kansas highway patrol motor vehicle fund. Three dollars of each reassignment form fee collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such $3 to the VIPS/CAMA technology hardware fund.

(4) Four dollars of each division of vehicles modernization surcharge collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such $4 to the state highway fund.

(5) Two dollars of each Kansas highway patrol staffing and training surcharge collected and remitted to the secretary of revenue, shall be remitted to the state treasurer who shall credit such $2 to the Kansas highway patrol staffing and training fund.

(6) One dollar and twenty-five cents of each surcharge collected and remitted to the secretary of revenue pursuant to K.S.A. 8-1,177, and amendments thereto, shall be remitted to the state treasurer who shall credit such $1.25 to the state general fund.

(7) Fees collected in K.S.A. 8-135 and 8-145, and amendments thereto, that are collected by the division for commercial motor vehicles or vehicles that are part of a commercial fleet, shall be remitted to the state treasurer, who shall credit such amounts to the commercial vehicle administrative fund.

(8) Fees collected in K.S.A. 8-135 and 8-145, and amendments thereto, that are collected by the division for vehicles that are part of a fleet rental pursuant to K.S.A. 8-1,189, and amendments thereto, shall be remitted to the state treasurer, who shall credit such amounts to the fleet rental vehicle administration fund.

(9) Fees collected in K.S.A. 8-143, and amendments thereto, for those motorcycles that are all-electric motorcycles pursuant to K.S.A. 8-143(a)

(3), and amendments thereto, for those motor vehicles that are electric hybrid vehicles pursuant to K.S.A. 8-143(a)(4)(C), and amendments thereto, for those motor vehicles that are plug-in electric hybrid vehicles pursuant to K.S.A. 8-143(a)(4)(D), and amendments thereto, for those motor vehicles that are all-electric vehicles pursuant to K.S.A. 8-143(a)(4)(E), and amendments thereto, and for those truck or truck tractors that are all-electric, an electric hybrid or a plug-in electric hybrid with a gross weight of 12,000 pounds or less pursuant to K.S.A. 8-143(b)(1), and amendments thereto, shall be remitted to the state treasurer who shall credit to the state highway fund amounts specified in K.S.A. 79-34,142, and amendments thereto, and amounts specified in K.S.A. 79-34,142, and amendments thereto, to the special city and county highway fund to be apportioned and distributed in the manner provided in K.S.A. 79-3425c, and amendments thereto.

Sec. 4. K.S.A. 8-143a is hereby repealed.

Sec. 5. On and after January 1, 2026, K.S.A. 8-143 and K.S.A. 2024 Supp. 8-145 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 7, 2025.

CHAPTER 65

HOUSE BILL No. 2206
(Amended by Chapter 125)

AN ACT concerning elections; relating to campaign finance; requiring the termination of any candidate campaign account for an elected official who chooses not to be a candidate for such office or who is defeated in a subsequent election; renaming the commission as the Kansas public disclosure commission; defining certain terms; requiring the filing of statements of independent expenditures; prohibiting agreements requiring contributions in the name of another person; amending K.S.A. 25-4119a, 25-4119b, 25-4119e, 25-4119f, 25-4142, 25-4150, 25-4152, 25-4153b, 25-4154, 25-4157, 25-4158a, 25-4180, 25-4186, 46-246a, 46-253, 46-265, 46-280, 46-288, 46-295, 75-3717, 75-4302a and 75-4303a and K.S.A. 2024 Supp. 25-4143, 25-4145, 74-50,297, 75-3036 and 77-440 and repealing the existing sections.

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

New Section 1. If any person elected to state or local office decides not to be a candidate for such office at the next election or is defeated as a candidate for such office, whether in a primary election or a general election, then any candidate campaign account for such person for such office shall be terminated on or before the date that is 90 days after the date of the second subsequent general election for such office in which such person is not elected. The treasurer for any such candidate campaign account shall dispose of any residual funds as required under K.S.A. 25-4157a, and amendments thereto, and file the required termination report pursuant to K.S.A. 25-4157, and amendments thereto.

Sec. 2. K.S.A. 25-4119a is hereby amended to read as follows: 25-4119a. (a) There is hereby created the Kansas *public disclosure* commission ~~on governmental standards and conduct~~.

(b) On *and after* July 1, ~~1998~~ *2025*, the Kansas ~~commission on governmental standards and conduct is hereby redesignated as the~~ governmental ethics commission *is hereby redesignated as the Kansas public disclosure commission*. ~~On and after July 1, 1998,~~ Whenever the Kansas *governmental ethics* commission ~~on governmental standards and conduct~~, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the ~~governmental ethics~~ *Kansas public disclosure* commission. Nothing in this act shall be construed as abolishing and reestablishing the Kansas *governmental ethics* commission ~~on governmental standards and conduct~~.

(c) The *Kansas public disclosure* commission shall consist of nine members of whom two shall be appointed by the governor, one by the president of the senate, one by the speaker of the house of representatives, one by the minority leader of the house of representatives, one by the minority leader of the senate, one by the chief justice of the supreme

court, one by the attorney general and one by the secretary of state. Nothing in this act shall be construed as affecting the terms of members serving on July 1, ~~1998~~ *2025*. Not more than five members of the commission shall be members of the same political party and the two members appointed by the governor shall not be members of the same political party.

~~(e)~~*(d)* The terms of all subsequently appointed members shall be two years commencing on February 1 of the appropriate years. Vacancies occurring on the commission shall be filled for the unexpired term by the same appointing officer as made the original appointment. Members shall serve until their successors are appointed and qualified. The governor shall designate one of the members appointed by the governor to be the chairperson of the commission. A majority vote of five members of the commission shall be required for any action of the commission. The commission may adopt rules to govern its proceedings and may provide for such officers other than the chairperson as it may determine. The commission shall meet at least once each quarter, and also shall meet on call of its chairperson or any four members of the commission. Members of the commission attending meetings of such commission, or attending a subcommittee meeting thereof authorized by such commission, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in ~~subsections (a) to (d), inclusive, of~~ K.S.A. 75-3223*(a) through (d)*, and amendments thereto.

(e) The commission shall appoint an executive director who shall be in the unclassified service and receive compensation fixed by the commission, in accordance with appropriation acts of the legislature, subject to approval by the governor. The commission may employ such other staff and attorneys as it determines, within amounts appropriated to the commission, all of whom shall be in the unclassified service and shall receive compensation fixed by the commission and not subject to approval by the governor.

~~(d)~~*(f)* The commission may adopt rules and regulations for the administration of the campaign finance act. Subject to K.S.A. 25-4178, and amendments thereto, rules and regulations adopted by the commission created prior to ~~this act~~ *July 1, 2025,* shall continue in force and effect and shall be deemed to be the rules and regulations of the commission ~~created by this section of this enactment,~~ until revised, amended, repealed or nullified pursuant to law. All rules and regulations of the commission shall be subject to the provisions of article 4 of chapter 77 of Kansas Statutes Annotated. The commission shall continue to administer all of the acts administered by the commission to which it is successor.

~~(e)~~*(g)* The commission may provide copies of opinions, informational materials compiled and published by the commission and public records filed in the office of the commission to persons requesting the same and

may adopt rules and regulations fixing reasonable fees therefor. All fees collected by the commission under the provisions of this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the ~~governmental ethics~~ *Kansas public disclosure* commission fee fund.

~~(f)~~*(h)* The commission shall submit an annual report and recommendations in relation to all acts administered by the commission to the governor and to the legislative coordinating council on or before December 1 of each year. The legislative coordinating council shall transmit such report and recommendations to the legislature.

~~(g) Whenever the Kansas commission on governmental standards and conduct, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the governmental ethics commission.~~

Sec. 3. K.S.A. 25-4119b is hereby amended to read as follows: 25-4119b. (a) All of the powers, duties and functions of the ~~existing~~ *Kansas* governmental ethics commission are hereby transferred to and conferred and imposed upon the Kansas public disclosure commission created by K.S.A. 25-4119a, ~~as amended~~ *and amendments thereto*.

(b) The Kansas public disclosure commission ~~created by K.S.A. 25-4119a, as amended,~~ shall be the successor in every way to the powers, duties and functions of the *Kansas* governmental ethics commission in which the same were vested prior to ~~the effective date of this act~~ *July 1, 2025*.

(c) ~~Whenever the governmental ethics commission, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the Kansas public disclosure commission created by K.S.A. 25-4119a, as amended.~~

~~(d)~~ Subject to K.S.A. 25-4178, *and amendments thereto,* all opinions rendered pursuant to K.S.A. 25-4120 and 46-254*, and amendments thereto,* by the *Kansas* governmental ethics commission ~~before the effective date of this act~~ *prior to July 1, 2025,* shall continue to be in force and effect and shall be deemed to be opinions of the Kansas public disclosure commission ~~created by K.S.A. 25-4119a, as amended,~~ until revised, amended or nullified pursuant to law.

~~(e)~~*(d)* The Kansas public disclosure commission ~~created by K.S.A. 25-4119a, as amended,~~ shall be a continuation of the *Kansas* governmental ethics commission.

Sec. 4. K.S.A. 25-4119e is hereby amended to read as follows: 25-4119e. (a) There is hereby established in the state treasury the ~~govern-~~

~~mental ethics~~ *Kansas public disclosure* commission fee fund. All moneys credited to such fund shall be used for the operations of the commission in the performance of powers, duties and functions prescribed by law. All expenditures from such fund shall be made in accordance with the provisions of appropriation acts and upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the commission or the chairperson's designee.

(b) ~~The director of accounts and reports is hereby directed to transfer all moneys in the Kansas commission on governmental standards and conduct fee fund to the governmental ethics commission fee fund established pursuant to subsection (a). All liabilities of the Kansas commission on governmental standards and conduct fee fund existing prior to July 1, 1998, are hereby imposed on the governmental ethics commission fee fund established pursuant to subsection (a). The Kansas commission on governmental standards and conduct fee fund is hereby abolished~~*On July 1, 2025, the governmental ethics commission fee fund is hereby redesignated as the Kansas public disclosure commission fee fund of the Kansas public disclosure commission*.

Sec. 5. K.S.A. 25-4119f is hereby amended to read as follows: 25-4119f. (a) In addition to any other fee required by law, every person becoming a candidate for the following offices shall pay a fee at the time of filing for such office in the amount prescribed by this section:

(1) Governor and lieutenant governor..... $650;
(2) state offices elected by statewide election, other than the governor and lieutenant governor..... $650;
(3) state senator, state representative, state board of education, district attorney, board of public utilities of the city of Kansas City and elected county offices ..... $50; and
(4) members of boards of education of unified school districts having 35,000 or more pupils regularly enrolled in the preceding school year, members of governing bodies of cities of the first class and judges of the district court in judicial districts in which judges are elected ..... $50.

(b) The secretary of state shall remit all fees received by that office to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. County election officers receiving fees in accordance with this section shall remit such fees to the county treasurer of the county who shall quarterly remit the same to the state treasurer. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the ~~governmental ethics~~ *Kansas public disclosure* commission fee fund.

Sec. 6. K.S.A. 25-4142 is hereby amended to read as follows: 25-4142. K.S.A. ~~25-4119e, 25-4119f, 25-4119g, 25-4142~~*25-4119a* through ~~25-4187 and K.S.A. 25-4153b~~ *25-4189*, and amendments thereto, shall be known and may be cited as the campaign finance act.

Sec. 7. K.S.A. 2024 Supp. 25-4143 is hereby amended to read as follows: 25-4143. As used in the campaign finance act, unless the context otherwise requires:

(a) "Agent" means an individual who is:

(1) A candidate;

(2) a chairperson of a candidate, political or party committee;

(3) a treasurer; or

(4) any director, officer, employee, paid consultant or other person who is authorized to act on behalf of persons listed in this subsection.

(b) "Candidate" means an individual who:

(1) Appoints a treasurer or a candidate committee;

(2) makes a public announcement of intention to seek nomination or election to state or local office;

(3) makes any expenditure or accepts any contribution for such person's nomination or election to any state or local office; or

(4) files a declaration or petition to become a candidate for state or local office.

(c) "Candidate committee" means a committee appointed by a candidate to receive contributions and make expenditures for the candidate.

(d) "Clearly identified candidate" means a candidate who has been identified by the:

(1) Use of the name of the candidate;

(2) use of a photograph or drawing of the candidate; or

(3) unambiguous reference to the candidate whether or not the name, photograph or drawing of such candidate is used.

(e) "Commission" means the governmental ethics commission.

(f) (1) "Contribution" means:

(A) Any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value given to a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office;

(B) any advance, conveyance, deposit, distribution, gift, loan or payment of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;

(C) a transfer of funds between any two or more candidate committees, party committees or political committees;

(D) the payment, by any person other than a candidate, candidate

committee, party committee or political committee, of compensation to an individual for the personal services rendered without charge to or for a candidate's campaign or to or for any such committee;

(E) the purchase of tickets or admissions to, or advertisements in journals or programs for, testimonial events; or

(F) a mailing of materials designed to expressly advocate the nomination, election or defeat of a clearly identified candidate, which is made and paid for by a party committee with the consent of such candidate.

(2) "Contribution" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer related to the rendering of volunteer services not exceeding a fair market value of $50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning; or

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding a fair market value of $50 per event.

(g) *(1) "Cooperation or consent" means, with respect to expenditures:*

(A) An express advocacy expenditure that is created, produced or distributed at the request or recommendation of a candidate, candidate committee or party committee; or

(B) an express advocacy expenditure that is created, produced or distributed at the recommendation of a person who is paying for such express advocacy and the candidate, candidate committee or party committee assents to such recommendation.

(2) "Cooperation or consent" does not include:

(A) A candidate's or a political party's response to an inquiry about such candidate's or political party's positions on legislative or policy issues;

(B) an expenditure for which the information material to the creation, production, distribution or undertaking of the expenditure was obtained from a publicly available source;

(C) an endorsement of a candidate;

(D) soliciting contributions for any committee;

(E) an expenditure for the use of a commercial vendor or to a former employee of the candidate by the person making the expenditure if:

(i) The commercial vendor or former employee has provided political services to such candidate during the 120 days immediately preceding such expenditure;

(ii) a firewall is established and implemented by the person making the expenditure; and

(iii) the firewall is designed and implemented to prohibit the flow of information between employees or consultants providing services for the person making the expenditure and those employees or consultants who are currently providing or previously provided services to such candidate; and

(F) an expenditure for the use of a commercial vendor or to a former employee of the candidate by the person making the expenditure and the commercial vendor or former employee has not provided political services to such candidate during the 120 days immediately preceding such expenditure.

(h) "Election" means:

(1) A primary or general election for state or local office; and

(2) a convention or caucus of a political party held to nominate a candidate for state or local office.

~~(h)~~*(i)* (1) "Expenditure" means:

(A) Any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made by a candidate, candidate committee, party committee or political committee for the express purpose of nominating, electing or defeating a clearly identified candidate for a state or local office;

(B) any purchase, payment, distribution, loan, advance, deposit or gift of money or any other thing of value made to expressly advocate the nomination, election or defeat of a clearly identified candidate for a state or local office;

(C) any contract to make an expenditure;

(D) a transfer of funds between any two or more candidate committees, party committees or political committees; or

(E) payment of a candidate's filing fees.

(2) "Expenditure" does not include:

(A) The value of volunteer services provided without compensation;

(B) costs to a volunteer incidental to the rendering of volunteer services not exceeding a fair market value of $50 during an allocable election period as provided in K.S.A. 25-4149, and amendments thereto;

(C) payment by a candidate or candidate's spouse for personal meals, lodging and travel by personal automobile of the candidate or candidate's spouse while campaigning or payment of such costs by the treasurer of a candidate or candidate committee;

(D) the value of goods donated to events such as testimonial events, bake sales, garage sales and auctions by any person not exceeding fair market value of $50 per event; or

(E) any communication by an incumbent elected state or local officer with one or more individuals unless the primary purpose thereof is to expressly advocate the nomination, election or defeat of a clearly identified candidate.

~~(i)~~*(j)* "Expressly advocate the nomination, election or defeat of a clearly identified candidate" means any communication that uses phrases including, but not limited to:

(1) "Vote for the secretary of state";

(2) "re-elect your senator";

(3) "support the democratic nominee";

(4) "cast your ballot for the republican challenger for governor";

(5) "Smith for senate";

(6) "Bob Jones in '98";

(7) "vote against Old Hickory";

(8) "defeat" accompanied by a picture of one or more candidates; or

(9) "Smith's the one."

~~(j)~~*(k)* "Party committee" means:

(1) The state committee of a political party regulated by article 3 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

(2) the county central committee or the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto;

(3) the bona fide national organization or committee of those political parties regulated by the Kansas Statutes Annotated;

(4) the political committee established by the state committee of any such political party and designated as a recognized political committee for the senate;

(5) the political committee established by the state committee of any such political party and designated as a recognized political committee for the house of representatives; or

(6) the political committee per congressional district established by the state committee of a political party regulated under article 38 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto, and designated as a congressional district party committee.

~~(k)~~*(l)* "Person" means any individual, committee, corporation, partnership, trust, organization or association.

~~(l)~~*(m)* (1) "Political committee" means any *entity, including any* combination of two or more individuals *who are not married to one another,* or any person other than an individual, ~~a~~ *the* major purpose of which is to ~~expressly advocate the nomination, election or defeat of a clearly identified candidate for state or local office or~~ make contributions ~~to~~ or expenditures ~~for the nomination, election or defeat of a clearly identified candidate for state or local office~~ *that in the aggregate exceed $3,000 during any one calendar year and that satisfies one of the following:*

(A) States in such entity's articles of incorporation, bylaws or in any resolution adopted by the board of directors for such entity that the major purpose of such entity is to elect state or local candidates through

express advocacy and contributions to candidate campaigns and political parties; or

(B) spends not less than 50% of such entity's total program spending on contributions or expenditures during the period of time such entity has existed or, if such entity has existed for more than five years, during the immediately preceding five years.

(2) "Political committee" ~~shall~~ *does* not include a candidate committee or a party committee.

(3)(A) As used in this subsection, "total program spending" means the aggregate expenditures on all program activities, including:

(i) All disbursements for contributions and expenditures; and

(ii) all expenditures for fundraising communications that expressly advocate the nomination, election or defeat of a candidate or candidates for state or local office.

(B) "Total program spending" does not include:

(i) Expenditures for volunteer time or expenses;

(ii) administrative expenses; or

(iii) any other fundraising expenses.

(C) For purposes of determining total program spending on contributions and expenditures:

(i) A grant made to a political committee or an organization organized under section 527 of the internal revenue code shall be included in such entity's total program spending as a contribution or expenditure, except that if such grant is expressly designated for use outside this state or for any federal election, then such grant shall be included in such entity's total program spending but shall not be considered a contribution or expenditure; and

(ii) all other grants made by such entity shall be included in such entity's total program spending but shall not be considered a contribution or expenditure unless such entity expressly designates such grant, or any portion thereof, for making a contribution or expenditure in this state. If a grant is so designated then such grant shall be considered a contribution or expenditure. If a portion of any grant is so designated then only such portion shall be considered a contribution or expenditure.

~~(m)~~*(n)* "Receipt" means a contribution or any other money or thing of value, but not including volunteer services provided without compensation, received by a treasurer in the treasurer's official capacity.

~~(n)~~*(o)* "State office" means any state office as defined in K.S.A. 25-2505, and amendments thereto.

~~(o)~~*(p)* "Testimonial event" means an event held for the benefit of an individual who is a candidate to raise contributions for such candidate's campaign. "Testimonial events" includes, but are not limited to, dinners, luncheons, rallies, barbecues and picnics.

~~(p)~~*(q)* "Treasurer" means a treasurer of a candidate or of a candidate committee, a party committee or a political committee appointed under the campaign finance act or a treasurer of a combination of individuals or a person other than an individual ~~which~~ *that* is subject to K.S.A. 25-4172(a)(2), and amendments thereto.

~~(q)~~*(r)* "Local office" means a member of the governing body of a city of the first class, any elected office of a unified school district having 35,000 or more pupils regularly enrolled in the preceding school year, a county or of the board of public utilities.

Sec. 8. K.S.A. 2024 Supp. 25-4145 is hereby amended to read as follows: 25-4145. (a) Each party committee and each political committee ~~which~~ *that* anticipates receiving contributions or making expenditures shall appoint a chairperson and a treasurer. The chairperson of each party committee and each political committee ~~which~~ *that* anticipates receiving contributions or making expenditures for a candidate for state office shall make a statement of organization and file it with the secretary of state not later than 10 days after establishment of such committee. The chairperson of each political committee ~~which~~ *that* anticipates receiving contributions or making expenditures for any candidate for local office, shall make a statement of organization and file it with the county election officer not later than 10 days after establishment of such committee.

(b) Every statement of organization shall include:

(1) The name and address of the committee. The name of the committee shall reflect the full name of the organization with which the committee is connected or affiliated or sufficiently describe such affiliation. If the political committee is not connected or affiliated with any one organization, the name shall reflect the trade, profession or primary interest of the committee as reflected by the statement of purpose of such organization;

(2) the names, addresses and email addresses, which such email addresses shall be optional, of the chairperson and treasurer of the committee;

(3) the names and addresses of affiliated or connected organizations; and

(4) in the case of a political committee, the full name of the organization with which the committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the committee is not connected or affiliated with any one organization, the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.

(c) Any change in information previously reported in a statement of organization shall be reported on a supplemental statement of organization and filed not later than 10 days following the change.

(d) (1) Each political committee which anticipates receiving contributions shall register annually with the commission on or before July 1 of

each year. Each political committee registration shall be in the form and contain such information as may be required by the commission.

(2) Each registration by a political committee anticipating the receipt of more than $15,000 in any calendar year shall be accompanied by an annual registration fee of $750.

(3) Each registration by a political committee anticipating the receipt of more than $7,500 but less than $15,001 in any calendar year shall be accompanied by an annual registration fee of $500.

(4) Each registration by a political committee anticipating the receipt of more than $2,500 but less than $7,501 in any calendar year shall be accompanied by an annual registration fee of $250.

(5) Each registration by a political committee anticipating the receipt of $2,500 or less in any calendar year shall be accompanied by an annual registration fee of $50.

(6) Any political committee that is currently registered under subsection (d)(4) or (d)(5) and that receives contributions in excess of the registered amount for a calendar year, shall file, within three days of the date when contributions exceed such amount, an amended registration form that shall be accompanied by an additional fee for such year equal to the difference between the fee owed and the amount of the fee that accompanied the current registration.

(e) All such fees received by or for the commission 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 ~~governmental ethics~~ *Kansas public disclosure* commission fee fund.

Sec. 9. K.S.A. 25-4150 is hereby amended to read as follows: 25-4150. *(a)* Every person, other than a candidate or a candidate committee, party committee or political committee, who makes ~~contributions or~~ *independent* expenditures~~, other than by contribution to a candidate or a candidate committee, party committee or political committee,~~ in an aggregate amount of ~~$100~~ *$1,000* or more within a calendar year shall ~~make statements containing the information required by K.S.A. 25-4148, and amendments thereto. Such statements shall be filed in the office or offices required so that each such statement is in such office or offices on the day specified in K.S.A. 25-4148, and amendments thereto. If such contributions are received or expenditures are made to expressly advocate the nomination, election or defeat of a clearly identified candidate for state office, other than that of an officer elected on a state-wide basis such statement shall be filed in both the office of the secretary of state and in the office of the county election officer of the county in which the candidate is a resident~~ *file a statement of independent expenditures with the commission that includes the following:*

(1) The name and address of each person who receives payment in an aggregate amount that is in excess of $500 for an independent expenditure or for the creation or distribution of an independent expenditure; and

(2) the date, amount and purpose of each independent expenditure, including the name and the office sought of each candidate identified in an independent expenditure and if such independent expenditure was in support of or in opposition to such candidate.

(b)(1) Each statement of independent expenditures shall be filed on or before the next succeeding date on which reports are due to be filed under K.S.A. 25-4148, and amendments thereto. If a statement of independent expenditures is required after such date, then such statement shall be filed on or before 11:59 p.m. on the second day immediately following the date of the last independent expenditure.

(2) If a person makes independent expenditures in an aggregate amount of $1,000 or more in the same calendar year after filing a statement of independent expenditures, then a subsequent statement of independent expenditures shall be filed with the commission in accordance with this section.

(c) If such ~~contributions are received or~~ expenditures are made to expressly advocate the nomination, election or defeat of a clearly identified candidate for ~~state-wide~~ *state* office, such statement shall be filed ~~only~~ in the office of the secretary of state. If such ~~contributions or~~ expenditures are made to expressly advocate the nomination, election or defeat of a clearly identified candidate for local office, such statement shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. ~~Reports made~~ *Statements filed* under this section need not be cumulative.

Sec. 10. K.S.A. 25-4152 is hereby amended to read as follows: 25-4152. (a) Except as provided in subsection (b), the commission shall send a notice by registered or certified mail to any person failing to file any report or statement required by K.S.A. 25-4144, 25-4145 or 25-4148, and amendments thereto, and to the candidate appointing any treasurer failing to file any such report, within the time period prescribed therefor. The notice shall state that the required report or statement has not been filed with either the office of secretary of state or county election officer or both. The person failing to file any report or statement, and the candidate appointing any such person, shall be responsible for the filing of such report or statement. The notice also shall state that such person shall have 15 days from the date such notice is deposited in the mail to comply with the registration and reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If such person fails to comply within the prescribed period, such person shall pay to the state a civil penalty of $10 per day for each day that such report or

statement remains unfiled, except that no such civil penalty shall exceed $300. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(b) (1) Subject to the notice provisions of subsection (a), reports that are due under the provisions of K.S.A. 25-4148(a)(1) and (2), and amendments thereto, for candidates that appear on the ballot for the then-current primary or general election ballot and are late more than 48 hours shall be subject to civil penalties as provided in subsection (b)(2).

(2) The candidate shall be liable for a civil penalty of $100 for the first day the report is more than 48 hours late and $50 for each subsequent day the report is late, but in no case shall the civil penalty exceed $1,000. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(c) (1) Subject to the notice provisions of subsection (a), reports that are due under the provisions of K.S.A. 25-4145 and 25-4148, and amendments thereto, for each political committee that anticipates receiving $2,501 or more in any calendar year and are late more than 48 hours shall be subject to civil penalties as provided in subsection (c)(2).

(2) The political committee shall be liable for a civil penalty of $100 for the first day the report is more than 48 hours late and $50 for each subsequent day the report is late, but in no case shall the civil penalty exceed $1,000. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(d) Civil penalties provided for by 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 ~~governmental ethics~~ *Kansas public disclosure* commission fee fund.

(e) If a person fails to pay a civil penalty provided for by this section, it shall be the duty of the commission to bring an action to recover such civil penalty in the district court of the county in which such person resides.

Sec. 11. K.S.A. 25-4153b is hereby amended to read as follows: 25-4153b. (a) No political committee~~, a major purpose of which is to expressly advocate the nomination, election or defeat of a clearly identified candidate for the legislature or to make contributions or expenditures for the nomination, election or defeat of a clearly identified candidate for the legislature,~~ shall be established by a member of or a candidate for the legislature.

(b) Any such political committee existing prior to the effective date of this act is hereby abolished.

Sec. 12. K.S.A. 25-4154 is hereby amended to read as follows: 25-4154. (a) No person shall make a contribution in the name of another person, and no person shall knowingly accept a contribution made by one person in the name of another.

(b) No person shall give or accept any contribution in excess of ~~$10~~ *$50* unless the name and address of the contributor is made known to the individual receiving the contribution.

(c) The aggregate of contributions for which the name and address of the contributor is not reported under K.S.A. 25-4148*, and amendments thereto,* shall not exceed 50% of the amount one individual ~~(~~*,* other than the candidate or spouse~~)~~*,* may contribute to or for a candidate's campaign.

(d) No person shall copy any name of a contributor from any report or statement filed under the campaign finance act and use such name for any commercial purpose, and no person shall use any name for a commercial purpose with knowledge that such name was obtained solely by copying information relating to contributions contained in any report or statement filed under the campaign finance act.

(e) Except for contributions made by a candidate to such candidate's candidate committee, when a person makes a contribution to a candidate, candidate committee, political committee or party committee, such person shall have no authority to control or otherwise direct the use of such contribution. No person shall make a contribution to a committee that is subject to any condition or any agreement or other understanding between such person and such committee that such contribution or any portion thereof is to be subsequently contributed by such committee to any other candidate committee, political committee or party committee. Any agreement or other understanding that receipt of a contribution is conditioned on such contribution or some portion thereof being subsequently contributed by the recipient committee to any other candidate committee, political committee or party committee is hereby declared null and void and shall have no effect.

(f) (1) For purposes of this section, "contribution in the name of another" and "contribution made by one person in the name of another" means a contribution made to a person by or through the name of another person for the purpose of concealing the original source of any moneys reported on any report or statement that is required to be filed under the campaign finance act.

(2) Such contributions shall not include any contributions, expenditures or transfers of moneys that are subject to the requirements of the campaign finance act and that are made by an individual or committee that is otherwise reporting such contribution, expenditure or transfer on a report or statement filed pursuant to the campaign finance act.

Sec. 13. K.S.A. 25-4157 is hereby amended to read as follows: 25-4157. (a) Before any candidate committee, party committee or political committee may be dissolved or the position of a candidate's treasurer terminated, the treasurer of the candidate or such committee shall file a termination report ~~which~~ *that* shall include full information as to the

disposition of residual funds. Any report required by K.S.A. 25-4148, and amendments thereto, may be a termination report. Reports of the dissolution of candidate committees of candidates for state office, the termination of the treasurer of a candidate for state office, the dissolution of a political committee ~~the major purpose of which is to support or oppose any candidate for state office~~ and the dissolution of party committees shall be filed in the office of the secretary of state. Reports of the dissolution of candidate committees of candidates for local office, the termination of the treasurer of a candidate for local office and the dissolution of a political committee ~~the major purpose of which is to support or oppose any candidate for local office~~ shall be filed in the office of the county election officer of the county.

(b) If a candidate dies with an open candidate committee account ~~which~~ *that* contains campaign funds, the executor or administrator of the candidate's estate shall be responsible for terminating the candidate committee and disposing of the residual funds.

Sec. 14. K.S.A. 25-4158a is hereby amended to read as follows: 25-4158a. The ~~governmental ethics~~ *Kansas public disclosure* commission shall prescribe and provide forms for each report required to be made under the campaign finance act. ~~After January 10, 2008,~~ Any information required to be filed pursuant to ~~this section~~ *the campaign finance act* may be filed electronically with the secretary of state in a method authorized by the secretary of state. The provisions of this section shall be *a* part of and supplemental to the Kansas campaign finance act.

Sec. 15. K.S.A. 25-4180 is hereby amended to read as follows: 25-4180. (a) Every person who engages in any activity promoting or opposing the adoption or repeal of any provision of the Kansas constitution and who accepts moneys or property for the purpose of engaging in such activity shall make an annual report to the secretary of state of individual contributions or contributions in kind in an aggregate amount or value in excess of $50 received during the preceding calendar year for such purposes. The report shall show the name and address of each contributor for the activity and the amount or value of the individual contribution made, together with a total value of all contributions received, and also shall account for expenditures in an aggregate amount or value in excess of $50 from such contributions by showing the amount or value expended to each payee and the purpose of each such expenditure, together with a total value of all expenditures made. The annual report shall be filed on or before February 15 of each year for the preceding calendar year.

(b) In addition to the annual report, a person engaging in an activity promoting the adoption or repeal of a provision of the Kansas constitution who accepts any contributed moneys for such activity shall make a preliminary report to the secretary of state 15 days prior to each election

at which a proposed constitutional amendment is submitted. Such report shall show the name and address of each individual contributor, together with the amount contributed or contributed in kind in an aggregate amount or value in excess of $50, and the expenditures in an aggregate amount or value in excess of $50 from such contributions by showing the amount paid to each payee and the purpose of the expenditure. A supplemental report in the same format as the preliminary report shall be filed with the secretary of state within 15 days after any election on a constitutional proposition where contributed funds are received and expended in opposing or promoting such proposition.

(c) Any person who engages in any activity promoting or opposing the adoption or repeal of any provision of the Kansas constitution shall be considered engaged in such activity upon the date the concurrent resolution passes the Kansas house of representatives and senate in its final form. Upon such date, if the person has funds in the constitutional amendment campaign treasury, such person shall be required to report such funds as provided by this section.

~~(b)~~*(d)* (1) The commission shall send a notice by registered or certified mail to any person failing to file any report required by subsection (a), *(b) or (c)* within the time period prescribed therefor. The notice shall state that the required report has not been filed with the office of the secretary of state. The notice also shall state that such person shall have 15 days from the date such notice is deposited in the mail to comply with the reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If such person fails to comply within the prescribed period, such person shall pay to the state a civil penalty of $10 per day for each day that such report remains unfiled, except that no such civil penalty shall exceed $300. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(2) Civil penalties provided for by 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 ~~governmental ethics~~ *Kansas public disclosure* commission fee fund.

(3) If a person fails to pay a civil penalty provided for by this section, it shall be the duty of the commission to bring an action to recover such civil penalty in the district court of the county in which such person resides.

~~(c)~~*(e)* The intentional failure to file any report required by subsection (a) is a class A misdemeanor.

~~(d)~~*(f)* This section shall be *a* part of and supplemental to the campaign finance act.

Sec. 16. K.S.A. 25-4186 is hereby amended to read as follows: 25-4186. (a) Not later than 10 days after receiving any contribution or making

any expenditure for a gubernatorial inauguration, the governor-elect shall appoint an inaugural treasurer. The name and address of such treasurer shall be reported to the secretary of state by the governor-elect not later than 10 days after the appointment.

(b) No person shall make any expenditure or make or receive any contribution or receipt, in kind or otherwise, for a gubernatorial inauguration except by or through the inaugural treasurer.

(c) The inaugural treasurer shall keep detailed accounts of all contributions and other receipts received, in kind or otherwise, and all expenditures made for a gubernatorial inauguration. Accounts of the treasurer may be inspected under conditions determined by the commission and shall be preserved for a period to be designated by the commission. Every person who receives a contribution or other receipt, in kind or otherwise, for an inaugural treasurer more than five days before the ending date of any period for which a report is required under this section, on demand of the treasurer, or in any event on or before the ending date of the reporting period, shall remit the same and render to the treasurer an account thereof, including the name and address of the person, if known, making the contribution or other receipt and the date received. No contribution or other receipt received by the inaugural treasurer shall be commingled with personal funds of the governor-elect or inaugural treasurer.

(d) The inaugural treasurer shall file with the secretary of state a report on March 10 and July 10 following the inauguration. The report filed on March 10 shall be for the period ending on February 28 and the report filed on July 10 shall be for the period beginning on March 1 and ending on June 30. Each report shall contain the information required to be stated in a report pursuant to K.S.A. 25-4148 and 25-4148a, and amendments thereto, and a declaration as to the correctness of the report in the form prescribed by K.S.A. 25-4151, and amendments thereto. The July 10 report shall be a termination report which shall include full information as to the disposition of residual funds. If a report is sent by certified mail on or before the day it is due, the mailing shall constitute receipt by the secretary of state.

(e) The aggregate amount contributed, in kind or otherwise, by any person for a gubernatorial inauguration shall not exceed $2,000. No person shall make a contribution in the name of another person, and no person knowingly shall accept a contribution made by one person in the name of another. No person shall give or accept any contribution in excess of $10 unless the name and address of the contributor is made known to the individual receiving the contribution. The aggregate of contributions for which the name and address of the contributor is not known shall not exceed 50% of the amount one person may contribute.

(f) No person shall copy any name of a contributor from any report filed under this section and use such name for any commercial purpose,

and no person shall use any name for a commercial purpose with knowledge that such name was obtained solely by copying information relating to contributions contained in any report filed under this section.

(g) In addition to other reports required by this section, the inaugural treasurer shall report the amount and nature of debts and obligations owed for the gubernatorial inauguration, at times prescribed by the commission, continuing until such debts and obligations are fully paid or discharged.

(h) *(1)* No moneys received by any inaugural treasurer shall be used or be made available for the personal use of the governor-elect or governor and no such moneys shall be used by such governor-elect or governor except for legitimate gubernatorial inauguration expenses.

(2) For the purpose of this subsection, expenditures for "personal use" shall include expenditures to defray normal living expenses and expenditures for personal benefit having no direct connection with or effect upon the inauguration.

(i) (1) Before the filing of a termination report in accordance with this section, all residual funds not otherwise obligated for the payment of expenses incurred for the gubernatorial inauguration shall be remitted to the inaugural expense fund created by K.S.A. 25-4187, and amendments thereto, in an amount equal to the amount certified to the director of accounts and reports by the adjutant general as the amount expended by the adjutant general for expenses incurred in connection with the gubernatorial inauguration, or if the amount of residual funds is less than the amount certified, the entire amount of the deposit.

(2) Any residual funds not otherwise obligated shall either be:

(A) Donated to any charitable organization which qualifies as a 501(c)(3) not-for-profit corporation under the federal internal revenue code; or

(B) shall be remitted to the state treasurer who shall deposit the entire amount in the state treasury and credit such money to the executive mansion gifts fund for the purpose of funding expenditures relating to the governor's residence, historic properties or both. Such expenditures shall be subject to approval of the governor's residence advisory commission.

(j) (1) The commission shall send a notice by registered or certified mail to any inaugural treasurer who fails to file any report required by this section within the time period prescribed therefor. The notice shall state that the required report has not been filed with the office of the secretary of state. The notice also shall state that the treasurer shall have 15 days from the date such notice is deposited in the mail to comply with the reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If the treasurer fails to comply within the prescribed period, the treasurer shall pay to the state a civil penalty of $10 per day for each day that the report re-

mains unfiled, except that no such civil penalty shall exceed $300. The commission may waive, for good cause, payment of any civil penalty imposed by this subsection.

(2) Civil penalties provided for by this subsection shall be paid to the state treasurer, who shall deposit the entire amount in the state treasury and credit it to the ~~governmental ethics~~ *Kansas public disclosure* commission fee fund.

(3) If a person fails to pay a civil penalty provided for by this section, it shall be the duty of the commission to bring an action to recover such civil penalty in the district court of Shawnee county.

(k) Any violation of subsection (e), (f) or (h) or any intentional failure to file any report required by this section is a class A misdemeanor.

(l) Nothing in this section shall be construed to apply to expenditures of state moneys related to any inaugural activity.

(m) This section shall be *a* part of and supplemental to the campaign finance act.

Sec. 17. K.S.A. 46-246a is hereby amended to read as follows: 46-246a. (a) From and after the effective date of this act, no state officer or employee shall advocate or cause the employment, appointment, promotion, transfer or advancement to any office or position of the state, of a member of such officer's or employee's household or a family member.

(b) No state officer or employee shall participate in an action relating to the employment or discipline of a member of the officer's or employee's household or a family member.

(c) The provisions of this section shall not apply to appointments of members of the governor's staff, nor to any action involving the employment, appointment, promotion, transfer or advancement of any officer or employee occurring prior to the effective date of this act.

(d) The provisions of this section shall be subject to interpretation and enforcement by the ~~governmental ethics~~ *Kansas public disclosure* commission in the manner provided by K.S.A. 46-253 through 46-263, and amendments thereto.

Sec. 18. K.S.A. 46-253 is hereby amended to read as follows: 46-253. "Commission" as used in K.S.A. 46-215 ~~to 46-280, inclusive, 46-248a and K.S.A. 46-237a~~ *through 46-292*, and amendments thereto, means the ~~governmental ethics~~ *Kansas public disclosure* commission. The commission may adopt rules and regulations for the administration of the provisions of K.S.A. 46-215 ~~to 46-280, 46-248a and K.S.A. 46-237a~~ *through 46-292*, and amendments thereto. Any rules and regulations adopted by the Kansas *governmental ethics* commission ~~on governmental standards and conduct~~ shall continue in force and effect and shall be deemed to be the rules and regulations of the *Kansas public disclosure* commission until revised, amended, repealed or nullified pursuant to law. All rules and regulations

of the commission shall be subject to the provisions of article 4 of chapter 77 of Kansas Statutes Annotated, *and amendments thereto*.

Sec. 19. K.S.A. 46-265 is hereby amended to read as follows: 46-265. (a) Every lobbyist shall register with the secretary of state by completing and signing a registration form prescribed and provided by the commission. The registration shall show the name and address of the lobbyist, the name and address of the person compensating the lobbyist for lobbying, the purpose of the employment, the name of each state agency or state office and any agency, division or unit thereof and each judicial department, institution, office, commission, board or bureau and any agency, division or unit thereof and whether the lobbyist will lobby the legislative branch and the method of determining and computing the compensation of the lobbyist. If the lobbyist is compensated or to be compensated for lobbying by more than one employer or is to be engaged in more than one employment, the relevant facts listed above shall be stated separately for each employer and each employment. Whenever any new lobbying employment or lobbying position is accepted by a lobbyist already registered as provided in this section, the lobbyist shall report the same on forms prescribed and provided by the commission before engaging in any lobbying activity related to the new employment or position, and the report shall be filed with the secretary of state. When a lobbyist is an employee of a lobbying group or firm which contracts to lobby and not an owner or partner of the lobbying group or firm, the lobbyist shall report each client of the group, firm or entity whose interest the lobbyist represents. Whenever the lobbying of a lobbyist concerns a legislative matter, the secretary of state promptly shall transmit copies of each registration and each report filed under this act to the secretary of the senate and the chief clerk of the house of representatives.

(b) On or after October 1, in any year any person may register as a lobbyist under this section for the succeeding calendar year. The registration shall expire annually on December 31 of the year for which the lobbyist is registered. In any calendar year, before engaging in lobbying, persons to whom this section applies shall register or renew their registration as provided in this section. Except for employees of lobbying groups or firms, every person registering or renewing registration who anticipates spending $1,000 or less for lobbying in the registration year on behalf of any one employer shall pay to the secretary of state a fee of $50 for lobbying for each employer. Except for employees of lobbying groups or firms, every person registering or renewing registration who anticipates spending more than $1,000 for lobbying in the registration year on behalf of any one employer shall pay to the secretary of state a fee of $350 for lobbying for the employer. Any lobbyist who at the time of initial registration anticipated spending less than $1,000, on behalf of

any one employer, but at a later date spends in excess of that amount, within three days of the date when expenditures exceed that amount, shall file an amended registration form which shall be accompanied by an additional fee of $300 for the year. Every person registering or renewing registration as a lobbyist who is an employee of a lobbying group or firm and not an owner or partner of the lobbying group or firm shall pay an annual fee of $450. The secretary of state shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the ~~governmental ethics~~ *Kansas public disclosure* commission fee fund.

(c) Any person who has registered as a lobbyist pursuant to this act may file, upon termination of the person's lobbying activities, a statement terminating the person's registration as a lobbyist. The statement shall be on a form prescribed by the commission and shall state the name and address of the lobbyist, the name and address of the person compensating the lobbyist for lobbying and the date of the termination of the lobbyist's lobbying activities.

(d) No person who has failed or refused to pay any civil penalty imposed pursuant to K.S.A. 46-280, and amendments thereto, shall be authorized or permitted to register as a lobbyist in accordance with this section until the penalty has been paid in full.

Sec. 20. K.S.A. 46-280 is hereby amended to read as follows: 46-280. (a) Except as provided in subsection (b), the commission shall send a notice by registered or certified mail to any person failing to register or to file any report or statement as required by K.S.A. 46-247 or 46-265, and amendments thereto, within the time period prescribed therefor. The notice shall state that the required registration, report or statement had not been filed with the office of secretary of state. The notice also shall state that such person shall have five days from the date of receipt of such notice to comply with the registration and reporting requirements before a civil penalty shall be imposed for each day that the required documents remain unfiled. If such person fails to comply within such period, such person shall pay to the state a civil penalty of $10 per day for each day that such person remains unregistered or that such report or statement remains unfiled, except that no such civil penalty shall exceed $300. The commission may waive, for good cause, payment of any civil penalty imposed hereunder.

(b) Subject to the notice provisions of subsection (a), reports required for lobbyists under K.S.A. 46-268, and amendments thereto, that are late more than 48 hours shall be subject to civil penalties as provided in subsection (b)(2).

(2) The lobbyist shall be liable for a civil penalty of $100 for the first day the report is more than 48 hours late and $50 for each subsequent day the report is late, but in no case shall the civil penalty exceed $1,000. The commission may waive, for good cause, payment of any civil penalty imposed by this section.

(c) Whenever the commission shall determine that any report filed by a lobbyist as required by K.S.A. 46-269, and amendments thereto, is incorrect, incomplete or fails to provide the information required by such section, the commission shall notify such lobbyist by registered or certified mail, specifying the deficiency. Such notice shall state that the lobbyist shall have 30 days from the date of the receipt of such notice to file an amended report correcting such deficiency before a civil penalty will be imposed and the registration of such lobbyist revoked and the badge be required to be returned to the office of the secretary of state. A copy of such notice shall be sent to the office of the secretary of state. If such lobbyist fails to file an amended report within the time specified, such lobbyist shall pay to the commission a civil penalty of $10 per day for each day that such person fails to file such report except that no such civil penalty shall exceed $300. On the 31st day following the receipt of such notice, the registration of any lobbyist failing to file such amended report shall be revoked.

(d) Civil penalties provided for by 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 ~~governmental ethics~~ *Kansas public disclosure* commission fee fund.

(e) (1) Except as provided in paragraph (2), if a person fails to pay a civil penalty provided for by this section, it shall be the duty of the commission to bring an action to recover such civil penalty in the district court of the county in which such person resides.

(2) If a person required to file under K.S.A. 46-247(f), and amendments thereto, fails to pay a civil penalty provided for by this section, it shall be the duty of the commission to bring an action to recover the civil penalty in the district court of Shawnee county, Kansas.

Sec. 21. K.S.A. 46-288 is hereby amended to read as follows: 46-288. The commission, in addition to any other penalty prescribed under K.S.A. 46-215 through 46-286, and amendments thereto, may assess a civil fine, after proper notice and an opportunity to be heard, against any person for a violation pursuant to K.S.A. 46-215 through 46-286, and amendments thereto, in an amount not to exceed $5,000 for the first violation, not to exceed $10,000 for the second violation and not to exceed $15,000 for the third violation and for each subsequent violation. 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 ~~governmental ethics~~ *Kansas public disclosure* commission fee fund.

Sec. 22. K.S.A. 46-295 is hereby amended to read as follows: 46-295. (a) Every person who is registered as a lobbyist shall file with the secretary of state a detailed report listing the amount of public funds paid to hire or contract for the lobbying services on behalf of: (1) A governmental entity; or (2) any association of governmental entities that receive public funds. The report shall include a listing of the amount of public funds paid to hire or contract for the lobbying services of such lobbyist and which association of governmental entities that receive public funds hired such lobbyist on a form and in the manner prescribed and provided by the ~~governmental ethics~~ *Kansas public disclosure* commission. Each report required to be filed by this section is a public record and shall be open to public inspection upon request. A report shall be filed on or before January 10, 2017, and on or before January 10 of each subsequent year for the reporting period containing the preceding calendar year.

(b) The reports filed with the secretary of state pursuant to subsection (a) shall be made available on a searchable public website by the secretary of state.

(c) As used in this section:

(1) "Governmental entity" ~~has the meaning~~ *means the same* as defined in K.S.A. 75-6102, and amendments thereto.

(2) "Lobbying" ~~has the meaning~~ *means the same* as defined in K.S.A. 46-225, and amendments thereto.

(3) "Public funds" means moneys appropriated by the state or any of its subdivisions.

Sec. 23. K.S.A. 2024 Supp. 74-50,297 is hereby amended to read as follows: 74-50,297. (a) The commission may accept, use and dispose of gifts and donations of money, property or personal services. The type and quantity of gifts shall be enumerated and submitted to the Kansas ~~governmental ethics~~ *public disclosure* commission each quarter and shall be made available to the public on the commission's website.

(b) There is hereby established in the state treasury the Kansas commission for the United States semiquincentennial gifts and donations fund. Such fund shall be administered by the secretary of commerce. All expenditures from the Kansas commission for the United States semiquincentennial gifts and donations fund shall be for promoting the Kansas commission for the United States semiquincentennial. All expenditures from the Kansas commission for the United States semiquincentennial gifts and donations fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or the secretary's designee.

(c) On December 31, 2027, the director of accounts and reports shall transfer all moneys in the Kansas commission for the United States semiquincentennial gifts and donations fund to the operating expenditures account of the state economic development initiatives fund of the department of commerce. On December 31, 2027, all liabilities of the Kansas commission for the United States semiquincentennial gifts and donations fund shall be transferred to and imposed upon the operating expenditures account of the state economic development initiatives fund of the department of commerce. On December 31, 2027, the Kansas commission for the United States semiquincentennial gifts and donations fund shall be abolished.

Sec. 24. K.S.A. 2024 Supp. 75-3036 is hereby amended to read as follows: 75-3036. (a) The state general fund is exclusively defined as the fund into which shall be placed all public moneys and revenue coming into the state treasury not specifically authorized by the constitution or by statute to be placed in a separate fund, and not given or paid over to the state treasurer in trust for a particular purpose, which unallocated public moneys and revenue shall constitute the general fund of the state. Moneys received or to be used under constitutional or statutory provisions or under the terms of a gift or payment for a particular and specific purpose are to be kept as separate funds and shall not be placed in the general fund or ever become a part of it.

(b) The following funds shall be used for the purposes set forth in the statutes concerning such funds and for no other governmental purposes. It is the intent of the legislature that the following funds and the moneys deposited in such funds shall remain intact and inviolate for the purposes set forth in the statutes concerning such funds: Board of accountancy fee fund, K.S.A. 1-204 and 75-1119b, and amendments thereto, and special litigation reserve fund of the board of accountancy; bank commissioner fee fund, K.S.A. 9-1703, 16a-2-302 and 75-1308, and amendments thereto, bank investigation fund, K.S.A. 9-1111b, and amendments thereto, consumer education settlement fund and litigation expense fund of the state bank commissioner; securities act fee fund and investor education and protection fund, K.S.A. 17-12a601, and amendments thereto, of the office of the securities commissioner of Kansas; credit union fee fund, K.S.A. 17-2236, and amendments thereto, of the state department of credit unions; court reporters fee fund, K.S.A. 20-1a02, and amendments thereto, and bar admission fee fund, K.S.A. 20-1a03, and amendments thereto, of the judicial branch; fire marshal fee fund, K.S.A. 31-133a and 31-134, and amendments thereto, and boiler inspection fee fund, K.S.A. 44-926, and amendments thereto, of the state fire marshal; food service inspection reimbursement fund, K.S.A. 36-512, and amendments thereto, of the Kansas department of agriculture; wage

claims assignment fee fund, K.S.A. 44-324, and amendments thereto, and workmen's compensation fee fund, K.S.A. 74-715, and amendments thereto, of the department of labor; veterinary examiners fee fund, K.S.A. 47-820, and amendments thereto, of the state board of veterinary examiners; mined-land reclamation fund, K.S.A. 49-420, and amendments thereto, of the department of health and environment; conservation fee fund and abandoned oil and gas well fund, K.S.A. 55-155, 55-176, 55-192, 55-609, 55-711 and 55-901, and amendments thereto, gas pipeline inspection fee fund, K.S.A. 66-1,155, and amendments thereto, and public service regulation fund, K.S.A. 66-1503, and amendments thereto, of the state corporation commission; land survey fee fund, K.S.A. 58-2011, and amendments thereto, of the state historical society; real estate recovery revolving fund, K.S.A. 58-3074, and amendments thereto, of the Kansas real estate commission; appraiser fee fund, K.S.A. 58-4107, and amendments thereto, and appraisal management companies fee fund of the real estate appraisal board; amygdalin (laetrile) enforcement fee fund, K.S.A. 65-6b10, and amendments thereto; mortuary arts fee fund, K.S.A. 65-1718, and amendments thereto, of the state board of mortuary arts; board of barbering fee fund, K.S.A. 65-1817a, and amendments thereto, of the Kansas board of barbering; cosmetology fee fund, K.S.A. 65-1951 and 74-2704, and amendments thereto, of the Kansas state board of cosmetology; healing arts fee fund, K.S.A. 65-2011, 65-2855, 65-2911, 65-5413, 65-5513, 65-6910, 65-7210 and 65-7309, and amendments thereto, and medical records maintenance trust fund, of the state board of healing arts; other state fees fund, K.S.A. 65-4024b, and amendments thereto, of the Kansas department for aging and disability services; board of nursing fee fund, K.S.A. 74-1108, and amendments thereto, of the board of nursing; dental board fee fund, K.S.A. 74-1405, and amendments thereto, and special litigation reserve fund, of the Kansas dental board; optometry fee fund, K.S.A. 74-1503, and amendments thereto, and optometry litigation fund, of the board of examiners in optometry; state board of pharmacy fee fund, K.S.A. 74-1609, and amendments thereto, and state board of pharmacy litigation fund, of the state board of pharmacy; abstracters' fee fund, K.S.A. 74-3903, and amendments thereto, of the abstracters' board of examiners; athletic fee fund, K.S.A. 74-50,188, and amendments thereto, of the department of commerce; hearing instrument board fee fund, K.S.A. 74-5805, and amendments thereto, and hearing instrument litigation fund of the Kansas board of examiners in fitting and dispensing of hearing instruments; commission on disability concerns fee fund, K.S.A. 74-6708, and amendments thereto, of the governor's department; technical professions fee fund, K.S.A. 74-7009, and amendments thereto, and special litigation reserve fund of the state board of technical professions; behavioral sciences regulatory board fee fund, K.S.A. 74-7506, and amend-

ments thereto, of the behavioral sciences regulatory board; ~~governmental ethics~~ *Kansas public dislcosure* commission fee fund, K.S.A. 25-4119e, and amendments thereto, of the ~~governmental ethics~~ *Kansas public disclosure* commission; emergency medical services board operating fund, K.S.A. 75-1514, and amendments thereto, of the emergency medical services board; fire service training program fund, K.S.A. 75-1514, and amendments thereto, of the university of Kansas; uniform commercial code fee fund, K.S.A. 75-448, and amendments thereto, of the secretary of state; prairie spirit rails-to-trails fee fund of the Kansas department of wildlife, parks and tourism; water marketing fund, K.S.A. 82a-1315c, and amendments thereto, of the Kansas water office; insurance department service regulation fund, K.S.A. 40-112, and amendments thereto, of the insurance department; state fair special cash fund, K.S.A. 2-220, and amendments thereto, of the state fair board; scrap metal theft reduction fee fund, K.S.A. 2024 Supp. 50-6,109a, and amendments thereto; and any other fund in which fees are deposited for licensing, regulating or certifying a person, profession, commodity or product.

(c) If moneys received pursuant to statutory provisions for a specific purpose by a fee agency are proposed to be transferred to the state general fund or a special revenue fund to be expended for general government services and purposes in the governor's budget report submitted pursuant to K.S.A. 75-3721, and amendments thereto, or any introduced house or senate bill, the person or business entity who paid such moneys within the preceding 24-month period shall be notified by the fee agency within 30 days of such submission or introduction:

(1) By electronic means, if the fee agency has an electronic address on record for such person or business entity. If no such electronic address is available, the fee agency shall send written notice by first class mail; or

(2) any agency that receives fees from a tax, fee, charge or levy paid to the commissioner of insurance shall post the notification required by this subsection on such agency's website.

(d) Any such moneys that are wrongfully or by mistake placed in the general fund shall constitute a proper charge against such general fund. All legislative appropriations which do not designate a specific fund from which they are to be paid shall be considered to be proper charges against the general fund of the state. All revenues received by the state of Kansas or any department, board, commission, or institution of the state of Kansas, and required to be paid into the state treasury shall be placed in and become a part of the state general fund, except as otherwise provided by law.

(e) The provisions of this section shall not apply to the 10% credited to the state general fund to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services,

and any and all other state governmental services, as provided in K.S.A. 75-3170a, and amendments thereto.

(f) Beginning on January 8, 2018, the director of the budget shall prepare a report listing the unencumbered balance of each fund in subsection (b) on June 30 of the previous fiscal year and January 1 of the current fiscal year. Such report shall be delivered to the secretary of the senate and the chief clerk of the house of representatives on or before the first day of the regular legislative session each year.

(g) As used in this section, "fee agency" shall include the state agencies specified in K.S.A. 75-3717(f), and amendments thereto, and any other state agency that collects fees for licensing, regulating or certifying a person, profession, commodity or product.

Sec. 25. K.S.A. 75-3717 is hereby amended to read as follows: 75-3717. (a) As provided in this section, each state agency, not later than October 1 of each year, shall file with the division of the budget its budget estimates for the next fiscal year, and all amendments and revisions thereof, except that, in lieu of such annual filing, each agency listed in subsection (f), not later than October 1, 2000, and every two years thereafter, shall file budget estimates for the next fiscal year and for the ensuing fiscal year thereafter. Each agency listed in subsection (f) may file adjustments to such agency's budget that was approved by the legislature during a prior fiscal year. All such budget estimates shall be in the form provided by the director of the budget. Each agency's budget estimates shall include:

(1) A full explanation of the agency's request for any appropriations for the expansion of present services or the addition of new activities, including an estimate of the anticipated expenditures for the next fiscal year and for each of the three ensuing fiscal years which would be required to support each expansion of present services or addition of new services as requested by the state agency;

(2) a listing of all programs of the agency that provide services for children and their families and the following information regarding each such program: Of the amount of the agency's request for appropriations to fund the program, that amount which will be spent on services for children or families with children and the number of children or families with children who are served by the program; and

(3) a listing of the sources and amounts of all federal funds received or budgeted for by a state agency for the purpose of homeland security or for the purpose of sustaining, enhancing or improving the safety and security of the state, the amount of such funds budgeted for expenditure on administrative cost and the amount of such funds budgeted for expenditure on aid to each unit of local government.

(b) At the same time as each state agency submits to the division of the budget a copy of its budget estimate, and all amendments and revi-

sions thereof, each such state agency shall submit a copy of such estimate, and all amendments and revisions thereof, directly to the legislative research department for legislative use.

(c) The director of the budget shall require the agencies to submit a sufficient number of copies of their budget estimates, and all amendments and revisions thereof, to the director's office to satisfy the requirements of such office and one additional copy for legislative use which shall be retained in the division of the budget until the budget of the governor is submitted to the legislature. On or before the day that such budget is submitted to the legislature such legislative use copy, posted to reflect the governor's budget recommendations, shall be submitted to the legislative research department for use by the ways and means committee of the senate and the committee on appropriations of the house of representatives. Following presentation of the governor's budget report to the legislature, the legislative research department may request and shall receive detailed information from the division of the budget on the governor's budget recommendations.

(d) The director of the budget may prepare budget estimates for any state agency failing to file a request.

(e) As used in this section, "services for children and their families" includes, but is not limited to, any of the following services, whether provided directly or made accessible through subsidies or other payments:

(1) Financial support for children and families with children or enforcement of the obligation to support a child or a family with one or more children;

(2) prenatal care, health care for children or immunizations for children;

(3) mental health or retardation services for children;

(4) nutrition for children or families with children or nutritional counseling or supplements for pregnant or nursing women;

(5) child care, early childhood education or parenting education;

(6) licensure or regulation of child care or early childhood education programs;

(7) treatment, counseling or other services to preserve families;

(8) care, treatment, placement or adoption of children without functioning families;

(9) services to prevent child abuse and to treat and protect child abuse victims;

(10) services for children who are pregnant, substance abusers or otherwise involved in high risk behavior;

(11) services related to court proceedings involving children; and

(12) youth employment services.

(f) On a biennial basis, the following state agencies shall file budget

estimates under the provisions of subsection (a): Abstracters' board of examiners, behavioral sciences regulatory board, board of accountancy, board of examiners in optometry, board of nursing, consumer credit commissioner, Kansas board of barbering, Kansas board of examiners in fitting and dispensing of hearing aids, Kansas dental board, Kansas real estate commission, Kansas state board of cosmetology, office of the securities commissioner of Kansas, real estate appraisal board, state bank commissioner, state board of healing arts, state board of mortuary arts, state board of pharmacy, state board of technical professions, state board of veterinary examiners, ~~governmental ethics~~ *Kansas public disclosure* commission, state department of credit unions, and Kansas home inspectors registration board.

Sec. 26. K.S.A. 75-4302a is hereby amended to read as follows: 75-4302a. (a) The statement of substantial interests shall include all substantial interests of the individual making the statement.

(b) Statements of substantial interests shall be filed by the following individuals at the times specified:

(1) By a candidate for local office who becomes a candidate on or before the filing deadline for the office, not later than 10 days after the filing deadline, unless before that time the candidacy is officially declined or rejected.

(2) By a candidate for local office who becomes a candidate after the filing deadline for the office, within five days of becoming a candidate, unless within that period the candidacy is officially declined or rejected.

(3) By an individual appointed on or before April 30 of any year to fill a vacancy in an elective office of a governmental subdivision, between April 15 and April 30, inclusive, of that year.

(4) By an individual appointed after April 30 of any year to fill a vacancy in an elective office of a governmental subdivision, within 15 days after the appointment.

(5) By any individual holding an elective office of a governmental subdivision, between April 15 and April 30, inclusive, of any year if, during the preceding calendar year, any change occurred in the individual's substantial interests.

(c) The statement of substantial interests required to be filed pursuant to this section shall be filed in the office where declarations of candidacy for the local governmental office sought or held by the individual are required to be filed.

(d) The ~~governmental ethics~~ *Kansas public disclosure* commission shall adopt rules and regulations prescribing the form and the manner for filing the disclosures of substantial interests required by law. The commission shall provide samples of the form of the statement to each county election officer.

(e) If an individual or an individual's spouse holds the position of officer, director, associate, partner or proprietor in an organization exempt from federal taxation of corporations under section 501(c)(3), (4), (6), (7), (8), (10) or (19) of chapter 26 of the United States code, the individual shall comply with all disclosure provisions of subsections (a), (b), (c) and (d) of this section notwithstanding the provisions of K.S.A. 75-4301, and amendments thereto, which provide that these individuals may not have a substantial interest in these corporations.

Sec. 27. K.S.A. 75-4303a is hereby amended to read as follows: 75-4303a. (a) The ~~governmental ethics~~ *Kansas public disclosure* commission shall render advisory opinions on the interpretation or application of K.S.A. 75-4301a, 75-4302a, 75-4303a, 75-4304, 75-4305 and 75-4306, and amendments thereto. The opinions shall be rendered after receipt of a written request therefor by a local governmental officer or employee or by any person who has filed as a candidate for local office. Any person who requests and receives an advisory opinion and who acts in accordance with its provisions shall be presumed to have complied with the provisions of the general conflict of interests law. A copy of any advisory opinion rendered by the commission shall be filed by the commission in the office of the secretary of state, and any opinion so filed shall be open to public inspection. All requests for advisory opinions shall be directed to the secretary of state who shall notify the commission thereof.

(b) The ~~governmental ethics~~ *Kansas public disclosure* commission shall administer K.S.A. 75-4301a, 75-4302a, 75-4303a, 75-4304, 75-4305 and 75-4306, and amendments thereto, and may adopt rules and regulations therefor.

Sec. 28. K.S.A. 2024 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~~*Kansas public disclosure* 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 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. 29. K.S.A. 25-4119a, 25-4119b, 25-4119e, 25-4119f, 25-4142, 25-4150, 25-4152, 25-4153b, 25-4154, 25-4157, 25-4158a, 25-4180, 25-4186, 46-246a, 46-253, 46-265, 46-280, 46-288, 46-295, 75-3717, 75-4302a and 75-4303a and K.S.A. 2024 Supp. 25-4143, 25-4145, 74-50,297, 75-3036 and 77-440 are hereby repealed.

Sec. 30. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 7, 2025.

CHAPTER 66

Substitute for HOUSE BILL No. 2149

AN ACT concerning distributed energy resources; requiring distributed energy system retailers to disclose certain information to customers who will construct, install and operate a distributed energy system; requiring the attorney general to convene an advisory group to establish a standard form for such disclosures and requiring publication thereof; requiring electric public utilities to disclose certain information to distributed energy retailers; providing criteria to determine appropriate system size for a customer's distributed energy system that is subject to parallel generation; establishing requirements for interconnection and operation of a distributed energy system; increasing the total capacity limitation for an electric public utility's provision of parallel generation service; establishing powers and limitations relating thereto; establishing notification requirements for when a system is no longer producing energy or the customer seeks to repair or rebuild a distributed energy system; amending K.S.A. 66-1,184 and 66-1268 and repealing the existing sections.

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

New Section 1. (a) As used in sections 1 through 3, and amendments thereto:

(1) "Distributed energy customer" means a property owner of a single-family dwelling or multifamily dwelling of two units or fewer and who is offered a contract from a distributed energy retailer for the construction, installation or operation of a distributed energy system that is primarily intended to offset the energy consumption of such single family or multifamily dwelling.

(2) "Distributed energy retailer" means any person or entity that sells, markets, solicits, advertises, finances, installs or otherwise makes available for purchase a distributed energy system in the state of Kansas.

(3) "Distributed energy system" means any device or assembly of devices and supporting facilities that is capable of feeding excess electrical power generated by a customer's energy producing system into the utility's system, such that all energy output and all other services will be fully consumed by the distributed energy customer or the utility, and that is or will be subject to an agreement under K.S.A. 66-1,184, 66-1263 et seq., and amendments thereto, or a net metering tariff that was voluntarily established by a utility.

(4) "Permission to operate" means the same as defined in K.S.A. 66-1,184, and amendments thereto.

(5) "Utility" means an electric public utility, as defined by K.S.A. 66-101a, and amendments thereto, any cooperative, as defined by K.S.A. 17-4603, and amendments thereto, an electric utility owned by one or more such cooperatives, a nonstock member-owned electric cooperative corporation incorporated in this state or a municipally owned or operated electric utility.

(b) No person or entity required to be registered with the secretary

of state pursuant to the business entity standard treatment act, K.S.A. 17-1901 et seq., and amendments thereto, shall engage in the business or act in the capacity of a distributed energy retailer within this state unless such person or entity is registered with the secretary of state, in good standing and authorized to conduct business in the state.

(c) Prior to entering into a contract with a distributed energy customer for a distributed energy system, a distributed energy retailer shall provide such customer a separate disclosure document that:

(1) Is written in at least 10-point font;

(2) is written in the language that the distributed energy retailer used to speak to the distributed energy customer during the sales process or the language requested by such customer;

(3) includes a description of the make and model of the distributed energy system's major components and the expected useful life of the distributed energy system;

(4) includes a guarantee concerning the quantity of energy that the distributed energy system will generate on a measurable interval and a remedy if such system does not comply with such guarantee within one year following the date the system received permission to operate;

(5) does not contain blank spaces that may be subsequently filled in with terms or conditions that materially affect the timing, value or obligation of the contract unless such terms and conditions are separately acknowledged in writing by the distributed energy customer;

(6) includes, in bold font and highlighted type, the total aggregate cost to the distributed energy customer that will be incurred over the entirety of the contract. Such total aggregate cost shall be separately acknowledged in writing by the distributed energy customer;

(7) includes a description of the ownership and transferability of any tax credits, rebates, incentives or renewable energy certificates in connection with the distributed energy system;

(8) includes the name and certification number of the individual certified by the north American board of certified energy practitioners who will oversee the permitting and installation of the distributed energy system or the name and license number of the master electrician or electrical contractor who will oversee the permitting and installation of the distributed energy system;

(9) provides a description of the process and all associated fees for transferring any financing, warranty or other agreements relating to the distributed energy system to a new owner;

(10) includes the name, phone number, email and mailing address of the person or entity that the distributed energy customer may contact for questions regarding performance, maintenance or repair of the distributed energy system;

(11) includes a description of the assumptions used for any savings estimates that were provided to the distributed energy customer and provides a description of the applicable utility billing structure that pertains to the distributed energy system. Such descriptions and assumptions shall include the same provisions as outlined in the standard form published by the attorney general pursuant to section 3, and amendments thereto;

(12) includes a statement that the distributed energy retailer shall provide the distributed energy customer proof that, within 30 days of completion of installation:

(A) All permits required for the installation of the distributed energy system were obtained prior to installation, if applicable;

(B) the distributed energy system was inspected and approved by a qualified individual pursuant to the requirements of any local municipal ordinance or county resolution;

(C) the necessary interconnection applications and documentation were submitted to and approved by the affected utility; and

(D) the distributed energy system received permission to operate;

(13) includes a statement that any recurring payments for a distributed energy system shall pause and not be due if such system does not receive permission to operate within 90 days of the date that the first recurring payment is due. Such recurring payments may resume at the time that such system receives permission to operate. Any payments due during any such pause shall either be forgiven or added to the end of the financing term and shall not incur any penalties for nonpayment during such term;

(14) includes a statement describing any rate escalation, balloon payment or potential reconfiguration of payment structure;

(15) includes a statement as to whether operations or maintenance services are included as part of the original contract price and whether the costs to remove, reinstall and repair the distributed energy system are included as part of the original contract price should the distributed energy system need to be removed, reinstalled or repaired due to natural causes or due to any exterior repair, replacement, construction or reconstruction work on the premises;

(16) includes a statement describing the expected start and completion dates for the installation of the distributed energy system;

(17) includes a statement indicating whether any warranty or maintenance obligations related to the distributed energy system may be transferred by the distributed energy retailer to a third party and, if so, a statement that provides: "The maintenance and repair obligations under your contract may be assigned or transferred without your consent to a third party who, if required pursuant to state law, shall be registered with the secretary of state, in good standing and authorized to conduct busi-

ness in the state and bound to all the terms of the contract. If a transfer occurs, you will be notified in writing of any change to the name, mailing address, email or phone number to use for questions and payments or to request system maintenance or repair";

(18) includes a statement indicating whether the distributed energy retailer shall place a lien, notice or other filing on or against real property as a result of the contract;

(19) includes a statement, in bold font and highlighted type, indicating whether the distributed energy retailer will impose any fees or other costs upon the distributed energy customer. If any such fees or other costs will be charged to the distributed energy customer, the aggregate total of such fees and other costs shall be provided and separately acknowledged in writing by the distributed energy customer;

(20) includes a statement in capital letters and bold font and highlighted type that states: "[name of distributed energy retailer] is not affiliated with any utility company or governmental agency and shall not claim any such affiliation"; and

(21) may include any additional information that the distributed energy retailer considers appropriate, only if such additional information is not intended to conceal or obscure the disclosures required pursuant to this section.

(d) The disclosure statement required pursuant to this section shall be signed and dated by the distributed energy customer at least one calendar day after the date that the contract for the distributed energy system was executed.

(e) (1) Any person or entity that violates the provisions of subsection (b) or any distributed energy retailer that fails to provide and perform the disclosures in the form and manner required pursuant to this section or that makes a materially misleading statement as a part of or when presenting such disclosures shall be liable for a civil penalty in an amount not to exceed $10,000 for each such violation. Such violator shall be liable to the aggrieved person or distributed energy customer, or to the state, for the payment of such civil penalty. Such civil penalty shall be recoverable in an action brought by the aggrieved person or customer or the attorney general, county attorney or district attorney. Any such civil penalty shall be in addition to any other relief that may be granted pursuant to any other remedy available in law or equity.

(2) If a distributed energy retailer fails to comply with this section, any contract entered into between the distributed energy retailer and the distributed energy customer that pertains to the distributed energy system shall be deemed null and void.

(f) This section shall not apply to a transaction of real property on which a distributed energy system is already located.

(g) The provisions of this section shall take effect and be in force from and after July 1, 2025.

New Sec. 2. (a) To allow a distributed energy retailer to provide informed and accurate information to a distributed energy customer pursuant to section 1, and amendments thereto, upon request of any distributed energy retailer, a utility shall disclose all applications, rules, service standards, forms or other documents required for interconnection of a distributed energy system pursuant to K.S.A. 66-1,184 or 66-1263 et seq., and amendments thereto, or a net metering tariff that was voluntarily established by a utility, including the utility's historic amount of compensation per kilowatt hour for interconnected systems and the current compensation amount for such systems. Such historic amount of compensation shall be provided in a dollar amount and shown on a monthly or similar billing period basis for not less than the preceding five years.

(b) The provisions of this section shall take effect and be in force from and after July 1, 2025.

New Sec. 3. (a) The attorney general shall appoint and convene an advisory group to collectively develop, approve and periodically revise a standard form that may be used by distributed energy retailers to perform and provide the the disclosures required pursuant to section 1, and amendments thereto. Such advisory group shall consist of the attorney general or the attorney general's designee, representatives from interested groups, including representatives of distributed energy retailers and utilities, one or more members of the general public who owns residential real property in this state, one or more assistant attorneys general and any other members that the attorney general considers necessary or appropriate.

(b) On or before July 1, 2025, the attorney general shall publish on the attorney general's website the most current version of the standard form that is developed and approved by the advisory group pursuant to this section.

Sec. 4. K.S.A. 66-1,184 is hereby amended to read as follows: 66-1,184. (a) *As used in this section:*

(1) "Avoided cost" means the incremental cost to a utility of electric energy that such utility would generate itself or purchase from another source and as such term is interpreted by the federal energy regulatory commission from time to time.

(2) "Distributed energy system" means any device or assembly of devices and supporting facilities that are capable of feeding excess electric power generated by a customer's energy producing system into the utility's system, such that all energy output and all other services will be fully consumed by the customer or the utility.

(3) "Export" means power that flows from a customer's electrical system through such customer's billing meter and onto the utility's electricity lines. "Export" includes the sum of power on all phase conductors.

(4) "Interconnected" means a listed system that is designed to export power and attached or connected on the customer's side of the retail meter at the customer's delivery point.

(5) "Listed" means that the device or equipment has been tested and certified to meet the institute of electrical and electronics engineers safety standards that specifically pertain to the intended function of the device or equipment.

(6) "Locational marginal price" means the hourly average market price of alternating current energy per kilowatt hour established by the applicable locational marginal price pricing node of the southwest power pool.

(7) "Monthly system average cost of energy per kilowatt hour" means the sum of all volumetric costs incurred by an electric utility during a calendar month or similar billing period as billed to the utility by generation and transmission providers and any volumetric generation costs incurred by the utility to generate energy divided by the total amount of retail kilowatt-hours that the utility sold in such month or billing period.

(8) "Permission to operate" means the operational date of the customer's distributed energy system as determined by the utility.

(9) "Utility" means any electric public utility as defined in K.S.A. 66-101a, and amendments thereto, cooperative as defined in K.S.A. 17-4603, and amendments thereto, electric utility owned by one or more such cooperatives, nonstock member-owned electric cooperative corporation incorporated in this state or municipally owned or operated electric utility.

(10) "Witness test" means an authorized representative of the electric utility who measures or verifies a specific setting or operational condition.

(b) ~~Except as provided in subsection (b),~~ *Except as otherwise provided in this section,* every ~~public~~ utility ~~which provides retail electric services in this state~~ *that provides retail electric service in this state* shall enter into a contract for parallel generation service with any person who is a customer ~~of~~ *in good standing with* such utility~~, upon request of such customer, whereby~~ *that authorizes* such customer ~~may~~ *to* attach or connect to the utility's delivery and metering system ~~an apparatus or~~ *a listed* device for the purpose of ~~feeding~~ *exporting* excess electrical power ~~which is~~ generated by such customer's *distributed* energy ~~producing~~ system ~~into~~ *to* the utility's system. No such ~~apparatus or~~ device shall ~~either~~ cause damage to the public utility's system or equipment or present an undue hazard to utility personnel. ~~Every such contract shall include, but need not be limited to, provisions relating to fair and equitable compensation on such customer's monthly bill for energy supplied to the utility by such customer.~~

~~(b) (1) For purposes of this subsection:~~

~~(A) "Utility" means an electric public utility, as defined by K.S.A. 66-101a, and amendments thereto, any cooperative, as defined by K.S.A. 17-4603, and amendments thereto, or a nonstock member-owned electric cooperative corporation incorporated in this state, or a municipally owned or operated electric utility;~~

~~(B) "school" means Cloud county community college and Dodge City community college.~~

~~(2) Every utility which provides retail electric services in this state shall enter into a contract for parallel generation service with any person who is a customer of such utility, if such customer is a residential customer of the utility and owns a renewable generator with a capacity of 25 kilowatts or less, or is a commercial customer of the utility and owns a renewable generator with a capacity of 200 kilowatts or less or is a school and owns a renewable generator with a capacity of 1.5 megawatts or less. Such generator shall be appropriately sized for such customer's anticipated electric load. A commercial customer who uses the operation of a renewable generator in connection with irrigation pumps shall not request more than 10 irrigation pumps connected to renewable generators be attached or connected to the utility's system. At the customer's delivery point on the customer's side of the retail meter such customer may attach or connect to the utility's delivery and metering system an apparatus or device for the purpose of feeding excess electrical power which is generated by such customer's energy producing system into the utility's system. No such apparatus or device shall either cause damage to the utility's system or equipment or present an undue hazard to utility personnel.~~

(c) (1) A utility may require any customer who is seeking to construct and install a distributed energy system to submit an application prior to any connection of the distributed energy system with the utility's system, notify the utility of the proposed distributed energy system and verify that such system is constructed, installed and operated in accordance with all applicable standards and codes.

(2) Any customer that submits an application to construct, install and operate a distributed energy system shall have the option to remain on a retail rate tariff that is identical to the same rate class for which such customer would otherwise qualify as a retail customer who is not otherwise receiving service under a parallel generation service tariff or net metering tariff.

(3) A utility shall provide written notice of receipt of any application submitted pursuant to this section to the applicant within 30 days following such receipt. A utility shall approve or deny any such application or a request for system certification pursuant to such an application within 90 calendar days following receipt of such application or request. If one or

more additional studies are required, a utility shall not be subject to such 90-day deadline but shall provide the applicant with an estimated time frame for action on such application and act on such application as soon as practicable after any such studies are completed. If the utility denies such application or request, the utility shall provide to the applicant a list of the reasons for such denial and the corrective actions needed for approval.

(4) A utility may assess upon any customer requesting to install a distributed energy system:

(A) A fair and reasonable nonrefundable interconnection application fee;

(B) any applicable costs incurred by the utility for any study conducted to verify and allow the requested export capacity to be interconnected at the customer's point of delivery, including, but not limited to, costs incurred as a result of the southwest power pool's study processes; and

(C) costs associated with any related system upgrade costs, devices and equipment required to be furnished by the utility for the provision of accepting the requested export capacity.

(d) (1) Every ~~such~~ contract *for parallel generation service* shall include~~, but need not be limited to,~~ provisions relating to fair and equitable compensation for energy ~~supplied~~ *exported* to the utility by such customer. *Except as authorized pursuant to paragraph (4),* such compensation shall be ~~not less than 100% of the utility's monthly system average cost of energy per kilowatt hour except that in the case of renewable generators with a capacity of 200 kilowatts or less, such compensation shall be not less than 150% of the utility's monthly system average cost of energy per kilowatt hour~~ *not less than 100% of the utility's monthly avoided cost*.

(2) A utility ~~may~~ *shall* credit such compensation to the customer's account ~~or pay such compensation to the customer at least annually or when the total compensation due equals $25 or more~~.

(3) A utility shall disclose to any customer the formula that the utility uses to determine the compensation that the utility provides pursuant to a contract for parallel generation service.

(4) (A) A utility may use locational marginal price or the monthly system average cost of energy per kilowatt hour to determine compensation for energy exported to the utility by the customer. Any such utility that uses locational marginal price or monthly system average cost of energy per kilowatt hour shall compensate the customer for the energy exported to the utility at least annually. Such compensation may be paid to such customer or credited to the customer's account. When determining compensation pursuant to this paragraph, in no case shall a utility issue an invoice for energy exported to the utility by the customer's distributed energy system. Upon the request of any customer who is subject to such

locational marginal price compensation pursuant to this paragraph, the utility shall disclose the locational marginal price and the corresponding amount of energy exported to the utility by the customer's distributed energy system.

(B) The provisions of this paragraph shall expire on July 1, 2030.

~~(3)~~*(e)* A customer-generator of any ~~investor owned~~ *investor-owned* utility shall have the option of entering into a contract pursuant to this ~~subsection (b)~~ *section* or utilizing the net metering and easy connection act. The customer-generator shall exercise the option in writing, filed with the utility.

~~(c)~~*(f)* The following terms and conditions shall apply to contracts ~~entered into under subsection (a) or (b)~~ *for parallel generation service*:

(1) The utility ~~will supply~~ *shall furnish*, own~~,~~ and maintain*, at the utility's expense,* all necessary meters and associated equipment utilized for billing~~. In addition, and for the purposes of monitoring customer generation and load,~~*;*

(2) the utility may install*,* at ~~its~~ *the utility's* expense, load research ~~metering.~~ *meters and equipment to monitor customer generation and load.* The customer shall ~~supply~~ *provide*, at no expense to the utility, a suitable location for *such* meters and ~~associated~~ equipment ~~used for billing and for load research~~;

~~(2)~~*(3)* for the purposes of ~~insuring~~ *ensuring* the safety and quality of utility system power, the utility shall have the right to require the customer, at certain times and as electrical operating conditions warrant, to limit the production of electrical energy from the generating facility to an amount no greater than the load at the customer's facility of which the generating facility is a part;

~~(3)~~*(4)* the customer shall furnish, install, operate~~,~~ and maintain in good order and repair ~~and without cost to the utility, such relays, locks and seals, breakers, automatic synchronizer, and other control and protective apparatus as shall be designated by the utility as being required as~~*, at the customer's expense, a listed device that is* suitable for the operation of the ~~generator~~ *customer's distributed energy system* in parallel with the utility's system. ~~In any case where the customer and the utility cannot agree to terms and conditions of any such contract, the state corporation commission shall establish the terms and conditions for such contract. In addition,~~

(5) the utility may install, own~~,~~ and maintain a disconnecting device located near the electric meter or meters~~.~~ *or may require that a customer's distributed energy system contain a switch, circuit breaker, fuse or other device or feature that may be accessed by the utility at any time and would provide an authorized utility worker the ability to manually disconnect the customer's distributed energy system from the utility's electric distribution system;*

(6) interconnection facilities between the customer's and the utility's equipment shall be accessible at all reasonable times to utility personnel. ~~Upon notification by the customer of the customer's intent to construct and install parallel generation, the utility shall provide the customer a written estimate of all costs that will be incurred by the utility and billed to the customer to accommodate the interconnection. The customer may be required to reimburse the utility for any equipment or facilities required as a result of the installation by the customer of generation in parallel with the utility's service.~~*;*

(7) the customer shall notify the utility prior to the initial energizing and start-up testing of the ~~customer-owned generator, and the utility shall have the right to have a representative present at such test~~ *customer's distributed energy system*;

~~(4) the utility may require a special agreement for conditions related to technical and safety aspects of parallel generation; and~~

~~(5)~~*(8) prior to granting permission to operate, the utility may require:*

(A) A witness test of the customer's distributed energy system and interconnection facilities;

(B) the customer to provide the certificate of inspection of the customer's distributed energy system completed pursuant to any municipal ordinance or code requirements or a certification from an electrician or electrical engineer licensed in this state that the system is installed according to applicable codes and standards; and

(C) the customer to provide documentation that the customer's distributed energy system was constructed and installed under the direction of a person who is certified by the north American board of certified energy practitioners or either a master electrician or electrical contractor licensed under the provisions of K.S.A. 12-1525 et seq., and amendments thereto;

(9) the utility may periodically require a witness test of the customer's distributed energy system and interconnection facilities throughout the provision of parallel generation service;

(10) the utility shall have the right and authority to disconnect and isolate a customer's distributed energy system without notice and at utility's sole discretion when:

(A) Electric service to a customer's premises is discontinued for any reason;

(B) adverse electrical effects, such as power quality problems, are occurring or are believed to be occurring on the utility's system or the electrical equipment of other utility customers;

(C) hazardous conditions on the utility's system are occurring or are believed to be occurring as a result of the operation of the distributed energy system or protective equipment;

(D) the utility identifies uninspected or unapproved equipment or modifications to the distributed energy system after initial approval;

(E) there is recurring abnormal operation, substandard operation or inadequate maintenance of the distributed energy system;

(F) the customer fails to remit payment to the utility for any amounts owed, including, but not limited to, amounts invoiced;

(G) the customer does not comply with the obligations of the interconnection agreement, except that, if such noncompliance is not an emergency situation, the utility shall give a customer 90 days to cure the noncompliance prior to disconnecting and isolating the distributed energy system; or

(H) such disconnection is necessary due to emergency or maintenance purposes. In the event that the utility disconnects the distributed energy system for maintenance, the utility shall make reasonable efforts to reconnect the distributed generating system as soon as practicable; and

(11) the customer shall retain the authority to temporarily disconnect such customer's distributed energy system from the utility's system at any time. Any such temporary disconnection shall not be construed as a customer's termination of the interconnection agreement without an express action to terminate such agreement pursuant to the terms and conditions of the agreement.

(g) The export capacity of a customer's renewable energy system shall be appropriately sized for such customer's anticipated electric load as follows:

(1) (A) Divide the customer's historic consumption in kilowatt-hours for the previous 12-month period by 8,760 and divide such quotient by a capacity factor of:

(i) 0.144 when such customer is in the service territory of an investor-owned utility; and

(ii) 0.288 when such customer is in the service territory of a cooperative as defined in K.S.A. 17-4603, and amendments thereto, an electric utility owned by one or more of such cooperatives, a nonstock member-owned electric cooperative corporation incorporated in this state or a municipally owned or operated electric utility; or

(B) if the customer does not have historic consumption data that adequately reflects the customer's consumption at such premises, the customer's historic consumption for the previous 12-month period shall be 7.15 kilowatt-hours per square foot of conditioned space; and

(2) round the amount determined pursuant to paragraph (1) up to the nearest one kilowatt alternating current power increment.

(h) (1) Except as provided in subsection (i), each utility shall, make parallel generation service available to customers who are in good standing with the utility, on a first-come, first-served basis, until the utility's aggregate export capacity from all distributed energy systems, including

systems that are subject to a parallel generation service tariff established pursuant to this section and systems that are subject to a net metering tariff that was either voluntarily established by the utility or pursuant to K.S.A. 66-1263 et seq., and amendments thereto, equals or exceeds the following:

(A) Commencing on July 1, 2025, 6% of the utility's historic peak demand;

(B) commencing on July 1, 2026, 7% of the utility's historic peak demand; and

(C) commencing on July 1, 2027, and each year thereafter, 8% of the utility's historic peak demand.

(2) The utility may limit the ~~number and size~~ *export capacity* of ~~renewable generators~~ *additional distributed energy systems* to be connected to the utility's system due to the capacity of the distribution line to which such ~~renewable generator would~~ *distributed energy system will* be connected~~, and in no case shall the utility be obligated to purchase an amount greater than 4% of such utility's peak power requirements~~.

(i) (1) A utility shall not be required to make parallel generation service available to any customer who has a new or expanded facility that receives electric service at a voltage of 34.5 kilovolts or higher and commences such electric service on or after July 1, 2025.

(2) To determine a utility's historic peak demand for purposes of subsection (h), a utility's peak demand shall not include the additional demand of any new or expanded facility of an industrial, commercial or data center customer that receives electric service at a voltage of 34.5 kilovolts or higher and commences such electric service on or after July 1, 2025.

(3) The provisions of this subsection shall expire on July 1, 2026.

(j) For any customer with a distributed energy system:

(1) The customer shall own and maintain any necessary export-limiting device;

(2) protections shall be in place to restrict the export-limiting device settings to qualified persons;

(3) the utility shall have the option to require a witness test of the export-limiting device's functions or settings prior to granting permission to operate and at any time while the distributed energy system is connected to the utility's system;

(4) the export capacity of the system shall not be increased without prior approval of the utility;

(5) the customer shall allow the utility to perform periodic witness tests of the export-limiting device's functions or settings upon request;

(6) if the export-limiting device's functions or settings are incorrect or if the device fails to limit the export of power below the designed export capacity for more than 15 minutes in any single event, the customer

shall cease operation of the system until repair or reprogramming of the export-limiting device is completed. For purposes of this subparagraph, the utility may require and conduct a witness test prior to authorizing the customer to resume operation of the system; and

(7) the utility shall not restrict the brand or model of the export-limiting device if the device is approved by the manufacturer of a listed distributed energy system or is listed to perform such operations in conjunction with the customer's system.

~~(d)~~*(k) (1) (A) For a utility that is subject to the jurisdiction, regulation, supervision and control of the state corporation commission,* service under any *parallel generation service* contract ~~entered into under subsection (a) or (b)~~ shall be subject to either the utility's rules and regulations on file with the state corporation commission, which shall include a standard interconnection process and requirements for such utility's system, or the current federal energy regulatory commission interconnection procedures and regulations.

(B) For a utility that is not subject to the jurisdiction, regulation, supervision and control of the state corporation commission, service under any parallel generation service contract shall be subject to the current federal energy regulatory commission interconnection procedures and regulations.

~~(c)~~*(2)* In any case where the ~~owner of the renewable generator~~ *customer* and ~~the~~ *a* utility *that is subject to the jurisdiction, regulation, supervision and control of the state corporation commission* cannot agree to terms and conditions of any contract provided for by this section, the state corporation commission shall establish the terms and conditions for such contract.

(l) A utility shall not impose any additional fees, charges or requirements for the provision of parallel generation service unless expressly authorized pursuant to this section. Nothing in this section shall be construed to:

(1) Prohibit a utility from charging a distributed energy customer for the use of the utility's system; and

(2) authorize a utility to charge a distributed energy customer for power exported to the utility by such customer.

(m) (1) Any customer who has received approval from a utility to construct or operate a distributed energy system pursuant to this section shall notify the utility within 30 calendar days following the date that the construction has been canceled or the system is permanently shut down. Upon receipt of such notice, the utility shall cancel the parallel generation service contract with such customer.

(2) If a utility has reason to suspect that a customer's distributed energy system has been abandoned and is no longer producing energy,

such utility may request verification from the customer that the system is still functioning, or that the customer has a reasonable plan to reenergize the system. If the customer fails to repair the system or provide a reasonable plan to complete such repairs within six months, the utility shall have the option to cancel the parallel generation service contract with such customer.

(3) Upon cancellation of any parallel generation service contract pursuant to this subsection, the utility shall not be obligated to refund any fees previously paid by the customer.

(n) (1) A customer shall have the right to repair or rebuild such customer's distributed energy system with listed equipment as long as such repair or rebuilding does not cause an increase in export capacity.

(2) If a customer repairs or replaces a distributed energy system, the customer shall notify the utility prior to such repair or replacement and provide proof that the new equipment complies with the same rules, regulations and approved capacity as the original installation. The utility shall have the right to require and conduct a witness test prior to authorizing operation of the system. A customer who repairs or replaces a system pursuant to this paragraph shall not be required to submit a new parallel generation service application to the utility.

(3) A customer shall not repair or replace a distributed energy system in a way that increases the export capacity of the system without providing prior notification to the utility. The utility may require the customer to submit a new parallel generation service application to include the new provisions and requirements relating to such system.

~~(f)~~*(o) (1)* The governing body of any school desiring to proceed under this section shall, prior to taking any action permitted by this section, make a finding that either:

~~(1)~~*(A)* Net energy cost savings will accrue to the school from such renewable generation over a 20-year period; or

~~(2)~~*(B)* that such renewable generation is a science project being conducted for educational purposes and that such project may not recoup the expenses of the project through energy cost savings.

(2) Any school proceeding under this section may contract or enter into a finance, pledge, loan or lease-purchase agreement with the Kansas development finance authority as a means of financing the cost of such renewable generation.

~~(g)~~*(p)* ~~Each kilowatt of nameplate capacity of the parallel generation of electricity provided for in this section shall count as 1.10 kilowatts toward the compliance of the affected utility, as defined in K.S.A. 66-1257, and amendments thereto, and with whom the customer-generator has contracted, with the renewable energy standards act in K.S.A. 66-1256 through 66-1262, and amendments thereto~~*Nothing in this section shall*

be construed to require any cooperative as defined in K.S.A. 17-4603, and amendments thereto, electric utility owned by one or more such cooperatives, nonstock member-owned electric cooperative corporation incorporated in this state or municipally owned or operated electric utility to opt in to or otherwise participate in any demand response or distributed energy resource aggregation programs.

~~(h)~~*(q)* The provisions of the net metering and easy connection act shall not preclude the state corporation commission from approving net metering tariffs upon request of an electric utility for other methods of renewable generation not prescribed in ~~subsection (b)(1) of~~ K.S.A. 66-1264*(b)(1)*, and amendments thereto.

Sec. 5. K.S.A. 66-1268 is hereby amended to read as follows: 66-1268. (a) Net metered facilities must meet all applicable safety, performance, interconnection and reliability standards established by the national electrical code, the national electrical safety code, the institute of electrical and electronics engineers, underwriters laboratories, the federal energy regulatory commission and any local governing authorities. A utility may require that a customer-generator's system contain a switch, circuit breaker, fuse or other easily accessible device or feature located in immediate proximity to the customer-generator's metering equipment that would allow a utility worker the ability to manually and instantly disconnect the unit from the utility's electric distribution system.

(b) A utility may not require a customer-generator whose net metering facility meets the standards in subsection (a) to comply with additional safety or performance standards or perform or pay for additional tests or purchase additional liability insurance. A utility shall not be liable directly or indirectly for permitting or continuing to allow an attachment of a net metered facility or for the acts or omissions of the customer-generator that cause loss or injury, including death, to any third party.

(c) (1) Any customer-generator who has received approval from a utility to construct or operate a net metering facility shall notify the utility within 30 calendar days following the date that the construction has been canceled or the facility is permanently shut down. Upon receipt of such notice, the utility shall cancel the interconnection agreement with such customer.

(2) If a utility has reason to suspect that a customer-generator's facility has been abandoned and is no longer producing energy, such utility may request verification from the customer-generator that the facility is still functioning or that the customer-generator has a reasonable plan to reenergize the facility. If the customer-generator fails to repair the facility or provide a reasonable plan to complete such repairs within six months, the utility shall have the option to cancel the interconnection agreement with such customer-generator.

(3) Upon cancellation of any interconnection agreement pursuant to this subsection, the utility shall not be obligated to refund any fees previously paid by the customer-generator.

(d) (1) A customer-generator shall have the right to repair or rebuild such customer-generator's net metering facility that is subject to an interconnection agreement with listed equipment as long as such repair or rebuilding does not cause an increase in export capacity.

(2) If a customer-generator repairs or replaces a facility, the customer shall notify the utility prior to such repair or replacement and provide proof that the new equipment complies with the same rules, regulations and approved capacity as the original installation. The utility shall have the right to require and conduct a witness test prior to authorizing operation of the facility. A customer who repairs or replaces a facility pursuant to this paragraph shall not be required to submit a new net metering interconnection application to the utility.

(3) A customer-generator shall not repair or replace a facility system in a way that increases the export capacity of the system without providing prior notification to the utility. The utility may require the customer-generator to submit a new net metering interconnection application to include the new provisions and requirements relating to such facility.

Sec. 6. K.S.A. 66-1,184 and 66-1268 are hereby repealed.

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

Approved April 7, 2025.

Published in the *Kansas Register* May 1, 2025.

CHAPTER 67

HOUSE BILL No. 2088*

AN ACT concerning housing; enacting the fast-track permits act; requiring local governments to meet specified deadlines for issuing building permits for real estate development; requiring the secretary of health and environment to issue a decision within 45 days on an application for an authorization to discharge stormwater runoff from construction activities under the federal national pollutant discharge elimination system general permit or a rainfall erosivity waiver.

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

Section 1. (a) The provisions of sections 1 through 3, and amendments thereto, shall be known and may be cited as the fast-track permits act.

(b) The purpose of the fast-track permits act is to enhance economic growth in local communities and reduce the regulatory burden on entrepreneurs, developers and homeowners by streamlining the review process for local building permits.

Sec. 2. For the purposes of the fast-track permits act:

(a) "Act" means the fast-track permits act, sections 1 through 3, and amendments thereto.

(b) "Applicant" means a person that submits an application to a local government, including a person designated to act on the applicant's behalf.

(c) "Application" means a request to the appropriate local governmental authority for a building permit related to the development of a single-family residential improvement upon real estate within the jurisdiction of such local governmental authority. "Application" does not include an appeal to a zoning board of appeals or planning commission designated as a zoning board of appeals.

(d) (1) "Complete application" means an application containing all information and meeting all requirements pursuant to:

(A) A rule, resolution, ordinance or policy of the local government that was adopted prior to the date that the complete application was submitted to the local government by the applicant; or

(B) applicable state or federal law.

(2) A "complete application" shall also include the applicant's mailing address, telephone number, email address, if the applicant has an email address and facsimile number, if the applicant has a fax number.

(e) "Local government" or "local governmental authority" means the applicable governing body, commission, board or other authority of a municipality, city, county, township, district or other political subdivision of this state with jurisdiction over an application.

Sec. 3. (a) (1) (A) Except as provided by subparagraph (B), a local government shall approve or deny an application and provide written notice

of such decision to the applicant within 60 days of receipt of a complete application. If an application is not complete, the local government shall provide written notice to the applicant of the reason or reasons that the application is deemed not complete within 15 days of receipt of the application and provide an opportunity for the applicant to submit missing information, make required modifications or cure any other deficiency. If the application is not complete when received by the local government, the date that the applicant completes the application shall constitute the date of receipt of the application, except as provided by paragraph (2).

(B) The requirement that the local government approve or deny an application and provide written notice of such decision to the applicant within 60 days of receipt of a complete application pursuant to the provisions of subsections (a) and (b) shall not apply if an applicant agrees in writing to proceed with phased permitting.

(2) If the local government fails to provide written notice to the applicant that an application is not complete within 15 days of receipt of an incomplete application, the deadline of 60 days for the provision of written notice of approval or denial by the local government pursuant to paragraph (1) shall apply starting from the date that such incomplete application was received. If any deficiency in the application requires resolution prior to a decision by the local government and such deficiency cannot be cured by the applicant within the period required that the local government may reasonably approve or deny the application, the local government shall deny the application as required by this act, with leave for the applicant to resubmit the application. The provisions of paragraph (1) shall apply to any resubmitted application in the same manner applicable to the initial application. No additional filing fees shall be charged by the local government with respect to such a resubmission of an application following a denial. An application may be denied and resubmitted more than once in the event that the applicant is unable to timely cure a deficiency.

(b) If a local government fails to provide written notice to an applicant of the approval or denial of an application within 60 days from the date that such application is received or deemed received by the local government pursuant to subsection (a)(1) or (2), the application shall be deemed approved by the local government.

(c) (1) The local government shall state the reasons for a denial of an application in the written notice to the applicant. A local government shall not deny an application on the basis of a rule, resolution, ordinance or policy of the local governmental authority or respective municipality, city, county, township, district or other political subdivision of the state that is adopted or amended subsequent to the date the complete application was submitted by the applicant to the local government.

(2) In approving an application, the local government shall not require any conditions or requirements pursuant to a rule, resolution, ordinance or policy of the local governmental authority or respective municipality, city, county, township, district or other political subdivision that was not adopted or amended prior to the date that the complete application was submitted by the applicant to the local government.

(d) For purposes of this act, any required signatures may be electronic. A local government shall provide written notice of a decision on an application or of an incomplete application, and an applicant shall submit an application on the date that the:

(1) Notice is deposited in the United States mail by the local government, addressed to the address provided by the applicant and proof of the date of mailing is obtained;

(2) application of the applicant is received in the United States mail by the local government;

(3) notice or application is written in the body of or in an attachment to an email sent to the email address provided by the applicant or local government. If possible, the email shall be sent with a request for a delivery receipt confirming that the email was delivered to the recipient's email server;

(4) notice or application is faxed to the facsimile number provided by the applicant or local government; or

(5) notice or application is submitted to a private courier for delivery addressed to the address provided by the applicant or local government and proof of the date of submission to such courier is obtained.

(e) For purposes of determining deadlines pursuant to this act, weekends shall be included. Federal or state holidays shall not be included.

(f) The provisions of this section shall not supersede any rule, resolution, ordinance or policy of a municipality, city, county or other political subdivision of this state providing for a shorter period of time for a local governmental authority to issue decisions upon applications or give notice of incomplete applications. The specified deadlines and provisions of this section shall apply in addition to any such requirements.

Sec. 4. Within 45 days of the submittal by an applicant to the department of health and environment of a complete notice of intent to discharge stormwater runoff from construction activities requesting authorization to discharge stormwater runoff from construction activities under the federal national pollutant discharge elimination system general permit or a rainfall erosivity waiver application and including all supporting documentation pursuant to applicable federal or state law, the secretary of health and environment shall issue an authorization, waiver or denial, as determined by the secretary, to the applicant. The provisions of this section shall not be construed to supersede conflicting federal law.

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

Approved April 7, 2025.

CHAPTER 68

House Substitute for SENATE BILL No. 9

AN ACT concerning property; relating to certain lands and military installations; enacting the Kansas land and military installation protection act; prohibiting foreign principals from countries of concern from acquiring any interest in certain real property in this state; authorizing the fusion center oversight board to adopt rules and regulations to add or remove federally designated foreign terrorist organizations from the definition of country of concern; prohibiting foreign principals from countries of concern from receiving any economic development program benefits; relating to drones and drone technology; prohibiting the acquisition of critical components of drone technology from countries of concern; amending K.S.A. 2024 Supp. 60-4104 and 60-4106 and repealing the existing sections.

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

New Section 1. (a) Sections 1 through 8, and amendments thereto, shall be known and may be cited as the Kansas land and military installation protection act.

(b) The purpose of this act is to protect certain real property and military installations located in this state by prohibiting countries of concern and any agent thereof from acquiring any interest in such real property.

New Sec. 2. As used in sections 1 through 8, and amendments thereto:

(a) "Attorney general" means the attorney general of the state of Kansas.

(b) "Company" means any:

(1) For-profit corporation, partnership, limited partnership, limited liability partnership, limited liability company, joint venture, trust, association, sole proprietorship or other organization, including any:

(A) Subsidiary of such company, a majority ownership interest of which is held by such company;

(B) parent company that holds a majority ownership interest of such company;

(C) other affiliate or business association of such company whose primary purpose is to make a profit; and

(D) representative agent of such company; or

(2) nonprofit organization.

(c) (1) "Country of concern" means the following:

(A) (i) People's republic of China, including the Hong Kong special administrative region;

(ii) republic of Cuba;

(iii) islamic republic of Iran;

(iv) democratic people's republic of Korea;

(v) Russian federation; and

(vi) Bolivarian republic of Venezuela.

(B) "Country of concern" does not include the republic of China (Taiwan); and

(2) any organization that is designated as a foreign terrorist organization as of July 1, 2025, pursuant to 8 U.S.C. § 1189, as in effect on July 1, 2025, except as otherwise provided by rules and regulations adopted by the fusion center oversight board pursuant to section 7, and amendments thereto.

(d) "De minimis interest" means any interest in real property that is:

(1) The result of ownership of registered securities in a publicly traded company; and

(2) such ownership is:

(A) Less than 10% of any class of registered securities or less than 10% of the aggregate registered securities of multiple classes of securities; or

(B) a noncontrolling interest in an entity that is controlled by a company that is registered with the United States securities and exchange commission as an investment adviser under the investment advisers act of 1940, P.L. 117-263 and such company is not domiciled outside of the United States.

(e) "Domicile" means the country where:

(1) A company is organized;

(2) a company completes a substantial portion of its business; or

(3) a majority of a company's ownership interest is held.

(f) "Economic development incentive program" means:

(1) Any economic development incentive program administered wholly or in part by the secretary of commerce;

(2) any tax credit, except for social and domestic tax credits, regardless of the administering state agency;

(3) property that has been exempted from ad valorem taxation under the provisions of section 13 of article 11 of the constitution of the state of Kansas;

(4) property that has been purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under any authority granted in article 17 of chapter 12 of the Kansas Statutes Annotated, and amendments thereto;

(5) any economic development fund, including, but not limited to, the job creation program fund established by K.S.A. 74-50,224, and amendments thereto, and the economic development initiatives fund established by K.S.A. 79-4804, and amendments thereto; and

(6) any other economic development incentive program that provides any form of tax credit, abatement or exemption or financial assistance provided by or authorized by a governmental entity.

(g) "Foreign principal" means:

(1) The government or any official of the government of a country of concern;

(2) any political party, subdivision thereof or any member of a political party of a country of concern;

(3) any corporation, partnership, association, organization or other combination of persons organized under the laws of or having its principal place of business in a country of concern. "Foreign principal" includes any subsidiary owned or wholly controlled by any such entity;

(4) any agent of or any entity otherwise under the control of a country of concern;

(5) any individual who is a citizen or resident of a country of concern and is not a citizen or lawful permanent resident of the United States; or

(6) any individual, entity or combination thereof described in paragraphs (1) through (5) that has a controlling interest in any company formed for the purpose of holding any interest in real property.

(h) "Fusion center oversight board" means the fusion center oversight board established in K.S.A. 2024 Supp. 48-3705, and amendments thereto.

(i) "Interest in real property" means any:

(1) Ownership interest in any parcel of real property acquired by purchase, gift, grant, devise, bequest or other transfer of such interest;

(2) ownership or other interest in any easement or other right of egress onto or across any parcel of real property;

(3) ownership or other interest in any right to any oil, gas, minerals or water located on or under any parcel of real property; and

(4) any interest or right to possess or use any parcel of real property acquired by the execution of a lease, lease-purchase or any other form of rental agreement.

(j) "Military installation" means any land, buildings or other structures owned or controlled by any division of the United States department of defense, Kansas national guard or any other federal or state agency that is critical to the safety and security of Kansas or the United States.

(k) "Non-notified transaction" means any transaction involving foreign investment in the United States that is not voluntarily submitted to the committee on foreign investment in the United States for review pursuant to 50 U.S.C. § 4565.

(l) "Real property" means any real estate located in this state except residential real property.

(m) "Residential real property" means real property that is used exclusively as a place of residence for human habitation.

(n) "Social and domestic tax credits" means the adoption credit created pursuant to K.S.A. 79-32,202a, and amendments thereto, the earned income tax credit created pursuant to K.S.A. 79-32,205, and amendments thereto, the food sales tax credit created pursuant to K.S.A. 79-32,271, and amendments thereto, the child and dependent care tax credit created pursuant to K.S.A. 79-32,111c, and amendments thereto, and the home-

stead property tax refund created pursuant to K.S.A. 79-4501 et seq., and amendments thereto.

(o) "State agency" means any department, authority, bureau, division, office or other governmental agency of this state.

(p) "Tax credit" means any credit allowed against the tax imposed by the Kansas income tax act, the premium or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, or the privilege tax as measured by net income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 3. (a) Except as provided in subsections (b) and (f), on and after July 1, 2025, no foreign principal shall directly or indirectly acquire any interest in any real property located within 100 miles of the boundary of any military installation located in this state or any adjacent state, except a de minimis interest in such real property.

(b) A foreign principal that owns real property described in subsection (a) prior to July 1, 2025, and seeks to acquire additional real property described in subsection (a) for the purpose of expansion of operations shall request approval for such acquisition from the governor. The governor shall consult with the attorney general and the fusion center oversight board to determine whether there is any security risk to military installations or critical infrastructure due to the expansion. The governor shall issue approval or denial of such expansion within 90 days of receiving the request.

(c) Any foreign principal that owns any interest in real property as described in subsection (a) or directly or indirectly acquires any interest in real property as described in subsection (a) shall file registration of such interest with the attorney general in such form and manner as prescribed by the attorney general not later than 90 days after the effective date of this act or the date such interest is acquired, whichever occurs later. Such filing shall include:

(1) The name of the individual or entity holding such interest;

(2) the date of acquisition;

(3) the address and legal description of the real property; and

(4) the number of acres comprising the real property.

(d) The secretary of state shall provide notice of the registration requirement for foreign principals of subsection (c) to all business entities and nonprofit organizations at the time of each of such business entity's or nonprofit organization's registration with the secretary of state or of any other filing with the secretary of state. The attorney general shall provide the secretary of state with instructions for fulfilling the requirements of subsection (c), and the secretary of state shall provide such instructions with such notice to business entities and nonprofit organizations.

(e) (1) (A) Except as provided by paragraph (B), if applicable, any foreign principal that fails to file the registration as required under subsection (c) or directly or indirectly acquires any interest in real property as described in subsection (a) shall divest such interest in such real property.

(B) Any foreign principal that owns any interest in real property as described in subsection (a) on July 1, 2025, and fails to file the registration as required under subsection (c) with respect to such interest in real property shall receive a warning from the attorney general advising the foreign principal of such registration requirement and instructing the foreign principal as to the manner of fulfilling such requirement. The foreign principal shall be allowed a period of 30 days from the date of receipt of such warning and instructions to file such registration as required under subsection (c) without a requirement of divestiture of such interest in real property. If such foreign principal fails to file such registration within such 30-day period, such foreign principal shall divest such interest in such real property. The provisions of this subparagraph shall expire on June 30, 2028.

(2) A copy of all documentation evidencing such divestiture shall be submitted to the attorney general in such manner as prescribed by the attorney general not later than 30 days after the effective date of such divestiture.

(f) A foreign principal may acquire an interest in real property by devise or bequest, through the enforcement of any security interest or through the collection of a debt. Any such acquisition shall be subject to the provisions of subsections (c) and (e).

New Sec. 4. (a) The attorney general shall investigate any suspected violation of section 3, and amendments thereto.

(b) A foreign principal who is subject to the requirements of section 3, and amendments thereto, may enter into an agreement with the attorney general to divest such foreign principal's interest in real property not more than 360 days from entering into such agreement.

(c) The attorney general may commence an action in a court of competent jurisdiction to enforce the provisions of section 3, and amendments thereto. In any such action, the attorney general may seek:

(1) A court order directing the defendant to divest such defendant's interest in such real property;

(2) injunctive relief;

(3) civil forfeiture of the defendant's interest in such real property pursuant to K.S.A. 60-4101 et seq., and amendments thereto; and

(4) reasonable attorney fees and court costs.

(d) Upon a determination by a court of competent jurisdiction that the defendant has violated the requirements of section 3, and amendments thereto, the defendant shall divest such defendant's interest in such real property within 180 days after the day such court order is issued.

New Sec. 5. No foreign principal shall receive any direct benefit related to any economic development program regardless of the form of such benefit.

New Sec. 6. (a) Any person may report information concerning non-notified transactions in such form and manner as prescribed by the attorney general.

(b) The attorney general shall prepare and submit a report on any identified non-notified transactions to the committee on foreign investment in the United States. A copy of such report shall be submitted to the governor, the adjutant general and the standing committees on federal and state affairs of the senate and the house of representatives or any successor committee of either such standing committee.

(c) On or before February 1 of each year, the attorney general shall prepare and submit a report to the governor, the adjutant general, the standing committee on commerce, labor and economic development of the house of representatives, the standing committee on commerce of the senate, the standing committee on federal and state affairs of the house of representatives and the standing committee on federal and state affairs of the senate or any successor committee of such standing committees. Such report shall detail the implementation of the Kansas land and military installation protection act and include the attorney general's recommended amendments to the definition of country of concern, if any.

(d) The attorney general shall retain copies of any documents that are made a part of or otherwise submitted to the committee on foreign investment in the United States along with the report required under subsection (b).

(e) On or before January 1, 2026, the attorney general shall adopt rules and regulations to implement the provisions of this section.

New Sec. 7. (a) Upon any occasion when an organization is designated as a foreign terrorist organization or has such designation revoked pursuant to 8 U.S.C. § 1189, the fusion center oversight board may adopt rules and regulations to reflect such designation or revocation of such designation, but only after giving due consideration to the risks to state and national security and the economic costs and benefits of such action.

(b) In no case shall the fusion center oversight board adopt any rule or regulation pursuant to this section that would designate an organization as a foreign terrorist organization that is not designated as a foreign terrorist organization pursuant to 8 U.S.C. § 1189.

New Sec. 8. On or before March 1 of each year, Kansas state university shall use available data and resources to prepare and submit a report to the legislature and the attorney general detailing the status and trends of all foreign land holdings of real property within the state of Kansas.

New Sec. 9. Sections 1 through 8, and amendments thereto, are declared severable. Any provision of sections 1 through 8, and amendments thereto, or the application thereof to any person or circumstance that is held to be unconstitutional or invalid shall not affect the validity of any remaining provisions of sections 1 through 8, and amendments thereto, or the applicability of such provisions to any person or circumstance.

Sec. 10. K.S.A. 2024 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. 21-5703, 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*; and*

(ff) violation of the Kansas land and military installation protection act as described in section 3, and amendments thereto.

Sec. 11. K.S.A. 2024 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.

(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, *except as provided in the Kansas land and military installation protection act, section 1 et seq., and amendments thereto*.

(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, the court shall 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.

New Sec. 12. (a) In addition to the provisions of K.S.A. 75-3739, and amendments thereto, and any other applicable statutes concerning purchases, a governmental agency shall not purchase or acquire any drone or any related services, maintenance agreements or equipment, the critical components of which were:

(1) Produced in any country of concern; or

(2) produced or owned by any foreign principal.

(b) Any critical components for drones or any related services or equipment that were acquired prior to July 1, 2025, and that are not in compliance with subsection (a) may continue to be used by the governmental agency that acquired such critical components. When a governmental agency determines that a critical component must be replaced, the governmental agency may use any replacement component acquired prior to July 1, 2025, but no new replacement component shall be acquired from any foreign principal.

(c) Any acquisition that is otherwise prohibited under subsection (a) or (b) may be completed by a governmental agency if:

(1) There is no other reasonable means to acquire such critical components or of addressing the needs of the governmental agency necessitating such acquisition;

(2) the agreement for such acquisition is approved by the secretary of administration after consultation with the adjutant general; and

(3) failure to acquire such critical components or otherwise address the needs of the governmental agency would pose a greater threat to the safety and security of this state than that posed by entering into such acquisition agreement.

(d) The provisions of this section shall not apply to any contract or agreement entered into prior to July 1, 2025.

New Sec. 13. As used in section 12, and amendments thereto:

(a) "Company" means any:

(1) For-profit corporation, partnership, limited partnership, limited liability partnership, limited liability company, joint venture, trust, association, sole proprietorship or other organization, including any:

(A) Subsidiary of such company, a majority ownership interest of which is held by such company;

(B) parent company that holds a majority ownership interest of such company;

(C) other affiliate or business association of such company whose primary purpose is to make a profit; and

(D) representative agent of such company; or

(2) nonprofit organization.

(b) (1) "Country of concern" means the following:

(A) People's republic of China, including the Hong Kong special administrative region;

(B) republic of Cuba;

(C) islamic republic of Iran;

(D) democratic people's republic of Korea;

(E) Russian federation; and

(F) Bolivarian republic of Venezuela.

(2) "Country of concern" does not include the republic of China (Taiwan).

(c) (1) "Critical component" means those components or subcomponents that are:

(A) Distinct and serviceable articles; and

(B) the primary component or subcomponent of an identifiable process or subprocess necessary to the recording, storing or transmitting of data or any other form of information.

(2) "Critical component" includes any software installed in a drone or in any device or network device used in support of the operations of a drone.

(d) "Domicile" means the country where a:

(1) Company is organized;

(2) company completes a substantial portion of its business; or

(3) majority of a company's ownership interest is held.

(e) "Drone" means an unmanned aircraft that is controlled remotely by a human operator or operates autonomously through computer software or other programming.

(f) "Foreign principal" means:

(1) The government or any official of the government of a country of concern;

(2) any political party, subdivision thereof or any member of a political party of a country of concern;

(3) any corporation, partnership, association, organization or other combination of persons organized under the laws of or having its principal

place of business in a country of concern. "Foreign principal" includes any subsidiary owned or wholly controlled by any such entity;

(4) any agent of or any entity otherwise under the control of a country of concern;

(5) any individual whose residence is in a country of concern and who is not a citizen or lawful permanent resident of the United States; or

(6) any individual, entity or combination thereof described in paragraphs (1) through (5) that has a controlling interest in any company formed for the purpose of manufacturing, distributing, transporting or selling critical components for drones and related services and equipment.

(g) "Governmental agency" means the state or any political or taxing subdivision of the state or any office, agency or instrumentality thereof.

Sec. 14. K.S.A. 2024 Supp. 60-4104 and 60-4106 are hereby repealed.

Sec. 15. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 7, 2025.

CHAPTER 69

SENATE BILL No. 114

AN ACT concerning education; relating to certain ancillary school district activities; authorizing nonpublic school students and virtual school students to participate in such activities; making it unlawful for a school district or the state high school activities association to discriminate against such students based on enrollment status; amending K.S.A. 2024 Supp. 72-7121 and repealing the existing section.

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

Section 1. K.S.A. 2024 Supp. 72-7121 is hereby amended to read as follows: 72-7121. (a) *(1)* Any student who meets the requirements of this section shall be permitted to participate in any activities offered by a school district that are regulated, supervised, promoted and developed by the activities association referred to in K.S.A. 72-7114, and amendments thereto.

(2) Any student participating in an activity pursuant to paragraph (1) shall also be permitted to participate in any district-sponsored events, ceremonies, programs or other functions directly related to such activity.

(3) The board of education of a school district may adopt policies regarding the participation of those students who are participating in an activity pursuant to paragraph (1) in district-sponsored events, ceremonies, programs or other functions that are not directly related to such activity.

(b) A student shall be permitted to participate in any such activities if such student:

(1) *(A)* Is a resident of the school district;

~~(2)~~*(B)* is enrolled and attending a virtual school as defined in K.S.A. 72-3712, and amendments thereto, or a nonpublic elementary or secondary school;

~~(3)~~*(C)* complies with the requirements of K.S.A. 72-6262, and amendments thereto, prior to participation in any such activity;

~~(4)~~*(D)* meets any applicable age and eligibility requirements set forth by the activities association referred to in K.S.A. 72-7114, and amendments thereto, that are not otherwise in conflict with this section;

~~(5)~~*(E)* pays any fees required by the school district for participation in such activity if such fees are generally imposed upon all other students who participate in such activity; and

~~(6)~~*(F)* seeks participation at the appropriate school of the school district that corresponds to where such student resides within the school district's respective school attendance boundaries established by the board of education of the school district*; or*

(2) (A) Is enrolled in and attending the Kansas academy of mathematics and science as defined in K.S.A. 72-3903, and amendments thereto;

(B) complies with the requirements of K.S.A. 72-6262, and amendments thereto, prior to participation in any such activity;

(C) meets any applicable age and eligibility requirements set forth by the activities association referred to in K.S.A. 72-7114, and amendments thereto, that are not otherwise in conflict with this section;

(D) pays any fees required by the school district for participation in such activity if such fees are generally imposed upon all other students who participate in such activity; and

(E) seeks participation at the appropriate school of the school district that corresponds to where the postsecondary educational institution designated by the state board of regents for the Kansas academy of mathematics and science program.

~~(b)~~*(c)* (1) Any student attending a home school who seeks to participate in an activity in the student's resident school district shall be deemed to meet any academic eligibility requirements established by the activities association for participation in an activity if:

(A) The student is maintaining satisfactory progress towards achievement or promotion to the next grade level; and

(B) the parent, teacher or organization that provides instruction to the student submits an affidavit or transcript to the activities association indicating the student meets the academic eligibility requirements of subparagraph (A).

(2) Upon submission of an affidavit, the student attending a home school shall be deemed to meet any academic eligibility requirements established by the activities association and shall retain such academic eligibility during the activity season for which such affidavit is submitted.

~~(c)~~*(d)* Except as provided in subsection ~~(d)~~ *(e)*, a student attending a virtual school as defined in K.S.A. 72-3712, and amendments thereto, who seeks to participate in an activity in the student's resident school district shall not be required to enroll in or attend a minimum number of courses at such school district.

~~(d)~~*(e)* The board of education of a school district may require a student who participates in an activity pursuant to this section to enroll in a particular course or complete a particular course as a condition of participation, if such requirement is imposed upon all other students who participate in such activity.

~~(e)~~*(f)* Except as provided in subsection ~~(b)~~ *(c)*, any student who seeks to participate in an activity pursuant to this section shall be subject to any tryout or other participation requirements that are otherwise applicable to all other students for participation in the activity.

(g) Any student enrolled in a school operated by a school district who withdraws from such school district and subsequently enrolls in an accredited private school, a nonpublic elementary or secondary school, as defined in K.S.A. 72-4345, and amendments thereto, or a virtual school, as defined in K.S.A. 72-3712, and amendments thereto, shall not be el-

igible for full participation in any activities offered by such school district immediately following such student's withdrawal in accordance with the academic eligibility policies of the activities association referred to in K.S.A. 72-7114, and amendments thereto, unless such student was eligible for full participation in any such activities pursuant to the eligibility policies of such school district and the activities association referred to in K.S.A. 72-7114, and amendment thereto, on the date of withdrawal and such student participates in such activities at the school from which such student withdrew. Such student may be permitted limited participation in any such activities in accordance with the eligibility policies of such school district and the activities association referred to in K.S.A. 72-7114, and amendments thereto.

(h) Any student who meets the requirements of this section and participates in activities described in subsection (a) shall be entitled to all rights and subject to all responsibilities of any other participating student, except as otherwise provided in this section, regardless of such student's enrollment status.

(i) It shall be unlawful for any school district or the activities association referred to in K.S.A. 72-7114, and amendments thereto, to discriminate against any student who meets the requirements of this section based on such student's enrollment status.

Sec. 2. K.S.A. 2024 Supp. 72-7121 is hereby repealed.

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

Approved April 7, 2025.

Published in the *Kansas Register* May 1, 2025.

CHAPTER 70

HOUSE BILL No. 2160*

AN ACT concerning municipalities; enacting the Kansas municipal employee whistleblower act; establishing legal protections for certain municipal employees who report or disclose unlawful or dangerous conduct; providing an administrative appeal process for municipalities.

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

Section 1. (a) This section shall be known and may be cited as the Kansas municipal employee whistleblower act.

(b) As used in this section:

(1) "Auditing agency" means:

(A) The legislative post auditor;

(B) any employee of the division of post audit;

(C) any firm performing audit services pursuant to a contract with the post auditor;

(D) any state agency or federal agency or authority performing auditing or other oversight activities under authority of any provision of law authorizing such activities; or

(E) the inspector general established under K.S.A. 75-7427, and amendments thereto.

(2) "Disciplinary action" means any dismissal, demotion, transfer, reassignment, suspension, reprimand, warning of possible dismissal or withholding of work.

(3) "Malfeasance" means unlawful conduct committed by any member of the governing body of a municipality or any officer or other employee thereof.

(4) "Misappropriation" means the unauthorized or unlawful expenditure or transfer of moneys held by a municipality.

(5) "Municipality" means any county, city or unified school district or any office, department, division, board, commission, bureau, agency or unit thereof.

(c) No supervisor or appointing authority of any municipality shall prohibit any of the following or take any disciplinary action against an employee of such municipality because such employee:

(1) Discussed the operations of the municipality or other matters of public concern, including matters relating to the public health, safety and welfare either specifically or generally, with any member of the governing body of such municipality or any auditing agency;

(2) reported a violation of state or federal law, municipal resolution or ordinance or any rules and regulations adopted pursuant such law, resolution or ordinance to any person, agency or organization;

(3) failed to give notice to the supervisor or appointing authority prior to making any report described in paragraph (2); or

(4) disclosed malfeasance or other misappropriation of moneys held by such municipality to any person, agency or organization.

(d) This section shall not be construed to:

(1) Prohibit a supervisor or appointing authority from requiring that an employee inform the supervisor or appointing authority regarding governing body or auditing agency requests for information submitted to such municipality or the substance of testimony made, or to be made, by the employee to members of the governing body or the auditing agency on behalf of such municipality;

(2) permit an employee to leave the employee's assigned work areas during normal work hours without following applicable rules and regulations and policies pertaining to employee leave unless the employee is requested by a member of the governing body of such municipality to appear before such governing body or by an auditing agency to appear at a meeting with officials of the auditing agency;

(3) authorize an employee to represent the employee's personal opinions as the opinions of such municipality; or

(4) prohibit disciplinary action of an employee who discloses information that:

(A) The employee knows to be false or that the employee discloses with reckless disregard for the truth or falsity of such information;

(B) the employee knows to be exempt from required disclosure under the open records act;

(C) is confidential or privileged under state or federal law or court rule; or

(D) is disclosed due to a corrupt motive rather than a good faith concern for a wrongful activity.

(e) (1) Except for officers or employees eligible to administratively appeal disciplinary actions pursuant to paragraph (2), any officer or employee of a municipality who alleges that disciplinary action has been taken against such officer or employee in violation of this section may bring an action in a court of competent jurisdiction within 90 days after the occurrence of the alleged violation seeking damages and any other equitable relief the court deems necessary. The court may award the prevailing party in the action all or a portion of the costs of the action, including reasonable attorney fees and witness fees.

(2) In any municipality that creates an administrative process to adjudicate disciplinary actions against employees of the municipality, any officer or employee of the municipality who is eligible to appeal disciplinary actions to such adjudicative body may appeal to such body whenever such officer or employee alleges that disciplinary action was taken against such officer or employee in violation of this act. The appeal shall be filed within 90 days after the alleged disciplinary action. If such body finds that the

disciplinary action taken was unreasonable, such body shall modify or reverse the municipality's action and order such relief for the employee as such body considers appropriate. Any party may appeal a decision of such governing body under the Kansas judicial review act, K.S.A. 77-601 et seq., and amendments thereto.

(f) Each municipality shall prominently post a copy of this act in locations where it can reasonably be expected to come to the attention of all employees of such municipality.

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

Approved April 7, 2025.

CHAPTER 71

SENATE BILL No. 35

AN ACT concerning property taxation; relating to tax levies; discontinuing the state tax levies for the Kansas educational building fund and the state institutions building fund; providing financing therefor from the state general fund; amending K.S.A. 76-6b01, 76-6b02, 76-6b04 and 76-6b11 and K.S.A. 2024 Supp. 76-6b05 and repealing the existing sections.

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

Section 1. K.S.A. 76-6b01 is hereby amended to read as follows: 76-6b01. (a) There is hereby levied ~~an annual permanent state tax~~ *in the year 2025 a state tax of 1 mill* upon all tangible property in this state ~~which~~ *that* is subject to ad valorem taxation. ~~The tax levy shall be .6 mill in the year 2003 and 1 mill in the year 2004 and each year thereafter until changed by statute.~~ Such tax levy shall be in addition to all other state tax levies authorized by law. Such tax levy shall be for the use and benefit of the state institutions of higher education. The proceeds of such tax levy shall be apportioned in accordance with this act.

(b) The county treasurer of each county shall make the proceeds of the tax levy provided for in this section available to the state treasurer immediately upon collection. When available the state treasurer shall withdraw from each county the proceeds of the taxes raised by such tax levy. Upon such withdrawal the state treasurer shall deposit the same in the state treasury and shall credit the same as provided in K.S.A. 76-6b02, *and amendments thereto*.

Sec. 2. K.S.A. 76-6b02 is hereby amended to read as follows: 76-6b02. (a) All moneys received by the state treasurer under K.S.A. 76-6b01, and amendments thereto, *and pursuant to subsection (c)* shall be credited to the Kansas educational building fund to be used for the construction, reconstruction, equipment and repair of buildings and grounds at the state educational institutions under the control and supervision of the state board of regents 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 state board of regents is authorized to pledge funds appropriated to it from the Kansas educational building fund or from any other source and transferred to a special revenue fund of the state board of regents 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 state board of regents is also authorized to pledge any funds appropriated to it from the Kansas educational building fund or from any other source and transferred to a special revenue fund of the state board of regents specified by statute as a priority

for the payment of debt service on such revenue bonds. Neither the state or the state board of regents 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 state board of regents for such purposes shall be subject to and dependent on appropriations being made from time to time by the legislature. Any obligation of the state board of regents 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) On July 1, 2026, or as soon thereafter as moneys are available, $56,000,000 shall be transferred by the director of accounts and reports from the state general fund to the Kansas educational building fund. On July 1, 2027, and on July 1 each year thereafter, or as soon thereafter as moneys are available, an amount equal to the amount pursuant to this subsection for the immediately preceding year plus a percentage of such amount for the preceding year shall be transferred by the director of accounts and reports from the state general fund to the Kansas educational building fund. Such percentage shall be the average percentage change in statewide taxable valuation of all property for the preceding 10 years and shall not be less than zero. The director of property valuation, in consultation with the director of legislative research and the director of the budget, shall determine such percentage and the amount of moneys that are authorized to be transferred pursuant to this subsection for such fiscal year. On or before February 1, 2027, and on or before February 1 of each year thereafter, the director of property valuation shall certify the amount of each transfer to the director of accounts and reports and transmit a copy of each such certification to the director of legislative research and the director of the budget. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund.

Sec. 3. K.S.A. 76-6b04 is hereby amended to read as follows: 76-6b04. (a) There is hereby levied ~~an annual permanent state tax~~ *in the year 2025 a state tax of 0.5 mill* upon all tangible property in this state ~~which~~ *that* is subject to ad valorem taxation. ~~The tax levy shall be .3 mill in the year 2003 and .5 mill in the year 2004 and each year thereafter until changed by statute.~~ The tax levy shall be in addition to all other state tax levies authorized by law. The tax levy shall be for the use and benefit of state institutions caring for persons who are mentally ill, retarded, visually handicapped, with a handicapping hearing loss or tubercular or state institutions caring for children who are deprived, wayward, miscreant, delinquent, children in need of care or juvenile offenders and who are in need of residential care or treatment, or institutions designed primarily to provide vocational

rehabilitation for handicapped persons. As used in this section, "state institutions" shall include, but not be limited to, those institutions under the authority of the commissioner of juvenile justice. The proceeds of such tax levy shall be apportioned in accordance with this act.

(b) The county treasurer of each county shall make the proceeds of the tax levy provided for in this section available to the state treasurer immediately upon collection. When available, the state treasurer shall withdraw from each county the proceeds of the taxes raised by such tax levy. Upon such withdrawal the state treasurer shall deposit the same in the state treasury and shall credit the same as provided in K.S.A. 76-6b05, and amendments thereto.

Sec. 4. K.S.A. 2024 Supp. 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, *and pursuant to subsection (e)* 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 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 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 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 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 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 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 office of veterans services for payment of debt service on revenue bonds and any such revenue bonds issued for veterans' home HVAC sys-

tem 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.

(e) On July 1, 2026, or as soon thereafter as moneys are available, $25,000,000 shall be transferred by the director of accounts and reports from the state general fund to the state institutions building fund. On July 1, 2027, and on July 1 each year thereafter, or as soon thereafter as moneys are available, an amount equal to the amount pursuant to this subsection for the immediately preceding year plus 2% of $25,000,000 shall be transferred by the director of accounts and reports from the state general fund to the state institutions building fund. All transfers made in accordance with the provisions of this subsection shall be considered to be demand transfers from the state general fund.

Sec. 5. K.S.A. 76-6b11 is hereby amended to read as follows: 76-6b11. (a) ~~Except as provided in subsection (e),~~ On July 1 of each year, the director of accounts and reports shall record a debit to the state treasurer's receivables for the Kansas educational building fund, the state institutions building fund and the state general fund and shall record a corresponding credit to each such fund in an amount equal to 95% of the amount credited respectively to each such fund during the immediately preceding fiscal year, except that such amount shall be proportionally adjusted with respect to any such fund in any fiscal year for any change in the tax levy rate for any such fund.

(b) All taxes received by the state treasurer under K.S.A. 76-6b01~~,~~ *and* 76-6b04 ~~and section 15 [L. 2003, ch. 146, § 15]~~, and amendments thereto, *and the provisions of section 15 of chapter 146 of the 2003 Session Laws of Kansas* during the current fiscal year shall be deposited in the state treasury to the credit of the Kansas educational building fund, the state institutions building fund and the state general fund, respectively, and shall reduce the amount debited and credited to such funds under subsection (a).

(c) On June 30 of each year, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the Kansas educational building fund, the state institutions building fund and the state general fund pursuant to this section, to reflect the taxes actually received by the state treasurer and deposited during the fiscal year in the state treasury to the credit of each such fund.

(d) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the Kansas educational building fund, the state institutions building fund and the state general fund pursuant to this section and all reductions and adjustments thereto made pursuant to this section. 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 such funds by the state treasurer in accordance with the notice thereof.

(e) ~~On October 1, 2003, the director of accounts and reports shall make such adjustments and amendments as may be required to reflect and account for the property tax imposed by K.S.A. 79-2976 as if such tax had been in effect on July 1, 2003.~~*The provisions of this section shall expire on June 30, 2026.*

Sec. 6. K.S.A. 76-6b01, 76-6b02, 76-6b04 and 76-6b11 and K.S.A. 2024 Supp. 76-6b05 are hereby repealed.

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

Approved April 7, 2025.

CHAPTER 72

Senate Substitute for Substitute for HOUSE BILL No. 2060

AN ACT concerning the state governmental ethics law; relating to state officers and employees; providing for the treatment of the reimbursement for expenses incurred for travel and activities in attending conferences or events by certain specified nonprofit organizations and discounted or free access to entertainment, sporting events or other activities; amending K.S.A. 46-237 and 46-237a and repealing the existing sections.

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

Section 1. K.S.A. 46-237 is hereby amended to read as follows: 46-237. (a) Except as provided by this section, no state officer or employee, candidate for state office or state officer elect shall accept, or agree to accept any:

(1) Economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of $40 or more in any calendar year; or

(2) hospitality in the form of recreation having an aggregate value of $100 or more in any calendar year from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

(b) Except as provided by this section, no person with a special interest shall offer, pay, give or make any:

(1) Economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of $40 or more in any calendar year; or

(2) hospitality in the form of recreation having an aggregate value of $100 or more in any calendar year to any state officer or employee, candidate for state office or state officer elect with a major purpose of influencing such officer or employee, candidate for state office or state officer elect in the performance of official duties or prospective official duties or to a member or member elect or employee of the judicial branch with a major purpose of influencing the member or member elect or employee of the judicial branch in the performance of official duties or prospective official duties pertaining to a judicial administrative matter, as defined in K.S.A. 46-225, and amendments thereto.

(c) No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of $40 or more in any calendar year to such agency or any state officer or employee, candidate for state office or state officer elect of that agency.

(d) Hospitality in the form of food and beverages is presumed not to be given to influence a state officer or employee, candidate for state office

or state officer elect in the performance of official duties or prospective official duties, or to influence a member or member elect or employee of the judicial branch in the performance of official duties or prospective official duties pertaining to a judicial administrative matter as defined in K.S.A. 46-225, and amendments thereto, except when a particular course of official action is to be followed as a condition thereon.

(e) Except when a particular course of official action is to be followed as a condition thereon, this section shall not apply to:

(1) Any contribution reported in compliance with the campaign finance act; or

(2) a commercially reasonable loan or other commercial transaction in the ordinary course of business.

(f) No state officer or employee shall accept any payment of honoraria for any speaking engagement except that a member of the state legislature or a part-time officer or employee of the executive branch of government shall be allowed to receive reimbursement in the preparation for and the making of a presentation at a speaking engagement in an amount fixed by the commission prior to the acceptance of the speaking engagement. Nothing in this section shall be construed to prohibit the reimbursement of state officers and employees for reasonable expenses incurred in attending seminars, conferences and other speaking engagements.

(g) The provisions of this section shall not be applicable to or prohibit the acceptance of gifts from governmental agencies of foreign nations except that any gift accepted from such foreign governmental agency, having an aggregate value of $100 or more, shall be accepted on behalf of the state of Kansas.

(h) No legislator shall solicit any contribution to be made to any organization for the purpose of paying for travel, subsistence and other expenses incurred by such legislator or other members of the legislature in attending and participating in meetings, programs and activities of such organization or those conducted or sponsored by such organization, but nothing in this act or the act of which this act is amendatory shall be construed to prohibit any legislator from accepting reimbursement for actual expenses for travel, subsistence, hospitality, entertainment and other expenses incurred in attending and participating in meetings, programs and activities sponsored by the government of any foreign nation, or any organization organized under the laws of such foreign nation or any international organization or any ~~national,~~ nonprofit, nonpartisan organization ~~established for the purpose of serving, informing, educating and strengthening state legislatures in all states of the nation~~ *that does not engage in lobbying in the state of Kansas*, when paid from funds of such organization and nothing shall be construed to limit or prohibit the expenditure of funds of and by any such organization for such purposes.

Sec. 2. K.S.A. 46-237a is hereby amended to read as follows: 46-237a. (a) The provisions of this section shall apply to:

(1) The governor;

(2) the lieutenant governor;

(3) the governor's spouse;

(4) all officers and employees of the executive branch of state government; and

(5) all members of boards, commissions and authorities of the executive branch of state government.

(b) No person subject to the provisions of this section shall solicit or accept any gift, economic opportunity, loan, gratuity, special discount or service provided because of such person's official position, except:

(1) A gift having an aggregate value of less than $40 given at a ceremony or public function where the person is accepting the gift in such person's official capacity;

(2) gifts from relatives or gifts from personal friends when it is obvious to the person that the gift is not being given because of the person's official position;

(3) anything of value received by the person on behalf of the state that inures to the benefit of the state or that becomes the property of the state; or

(4) contributions solicited on behalf of a nonprofit organization ~~which~~ *that* is exempt from taxation under ~~paragraph (3) of subsection (c) of~~ section 501*(c)(3)* of the internal revenue code of 1986, as amended.

(c) No person subject to the provisions of this section shall solicit or accept free or special discount meals from a source outside of state government, except:

(1) Meals, the provision of which is motivated by a personal or family relationship or provided at events that are widely attended. An occasion is "widely attended" when it is obvious to the person accepting the meal that the reason for providing the meal is not a pretext for exclusive or nearly exclusive access to the person;

(2) meals provided at public events in which the person is attending in an official capacity;

(3) meals provided to a person subject to this act when it is obvious such meals are not being provided because of the person's official position;

(4) food such as soft drinks, coffee or snack foods not offered as part of a meal;

(5) any meal, the value of which is $40 or less, not provided by a lobbyist registered pursuant to K.S.A. 46-265, and amendments thereto;

(6) meals provided to a person when the person's presence at the event or meeting at which the meal is provided serves a legitimate state

purpose or interest and the agency of which such person is an officer or employee authorizes such person's attendance at such event or meeting;

(7) meals provided to the governor's spouse and members of the governor's immediate family at the event or meeting at which the meal is provided serve a legitimate state purpose or interest; and

(8) any meal, if provided by a lobbyist registered pursuant to K.S.A. 46-265, and amendments thereto, and the lobbyist reports providing the meal as required pursuant to K.S.A. 46-269, and amendments thereto, except when a particular course of official action is to be followed as a condition of accepting the meal.

(d) No person subject to the provisions of this section shall solicit or accept free or special discount travel or related expenses from a source outside state government, except:

(1) When it is obvious to the person accepting the same that the free or special discount travel and related expenses are not being provided because of the person's official position; or

(2) when the person's presence at a meeting, seminar or event serves a legitimate state purpose or interest and the person's agency authorizes or would authorize payment for such travel and expenses.

(e) *(1) Except as provided by paragraph (2),* no person subject to the provisions of this section shall solicit or accept free or special discount tickets or access to entertainment or sporting events or activities such as plays, concerts, games, golf, exclusive swimming, hunting or fishing or other recreational activities ~~when the free or special discount tickets or access are provided because of the person's official position~~, *except:*

(A) If it is obvious to the person accepting such free or special discount tickets or access that the free or special discount tickets or access are not being provided because of such person's official position; or

(B) if the person's presence at such event or activity serves a legitimate state purpose or interest and such person's agency authorizes or would authorize payment for such travel and expenses.

(2) The provisions of ~~this subsection~~ *paragraph (1)* shall not apply to persons whose official position requires or obliges them to be present at such events or activities.

(f) (1) Violations of the provisions of this section by any classified employee in the civil service of the state of Kansas shall be considered personal conduct detrimental to the state service and shall be a basis for suspension, demotion or dismissal, subject to applicable state law.

(2) Violations of the provisions of this section by any unclassified employee shall subject such employee to discipline up to and including termination.

(3) In addition to the penalty prescribed under paragraphs (1) and (2), the commission may assess a civil fine, after proper notice and an

opportunity to be heard, against any person for a violation of this section, in an amount not to exceed $5,000 for the first violation, not to exceed $10,000 for the second violation and not to exceed $15,000 for the third violation and for each subsequent violation. 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 governmental ethics fee fund established by K.S.A. 25-4119e, and amendments thereto.

(4) Receiving a meal provided by a lobbyist who is not registered pursuant to K.S.A. 46-265, and amendments thereto, or who fails to report providing the meal as required pursuant to K.S.A. 46-269, and amendments thereto, or as required by subsection (c)(8), shall not be considered a violation of this section, unless the recipient knew the lobbyist was not registered or requested that the lobbyist not report the meal.

Sec. 3. K.S.A. 46-237 and 46-237a are hereby repealed.

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

Approved April 8, 2025.

CHAPTER 73

Substitute for SENATE BILL No. 193

AN ACT concerning the state board of pharmacy; relating to emergency opioid antagonists; exempting law enforcement agencies who do not provide emergency opioid antagonist pursuant to the statewide protocol from the requirement to procure a physician medical director; amending K.S.A. 2024 Supp. 65-16,127 and repealing the existing section.

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

Section 1. K.S.A. 2024 Supp. 65-16,127 is hereby amended to read as follows: 65-16,127. (a) As used in this section:

(1) "Bystander" means a family member, friend, caregiver or other person in a position to assist a person who the family member, friend, caregiver or other person believes, in good faith, to be experiencing an opioid overdose.

(2) "Emergency opioid antagonist" means any drug that inhibits the effects of opioids and that is approved by the United States food and drug administration for the treatment of an opioid overdose.

(3) "First responder" includes any emergency medical service provider, as defined by K.S.A. 65-6112, and amendments thereto, any law enforcement officer, as defined by K.S.A. 22-2202, and amendments thereto, and any actual member of any organized fire department, whether regular or volunteer.

(4) "First responder agency" includes, but is not limited to, any law enforcement agency, fire department or criminal forensic laboratory of any city, county or the state of Kansas.

(5) "Opioid antagonist protocol" means the protocol established by the state board of pharmacy pursuant to subsection (b).

(6) "Opioid overdose" means an acute condition including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, mania or death, resulting from the consumption or use of an opioid or another substance with which an opioid was combined, or that a layperson would reasonably believe to be resulting from the consumption or use of an opioid or another substance with which an opioid was combined, and for which medical assistance is required.

(7) "Patient" means a person believed to be at risk of experiencing an opioid overdose.

(8) "School nurse" means a professional nurse licensed by the board of nursing and employed by a school district to perform nursing procedures in a school setting.

(9) "Healthcare provider" means a physician licensed to practice medicine and surgery by the state board of healing arts, a licensed dentist, a mid-level practitioner as defined by K.S.A. 65-1626, and amendments thereto, or any person authorized by law to prescribe medication.

(b) The state board of pharmacy shall issue a statewide opioid antagonist protocol that establishes requirements for a licensed pharmacist to dispense emergency opioid antagonists to a person pursuant to this section. The opioid antagonist protocol shall include procedures to ensure accurate recordkeeping and education of the person to whom the emergency opioid antagonist is furnished, including, but not limited to: Opioid overdose prevention, recognition and response; safe administration of an emergency opioid antagonist; potential side effects or adverse events that may occur as a result of administering an emergency opioid antagonist; a requirement that the administering person immediately contact emergency medical services for a patient; and the availability of drug treatment programs.

(c) A pharmacist may furnish an emergency opioid antagonist to a patient or bystander subject to the requirements of this section, the pharmacy act of the state of Kansas and any rules and regulations adopted by the state board of pharmacy thereunder.

(d) A pharmacist furnishing an emergency opioid antagonist pursuant to this section may not permit the person to whom the emergency opioid antagonist is furnished to waive any consultation required by this section or any rules and regulations adopted thereunder.

(e) Any first responder, scientist or technician operating under a first responder agency or school nurse is authorized to possess, store, distribute and administer emergency opioid antagonists as clinically indicated, provided that all personnel with access to emergency opioid antagonists are trained, at a minimum, on the following:

(1) Techniques to recognize signs of an opioid overdose;

(2) standards and procedures to store, distribute and administer an emergency opioid antagonist;

(3) emergency follow-up procedures, including the requirement to summon emergency ambulance services either immediately before or immediately after administering an emergency opioid antagonist to a patient; and

(4) inventory requirements and reporting any administration of an emergency opioid antagonist to a healthcare provider.

(f) (1) Any first responder agency electing to provide an emergency opioid antagonist to its employees or volunteers for the purpose of administering the emergency opioid antagonist shall procure the services of a physician to serve as physician medical director for the first responder agency's emergency opioid antagonist program.

(2) The first responder agency shall utilize the physician medical director or a licensed pharmacist for the purposes of:

(A) Obtaining a supply of emergency opioid antagonists;

(B) receiving assistance developing necessary policies and proce-

dures that comply with this section and any rules and regulations adopted thereunder;

(C) training personnel; and

(D) coordinating agency activities with local emergency ambulance services and medical directors to provide quality assurance activities.

(3) A law enforcement agency shall be exempt from this subsection unless electing to provide an emergency opioid antagonist dispensed or furnished pursuant to the opioid antagonist protocol in subsection (b).

(g) (1) Any healthcare provider or pharmacist who, in good faith and with reasonable care, prescribes or dispenses an emergency opioid antagonist pursuant to this section shall not, by an act or omission, be subject to civil liability, criminal prosecution or any disciplinary or other adverse action by a professional licensure entity arising from the healthcare provider or pharmacist prescribing or dispensing the emergency opioid antagonist.

(2) Any patient, bystander, school nurse, or a first responder, scientist or technician operating under a first responder agency, who, in good faith and with reasonable care, receives and administers an emergency opioid antagonist pursuant to this section to a person experiencing a suspected opioid overdose shall not, by an act or omission, be subject to civil liability or criminal prosecution, unless personal injury results from the gross negligence or willful or wanton misconduct in the administration of the emergency opioid antagonist.

(3) Any first responder agency employing or contracting any person that, in good faith and with reasonable care, administers an emergency opioid antagonist pursuant to this section to a person experiencing a suspected opioid overdose shall not, by an act or omission, be subject to civil liability, criminal prosecution, any disciplinary or other adverse action by a professional licensure entity or any professional review.

(h) The state board of pharmacy shall adopt rules and regulations as may be necessary to implement the provisions of this section prior to January 1, 2018.

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

Sec. 2. K.S.A. 2024 Supp. 65-16,127 is hereby repealed.

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

Approved April 8, 2025.

Published in the *Kansas Register* April 24, 2025.

CHAPTER 74

SENATE BILL No. 241

AN ACT concerning restraint of trade; relating to restrictive covenants; providing that certain restrictive covenants are not considered a restraint of trade and shall be enforceable; amending K.S.A. 2024 Supp. 50-163 and repealing the existing section.

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

Section 1. K.S.A. 2024 Supp. 50-163 is hereby amended to read as follows: 50-163. (a) The purpose of this section, and the amendments to K.S.A. 50-101, 50-112, 50-158 and 50-161 by ~~this act~~ *chapter 102 of the 2013 Session Laws of Kansas*, is to clarify and reduce any uncertainty or ambiguity as to the application of the Kansas restraint of trade act and applicable evidentiary standards to certain types of business contracts, agreements and arrangements that are not intended to unreasonably restrain trade or commerce and do not contravene public welfare.

(b) Except as otherwise provided in subsections (d) and (e), the Kansas restraint of trade act shall be construed in harmony with ruling judicial interpretations of federal antitrust law by the United States supreme court. If such judicial interpretations are in conflict with or inconsistent with the express provisions of subsection (c), the provisions of subsection (c) shall control. *If a covenant that is not presumed to be enforceable pursuant to subsection (c) is determined to be overbroad or otherwise not reasonably necessary to protect a business interest of the business entity seeking enforcement of the covenant, the court shall modify the covenant, enforce the covenant as modified and grant only the relief reasonably necessary to protect such interests.*

(c) *(1)* An arrangement, contract, agreement, trust, understanding or combination shall not be deemed a trust pursuant to the Kansas restraint of trade act and shall not be deemed unlawful, void, prohibited or wrongful under any provision of the Kansas restraint of trade act if that arrangement, contract, agreement, trust, understanding or combination is a reasonable restraint of trade or commerce. An arrangement, contract, agreement, trust, understanding or combination is a reasonable restraint of trade or commerce if such restraint is reasonable in view of all of the facts and circumstances of the particular case and does not contravene public welfare.

(2) A covenant in writing in which an owner agrees to not solicit, recruit, induce, persuade, encourage, direct or otherwise interfere with, directly or indirectly, one or more employees or owners of a business entity for the purpose of interfering with the employment or ownership relationship of such employees or owners shall be conclusively presumed to be enforceable and not a restraint of trade if the covenant is between a

business entity and an owner of the business entity and the covenant does not continue for more than four years following the end of the owner's business relationship with the business entity.

(3) A covenant in writing in which an owner agrees to not solicit, induce, persuade, encourage, service, direct or otherwise interfere with, directly or indirectly, a business entity's customers, including any reduction, termination, acceptance or transfer of any customer's business, in whole or in part, for the purpose of providing any product or service that is competitive with those provided by the business entity shall be conclusively presumed to be enforceable and not a restraint of trade if the covenant is limited to material contact customers and the covenant does not continue for more than four years following the end of the owner's business relationship with the business entity.

(4) A covenant in writing in which an employee of a business entity agrees to not solicit, recruit, induce, persuade, encourage, direct or otherwise interfere with, directly or indirectly, one or more employees or owners of a business entity for the purpose of interfering with the employment or ownership relationship of such employees or owners shall be conclusively presumed to be enforceable and not a restraint of trade if the covenant is between an employer and one or more employees and the covenant:

(A) Seeks, on the part of the employer, to protect confidential or trade secret business information or customer or supplier relationships, goodwill or loyalty; or

(B) does not continue for more than two years following the employee's employment.

(5) A covenant in writing in which an employee agrees not to solicit, recruit, induce, persuade, encourage, direct or otherwise interfere with, directly or indirectly, a business entity's customers, including any reduction, termination, acceptance or transfer of any customer's business, in whole or in part, for the purpose of providing any product or service that is competitive with those provided by the employer shall be conclusively presumed to be enforceable and not a restraint of trade if the covenant is limited to material contact customers and the covenant is between an employer and an employee and does not continue for more than two years following the end of the employee's employment with the employer.

(6) A provision in writing in which an owner agrees to provide prior notice of the owner's intent to terminate, sell or otherwise dispose of such owner's ownership interest in the business entity shall be conclusively presumed to be enforceable and not a restraint of trade.

(7) Notwithstanding the presumption of enforceability provided in subsections (c)(2) through (c)(5), an employee or owner shall be permitted to assert any applicable defense available at law or in equity for the court's consideration in a dispute regarding a written covenant.

(d) The Kansas restraint of trade act shall not be construed to prohibit:

(1) Actions or proceedings concerning intrastate commerce;

(2) actions or proceedings by indirect purchasers pursuant to K.S.A. 50-161, and amendments thereto;

(3) recovery of damages pursuant to K.S.A. 50-161, and amendments thereto;

(4) any remedy or penalty provided in the Kansas restraint of trade act, including, but not limited to, recovery of civil penalties pursuant to K.S.A. 50-160, and amendments thereto; and

(5) any action or proceeding brought by the attorney general pursuant to authority provided in the Kansas restraint of trade act, or any other power or duty of the attorney general provided in such act.

(e) The Kansas restraint of trade act shall not be construed to apply to:

(1) Any association that complies with the provisions and application of article 16 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, the cooperative marketing act;

(2) any association, trust, agreement or arrangement that is governed by the provisions and application of 7 U.S.C. § 291 et seq., the Capper-Volstead act;

(3) any corporation organized under the electric cooperative act, K.S.A. 17-4601 et seq., and amendments thereto, or which becomes subject to the electric cooperative act in any manner therein provided; or any limited liability company or corporation, or wholly owned subsidiary thereof, providing electric service at wholesale in the state of Kansas that is owned by four or more electric cooperatives that provide retail service in the state of Kansas; or any member-owned corporation formed prior to 2004;

(4) any association that is governed by the provisions and application of article 22 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, the credit union act;

(5) any association, trust, agreement or arrangement that is governed by the provisions and application of 7 U.S.C. § 181 et seq., the packers and stockyards act; and

(6) any franchise agreements or covenants not to compete.

(f) If any provision of this section or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are severable.

(g) *As used in this section:*

(1) "Employee" means a current or former employee that agreed to a covenant in writing described in subsection (c)(4) or (c)(5).

(2) "Material contact customer" means any customer or prospective customer that is solicited, produced or serviced, directly or indirectly, by the employee or owner at issue or any customer or prospective customer about whom the employee or owner, directly or indirectly, had confidential business or proprietary information or trade secrets in the course of the employee's or owner's relationship with the customer.

(3) "Owner" means a current or former owner or seller of all or any part of the assets of a business entity or any interest in a business entity, including, but not limited to, a partnership interest, a membership interest in a limited liability company or a series limited liability company or any other equity interest or ownership interest.

(h) This section shall be a part of and supplemental to the Kansas restraint of trade act.

Sec. 2. K.S.A. 2024 Supp. 50-163 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 8, 2025.

CHAPTER 75

HOUSE BILL No. 2201

AN ACT concerning motor vehicles; relating to license plates; providing for the FFA, route 66 association of Kansas and blackout distinctive license plates; allowing an applicant for a personalized license plate to be issued one such license plate instead of two; eliminating the requirement that applications for personalized license plates be made within 60 days from vehicle registration renewals; discontinuing the option for a person to display a second personalized license plate on the front of a vehicle; modifying current requirements for the design and issuance of license plate registration decals; modifying the documentation requirements for military veteran license plates to align with updated military veteran documentation standards; eliminating the requirement for applicants to submit military license plate applications 60 days prior to vehicle registration renewals; amending K.S.A. 8-132, 8-147, 8-1,146, 8-1,194, 8-1,195, 8-1,196, 8-1,197, 8-1,198 and 8-1,199 and K.S.A. 2024 Supp. 8-134 and repealing the existing sections.

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

New Section 1. (a) On and after January 1, 2026, 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 FFA 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 FFA foundation 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 FFA foundation, 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 FFA license plate from a leased vehicle to a purchased vehicle.

(f) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in K.S.A. 8-143, and amendments thereto, and in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant provides to the county treasurer 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 FFA foundation, 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 FFA 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 FFA foundation and the state treasurer.

(i) 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. 2. (a) On and after January 1, 2026, 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 route 66 association 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 the payment to the county treasurer of the logo use royalty payment.

(b) Route 66 association of Kansas, 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 route 66 association of Kansas, 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 route 66 association 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(b), 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) Route 66 association of Kansas, 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 route 66 association 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 Route 66 association of Kansas, inc., and the state treasurer.

(i) 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. 3. (a) On and after January 1, 2026, 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 blackout license plate for each such passenger vehicle or truck. Such license plate shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any applicant or renewal of registration for a blackout license plate authorized by this section shall pay an annual fee of $50 to the county treasurer for each such license plate to be issued. Any new blackout license plate shall be subject to the fee prescribed in K.S.A 8-1,141(a)(1), and amendments thereto. A blackout license plate may be a personalized license plate and subject to the personalized license plate fee pursuant to K.S.A. 8-1,141(a)(2), and amendments thereto.

(c) Any applicant for a license plate authorized by this section may make application for such license plate 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 blackout license plate from a leased vehicle to a purchased vehicle.

(f) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in K.S.A. 8-143, and amendments thereto, and in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has paid the fee provided in subsection (b). If such fee is not paid, such 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 applicant's residence.

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

(h) There is hereby established in the state treasury the license plate replacement fund. The license plate replacement fund shall be administered by the secretary of revenue. Annual blackout license plate fees collected by county treasurers pursuant to this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the license plate replacement fund. All expenditures from such fund shall be for the costs associated with replacing license plates when the lifespan of such license plates has been exhausted as determined by the director of vehicles. 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 secretary of revenue or the secretary's designee.

Sec. 4. K.S.A. 8-132 is hereby amended to read as follows: 8-132. (a) Subject to the provisions of this section and K.S.A. 8-1,125, and amendments thereto, the division of vehicles shall furnish to every owner whose vehicle shall be registered one license plate for such vehicle. Such license plate shall have displayed on it the registration number assigned to the vehicle and to the owner thereof, the name of the state, which may be abbreviated, and the year or years for which it is issued. The same type of license plates shall be issued for passenger motor vehicles, rented without a driver, as are issued for private passenger vehicles.

(b) During calendar year 1975 commencing on the effective date of this act, and during every fifth calendar year thereafter, the division of vehicles shall furnish one license plate for any type of vehicle an owner registers or has the registration thereof renewed, but during the succeeding four-year period following calendar year 1975 and during the succeeding four-year period following every fifth calendar year subsequent to 1975, the division of vehicles shall not furnish any license plate for the renewal of a vehicle's registration. During calendar year 1976 and during each calendar year thereafter in which a license plate is not issued for the renewal of registration of a vehicle, the division of vehicles shall furnish one decal for the license plate issued for a vehicle as provided in K.S.A. 8-134, and amendments thereto, for each registration and renewal of registration of such vehicle. Notwithstanding the foregoing provisions of this subsection, whenever, in the discretion of the director of vehicles, it is determined that the license plates currently being issued and displayed are not deteriorating to the extent that their replacement is warranted, the director may adopt rules and regulations to extend the five-year issuance cycle provided for in this subsection by one year at a time, and in the same manner the director may further extend such cycle by one year at a time, successively as the director determines appropriate. If the cycle is extended at the expiration of the extended term, new license plates shall again be issued in the manner and for the term provided in such rules and regulations, except that the owner of a motor vehicle currently registered may continue to display the license plate currently being issued and displayed for a period not to exceed three registration years from the date of the expiration of the extended term. The division shall furnish one decal for each such license plate in accordance with the provisions of this subsection.

(c) Any license plate issued pursuant to subsection (a) or (b) may be a personalized license plate subject to the additional fee set forth in subsection (d). The division shall allow an applicant for a personalized license plate to personalize a license plate design established by subsection (a), (b) or (d).

(d) ~~Two~~*One* personalized license ~~plates~~ *plate* may be issued to any owner or lessee of a passenger vehicle or a truck licensed for a gross weight of not more than 20,000 pounds~~,~~ who makes proper application to the division of vehicles ~~not less than 60 days prior to such owner's or lessee's~~ *at* renewal of registration date. Such application shall be on a form prescribed by the division and accompanied by a fee of $40, which shall be in addition to any other fee required to renew the registration of such passenger vehicle under the laws of this state. ~~One~~ Such personalized license plate shall be displayed on the rear of the vehicle ~~and, at the option of the owner or lessee, the other license plate may be displayed on the front of the vehicle, except that no registration de-~~

~~eal shall be issued pursuant to K.S.A. 8-134, and amendments thereto, for any such license plate displayed on the front of such vehicle~~. One personalized license plate may be issued to any owner of a motorcycle upon proper application in the same manner provided in this subsection for passenger vehicles and trucks. The $40 fee shall be paid only once during the registration period for which such license plates were issued, and any subsequent renewals during the registration period shall be subject only to the registration fee prescribed by K.S.A. 8-143, and amendments thereto. The division shall design distinctive, personalized license plates to be issued ~~which~~ *that* shall contain not more than seven letters or numbers on truck or passenger vehicle license plates and not more than five letters or numbers on motorcycle license plates, or a combination thereof, to be designated by the applicant in lieu of the letters and numbers required by K.S.A. 8-147, and amendments thereto, other than the letters required to designate the county in which such vehicle is registered. Unless the letters or numbers designated by the applicant have been assigned to another vehicle, or unless the letters or numbers designated by the applicant have a profane, vulgar, lewd or indecent meaning or connotation, as determined by the director of vehicles, the division shall assign such letters or numbers to the applicant's vehicle, and the letters or numbers, or combination thereof, so assigned shall be deemed the registration number of such vehicle. Subject to the foregoing provisions, all license plates issued under this section shall be manufactured in accordance with K.S.A. 8-147, and amendments thereto. Such license plates shall be issued for a registration period of five years commencing in 1985 and each five years thereafter.

(e) The secretary of revenue shall adopt rules and regulations necessary to carry out the provisions of this act, including, without limitation, rules and regulations concerning: (1) The procedure for insuring that duplicate license plates are not issued throughout the state; (2) the procedure for reserving distinctive license plates for the purpose of obtaining the same on each annual renewal of registration; (3) the procedure for allowing the transfer of personalized license plates from one vehicle to another for which such license plates were originally issued, when the title to the original vehicle has not been transferred and the name or names of the owner or owners listed on the titles to both vehicles are identical; and (4) procedures necessary to coordinate this act with other laws of this state governing registration of vehicles. The director of vehicles shall remit all moneys received by the division of vehicles under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state highway fund.

Sec. 5. K.S.A. 2024 Supp. 8-134 is hereby amended to read as follows: 8-134. (a) Every vehicle registration under this act shall expire December 31 of each year, except passenger vehicles and vehicles provided for in K.S.A. 8-134a, and amendments thereto. The registration of vehicles to which K.S.A. 8-134a, and amendments thereto, applies shall expire in 1982 and thereafter in accordance with the provisions of subsections (b) and (c). Registration of vehicles shall be renewed annually upon application by the owner and by payment of the fees required by law. Except vehicles subject to K.S.A. 8-134a, and amendments thereto, and passenger vehicles, the renewal shall take effect on January 1 of each year, but the owner of the vehicle shall have until and including the last day of February of each year to make application for such renewal. The division shall issue for such vehicles a February month decal to correspond with the statutory grace period. Criminal sanctions provided in K.S.A. 8-142, and amendments thereto, for failure to display any license plate or plates or any registration decal required to be affixed to any such license plate for the current registration year shall not be enforced until March 1 of each year. An owner who has made proper application for renewal of registration of a vehicle prior to January 1, but who has not received the license plate or registration card for the ensuing year, shall be entitled to operate or permit the operation of such vehicle upon the highways upon displaying thereon the license plate issued for the preceding year for such time as the director of vehicles finds necessary for issuance of such new license plate.

(b) Every passenger vehicle required by this act to be registered, except as otherwise provided, shall be registered for a period of 12 consecutive months. The division of vehicles, in order to initiate a system of registering or reregistering passenger vehicles during any month of a calendar year, may register or reregister a passenger vehicle for less than a 12-month period, prorating the annual registration fee, when in the director's opinion such proration tends to fulfill the purpose of the monthly registration system.

(c) Passenger vehicle registration, and the authority to legally operate, use or tow such vehicle on the highway shall expire at 12 midnight on the last day of the last month of the 12-month period for which such vehicle was registered, and the owner shall see that such vehicle is reregistered as required by this act. The director of vehicles shall designate the registration period for each passenger vehicle in order to as nearly as feasible equalize registration or reregistration within the 12 months of the year. Any vehicle after having once been registered shall upon reregistration, be registered for the same twelve-month period except when the certificate of title has been transferred as provided by law. In this case, the vehicle shall be registered by the division of vehicles in accordance with the system adopted.

(d) For the purpose of this act, hearses and electrically propelled vehicles shall be classified as passenger vehicles.

(e) Every owner who registers or reregisters a vehicle in a calendar year, and in any calendar year in which a license plate is not issued for the renewal of registration of such vehicle, shall be furnished by the division one decal for the license plate issued for such vehicle and required by K.S.A. 8-133, and amendments thereto, to be affixed to the rear of such vehicle. Such decal shall be affixed to the number plate affixed to the rear of such vehicle and ~~shall contain the letters designating the county in which such vehicle is registered, as provided in K.S.A. 8-147, and amendments thereto,~~ shall indicate the license plate number for which the decal is to be affixed and shall indicate the year in which such registration expires. The color of a decal shall be such that it contrasts with the color of the license plate to which it is to be affixed, and the director of vehicles shall change the color of such decals each year, without duplicating the same color in any five-year period or such extended period as the director designates under K.S.A. 8-132(b), and amendments thereto. Such decals shall be so constructed that once a decal has been affixed to a license plate, it cannot be removed without destroying the decal, and the surface of such decals shall be capable of reflecting light. Consistent with the foregoing, the director of vehicles shall prescribe the size of and material to be used in the production of such decals, and the director of vehicles shall designate the location on a number plate where such decal shall be affixed.

(f) (1) The owner of a vehicle may, at the time of such registration or reregistration, purchase a park and recreation motor vehicle permit. Such permit shall cost $15 until such time as the amount for such permit is changed by rules and regulations of the secretary of wildlife and parks.

(2) Such permit shall be nontransferable and shall expire on the date of expiration of the vehicle registration.

(3) Except as provided in subsection (f)(4), the county treasurer shall remit all such moneys paid to the county treasurer to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall be credited as provided in K.S.A. 32-991, and amendments thereto.

(4) The county treasurer may collect and retain a service charge fee of up to $.50 for each park and recreation motor vehicle permit issued or sold by the county treasurer.

(5) As a condition of receiving the park and recreation motor vehicle permit, the applicant shall consent to the sharing of information, including, but not limited to, the applicant's name, address, email address and phone number, with the secretary of wildlife and parks by the division of motor vehicles.

(g) The secretary of revenue shall adopt rules and regulations necessary to accomplish the purpose of this act.

Sec. 6. K.S.A. 8-147 is hereby amended to read as follows: 8-147. *(a)* As used in this section, "license plate" means the plate used to externally evidence registration of a vehicle under chapter 8 of Kansas Statutes Annotated.

(b) Prior to November 1 of each year, the director of vehicles shall furnish the secretary of revenue with complete and detailed specifications for the manufacture of all license plates and registration decals, together with the number required for delivery in the succeeding year for use during the following year~~, and~~. The state corporation commission shall furnish the secretary of revenue with complete and detailed specifications for the manufacture of identification tags together with the number required for delivery in the succeeding year for use in the following year. The secretary of revenue shall cause to be manufactured all license plates and registration decals and state corporation commission identification tags based on such specifications and estimates. For such purpose, the secretary of revenue shall enter into a contract for the manufacture of license plates, tags and decals with any organization or institution designated in K.S.A. 39-1208, and amendments thereto. Any such contract may provide that the secretary of revenue shall furnish or cause to be furnished the materials and supplies necessary for the manufacture and distribution of license plates, tags and decals if, in the opinion of the secretary of revenue, a reduction in the cost of manufacturing and distribution of the license plates, tags and decals under such contract will be achieved. Subject to the foregoing, the cost to the state for the manufacture of the license plates, tags and decals pursuant to any contract entered into under this section shall be substantially equivalent to such costs under prior contracts, with the cost of license plates increased in the amount of the cost of coating with reflective material, but any such contract shall not be subject to the provisions of K.S.A. 75-3739, and amendments thereto.

(c) Except as authorized by other provisions of law, license plates, beginning in the year in which new license plates are issued pursuant to K.S.A. 8-132, and amendments thereto, shall be lettered, numbered and designed as provided in this section. Each license plate shall contain a combination of three letters followed by a combination of three numerals, except that once all allowable combinations of letters and numerals have been used, each license plate shall contain an arrangement of numerals or letters, or both, as shall be assigned by the secretary of revenue. The arrangement of numerals and letters of license plates shall be uniform throughout each classification of registration. The secretary may provide for the arrangement of the numerals and letters in groups or otherwise and for other distinguishing marks on such license plates. The secretary

of revenue shall design decals to be affixed to the license plates to identify ~~the county by two letters chosen from the name of the county distinctly indicative of the name of the county in which the vehicle is registered and the date~~ registration ~~is to expire~~ *expiration information consistent with K.S.A. 8-134, and amendments thereto*. The letters and numerals of such license plates shall be in such contrast of colors to the background of the license plate as to make such letters and numerals easily ~~read~~ *readable*.

(d) As new license plates are issued, the face of every license plate shall be completely coated with a reflective material. The reflectorized material shall be of such nature as to provide effective and dependable performance in the promotion of highway safety and vehicle identification throughout the service period for which the license plates are issued. The sum of $.50 shall be added to the cost of each reflectorized license plate. The director shall change the color of such license plates every time new license plates are issued under ~~subsection (b) of~~ K.S.A. 8-132*(b)*, and amendments thereto. ~~The quantity of license plates and registration decals to be furnished each county shall be computed upon the basis of the number of motor vehicles registered and reregistered in such county for the preceding year, and additional license plates and decals shall be furnished as required.~~

(e) Any contract entered into pursuant to this section for the manufacture of license plates and decals shall provide that the license plates and decals, other than prorate license plates and prorate backing plates, shall be shipped directly to the treasurer of the county where they are to be used *or, for digitally fulfilled license plate orders, directly to the customer for whom the plate is issued*. Any such contract for the manufacture of state corporation commission identification tags shall provide that such tags shall be shipped directly to the state corporation commission.

Sec. 7. K.S.A. 8-1,146 is hereby amended to read as follows: 8-1,146. (a) Any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less, motorcycles or travel trailers, who is a resident of the state of Kansas~~,~~ and submits satisfactory proof to the director of vehicles as provided in subsection (c) that such person ~~has proof of~~: (1) ~~Having~~ *Has* served and is designated as a veteran, and ~~has had~~ *was discharged or released under* an honorable discharge *or a general discharge under honorable conditions* from the United States army, navy, air force, marine corps, coast guard, space force or merchant marines; or (2) *is* currently serving in the United States army, navy, air force, marine corps, coast guard, space force or merchant marines, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck, motorcycle or travel trailer designating such person as an United States military veteran. Such license plate shall be issued for the same period of time as other license plates

upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person issued a license plate under this section may request a decal for each license plate indicating the appropriate military branch in which the person served or is currently serving.

(c) Any person who is a veteran or current member of the United States army, navy, air force, marine corps, coast guard, space force or merchant marines may make application for such distinctive 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. Any applicant for the distinctive license plate shall furnish the director with proof as the director shall require that the applicant is a veteran or current member of the United States army, navy, air force, marine corps, coast guard, space force or merchant marines. As proof of military veteran status, an applicant ~~may~~ *shall* provide ~~a DD214 form, a DD form 2 (Retired) or~~ a Kansas driver's license with a veteran designation pursuant to K.S.A. 8-243(e), and amendments thereto*, or a copy of the veteran's DD form 214, NGB form 22 or an equivalent discharge document as permitted by the director of vehicles showing character of service as honorable or general under honorable conditions*. Application for the registration of a passenger vehicle, truck, motorcycle or travel trailer and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(d) No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

(e) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in K.S.A. 8-143, and amendments thereto, and in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (c). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer of such person's residence.

(f) A fee of $2 shall be paid for each decal issued under subsection (a). The director of vehicles shall design such decals. Such decals shall be affixed to the license plate in the location required by the director.

Sec. 8. K.S.A. 8-1,194 is hereby amended to read as follows: 8-1,194. (a) ~~On and after January 1, 2022,~~ Any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of Kansas~~,~~ and ~~who~~ submits satisfactory proof to the director of vehicles, ~~in accordance with rules and regulations adopted by the secretary of revenue~~ *as provided in K.S.A. 8-1,146, and amendments thereto*, that such person is currently serving in the United

States army or ~~has separated~~ *was discharged or released* from the United States army ~~and was honorably discharged~~ *under an honorable discharge or general discharge under honorable conditions*, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a current member or veteran of the United States army. Such license plate shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person who is a current member or veteran of the United States army may make application for such distinctive 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 the distinctive license plate shall furnish the director with proof as the director shall require that the applicant is a current member or veteran of the United States army. Application for the registration of a passenger vehicle, truck or motorcycle 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.

(c) No registration or distinctive license plate issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plate to the county treasurer of such person's residence.

(e) Upon satisfactory proof submitted to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, any person issued a license plate under this section may request that the license plate be printed to indicate that such person is a retired member of the United States army.

Sec. 9. K.S.A. 8-1,195 is hereby amended to read as follows: 8-1,195. (a) ~~On and after January 1, 2022,~~ Any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of Kansas~~,~~ and ~~who~~ submits satisfactory proof to the director of vehicles, ~~in accordance with rules and regulations adopted by the secretary of revenue~~ *as provided in K.S.A. 8-1,146, and amendments thereto*, that such person is currently serving in the United States navy or ~~has separated~~ *was discharged or released* from the United States navy ~~and was honorably discharged~~ *under an honorable discharge*

or a general discharge under honorable conditions, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a current member or veteran of the United States navy. Such license plate shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person who is a current member or veteran of the United States navy may make application for such distinctive 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 the distinctive license plate shall furnish the director with proof as the director shall require that the applicant is a current member or veteran of the United States navy. Application for the registration of a passenger vehicle, truck or motorcycle 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.

(c) No registration or distinctive license plate issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plate to the county treasurer of such person's residence.

(e) Upon satisfactory proof submitted to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, any person issued a license plate under this section may request that the license plate be printed to indicate that such person is a retired member of the United States navy.

Sec. 10. K.S.A. 8-1,196 is hereby amended to read as follows: 8-1,196. (a) ~~On and after January 1, 2022,~~ Any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of Kansas~~,~~ and ~~who~~ submits satisfactory proof to the director of vehicles, ~~in accordance with rules and regulations adopted by the secretary of revenue~~ *as provided in K.S.A. 8-1,146, and amendments thereto*, that such person is currently serving in the United States marine corps or ~~has separated~~ *was discharged or released* from the United States marine corps ~~and was honorably discharged~~ *under an honorable discharge or a general discharge under honorable conditions*, upon compliance with the provisions of this section, may be issued one distinctive license plate for

each such passenger vehicle, truck or motorcycle designating such person as a current member or veteran of the United States marine corps. Such license plate shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person who is a current member or veteran of the United States marine corps may make application for such distinctive 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 the distinctive license plate shall furnish the director with proof as the director shall require that the applicant is a current member or veteran of the United States marine corps. Application for the registration of a passenger vehicle, truck or motorcycle 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.

(c) No registration or distinctive license plate issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plate to the county treasurer of such person's residence.

(e) Upon satisfactory proof submitted to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, any person issued a license plate under this section may request that the license plate be printed to indicate that such person is a retired member of the United States marine corps.

Sec. 11. K.S.A. 8-1,197 is hereby amended to read as follows: 8-1,197. (a) ~~On and after January 1, 2022,~~ Any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of Kansas~~,~~ and ~~who~~ submits satisfactory proof to the director of vehicles, ~~in accordance with rules and regulations adopted by the secretary of revenue~~ *as provided in K.S.A. 8-1,146, and amendments thereto*, that such person is currently serving in the United States air force or ~~has separated~~ *was discharged or released* from the United States air force ~~and was honorably discharged~~ *under an honorable discharge or a general discharge under honorable conditions*, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle

designating such person as a current member or veteran of the United States air force. Such license plate shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person who is a current member or veteran of the United States air force may make application for such distinctive 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 the distinctive license plate shall furnish the director with proof as the director shall require that the applicant is a current member or veteran of the United States air force. Application for the registration of a passenger vehicle, truck or motorcycle 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.

(c) No registration or distinctive license plate issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plate to the county treasurer of such person's residence.

(e) Upon satisfactory proof submitted to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, any person issued a license plate under this section may request that the license plate be printed to indicate that such person is a retired member of the United States air force.

Sec. 12. K.S.A. 8-1,198 is hereby amended to read as follows: 8-1,198. (a) ~~On and after January 1, 2022,~~ Any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of Kansas~~,~~ and ~~who~~ submits satisfactory proof to the director of vehicles, ~~in accordance with rules and regulations adopted by the secretary of revenue~~ *as provided in K.S.A. 8-1,146, and amendments thereto*, that such person is currently serving in the United States coast guard or ~~has separated~~ *was discharged or released* from the United States coast guard ~~and was honorably discharged~~ *under an honorable discharge or a general discharge under honorable conditions*, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a current member or veteran of the United States coast guard. Such license plate shall be

issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person who is a current member or veteran of the United States coast guard may make application for such distinctive 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 the distinctive license plate shall furnish the director with proof as the director shall require that the applicant is a current member or veteran of the United States coast guard. Application for the registration of a passenger vehicle, truck or motorcycle 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.

(c) No registration or distinctive license plate issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plate to the county treasurer of such person's residence.

(e) Upon satisfactory proof submitted to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, any person issued a license plate under this section may request that the license plate be printed to indicate that such person is a retired member of the United States coast guard.

Sec. 13. K.S.A. 8-1,199 is hereby amended to read as follows: 8-1,199. (a) ~~On and after January 1, 2022,~~ Any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of Kansas~~,~~ and ~~who~~ submits satisfactory proof to the director of vehicles, ~~in accordance with rules and regulations adopted by the secretary of revenue~~ *as provided in K.S.A. 8-1,146, and amendments thereto*, that such person is currently serving in the United States space force or ~~has separated~~ *was discharged or released* from the United States space force ~~and was honorably discharged~~ *under an honorable discharge or a general discharge under honorable conditions*, upon compliance with the provisions of this section, may be issued one distinctive license plate for each such passenger vehicle, truck or motorcycle designating such person as a current member or veteran of the United States space force. Such license plate shall be

issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person who is a current member or veteran of the United States space force may make application for such distinctive 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 the distinctive license plate shall furnish the director with proof as the director shall require that the applicant is a current member or veteran of the United States space force. Application for the registration of a passenger vehicle, truck or motorcycle 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.

(c) No registration or distinctive license plate issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in K.S.A. 8-132(b), and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plate to the county treasurer of such person's residence.

(e) Upon satisfactory proof submitted to the director of vehicles, in accordance with rules and regulations adopted by the secretary of revenue, any person issued a license plate under this section may request that the license plate be printed to indicate that such person is a retired member of the United States space force.

Sec. 14. K.S.A. 8-132, 8-147, 8-1,146, 8-1,194, 8-1,195, 8-1,196, 8-1,197, 8-1,198 and 8-1,199 and K.S.A. 2024 Supp. 8-134 are hereby repealed.

Sec. 15. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 8, 2025.

CHAPTER 76

SENATE BILL No. 135

AN ACT concerning certain protection orders; relating to the protection from abuse act; providing precedence of child-related orders issued under the protection from abuse act; amending K.S.A. 2024 Supp. 60-3107 and repealing the existing section.

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

Section 1. K.S.A. 2024 Supp. 60-3107 is hereby amended to read as follows: 60-3107. (a) The court may approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children or grant any of the following orders:

(1) Restraining the defendant from abusing, molesting or interfering with the privacy or rights of the plaintiff or of any minor children of the parties, including, but not limited to, utilizing any electronic tracking system or acquiring tracking information to determine the other person's location, movement or travel patterns. Such order shall contain a statement that if such order is violated, such violation may constitute assault as defined in K.S.A. 21-5412(a), and amendments thereto, battery as defined in K.S.A. 21-5413(a), and amendments thereto, domestic battery as defined in K.S.A. 21-5414, and amendments thereto, and violation of a protective order as defined in K.S.A. 21-5924, and amendments thereto.

(2) Granting possession of the residence or household to the plaintiff to the exclusion of the defendant, and further restraining the defendant from entering or remaining upon or in such residence or household, subject to the limitation of subsection (d). Such order shall contain a statement that if such order is violated, such violation shall constitute criminal trespass as defined in K.S.A. 21-5808(a)(1)(C), and amendments thereto, and violation of a protective order as defined in K.S.A. 21-5924, and amendments thereto. The court may grant an order, which shall expire 60 days following the date of issuance, restraining the defendant from cancelling utility service to the residence or household.

(3) Requiring defendant to provide suitable, alternate housing for the plaintiff and any minor children of the parties.

(4) Awarding temporary custody and residency and establishing temporary parenting time with regard to minor children.

(5) Ordering a law enforcement officer to evict the defendant from the residence or household.

(6) Ordering support payments by a party for the support of a party's minor child, if the party is the father or mother of the child, or the plaintiff, if the plaintiff is married to the defendant. Such support orders shall remain in effect until modified or dismissed by the court or until expiration and shall be for a fixed period of time not to exceed one year. On the

motion of the plaintiff, the court may extend the effect of such order for 12 months.

(7) Awarding costs and attorney fees to either party.

(8) Making provision for the possession of personal property of the parties and ordering a law enforcement officer to assist in securing possession of that property, if necessary.

(9) Requiring any person against whom an order is issued to seek counseling to aid in the cessation of abuse.

(10) Ordering or restraining any other acts deemed necessary to promote the safety of the plaintiff or of any minor children of the parties.

(b) No protection from abuse order shall be entered against the plaintiff unless:

(1) The defendant properly files a written cross or counter petition seeking such a protection order;

(2) the plaintiff had reasonable notice of the written cross or counter petition by personal service as provided in K.S.A. 60-3104(d), and amendments thereto; and

(3) the issuing court made specific findings of abuse against both the plaintiff and the defendant and determined that both parties acted primarily as aggressors and neither party acted primarily in self-defense.

(c) *(1)* Any order entered under the protection from abuse act shall not be ~~subject to modification on ex parte application or on motion for temporary orders in any action filed pursuant to K.S.A. 60-1601 et seq., prior to their transfer or repeal, or article 22 or 27 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 38-1101 et seq., and amendments thereto. Orders previously issued in an action filed pursuant to K.S.A. 60-1601 et seq., prior to their transfer or repeal, or article 22 or 27 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 38-1101 et seq., and amendments thereto, shall be subject to modification under the protection from abuse act only as to those matters subject to modification by the terms of K.S.A. 23-3201 through 23-3207 and 23-3218 and article 27 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, and on sworn testimony to support a showing of good cause. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause. If an action is filed pursuant to K.S.A. 23-3201 through 23-3207 or 23-3218 or article 22 or 27 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, during the pendency of a proceeding filed under the protection from abuse act or while an order issued under the protection from abuse act is in effect, the court, on final hearing or on agreement of the parties, may issue final orders authorized by K.S.A. 23-3201 through 23-3207 and 23-3218 and articles 22 and 27 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, that are incon-~~

~~sistent with orders entered under the protection from abuse act~~ *modified by a subsequent ex parte or temporary order issued in any action, except as provided in paragraph (4).*

(2) (A) Any order entered under the protection from abuse act may be modified by a subsequent final order pursuant to a hearing or an agreement of the parties issued in any action, except as provided in paragraph (4).

(B) Any inconsistent order entered pursuant to this subsection shall be specific in its terms~~,~~ *and* reference the protection from abuse order and parts ~~thereof~~ *of the order* being modified ~~and~~. A copy ~~thereof~~ *of the order* shall be filed in both actions.

(C) The court shall consider whether the actions should be consolidated in accordance with K.S.A. 60-242, and amendments thereto.

(3) (A) On sworn testimony to support a showing of good cause and as authorized by K.S.A. 23-3201 through 23-3207 and 23-3218, and amendments thereto, orders issued under the protection from abuse act may modify orders regarding legal custody, residency and parenting time previously issued in an action for:

(i) The determination of parentage filed pursuant to article 22 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 38-1101 et seq. prior to their transfer or repeal; or

(ii) divorce, separate maintenance or annulment filed pursuant to article 27 of chapter 23 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 60-1601 et seq., prior to their transfer or repeal.

(B) On sworn testimony to support a showing of good cause, orders issued under the protection from abuse act may modify interlocutory orders issued pursuant to K.S.A. 23-2707, and amendments thereto.

(C) For purposes of this paragraph, immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause.

(4) (A) Any *legal* custody or parenting time order, or order relating to the best interests of a child, issued pursuant to the revised Kansas code for care of children or the revised Kansas juvenile justice code, shall be binding and shall take precedence over any such custody or parenting order involving the same child issued under the protection from abuse act, until jurisdiction under the revised Kansas code for care of children or the revised Kansas juvenile justice code is terminated.

(B) Any inconsistent *legal* custody or parenting order issued in the revised Kansas code for care of children case or the revised Kansas juvenile justice code case shall be specific in its terms, reference any preexisting protection from abuse order and the custody being modified, and a copy of such order shall be filed in the preexisting protection from abuse case.

(d) If the parties to an action under the protection from abuse act are not married to each other and one party owns the residence or household, the court shall not have the authority to grant possession of the residence

or household under subsection (a)(2) to the exclusion of the party who owns it.

(e) Subject to the provisions of subsections (b), (c) and (d), a protective order or approved consent agreement shall remain in effect until modified or dismissed by the court and shall be for a fixed period of time not less than one year and not more than two years, except as provided in ~~subsections (e)(1) and (e)(2)~~ *paragraphs (1) and (2)*.

(1) Upon motion of the plaintiff, such period may be extended for an additional period of not less than one year and not more than three years.

(2) Upon verified motion of the plaintiff and after the defendant has been personally served with a copy of the motion and has had an opportunity to present evidence and cross-examine witnesses at a hearing on the motion, the court shall extend a protective order for not less than one additional year and may extend the protective order up to the lifetime of the defendant if the court determines by a preponderance of the evidence that the defendant has: (A) Violated a valid protection order; (B) previously violated a valid protection order; or (C) been convicted of a person felony or any conspiracy, criminal solicitation or attempt thereof, under the laws of Kansas or the laws of any other jurisdiction which are substantially similar to such person felony, committed against the plaintiff or any member of the plaintiff's household. No service fee shall be required for a motion filed pursuant to this subsection.

(f) The court may amend its order or agreement at any time upon motion filed by either party.

(g) No order or agreement under the protection from abuse act shall in any manner affect title to any real property.

(h) If a person enters or remains on premises or property violating an order issued pursuant to subsection (a)(2), such violation shall constitute criminal trespass as defined in K.S.A. 21-5808(a)(1)(C), and amendments thereto, and violation of a protective order as defined in K.S.A. 21-5924, and amendments thereto. If a person abuses, molests or interferes with the privacy or rights of another violating an order issued pursuant to subsection (a)(1), such violation may constitute assault as defined in K.S.A. 21-5412(a), and amendments thereto, battery as defined in K.S.A. 21-5413(a), and amendments thereto, domestic battery as defined in K.S.A. 21-5414, and amendments thereto, and violation of a protective order as defined in K.S.A. 21-5924, and amendments thereto.

Sec. 2. K.S.A. 2024 Supp. 60-3107 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 8, 2025.

CHAPTER 77

SENATE BILL No. 227

AN ACT concerning economic development; relating to the tax credit for qualified expenditures for the restoration and preservation of historic structures; providing for different credit percentages based on city populations of more than 50,000 or 50,000 or less and the amount of expenditures; amending K.S.A. 2024 Supp. 79-32,211 and repealing the existing section.

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

Section 1. K.S.A. 2024 Supp. 79-32,211 is hereby amended to read as follows: 79-32,211. (a) For all taxable years commencing after December 31, 2006, there shall be allowed a tax credit against the income, privilege or premium tax liability imposed upon a taxpayer pursuant to the Kansas income tax act, the privilege tax imposed upon any national banking association, state bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or the premiums tax and privilege fees imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, in an amount equal to:

(1) 25% of qualified expenditures incurred in the restoration and preservation of a qualified historic structure *located in a city with a population of more than 50,000* pursuant to a qualified rehabilitation plan by a qualified taxpayer if the total amount of such expenditures equals *at least* $5,000 ~~or more~~ *and less than $50,000*;

(2) ~~30%~~*40%* of the qualified expenditures incurred in the restoration and preservation of a qualified historic structure located in a city with a population ~~between 9,500 and~~ *of more than* 50,000 pursuant to a qualified rehabilitation plan by a qualified taxpayer if the total amount of such expenditures equals ~~$5,000~~ *$50,000* or more;

(3) 40% of the qualified expenditures incurred in the restoration and preservation of a qualified historic structure located in a city, *township or unincorporated area* with a population of *50,000 or* less ~~than 9,500~~ pursuant to a qualified rehabilitation plan by a qualified taxpayer if the total amount of such expenditures equals $5,000 or more; or

(4) ~~30%~~*40%* of qualified expenditures incurred in the restoration and preservation of a qualified historic structure which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code and which is not income producing pursuant to a qualified rehabilitation plan by a qualified taxpayer if the total amount of such expenditures equals $5,000 or more.

(b) If the amount of such tax credit exceeds the qualified taxpayer's income, privilege or premium tax liability for the year in which the qualified rehabilitation plan was placed in service, as defined by section 47(b)

(1) of the federal internal revenue code and federal regulation section 1.48-12(f)(2), such excess amount may be carried over for deduction from such taxpayer's income, privilege or premium tax liability in the next succeeding year or years until the total amount of the credit has been deducted from tax liability, except that no such credit shall be carried over for deduction after the 10th taxable year succeeding the taxable year in which the qualified rehabilitation plan was placed in service.

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

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

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

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

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

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

If the taxpayer is a corporation having an election in effect under subchapter S of the federal internal revenue code, a partnership or a limited liability company, the credit provided by this section shall be claimed by the shareholders of such corporation, the partners of such partnership or the members of such limited liability company in the same manner as such shareholders, partners or members account for their proportionate shares of the income or loss of the corporation, partnership or limited liability company, or as the corporation, partnership or limited liability

company mutually agree as provided in the bylaws or other executed agreement. Credits granted to a partnership, a limited liability company taxed as a partnership or other multiple owners of property shall be passed through to the partners, members or owners respectively pro rata or pursuant to an executed agreement among the partners, members or owners documenting any alternate distribution method.

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

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

(g) The amendments made to this section by this act related to tax credit amounts shall apply to qualified rehabilitation plans placed into service on or after July 1, 2025.

(h) Before the issuance of a tax credit pursuant to this section, the department of revenue may verify that the qualified taxpayer does not owe any delinquent income, privilege, premium, sales or compensating use taxes, or interest, additions or penalties on such taxes to the state. Such delinquency shall not affect the issuance of a tax credit, except that the amount of credits issued shall be reduced by the qualified taxpayer's tax delinquency. After applying all available credits towards the qualified taxpayer's tax delinquency, the department of revenue shall reduce the amount of outstanding delinquent tax owed by the qualified taxpayer. If any credits remain after satisfying all income, privilege, premium, sales or compensating use tax delinquencies, the remaining credits shall be issued

to the qualified taxpayer. Once a tax credit is issued, the amount of credits evidenced by the tax credit shall not be subject to reduction, recapture, disallowance or voidability.

Sec. 2. K.S.A. 2024 Supp. 79-32,211 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 8, 2025.

CHAPTER 78

SENATE BILL No. 139

AN ACT concerning banks and trust companies; relating to the state banking code; updating certain definitions, terms and conditions therein; specifying that certain hearings be held in accordance with the Kansas administrative procedure act; updating certain internal references; requiring immediate notification of changes in board members; specifying that the charter of certain banks be deemed void on the effective date of a merger; establishing conditions under which it would be lawful to engage in banking without first obtaining authority from the commissioner; amending K.S.A. 9-519, 9-1111, 9-1114, 9-1724, 9-1807, 9-2011, 9-2108 and 9-2111 and K.S.A. 2024 Supp. 9-2107 and repealing the existing sections; also repealing K.S.A. 9-2101 and 16-842.

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

Section 1. K.S.A. 9-519 is hereby amended to read as follows: 9-519. For the purposes of K.S.A. 9-520 through 9-524~~, and amendments thereto,~~ and K.S.A. 9-532 through 9-541, and amendments thereto, unless otherwise required by the context:

(a) "Bank" means an insured bank as defined in 12 U.S.C. § 1813(h) ~~except the term shall~~. *"Bank" does* not include a national bank that:

(1) Engages only in credit card operations;

(2) does not accept demand deposits or deposits that the depositor may withdraw by check or similar means for payment to third parties or others;

(3) does not accept any savings or time deposits of less than $100,000;

(4) maintains only one office that accepts deposits; and

(5) does not engage in the business of making commercial loans.

(b) (1) "Bank holding company" means any company that:

(A) Directly or indirectly owns, controls, or has power to vote 25% or more of any class of the voting shares of a bank or 25% or more of any class of the voting shares of a company that is or becomes a bank holding company by virtue of this act;

(B) controls in any manner the election of a majority of the directors of a bank or of a company that is or becomes a bank holding company by virtue of this act;

(C) the commissioner determines, after notice and opportunity for a hearing *to be conducted in accordance with the Kansas administrative procedure act*, directly or indirectly exercises a controlling influence over the management or policies of the bank or company.

(2) Notwithstanding paragraph (1), no company:

(A) Shall be deemed to be a bank holding company by virtue of the company's ownership or control of shares acquired by the company in connection with such company's underwriting of securities if such shares are held only for such period of time as will permit the sale thereof on a reasonable basis;

(B) formed for the sole purpose of participating in a proxy solicitation shall be deemed to be a bank holding company by virtue of the company's control of voting rights of shares acquired in the course of such solicitation;

(C) shall be deemed to be a bank holding company by virtue of the company's ownership or control of shares acquired in securing or collecting a debt previously contracted in good faith, provided such shares are disposed of within a period of two years from the date on which such shares could have been disposed of by such company; or

(D) owning or controlling voting shares of a bank shall be deemed to be a bank holding company by virtue of the company's ownership or control of shares held in a fiduciary capacity except where such shares are held for the benefit of such company or the company's shareholders.

(c) "Company" means any corporation, limited liability company, trust, partnership, association or similar organization, including a bank, but ~~shall~~ *does* not include any corporation, the majority of the shares of which are owned by the United States or by any state, or ~~include~~ any individual, partnership or qualified family partnership upon the determination by the commissioner that a general or limited partnership qualifies under the definition in 12 U.S.C. § 1841(o)(10).

(d) "Foreign bank" means any company organized under the laws of a foreign country, a territory of the United States, Puerto Rico, Guam, American Samoa or the Virgin Islands or any subsidiary or affiliate organized under such laws~~, which~~ *that* engages in the business of banking.

(e) "Kansas bank" means any bank, as defined by subsection (a), that, in the case of a state chartered bank, is a bank chartered under the authority of the state of Kansas~~,~~ and, in the case of a national banking association, a bank with its charter location in Kansas.

(f) "Kansas bank holding company" means a bank holding company, as defined by subsection (b), with total subsidiary bank deposits in Kansas that exceed the bank holding company's subsidiary bank deposits in any other state.

(g) "Out-of-state bank holding company" means any holding company that is not a Kansas bank holding company as defined in subsection (f).

(h) "Subsidiary" means, with respect to a specified bank holding company:

(1) Any company with more than 5% of the voting shares, excluding shares owned by the United States or by any company wholly owned by the United States, that are directly or indirectly owned or controlled by, or held with power to vote, such bank holding company; or

(2) any company, the election of a majority of the directors of which~~,~~ is controlled in any manner by such bank holding company.

Sec. 2. K.S.A. 9-1111 is hereby amended to read as follows: 9-1111. *(a) (1)* The general business of every bank shall be transacted at the place

of business specified in the bank's certificate of authority and at one or more branch banks established and operated as provided in this section. It shall be unlawful for any bank to establish and operate any branch bank or relocate an existing branch bank except as hereinafter provided. Notwithstanding the provisions of this section, any location ~~at which~~ *where* a depository institution, as defined by K.S.A. 9-701, and amendments thereto, receives deposits, renews time deposits, closes loans, services loans or receives payments on loans or other obligations, as agent, for a bank pursuant to K.S.A. 9-1101(a)(25), and amendments thereto, or other applicable state or federal law, or is authorized to open accounts or receive deposits under K.S.A. 9-1101(a)(28), and amendments thereto, shall not be deemed to be a branch bank~~:~~.

~~(a)~~*(2)* For the purposes of this section, the term "branch bank" means any office, agency or other place of business located within this state, other than the place of business specified in the bank's certificate of authority~~,~~ ~~at which~~ *where* deposits are received, checks paid, money lent or trust authority exercised, if approval has been granted by the commissioner pursuant to K.S.A. ~~9-1602~~ *9-1601*, and amendments thereto~~;~~.

(b) ~~establishment of~~*To establish* a new branch bank or ~~relocation of~~ *relocate* an existing branch bank:

(1) ~~After first applying for and obtaining the approval of the commissioner,~~ A bank incorporated under the laws of this state may establish and operate one or more branch banks or relocate an existing branch bank, anywhere within this state *after first applying for and obtaining the commissioner's approval*;

(2) the application shall include the nature of the banking business to be conducted at the proposed branch bank, the primary geographical area to be served by the proposed branch bank, the personnel and office facilities to be provided at the proposed branch bank and other information the commissioner may require;

(3) the application shall include the name selected for the proposed branch bank. The name selected for the proposed branch bank shall not be the name of any other bank or branch bank:

(A) Doing business in the same city or town; or

(B) within a 15-mile radius of the proposed location, nor shall the name selected be required to contain the name of the applicant bank. If the name selected for the proposed branch bank does not contain the name of the applicant bank, the branch bank shall provide in the public lobby of such branch bank, a public notice that it is a branch bank of the applicant bank. Any bank may request exemption from the commissioner from the provisions of this paragraph;

(4) the application shall include proof of publication of notice that the applicant bank intends to file or has filed an application to establish

a branch bank or relocate an existing branch bank. The notice shall be published in a newspaper of general circulation in the county where the applicant bank proposes to locate the branch bank. The notice shall be in the form prescribed by the commissioner and, at a minimum, shall contain the name and address of the applicant bank, the location of the proposed branch and a solicitation for written comments. The notice shall be published on the same day for two consecutive weeks and provide for a comment period of not less than 10 days after the date of the second publication;

(5) upon receipt of the application, and following expiration of the comment period, the commissioner may hold a hearing in the county ~~in which~~ *where* the applicant bank seeks to operate the branch bank. The applicant shall publish notice of the time, date and place of such hearing in a newspaper of general circulation in the county where the applicant bank proposes to locate the branch bank~~,~~ *within* not less than 10~~,~~ nor more than 30~~,~~ days prior to the date of the hearing, and proof of publication shall be filed with the commissioner. At any such hearing, all interested persons shall be allowed to present written and oral evidence to the commissioner, or the commissioner's designee, in support of or in opposition to the branch bank. Upon completion of a transcript of the testimony given at any such hearing, the transcript shall be filed in the office of the commissioner;

(6) if the commissioner determines a public hearing is not warranted, the commissioner shall approve or disapprove the application within 15 days after receipt of a complete application~~,~~ but not prior to the end of the comment period. If a public hearing is held, the commissioner shall approve or disapprove the application within 60 days after consideration of the complete application and the evidence gathered during the commissioner's investigation. The period for consideration of the application may be extended if the commissioner determines *that* the application presents a significant supervisory concern. The new branch or relocation shall only be granted if the commissioner finds that:

(A) There is a reasonable probability of usefulness and success of the proposed branch bank; and

(B) the applicant bank's financial history and condition is sound;

(7) within 15 days after any final action of the commissioner approving or disapproving an application, the applicant, or any adversely affected or aggrieved person that provided written comments during the specified comment period, may request a hearing with the state banking board. Upon receipt of a timely request, the state banking board shall conduct a hearing in accordance with the provisions of the Kansas administrative procedure act. Any decision of the state banking board is subject to review in accordance with the Kansas judicial review act~~;~~.

(c) Upon the request of any bank proposing to relocate an existing branch less than one mile from the existing location, the commissioner may exempt such bank from the requirements of this section~~:~~.

(d) Any branch bank lawfully established and operating on the effective date of this act may continue to be operated by the bank then operating the branch bank and by any successor bank~~:~~.

(e) Any bank location ~~which~~ *that* has been established and is being maintained by a bank at the time of the bank's merger into or consolidation with another bank or at the time the bank's assets are purchased and the bank's liabilities are assumed by another bank may continue to be operated by the surviving, resulting or purchasing and assuming bank~~:~~.

(f) Any state bank or national banking association may provide and engage in banking transactions by means of remote service units wherever located~~, which~~. Remote service units shall not be considered to be branch banks. Any banking transaction ~~effected~~ *affected* by use of a remote service unit shall be deemed to be transacted at a bank and not at a remote service unit~~:~~.

(g) As a condition to the operation and use of any remote service unit in this state, a state bank or national banking association, each hereinafter referred to as a bank, ~~which~~ *that* desires to operate or enable its customers to utilize a remote service unit ~~must~~ *shall* agree that such remote service unit will be available for use by customers of any other bank or banks upon the request of such bank or banks to share the use of the remote service unit and the agreement of such bank or banks to share all costs, including a reasonable return on capital expenditures incurred in connection with the remote service unit's development, installation and operation. The owner of the remote service unit, whether a bank or any other person, shall make the remote service unit available for use by other banks and their customers on a nondiscriminatory basis, conditioned upon payment of a reasonable proportion of all costs, including a reasonable return on capital expenditures incurred in connection with the development, installation and operation of the remote service unit. Notwithstanding the foregoing provisions of this subsection, a remote service unit located on the property owned or leased by the bank where the principal place of business of a bank, or branch bank of a bank, is located need not be made available for use by any other bank or banks or customers of any other bank or banks~~:~~.

(h) For purposes of this section, "remote service unit" means an electronic information processing device, including associated equipment, structures and systems, through or by means of which information relating to financial services rendered to the public is stored and transmitted to a bank and ~~which~~ *that*, for activation and account access, is dependent upon the use of a machine-readable instrument in the possession and con-

trol of the holder of an account with a bank or ~~is~~ activated by a person upon verifiable personal identification. ~~The term shall include~~ *"Remote service unit" includes* ~~"~~online~~"~~ computer terminals ~~which~~ *that* may be equipped with a telephone or televideo device that allows contact with bank personnel and ~~"~~offline~~"~~ automated cash dispensing machines and automated teller machines. Withdrawals by means of ~~"~~offline~~"~~ systems shall not exceed $300 per transaction and shall be restricted to individual, not corporate or commercial, accounts~~;~~.

(i) Upon providing notice to the commissioner, any state bank may conduct loan production activity at locations other than the place of business specified in the bank's certificate of authority or approved branch banks.

(1) Loan production activity shall consist of the following:

(A) Soliciting, assembling or processing of credit information and loan applications;

(B) approval of loan applications; or

(C) loan closing activities, such as the execution of promissory notes and deeds of trust.

(2) No customer shall be allowed to take actual receipt of the loan funds~~;~~.

(j) Upon providing notice to the commissioner, any state bank may conduct deposit production activity at locations other than the place of business specified in the bank's certificate of authority or approved branch banks provided there is no acceptance of actual deposits in person or by drop box~~;~~.

(k) Upon providing notice to the commissioner, any state bank may provide any of the following at a location other than the place of business specified in the bank's certificate of authority without becoming a branch bank:

(1) Operate safe deposit boxes;

(2) sell travelers checks and saving bonds; and

(3) operate ~~check cashing~~ *check-cashing* services ~~so long as~~ *if* no actual account withdrawal occurs;

(l) any bank or trust company closing a branch bank, loan production office, deposit production office or other location shall provide notice to the commissioner.

Sec. 3. K.S.A. 9-1114 is hereby amended to read as follows: 9-1114. (a) The business of any bank or trust company shall be managed and controlled by such bank's or trust company's board of directors.

(b) The board shall consist of not ~~less~~ *fewer* than five nor more than 25 members who shall be elected by the stockholders at any regular annual meeting ~~which~~ *that* shall be held on the date specified in the bank's or trust company's bylaws. A majority of the directors shall be residents of

this state. Minutes shall be made of each stockholders' meeting of a bank or trust company. The minutes shall show any action taken by the stockholders, including the election of all directors.

(c) If, for any reason, the meeting cannot be held on the date specified in the bylaws, the meeting shall be held on a subsequent day within 60 days of the day fixed, to be designated by the board of directors, or, if the directors fail to fix the day, by the shareholders representing ⅔ of the shares.

(d) In all cases, at least 10 days' notice of the date for the annual meeting shall ~~have been~~ *be* given by first-class mail to the shareholders.

(e) Any newly created directorship ~~must~~ *shall* be approved and elected by the shareholders in the manner provided in the general corporation code. A special meeting of the shareholders may be convened at any time for such purpose.

(f) Any vacancy in the board of directors may be filled by the board of directors in the manner provided in the general corporation code.

(g) Any director of any bank or trust company who ~~shall become~~ *becomes* indebted to such bank or trust company on any judgment or whose indebtedness is charged off or forgiven shall forfeit such person's position as director.

(h) Within 15 days after the annual meeting, the president or cashier of every bank and every trust company shall submit to the commissioner a certified list of stockholders and the number of shares owned by each. This list of stockholders shall be kept and maintained in the bank's or trust company's main office and shall be subject to inspection by all stockholders during the business hours of the bank or trust company. The commissioner may require the list to be filed using an electronic means.

(i) Each director shall take and subscribe an oath to administer the affairs of such bank or trust company diligently and honestly and to not knowingly or willfully permit any of the laws relating to banks or trust companies to be violated. A copy of each oath shall be retained by the bank or trust company in the bank's or trust company's records ~~after the election of any officer or director,~~ for review by the commissioner's staff during the next examination. *Each bank and trust company shall file an oath with the commissioner within 15 days of* the election of any officer or director. The commissioner may require the oath to be filed using an electronic means.

(j) ~~Every~~*Each* bank and trust company shall notify the commissioner of any ~~change in the~~ *newly appointed* chief executive officer, president or directors *prior to the commencement of any such individual's duties*, including in such bank's or trust company's report a statement of the past and current business and professional affiliations of the new chief executive officer, president or directors. *Each bank and trust company shall no-*

tify the commissioner of any chief executive officer, president or director that is voluntarily or involuntarily relieved from the position duties within five business days.

Sec. 4. K.S.A. 9-1724 is hereby amended to read as follows: 9-1724. (a) The provisions of K.S.A. 9-1720 through 9-1724, and amendments thereto, shall not apply to the merger transaction of a bank or trust company when the surviving entity is a national banking association or other state or federally chartered financial institution or a trust company, except that the bank or trust company shall provide written notification to the commissioner of such a merger, consolidation or transfer of assets and liabilities at least 10 days prior to the consummation of any such transaction.

(b) *Any bank or trust company that will cease to exist following the consummation of any approved merger transaction shall have its charter deemed void on the next business day immediately following the merger consummation date.* Not more than 15 days following any merger transaction, any bank or trust company that will cease to exist shall surrender such bank's or trust company's state certificate of authority or charter and shall certify in writing that the proper instruments have been executed and filed in accordance with K.S.A. 17-6003, and amendments thereto.

(c) Notice of the merger transaction shall be published twice in a newspaper of general circulation in each city or county ~~in which~~ *where* the bank or trust company is located, or the newspaper nearest such city or county, and a certified copy of each notice shall be filed with the commissioner. The first publication shall be ~~no~~ *not* later than five days after an application is filed. The second publication shall be on the 14th day after the date of the first publication or~~,~~ if the newspaper does not publish on the 14th day, then the date that is the closest to the 14th day. The notice shall be in the form prescribed by the commissioner and shall provide for a comment period of not less than 10 days after the date of the second publication.

Sec. 5. K.S.A. 9-1807 is hereby amended to read as follows: 9-1807. (a) If the commissioner finds that any bank or trust company is engaging, has engaged or is about to engage in an unsafe or unsound practice or if the commissioner finds that any bank or trust company is violating, has violated or is about to violate a law, rule and regulation or order of the commissioner or state banking board, the commissioner may issue and serve upon the bank or trust company a notice of charges. The notice of charges shall contain a statement of the facts that forms the basis for a proposed cease and desist order and shall state the time and place ~~at which~~ *that* a hearing will be held by the state banking board to determine whether an order to cease and desist therefrom should be issued by the state banking board against the bank or trust company. Such hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after service of such

notice *and shall be held in accordance with the Kansas administrative procedure act*.

(b) Unless the bank or trust company ~~shall appear~~ *appears* at the hearing, such bank or trust company shall be deemed to have consented to the issuance of the cease and desist order. In the event of such consent~~,~~ or if, upon the record made at any such hearing, the state banking board ~~shall find~~ *finds* that any unsafe or unsound practice or violation specified in the notice of charges has been established, the state banking board may issue and serve upon the bank or trust company an order to cease and desist from any such practice or violation. Such order may require the bank or trust company and such bank's or trust company's directors, officers, employees or agents to cease and desist or to take affirmative action to correct the conditions resulting from any such practice or violation. A cease and desist order shall become effective at the time specified therein and shall remain effective and enforceable as provided therein, except to such extent as it is stayed, modified or terminated by the state banking board.

(c) Whenever the commissioner finds that a bank's or trust company's unsafe or unsound practice or violation, or the continuation thereof, is likely to cause insolvency, substantial dissipation of assets or earnings or is likely to ~~otherwise~~ seriously prejudice the interests of the bank's depositors or trust company's clients, the commissioner may issue a temporary order requiring the bank or trust company to cease and desist from any such practice or violation. The order shall contain a notice of charges with a statement of the facts that forms the basis for a proposed temporary cease and desist order. Such order shall be effective upon service on the bank or trust company and shall remain effective and enforceable pending the completion of the proceedings pursuant to such notice and until such time as the state banking board ~~shall dismiss~~ *dismisses* the charges specified in such notice~~,~~ or, if a cease and desist order is issued against the bank or trust company, until the effective date of any such order.

Sec. 6. K.S.A. 9-2011 is hereby amended to read as follows: 9-2011. *(a)* It shall be unlawful for any individual, firm or corporation to advertise, publish or otherwise promulgate that ~~the~~ *such* individual, firm or corporation is engaged in the banking business ~~or trust business~~ without first having obtained authority from the commissioner, *unless its deposits are federally insured and either chartered in Kansas, another state or the federal government.*

(b) It shall be unlawful for any individual, firm or corporation to advertise, publish or otherwise communicate that such individual, firm or corporation is engaged in the trust business without first having obtained authority from the commissioner, unless the entity is a federally insured bank or credit union and has authorization from another state or the federal government to engage in trust business in Kansas.

(c) Any such individual or member of any such firm or officer of any such corporation violating this section, upon conviction, shall be guilty of a class A, nonperson misdemeanor.

Sec. 7. K.S.A. 2024 Supp. 9-2107 is hereby amended to read as follows: 9-2107. (a) As used in this section:

(1) "Contracting trustee" means any trust company, as defined in K.S.A. 9-701, and amendments thereto, any bank that has been granted trust authority by the commissioner under K.S.A. ~~9-1602~~ *9-1601*, and amendments thereto, any national bank chartered to do business in Kansas that has been granted trust authority by the comptroller of the currency under 12 U.S.C. § 92a, any bank that has been granted trust authority or any trust company, regardless of where such bank or trust company is located, that is controlled, as defined in K.S.A. 9-1612, and amendments thereto, by the same bank holding company as any trust company, state bank or national bank chartered to do business in Kansas, ~~which~~ *that* accepts or succeeds to any fiduciary responsibility as provided in this section;

(2) "originating trustee" means any trust company, bank, national banking association, savings and loan association or savings bank that has trust powers and places or transfers any fiduciary responsibility to a contracting trustee as provided in this section; and

(3) "financial institution" means any bank, national banking association, savings and loan association or savings bank that has its principal place of business in this state but that does not have trust powers.

(b) Any contracting trustee and any originating trustee may enter into an agreement by which the contracting trustee, without any further authorization of any kind, succeeds ~~to~~ and is substituted for the originating trustee as to all fiduciary powers, rights, duties, privileges and liabilities with respect to all accounts ~~for which~~ *that* the originating trustee serves in any fiduciary capacity, except as may be provided otherwise in the agreement. Notwithstanding the provisions of this section, either the contracting trustee or the originating trustee shall have its principal place of business in this state.

(c) Unless the agreement expressly provides otherwise, upon the effective date of the substitution:

(1) The contracting trustee shall be deemed to be named as the fiduciary in all writings, including, without limitation, trust agreements, wills and court orders, ~~which~~ *that* pertain to the affected fiduciary accounts; and

(2) the originating trustee is absolved from all fiduciary duties and obligations arising ~~under~~ *from* such writings and shall discontinue the exercise of any fiduciary duties with respect to such writings, except that the originating trustee is not absolved or discharged from any duty to account required by K.S.A. 59-1709, and amendments thereto, or any other applicable statute, rule of law, rules and regulations or court order, nor shall

the originating trustee be absolved from any breach of fiduciary duty or obligation occurring prior to the effective date of the agreement.

(d) The agreement may authorize the contracting trustee:

(1) To establish a trust service desk at any office of the originating trustee at which the contracting trustee may conduct any trust business and any business incidental thereto and which the contracting trustee may otherwise conduct at its principal place of business; and

(2) to engage the originating trustee as the agent of the contracting trustee, on a disclosed basis to customers, for the purposes of providing administrative, advertising and safekeeping services incident to the fiduciary services provided by the contracting trustee.

(e) Any contracting trustee may enter into an agreement with a financial institution providing that the contracting trustee may establish a trust service desk as authorized by subsection (d) in the offices of such financial institution and ~~which provides~~ *that* such financial institution, on a disclosed basis to customers, may act as the agent of contracting trustee for purposes of providing administrative services and advertising incident to the fiduciary services to be performed by the contracting trustee.

(f) No activity authorized by subsections (b) through (e) shall be conducted by any contracting trustee, originating trustee or financial institution until an application for such authority has been submitted to and approved by the commissioner. The application shall be in the form and contain the information required by the commissioner~~, which~~ *and* shall, at a minimum, include certified copies of the following documents:

(1) The agreement;

(2) ~~the written action taken by the board of directors of the originating trustee or financial institution approving the agreement;~~

~~(3)~~ all other required regulatory approvals; *and*

~~(4) proof of publication of notice that the applicant intends to file or has filed an application pursuant to this section. The notice shall be published in a newspaper of general circulation in the county where the principal office of the originating trustee or financial institution is located. The notice shall be in the form prescribed by the commissioner and shall contain the name of the applicant contracting trustee and the originating trustee, and a solicitation for written comments. The notice shall be published on the same day for two consecutive weeks and provide for a comment period of not less than 10 days after the date of the second publication; and~~

~~(5)~~*(3)* a certification by the parties to the agreement that written notice of the proposed substitution was sent by first-class mail to each cofiduciary, each surviving settlor of a trust, each ward of a guardianship, each person that has sole or shared power to remove the originating trustee as fiduciary and each adult beneficiary currently receiving or entitled

to receive a distribution of principle or income from a fiduciary account affected by the agreement~~,~~ and that such notice was sent to each such person's address as shown in the originating trustee's records. An unintentional failure to give such notice shall not impair the validity or effect of any such agreement, except *that* an intentional failure to give such notice shall render the agreement null and void as to the party not receiving the notice of substitution.

(g) *If the originating trustee or financial institution is transferring more than 50% of the financial institution's total fiduciary accounts, the commissioner shall require the following certified copies in addition to the requirements described in subsection (f):*

(1) The written action taken by the board of directors of the originating trustee or financial institution approving the agreement; and

(2) proof of publication of notice that the applicant intends to file or has filed an application pursuant to this section. The notice shall be published in a newspaper of general circulation in the county where the principal office of the originating trustee or financial institution is located. The notice shall be in the form prescribed by the commissioner and shall contain the name of the applicant contracting trustee and the originating trustee and a solicitation for written comments. The notice shall be published on the same day and every day thereafter for two consecutive weeks and provide for a comment period of not less than 10 days after the date of the second publication.

(h) A contracting trustee making application to the commissioner for approval of any agreement pursuant to this section shall pay to the commissioner a fee, in an amount established pursuant to K.S.A. 9-1726, and amendments thereto, to defray the expenses of the commissioner in the examination and investigation of the application. The commissioner shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the bank investigation fund. The moneys in the bank investigation fund shall be used to pay the expenses of the commissioner, or designee, in the examination and investigation of such applications and any unused balance shall be transferred to the bank commissioner fee fund.

~~(h)~~*(i)* Upon the filing of a complete application with the commissioner, the commissioner shall make or cause to be made, a careful examination and investigation of the proposed agreement. If the commissioner finds any of the following matters unfavorably, the commissioner may deny the application:

(1) The reasonable probability of usefulness and success of the contracting trustee; and

(2) the financial history and condition of the contracting trustee including the character, qualifications and experience of the officers employed by the contracting trustee.

~~(i)~~*(j)* The commissioner shall render approval or disapproval of the application within 90 days of receiving a complete application.

~~(j)~~*(k)* Upon service of an order denying an application, the applicant shall have the right to a hearing to be conducted in accordance with the Kansas administrative procedure act before the state banking board. Any final order of the commissioner pursuant to this section is subject to review in accordance with the Kansas judicial review act.

~~(k)~~*(l)* When the commissioner determines that any contracting trustee domiciled in this state has entered into a contracting agreement in violation of the laws governing the operation of such contracting trustee, the commissioner may take such action as available under K.S.A. 9-1714, 9-1805, 9-1807 or 9-1809, and amendments thereto, to remedy such violation.

~~(l)~~*(m)* Any party entitled to receive a notice under subsection (f)~~(5)~~ *(3)* may file a petition in the court having jurisdiction over the fiduciary relationship, or if none, in the district court in the county where the originating trustee has its principal office, seeking to remove any contracting trustee substituted or about to be substituted as fiduciary pursuant to this section. Unless the contracting trustee files a written consent to its removal or a written declination to act subsequent to the filing of the petition, the court, upon notice and hearing, shall determine the best interest of the petitioner and all other parties concerned and shall fashion such relief as the court deems appropriate in the circumstances, including the awarding of reasonable attorney fees. The right to file a petition under this subsection shall be in addition to any other rights to remove the fiduciary provided by any other statute or regulation or by the writing creating the fiduciary relationship. If the removal of the fiduciary is prompted solely as a result of the contracting agreement, any reasonable cost associated with such removal and transfer shall be paid by the originating trustee or financial institution entering into the agreement.

Sec. 8. K.S.A. 9-2108 is hereby amended to read as follows: 9-2108. It is unlawful for any trust company to establish or operate a trust service office or relocate an existing trust service office except as provided herein.

(a) As used in this section: "Trust service office" means any office, agency or other place of business located within this state, other than the place of business specified in the trust company's certificate of authority, at which the powers granted to trust companies under K.S.A. 9-2103, and amendments thereto, are exercised. For the purposes of this section, any activity in compliance with K.S.A. 9-2107, and amendments thereto, does not constitute a trust service office.

(b) After first applying for and obtaining the approval of the commissioner under this section, one or more trust service offices may be established or operated in any city within this state by a trust company incorporated under the laws of this state.

(c) An application to establish or operate a trust service office or to relocate an existing trust service office shall be in the form and manner prescribed by the commissioner and provide the following documents:

(1) A certified copy of the written action taken by the board of directors of the trust company approving the establishment or operation of the proposed trust service office or the proposed relocation of the trust service office;

(2) all other required regulatory approvals;

(3) proof of publication of notice that the applicant intends to file or has filed an application pursuant to this section. The notice shall be published in a newspaper of general circulation where the proposed trust service office is to be located. The notice shall be in the form prescribed by the commissioner and shall contain the name of the applicant, the location of the proposed trust service office and a solicitation for written comments. The notice shall be published on the same day *and every day thereafter* for two consecutive weeks and provide for a comment period of not less than 10 days after the date of the second publication; and

(4) the application shall include the name selected for the proposed trust service office. The name selected for the proposed trust service office shall not be the same or substantially similar to the name of any other trust company or trust service office doing business in the state of Kansas, nor shall the name selected be required to contain the name of the applicant trust company. If the name selected for the proposed trust service office does not contain the name of the applicant trust company, the trust service office shall provide in the public lobby of such trust service office, a public notice that it is a trust service office of the applicant trust company. Any trust company may request *an* exemption from the commissioner from the provisions of this subsection.

(d) A trust company making application to the commissioner for approval of a trust service office under this section shall pay to the commissioner a fee, in an amount established pursuant to K.S.A. 9-1726, and amendments thereto, to defray the expenses of the commissioner in the examination and investigation of the application. The commissioner shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the bank investigation fund. The moneys in the bank investigation fund shall be used to pay the expenses of the commissioner or designee in the examination and investi-

gation of such applications and any unused balance shall be transferred to the bank commissioner fee fund.

(e) Upon the request of any trust company proposing to relocate an existing trust service office *to* less than ~~one mile~~ *10 miles* from the trust company's existing location, the commissioner may exempt such trust company from the requirements of this section. *If an exemption is provided under this subsection, each trust company shall document the written action taken by the board of directors of the trust company approving the proposed relocation of the trust service office and all other required regulatory approvals.*

(f) Upon the filing of a complete application with the commissioner, the commissioner shall make or cause to be made, a careful examination and investigation. If the commissioner finds any of the following matters unfavorably, the commissioner may deny the application:

(1) The reasonable probability of usefulness and success of the proposed trust service office; and

(2) the applicant trust company's financial history and condition including the character, qualifications and experience of the officers employed by the trust company.

(g) Upon service of an order denying an application, the applicant shall have the right to a hearing to be conducted in accordance with the Kansas administrative procedure act before the state banking board. Any final order of the state banking board pursuant to this section is subject to review in accordance with the Kansas judicial review act.

(h) When the commissioner determines that a trust company domiciled in this state has established or is operating a trust service office in violation of the laws governing the operation of such trust company, the commissioner may take such action as available under K.S.A. 9-1714, 9-1805, 9-1807 or 9-1809, and amendments thereto, to remedy such violation.

Sec. 9. K.S.A. 9-2111 is hereby amended to read as follows: 9-2111. (a) Except as provided in K.S.A. 9-2107, and amendments thereto, no trust company, trust department of a bank, corporation or other business entity~~, the~~ *with a* home office ~~of which is~~ located outside ~~the state~~ of Kansas~~,~~ shall establish or operate a trust facility within the state of Kansas, unless the laws of the state where the home office of the nonresident trust company, trust department of a bank, corporation or other business entity is located authorize a ~~Kansas chartered~~ *Kansas-chartered* trust company, trust department of a bank, corporation or other business entity to establish or operate a trust facility within that state. *The commissioner may require any nonresident trust company to meet the greater of the requirements stated under the banking code or the laws of the nonresident trust company's home state required for a Kansas trust company to do business in the nonresident trust company's home state.*

(b) Before any nonresident trust company, trust department of a bank, corporation or other business entity establishes a trust facility in Kansas, a copy of the application submitted to the home state~~,~~ and proof that the home state authorizes a ~~Kansas chartered~~ *Kansas-chartered* trust company, trust department of a bank, corporation or other business entity to establish or operate a trust facility within that state~~, must~~ *shall* be filed by the applicant with the commissioner.

(c) No Kansas trust company shall establish an out-of-state trust facility until an application has been filed with the commissioner and approval has been received. An application filed pursuant to this section shall be subject to the provisions in K.S.A. 9-2108, and amendments thereto.

(d) No Kansas bank with a trust department shall establish an out-of-state trust facility until an application has been filed with the commissioner and approval has been received. An application filed pursuant to this section shall be subject to the provisions in K.S.A. 9-1111, and amendments thereto.

(e) As used in this section, "trust facility" means any office, agency, desk or other place of business ~~at which trust~~ *where* business is conducted.

(f) Any Kansas trust company or Kansas bank making application to the commissioner pursuant to subsection (c) or (d) shall pay to the commissioner a fee to be established pursuant to K.S.A. 9-1726, and amendments thereto, to defray the expenses of the commissioner in the examination and investigation of the application. The commissioner shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the bank investigation fund. The moneys in the bank investigation fund shall be used to pay the expenses of the commissioner in the examination and investigation of such applications and any unused balance shall be transferred to the bank commissioner fee fund.

Sec. 10. K.S.A. 9-519, 9-1111, 9-1114, 9-1724, 9-1807, 9-2011, 9-2101, 9-2108, 9-2111 and 16-842 and K.S.A. 2024 Supp. 9-2107 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 8, 2025.

CHAPTER 79

HOUSE BILL No. 2075

AN ACT concerning minors; relating to the revised Kansas code for care of children; determining when a law enforcement officer may or shall take a child into custody; requiring the secretary for children and families to provide means for a law enforcement officer to refer potential cases of abuse or neglect and that the secretary provide a response to such referrals within 24 hours; requiring the court to review parent and interested party involvement in permanency planning; requiring that a permanency hearing for a child in custody of the secretary be held within nine months of such child's removal from such child's home and subsequent hearings be held every six months thereafter; amending K.S.A. 2024 Supp. 38-2231 and 38-2264 and repealing the existing sections.

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

Section 1. K.S.A. 2024 Supp. 38-2231 is hereby amended to read as follows: 38-2231. (a) A law enforcement officer or court services officer shall take a child under 18 years of age into custody when:

(1) The law enforcement officer or court services officer has a court order commanding that the child be taken into custody as a child in need of care; or

(2) the law enforcement officer or court services officer has probable cause to believe that a court order commanding that the child be taken into custody as a child in need of care has been issued in this state or in another jurisdiction.

(b) A law enforcement officer shall take a child under 18 years of age into custody when the officer:

(1) Reasonably believes the child will be harmed if not immediately removed from the place or residence where the child has been found; *or*

(2) ~~has probable cause to believe that the child is a runaway or a missing person or a verified missing person entry for the child can be found in the national crime information center missing person system;~~

~~(3) reasonably believes the child is a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child; or~~

~~(4)~~ reasonably believes the child is experiencing a behavioral health crisis and is likely to cause harm to self or others.

(c) *A law enforcement officer shall explore other options to separate the child from the source of harm before removal of such child as provided in subsection (b).*

(d) The secretary shall provide an electronic means of communication for a responding law enforcement officer to refer a child who may be a victim of abuse or neglect to the secretary. The secretary shall receive such referrals and, within 24 hours, initiate an investigation of abuse or neglect and contact the persons who are the subject of such investigation. Then, within 24 hours of such contact, the secretary shall respond to the referring law enforcement agency with the status of the investigation.

(e) A law enforcement officer shall take a child under 18 years of age into custody when the officer:

(1) Has probable cause to believe that the child is a runaway or a missing person or a verified missing person entry for the child can be found in the national crime information center missing person system; or

(2) reasonably believes that the child is a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child.

(f) (1) If a person provides shelter to a child whom the person knows is a runaway, such person shall promptly report the child's location either to a law enforcement agency or to the child's parent or other custodian.

(2) If a person reports a runaway's location to a law enforcement agency pursuant to this section and a law enforcement officer of the agency has reasonable grounds to believe that it is in the child's best interests, the child may be allowed to remain in the place where shelter is being provided, subject to subsection ~~(b)~~ *(e)*, in the absence of a court order to the contrary. If the child is allowed to so remain, the law enforcement agency shall promptly notify the secretary of the child's location and circumstances.

~~(d)~~*(g)* Except as provided in subsections (a) ~~and~~, (b) *and (e)*, a law enforcement officer may temporarily detain and assume temporary custody of any child subject to compulsory school attendance, pursuant to K.S.A. 72-3120, and amendments thereto, during the hours school is actually in session and shall deliver the child pursuant to K.S.A. 38-2232(g), and amendments thereto.

Sec. 2. K.S.A. 2024 Supp. 38-2264 is hereby amended to read as follows: 38-2264. (a) A permanency hearing is a proceeding conducted by the court or by a citizen review board for the purpose of determining progress toward accomplishment of a permanency plan as established by K.S.A. 38-2263, and amendments thereto.

(b) The court or a citizen review board shall hear and the court shall determine whether and, if applicable, when the child will be:

(1) Reintegrated with the child's parents;

(2) placed for adoption;

(3) placed with a permanent custodian;

(4) if the child is 16 years of age or older, placed with a SOUL family legal permanency custodian; or

(5) if the child is 16 years of age or older and the secretary has documented compelling reasons why it would not be in the child's best interests for a placement in one of the placements pursuant to paragraphs (1) through (4), placed in another planned permanent living arrangement.

(c) At each permanency hearing, the court shall:

(1) *Review with all present parties, including parents and interested parties, the current permanency goal and, on the record, inquire of each*

party whether each party: (A) Participated in the most recent permanency plan; (B) received a copy of such plan; and (C) has made reasonable efforts to achieve the permanency goal in place at the time of the hearing. If a party did not participate in such plan, the court shall inquire the reasoning for nonparticipation. If a party did not receive a copy of the most recent permanency plan, the court shall order the secretary to provide such party with such copy within two business days of entering such order.

(2) Enter a finding as to whether reasonable efforts have been made by appropriate public or private agencies to rehabilitate the family and achieve the permanency goal in place at the time of the hearing;

~~(2)~~*(3)* enter a finding as to whether the reasonable and prudent parenting standard has been met and whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities. The secretary shall report to the court the steps the secretary is taking to ensure that the child's foster family home or child care institution is following the reasonable and prudent parenting standard and that the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities, including consultation with the child in an age-appropriate manner about the opportunities of the child to participate in the activities; and

~~(3)~~*(4)* if the child is 14 years of age or older, document the efforts made by the secretary to help the child prepare for the transition from custody to a successful adulthood. The secretary shall report to the court the programs and services that are being provided to the child that will help the child prepare for the transition from custody to a successful adulthood.

(d) The requirements of this subsection shall apply only if the permanency goal in place at the time of the hearing is another planned permanent living arrangement as described in subsection (b)(5). At each permanency hearing held with respect to the child, in addition to the requirements of subsection (c), the court shall:

(1) Ask the child, if the child is able, by attendance at the hearing or by report to the court, about the desired permanency outcome for the child;

(2) document the intensive, ongoing and, as of the date of the hearing, unsuccessful permanency efforts made by the secretary to return the child home or secure a placement for the child with a fit and willing relative, a legal custodian or guardian or an adoptive parent. The secretary shall report to the court the intensive, ongoing and, as of the date of the hearing, unsuccessful efforts made by the secretary to return the child home or secure a placement for the child with a fit and willing relative, a legal custodian or guardian or an adoptive parent, including efforts that utilize search technology, including social media, to find biological family members of the ~~children~~ *child*; and

(3) make a judicial determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and provide compelling reasons why it continues to not be in the best interests of the child to return home, be ~~placed for adoption, be placed with a legal custodian or guardian or be~~ placed with a fit and willing relative, *a legal custodian or guardian or an adoptive parent*.

(e) The requirements of this subsection shall apply only if the child is placed in a qualified residential treatment program at the time of the permanency hearing. At each permanency hearing held with respect to the child, in addition to the requirements of subsection (c), the court shall document:

(1) That the ongoing assessment of the strengths and needs of the child continues to support the determination that the needs of the child cannot be met through placement in a foster family home, that the placement in a qualified residential treatment program provides the most effective and appropriate level of care for the child in the least restrictive environment, and that the placement is consistent with the short-term and long-term goals for the child, as specified in the permanency plan for the child;

(2) the specific treatment or service needs that will be met for the child in the placement and the length of time the child is expected to need the treatment or services; and

(3) the efforts made by the secretary to prepare the child to return home or to be placed with a fit and willing relative, a legal custodian or guardian, ~~or~~ an adoptive parent~~,~~ or in a foster family home.

(f) A permanency hearing shall be held within ~~12~~ *nine* months of the date the court authorized the child's removal from the home and not less frequently than every ~~12~~ *six* months thereafter. If the court makes a finding that the requirements of subsection (c)(1) ~~or~~, (2) *or (3)* have not been met, a subsequent permanency hearing shall be held ~~no~~ *not* later than 60 days following the finding.

(g) If the court determines at any time other than during a permanency hearing that reintegration may not be a viable alternative for the child, a permanency hearing shall be held not later than 30 days following that determination.

(h) When the court finds that reintegration continues to be a viable alternative, the court shall determine whether and, if applicable, when the child will be returned to the parent. The court may rescind any of its prior dispositional orders and enter any dispositional order authorized by this code or may order that a new plan for the reintegration be prepared and submitted to the court. If reintegration cannot be accomplished as approved by the court, the court shall be informed and shall schedule a

hearing pursuant to this section. No such hearing is required when the parents voluntarily relinquish parental rights or consent to appointment of a permanent custodian or a SOUL family legal permanency custodian.

(i) If the court finds reintegration is no longer a viable alternative, the court shall consider whether: (1) The child is in a stable placement with a relative; (2) services set out in the case plan necessary for the safe return of the child have been made available to the parent with whom reintegration is planned; or (3) compelling reasons are documented in the case plan to support a finding that neither adoption nor appointment of a permanent custodian are in the child's best ~~interest~~ *interests*. If reintegration is not a viable alternative and either adoption or appointment of a permanent custodian might be in the best interests of the child, the county or district attorney or the county or district attorney's designee shall file a motion to terminate parental rights or a motion to appoint a permanent custodian within 30 days and the court shall set a hearing on such motion within 90 days of the filing of such motion.

(j) If the court enters an order terminating parental rights to a child, or an agency has accepted a relinquishment pursuant to K.S.A. 59-2124, and amendments thereto, the requirements for permanency hearings shall continue until an adoption or appointment of a permanent custodian or a SOUL family legal permanency custodian has been accomplished and court jurisdiction has been terminated. If the court determines that reasonable efforts or progress have not been made toward finding an adoptive placement or appointment of a permanent custodian or a SOUL family legal permanency custodian or placement with a fit and willing relative, the court may rescind its prior orders and make others regarding custody and adoption that are appropriate under the circumstances. Reports of a proposed adoptive placement need not contain the identity of the proposed adoptive parents.

(k) If permanency with one parent has been achieved without the termination of the other parent's rights, the court may, prior to dismissing the case, enter child custody orders, including residency and parenting time that the court determines to be in the best interests of the child. The court shall complete a parenting plan pursuant to K.S.A. 23-3213, and amendments thereto.

(1) Before entering a custody order under this subsection, the court shall inquire whether a custody order has been entered or is pending in a civil custody case by a court of competent jurisdiction within the state of Kansas.

(2) If a civil custody case has been filed or is pending, a certified copy of the custody, residency and parenting time orders shall be filed in the civil custody case. The court in the civil custody case may, after consultation with the court in the child in need of care case, enter an order declar-

ing that the custody order in the child in need of care case shall become the custody order in the civil custody case.

(3) A district court, on its own motion or upon the motion of any party, may order the consolidation of the child in need of care case with any open civil custody case involving the child and both of the child's parents. Custody, residency and parenting time orders entered in consolidated child in need of care and civil custody cases take precedence over any previous orders affecting both parents and the child that were entered in the civil custody case regarding the same or related issues. Following entry of a custody order in a consolidated case, the court shall dismiss the child in need of care case and, if necessary, return the civil custody case to the original court having jurisdiction over the case.

(4) If no civil custody case has been filed, the court may direct the parties to file a civil custody case and to file the custody orders from the child in need of care case in ~~that~~ *such civil* case. Costs of the civil custody case may be assessed to the parties.

(5) Nothing in this subsection shall operate to expand access to information that is confidential under K.S.A. 38-2209, and amendments thereto, and the confidentiality of such information shall be preserved in all filings in a civil custody case.

(l) When permanency has been achieved to the satisfaction of the court, the court shall enter an order closing the case.

Sec. 3. K.S.A. 2024 Supp. 38-2231 and 38-2264 are hereby repealed.

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

Approved April 8, 2025.

CHAPTER 80

SENATE BILL No. 199

AN ACT concerning fire protection; relating to the fallen firefighters memorial; designating the existing fallen firefighters memorial within the Kansas firefighters museum in Wichita as the official fallen firefighters memorial of the state of Kansas; creating the Kansas fallen firefighters memorial council; abolishing the existing Kansas firefighters memorial advisory committee and transferring such committee's powers, duties, functions, records and other property to the newly created council; requiring expenditures from the Kansas fallen firefighters memorial fund for the purposes of constructing, updating and repairing the memorial and allowing expenditures to be made for other purposes related to memorializing and honoring Kansas firefighters; relating to fireworks; defining the fireworks sales season for seasonal retailers of consumer fireworks and providing for year-round sales by permanent retailers of consumer fireworks; requiring registration with the state fire marshal by permanent retailers; creating the license categories of distributor of display fireworks, distributor of articles pyrotechnic and unlimited distributor; limiting lawful sale of fireworks labeled "For Professional Use Only" to certain license categories; amending K.S.A. 31-502, 31-503 and 75-36,102 and repealing the existing sections; also repealing K.S.A. 75-36,103.

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

New Section 1. The Kansas firefighters memorial advisory committee is hereby abolished, and all powers, duties, functions, records and other property of the Kansas firefighters memorial advisory committee are hereby transferred to the Kansas fallen firefighters memorial council created by section 2, and amendments thereto.

New Sec. 2. (a) There is hereby established the Kansas fallen firefighters memorial council, which shall be composed of nine members as follows:

(1) A representative of the Kansas state firefighters association appointed by the governor;

(2) a representative of the Kansas state association of fire chiefs appointed by the governor;

(3) a representative of the Kansas firefighters museum appointed by the governor;

(4) a representative of the Kansas council of firefighters appointed by the governor;

(5) a representative of the Wichita park board appointed by the governor;

(6) a representative of the Kansas state funeral assistance team appointed by the governor;

(7) a representative of the fire marshal's association of Kansas appointed by the governor;

(8) the state fire marshal or the marshal's designee; and

(9) the executive director of the Kansas state historical society or the executive director's designee.

(b) The council shall make recommendations to the governor and the legislature regarding appropriate activities memorializing or commemorating the services of firefighters in Kansas, including, but not limited to, recommendations concerning the updating and repairing of the fallen firefighters memorial pursuant to K.S.A. 75-36,102, and amendments thereto. The council may solicit grants, gifts, contributions and bequests for the memorial and shall remit all moneys so received for deposit in the state treasury to the credit of the Kansas firefighters memorial fund in accordance with K.S.A. 75-36,102, and amendments thereto.

(c) The members of the council shall organize annually by electing a chairperson and vice chairperson. The council shall meet at least once each year upon the call of the chairperson. The secretary of administration, or the secretary's designee, shall serve as secretary for the council. Members of the council appointed by the governor under this section shall serve at the pleasure of the governor.

Sec. 3. K.S.A. 31-502 is hereby amended to read as follows: 31-502. As used in this act, unless the context otherwise requires:

~~(a) "Licensed display fireworks operator" means a person licensed to operate an outdoor display of display fireworks.~~

~~(b) "Licensed proximate pyrotechnic operator" means a person licensed to operate indoor or outdoor articles of pyrotechnic.~~

~~(c) "Manufacturer" means any person engaged in the manufacture of fireworks of any kind in the state of Kansas. Manufacturer shall also include any person engaged in the assembly of consumer fireworks or component parts into a finished item or assortment, but shall not include repackaging finished goods into an assortment.~~

~~(d) "Distributor" means any person engaged in the distribution of fireworks of any kind in the state of Kansas to include the following:~~

~~(1) Sells, delivers, transports, consigns, gives, imports, exports or otherwise furnishes consumer fireworks to any person for the purpose of resale to a retailer or any other distributor or reseller within the state of Kansas;~~

~~(2) sells, intends to sell, offer for sale, possess with intent to sell or consigns display fireworks or articles pyrotechnic to any person, distributor, municipality or any other organization within the state of Kansas; or~~

~~(3) produces, conducts or provides a licensed operator or imports any display fireworks or articles pyrotechnic of any kind within the state of Kansas for profit.~~

~~(e) "Distributor" shall not include:~~

~~(1) Anyone who transports fireworks from one state to another state through the state of Kansas and such fireworks ultimate destination is not within the state of Kansas;~~

~~(2) anyone who sells consumer fireworks during a fireworks season as a seasonal retailer;~~

~~(3) freight delivery companies or common carriers as defined in U.S. department of transportation 49 C.F.R. § 171.8; or~~

~~(4) an out-of-state person who sells, transports, delivers or gives fireworks to a licensed manufacturer or distributor.~~

~~(f) "Hobbyist manufacturer" means any person who manufactures consumer fireworks, display fireworks or articles pyrotechnic for their personal use.~~

~~(g) "Person" means any individual, partnership, firm, company, association, corporation, not-for-profit organization, municipality or limited liability corporation.~~

~~(h) "Seasonal retailer" means a person who receives consumer fireworks and sells, delivers, consigns, gives or otherwise furnishes consumer fireworks only to the public for their personal use and only during a fireworks season.~~

~~(i) "Storage" means the safekeeping of fireworks in a warehouse or magazine or comparable appropriate depository. Consumer fireworks that are located at the destination of their retail sale and that are being held in anticipation of retail sale shall not be considered as in storage.~~

~~(j) "Fireworks season" means a period in time as set forth in the regulations authorized to be adopted by the state fire marshal during a calendar year in which seasonal retailers are permitted to sell consumer fireworks to the public.~~

~~(k) "Fireworks display" means a private or public production of display fireworks or articles pyrotechnic, or both, which are intended for use and designed to produce visible or audible effects for entertainment purposes by combustion, deflagration or detonation.~~

(a) (1) "Distributor of display fireworks" means any person engaged in the distribution of display fireworks in the state of Kansas, including:

(A) Selling, intending to sell, offering for sale, possessing with intent to sell or consigning display fireworks to any person, distributor, municipality or any other organization within the state of Kansas; or

(B) producing, conducting or providing to a licensed operator or importing any display fireworks of any kind within the state of Kansas for profit.

(2) "Distributor of display fireworks" does not include the exclusions set forth in the definition of "unlimited distributor."

(b) (1) "Distributor of articles pyrotechnic" means any person engaged in the distribution of articles pyrotechnic in the state of Kansas, including:

(A) Selling, intending to sell, offering for sale, possessing with intent to sell or consigning articles pyrotechnic to any person, distributor, municipality or any other organization within the state of Kansas; or

(B) producing, conducting or providing to a licensed operator or importing any articles pyrotechnic of any kind within the state of Kansas for profit.

(2) "Distributor of display fireworks" does not include the exclusions set forth in the definition of "unlimited distributor."

(c) "Fireworks display" means a private or public production of display fireworks or articles pyrotechnic, or both, that are intended for use and designed to produce visible or audible effects for entertainment purposes by combustion, deflagration or detonation.

(d) "Hobbyist manufacturer" means any person who manufactures consumer fireworks, display fireworks or articles pyrotechnic for their personal use.

(e) "Licensed display fireworks operator" means a person licensed to operate an outdoor display of display fireworks.

(f) "Licensed proximate pyrotechnic operator" means a person licensed to operate indoor or outdoor articles pyrotechnic.

(g) "Manufacturer" means any person engaged in the manufacture of fireworks of any kind in the state of Kansas. "Manufacturer" includes any person engaged in the assembly of consumer fireworks or component parts into a finished item or assortment but does not include repackaging finished goods into an assortment.

(h) "Permanent retailer" means any person engaged in the year-round retail sale of consumer fireworks, including the receipt and possession with intent to sell of consumer fireworks and the retail sale, delivery, consignment, gifting or other distribution at retail of consumer fireworks to any person from a permanent structure at a permanent location within this state.

(i) "Person" means any individual, partnership, firm, company, association, corporation, not-for-profit organization, municipality or limited liability corporation.

(j) "Seasonal retailer" means a person who receives consumer fireworks and sells, delivers, consigns, gives or otherwise furnishes consumer fireworks only to the public for their personal use and only during the period of June 20 through July 7 of a calendar year.

(k) "Storage" means the safekeeping of fireworks in a warehouse or magazine or comparable appropriate depository. Consumer fireworks that are located at the destination of their retail sale and being held in anticipation of retail sale are not considered as in "storage."

(l) (1) "Unlimited distributor" means any person engaged in the distribution of fireworks of any kind in the state of Kansas, including:

(A) Selling, delivering, transporting, consigning, giving, importing, exporting or otherwise furnishing consumer fireworks to any person for the purpose of reselling to a retailer or any other distributor or reseller within the state of Kansas;

(B) selling, intending to sell, offering for sale, possessing with intent to sell or consigning display fireworks or articles pyrotechnic to any per-

son, distributor, municipality or any other organization within the state of Kansas; or

(C) producing, conducting or providing a licensed operator or importing any display fireworks or articles pyrotechnic of any kind for profit within the state of Kansas.

(2) "Unlimited distributor" does not include:

(A) Any person who transports fireworks from one state to another state through the state of Kansas and such fireworks' ultimate destination is not within the state of Kansas;

(B) any person who sells consumer fireworks during the period of June 20 through July 7 of a calendar year as a seasonal retailer;

(C) any person who sells consumer fireworks year-round as a permanent retailer;

(D) freight delivery companies or common carriers as defined in U.S. department of transportation 49 C.F.R. § 171.8; or

(E) an out-of-state person who sells, transports, delivers or gives fireworks to a licensed manufacturer or distributor.

Sec. 4. K.S.A. 31-503 is hereby amended to read as follows: 31-503. (a) Any person who intends to sell, offer for sale, possess with intent to sell, any consumer fireworks, display fireworks or articles pyrotechnic or discharge, use, display fireworks or articles pyrotechnic shall first obtain the appropriate license from the state fire marshal. This shall not include seasonal retailers.

(b) The types of license shall be as follows:

(1) Manufacturer;

(2) hobbyist manufacturer;

(3) *distributor of display fireworks;*

(4) distributor of articles pyrotechnic;

(5) unlimited distributor;

~~(4)~~*(6)* display fireworks operator; and

~~(5)~~*(7)* proximate pyrotechnic operator.

(c) *It shall be unlawful for any person to possess, purchase, sell or offer for sale fireworks labeled "For Professional Use Only" that is not a current licensee and in physical possession of a license, issued by the state fire marshal, as a:*

(1) Manufacturer;

(2) hobbyist manufacturer;

(3) distributor of display fireworks;

(4) distributor of articles pyrotechnic;

(5) unlimited distributor;

(6) display fireworks operator; or

(7) proximate pyrotechnic operator.

(d) Before a license holder may operate, such license holder ~~must~~

shall satisfy the requirements of this act and regulations adopted by the state fire marshal.

~~(d)~~*(e)* The license holder shall be at least 21 years of age upon applying for a license.

~~(e)~~*(f)* Licenses shall not be transferable.

~~(f)~~*(g)* The state fire marshal shall not charge or collect fees for licensure. The licenses shall be valid for the following period of time:

(1) A manufacturer license shall be valid for a period of one year. A holder of a manufacturer license is not required to have any additional licenses in order to manufacture and sell any fireworks defined by this act.

(2) A hobbyist manufacturer license shall be valid for a period of four years.

(3) A distributor license shall be valid for a period of one year.

(4) A display fireworks operator license shall be valid for a period of four years.

(5) A proximate pyrotechnics operator license shall be valid for a period of four years.

~~(g)~~*(h)* A permit to conduct a fireworks display shall be obtained by the sponsor or operator of a fireworks display from and approved by the city or county where the fireworks display is to be discharged.

~~(h)~~*(i)* No fee shall be charged for a license or permit under this section for any person who is an officer or employee of the state or any political or taxing subdivision of the state when that person is acting on behalf of the state or political or taxing subdivision.

(j) All retail sales or transfers of consumer fireworks shall be made by a registered permanent retailer or a seasonal retailer at a physical location.

(k) Any person who intends to sell consumer fireworks at retail as a permanent retailer shall register annually as a permanent retailer with the state fire marshal. Such registration shall entitle the person to engage in the possession for purposes of retail sale, delivery, consignment, gifting or other distribution at retail of consumer fireworks to any person as a permanent retailer, subject to the provisions, limitations and requirements of this act and regulations of the state fire marshal for a permanent retailer. Registration shall be effective for one year from the date of registration. Registration shall be made in the form and manner as determined by the state fire marshal. Registration requirements shall include submission by a registrant of permanent business contact information, the address of the physical location or locations that retail sales will occur, the time period or periods sales will occur and any other information that may be required by the state fire marshal.

(l) The state fire marshal shall adopt rules and regulations as necessary for the purpose of implementing the provisions of subsections (c), (j) and (k).

Sec. 5. K.S.A. 75-36,102 is hereby amended to read as follows: 75-36,102. (a) ~~There shall be placed on state property within the state capitol plaza area a memorial to Kansas firefighters who have lost their lives in the line of duty in the service of the state. Such memorial shall be located at a site to be selected by the director. Such memorial shall be constructed in accordance with the design and architectural drawings approved by the director. The memorial shall be of such a design that the names of the firefighters to be honored, both past and future, may be inscribed thereon.~~ *The fallen firefighters memorial adjacent to the Kansas firefighters museum at 1300 S. Broadway Wichita, KS 67211, is hereby designated as the official fallen firefighters memorial within the state of Kansas. Annually,* the director shall cause ~~annually~~ the name or names of any firefighters who have lost their lives in the line of duty in the service of the state to be inscribed upon the memorial. ~~The memorial for Kansas firefighters is subject to the provisions, procedures and approvals required under K.S.A. 75-36,102 through 75-36,106, and amendments thereto, except that such memorial for Kansas firefighters is hereby authorized by the legislature for purposes of subsection (b) of K.S.A. 75-36,106, and amendments thereto.~~

(b) It shall be the duty of the state fire marshal on or before the 15th day of March of each year to notify the secretary of administration of the name or names of any firefighters who *have* lost their lives in the line of duty during the preceding calendar year. The state fire marshal shall ~~assemble~~ *gather* the necessary information regarding any such firefighter and report ~~the same~~ *such information* to the director.

(c) The ~~secretary of administration~~ *Kansas fallen firefighters memorial council* is hereby authorized to receive any grants, gifts, contributions or bequests made for the purpose of financing ~~the construction of such memorial or for its upkeep and the addition of names thereto and to expend the same for the purpose for which received~~ *expenditures authorized pursuant to subsection (d)*.

(d) There is hereby established in the state treasury the Kansas *fallen* firefighters memorial fund. Expenditures from the fund ~~may~~ *shall* be made for the purposes of ~~constructing,~~ updating and repairing ~~such~~ *the fallen firefighters* memorial~~,~~ *and may be made* for other purposes related to memorializing and honoring Kansas firefighters and for such purposes as may be specified with regard to any grant, gift, contribution or bequest. All such expenditures shall be authorized by the Kansas *fallen* firefighters memorial ~~advisory committee~~ *council* and made upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of administration or the secretary's designee.

(e) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas *fallen* firefighters memorial fund interest earnings based on:

(1) The average daily balance of moneys in the Kansas *fallen* firefighters memorial fund for the preceding month; and

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

Sec. 6. K.S.A. 31-502, 31-503, 75-36,102 and 75-36,103 are hereby repealed.

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

Approved April 8, 2025.

Published in the *Kansas Register* April 24, 2025.

CHAPTER 81

HOUSE BILL No. 2069*

AN ACT concerning public health licensure compacts; relating to school psychologists; enacting the school psychologist compact to provide interstate practice privileges; relating to dieticians; enacting the dietician compact to provide interstate practice privileges; relating to the practice of cosmetology; enacting the cosmetology licensure compact; relating to physician assistants; enacting the physician assistant licensure compact to provide interstate practice privileges.

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

Section 1. This section shall be known and may be cited as the school psychologist compact.

SECTION 1—PURPOSE

The purpose of this compact is to facilitate the interstate practice of school psychology in educational or school settings and in so doing to improve the availability of school psychological services to the public. This compact is intended to establish a pathway to allow school psychologists to obtain equivalent licenses to provide school psychological services in any member state. In this way, this compact shall enable the member states to ensure that safe and effective school psychological services are available and delivered by appropriately qualified professionals in their educational settings.

To facilitate the objectives described above, this compact:

(a) Enables school psychologists who qualify for receipt of an equivalent license to practice in other member states without first satisfying burdensome and duplicative requirements;

(b) promotes the mobility of school psychologists between and among the member states in order to address workforce shortages and to ensure that safe and reliable school psychological services are available in each member state;

(c) enhances the public accessibility of school psychological services by increasing the availability of qualified, licensed school psychologists through the establishment of an efficient and streamlined pathway for licensees to practice in other member states;

(d) preserves and respects the authority of each member state to protect the health and safety of its residents by ensuring that only qualified, licensed professionals are authorized to provide school psychological services within that state;

(e) requires school psychologists practicing within a member state to comply with the scope of practice laws present in the state where the school psychological services are being provided;

(f) promotes cooperation between the member states in regulating the practice of school psychology within those states; and

(g) facilitates the relocation of military members and their spouses who are licensed to provide school psychological services.

SECTION 2—DEFINITIONS

As used in this compact:

(a) "Active military member" means any person with full-time duty status in the armed forces of the United States, including members of the national guard and reserve.

(b) "Adverse action" means disciplinary action or encumbrance imposed on a license by a state licensing authority.

(c) "Alternative program" means a non-disciplinary, prosecutorial diversion, monitoring or practice remediation process entered into in lieu of an adverse action that is applicable to a school psychologist and approved by the state licensing authority of a member state where the participating school psychologist is licensed. This includes, but is not limited to, programs that licensees with substance abuse or addiction issues may be referred in lieu of an adverse action.

(d) "Commissioner" means the individual appointed by a member state to serve as the representative to the commission for that member state.

(e) "Compact" means this school psychologist interstate licensure compact.

(f) "Continuing professional education" means a requirement, imposed by a member state as a condition of license renewal to provide evidence of successful participation in professional educational activities relevant to the provision of school psychological services.

(g) "Criminal background check" means the submission of fingerprints or other biometric information for a license applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d), and the state's criminal history record repository, as defined in 28 C.F.R. § 20.3(f).

(h) "Doctoral level degree" means a graduate degree program that consists of at least 90 graduate semester hours in the field of school psychology, including a supervised internship.

(i) "Encumbered license" means a license that a state licensing authority has limited in any way other than through an alternative program, including temporary or provisional licenses.

(j) "Executive Committee" means the commission's chair, vice chair, secretary and treasurer and any other commissioners as may be determined by commission rule or bylaw.

(k) "Equivalent license" means a license to practice school psychology that a member state has identified as a license that may be provided to school psychologists from other member states pursuant to this compact.

(l) "Home state" means the member state that issued the home state license to the licensee and is the licensee's primary state of practice.

(m) "Home state license" means the license that is not an encumbered license issued by the home state to provide school psychological services.

(n) "License" means a current license, certification or other authorization granted by a member state's licensing authority that permits an individual to provide school psychological services.

(o) "Licensee" means an individual who holds a license from a member state to provide school psychological services.

(p) "Member state" means a state that has enacted the compact and been admitted to the commission in accordance with the provisions herein and commission rules.

(q) "Model compact" means the model language for the school psychologist interstate licensure compact on file with the council of state governments or other entity as designated by the commission.

(r) "Practice of school psychology" means the delivery school psychological services.

(s) "Qualifying national exam" means a national licensing examination endorsed by the national association of school psychologists and any other exam as approved by the rules of the commission.

(t) "Qualifying school psychologist education program" means an education program that awards a specialist-level degree or doctoral-level degree or equivalent upon completion and is approved by the rules of the commission as meeting the necessary minimum educational standards to ensure that its graduates are ready, qualified and able to engage in the practice of school psychology.

(u) "Remote state" means a member state other than the home state where a licensee holds a license through the compact.

(v) "Rule" means a regulation promulgated by an entity, including, but not limited to, the commission and the state licensing authority of each member state that has the force of law.

(w) "School psychological services" means academic, mental and behavioral health services, including assessment, prevention, consultation and collaboration, intervention and evaluation provided by a school psychologist in a school, as outlined in applicable professional standards as determined by commission rule.

(x) "School psychologist" means an individual who has met the requirements to obtain a home state license that legally conveys the professional title of school psychologist or its equivalent as determined by the rules of the commission.

(y) "School psychologist interstate licensure compact commission" or "commission" means the joint government agency established by this com-

pact whose membership consists of representatives from each member state that has enacted the compact, and as further described in section 7.

(z) "Scope of practice" means the procedures, actions and processes a school psychologist licensed in a state is permitted to undertake in that state and the circumstances under which that licensee is permitted to undertake those procedures, actions and processes. Such procedures, actions and processes, and the circumstances under which they may be undertaken, may be established through means including, but not limited to, statute, regulations, case law and other processes available to the state licensing authority or other government agency.

(aa) "Specialist-level degree" means a degree program that requires at least 60 graduate semester hours or equivalent in the field of school psychology, including a supervised internship.

(bb) "State" means any state, commonwealth, district or territory of the United States of America.

(cc) "State licensing authority" means a member state's regulatory body responsible for issuing licenses or otherwise overseeing the practice of school psychology.

(dd) "State specific requirement" means a requirement for licensure covered in coursework or examination that includes content of unique interest to the state.

(ee) "Unencumbered license" means a license that authorizes a licensee to engage in the full and unrestricted practice of school psychology.

SECTION 3—STATE PARTICPATION IN THE COMPACT

(a) To be eligible to join this compact and to maintain eligibility as a member state, a state must:

(1) Enact a compact statute that is not materially different from the model compact as defined in the commission's rules;

(2) participate in the sharing of information with other member states as reasonably necessary to accomplish the objectives of this compact and as further defined in section 8;

(3) identify and maintain with the commission a list of equivalent licenses available to licensees who hold a home state license under this compact;

(4) have a mechanism in place for receiving and investigating complaints about licensees;

(5) notify the commission, in compliance with the terms of the compact and the commission's rules, of any adverse action taken against a licensee or of the availability of investigative information that relates to a licensee or applicant for licensure;

(6) require that applicants for a home state license have:

(A) Taken and passed a qualifying national exam as defined by the rules of the commission; and

(B) completed a minimum of 1200 hours of supervised internship and at least 600 of such hours must have been completed in a school prior to being approved for licensure; and

(C) graduated from a qualifying school psychologist education program; and

(7) comply with the terms of this compact and the rules of the commission.

(b) Each member state shall grant an equivalent license to practice school psychology in that state upon application by a licensee who satisfies the criteria of section 4(a). Each member state shall grant renewal of the equivalent license to a licensee who satisfies the criteria of section 4(b).

(c) Member states may set and collect a fee for granting an equivalent license.

SECTION 4—SCHOOL PSYCHOLOGIST PARTICIPATION IN THE COMPACT

(a) To obtain and maintain an equivalent license from a remote state under this compact, a licensee must:

(1) Hold and maintain an active home state license;

(2) satisfy any applicable state specific requirements established by the member state after an equivalent license is granted;

(3) complete any administrative or application requirements that the commission may establish by rule and pay any associated fees;

(4) complete any requirements for renewal in the home state, including applicable continuing professional education requirements; and

(5) upon their application to receive a license under this compact, undergo a criminal background check in the member state where the equivalent license is sought in accordance with the laws and regulations of such member state.

(b) To renew an equivalent license in a member state other than the home state, a licensee must only apply for renewal, complete a background check and pay renewal fees as determined by the licensing authority.

SECTION 5—ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

A licensee who is an active military member or is the spouse of an active military member shall be deemed to hold a home state license in any of the following locations:

(a) The licensee's permanent residence;

(b) a member state that is the licensee's primary state of practice; or

(c) a member state where the licensee has relocated pursuant to a permanent change of station (PCS).

SECTION 6—DISCIPLINE AND ADVERSE ACTIONS

(a) Nothing in this compact shall be deemed or construed to limit the authority of a member state to investigate or impose disciplinary measures on licensees according to the state practice laws thereof.

(b) Member states shall be authorized to receive and shall provide, files and information regarding the investigation and discipline, if any, of licensees in other member states upon request. Any member state receiving such information or files shall protect and maintain the security and confidentiality of such information or files, in at least the same manner that it maintains its own investigatory or disciplinary files and information. Prior to disclosing any disciplinary or investigatory information received from another member state, the disclosing state shall communicate its intention and purpose for such disclosure to the member state that originally provided that information.

SECTION 7—ESTABLISHMENT OF THE SCHOOL PSYCHOLOGIST INTERSTATE LICENSURE COMPACT COMMISSION

(a) The member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact, and this agency shall be known as the school psychologist interstate licensure compact commission. The commission is an instrumentality of the member states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in section 11.

(b) Membership, voting and meetings.

(1) Each member state shall have and be limited to one delegate selected by that member state's state licensing authority.

(2) The delegate shall be the primary administrative officer of the member state licensing authority or their designee who is an employee of the member state licensing authority.

(3) The commission shall by rule or bylaw establish a term of office for delegates and may by rule or bylaw establish term limits.

(4) The commission may recommend removal or suspension of any delegate from office.

(5) A member state's licensing authority shall fill any vacancy of its delegate occurring on the commission within 60 days of the vacancy.

(6) Each delegate shall be entitled to one vote on all matters before the commission requiring a vote by commission delegates.

(7) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates to meet by telecommunication, video conference or other means of communication.

(8) The commission shall meet at least once during each calendar

year. Additional meetings may be held as set forth in the bylaws. The commission may meet by telecommunication, video conference or other similar electronic means.

(c) The commission shall have the following powers:

(1) Establish the fiscal year of the commission;

(2) establish code of conduct and conflict of interest policies;

(3) establish and amend rules and bylaws;

(4) establish the procedure through which a licensee may change their home state;

(5) maintain its financial records in accordance with the bylaws;

(6) meet and take such actions as are consistent with the provisions of this compact, the commission's rules and the bylaws;

(7) initiate and conclude legal proceedings or actions in the name of the commission, provided that the standing of any member state licensing authority to sue or be sued under applicable law shall not be affected;

(8) maintain and certify records and information provided to a member state as the authenticated business records of the commission and designate an agent to do so on the commission's behalf;

(9) purchase and maintain insurance and bonds;

(10) borrow, accept or contract for services of personnel, including, but not limited to, employees of a member state;

(11) conduct an annual financial review;

(12) hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

(13) assess and collect fees;

(14) accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials and services, and receive, utilize and dispose of the same, provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest;

(15) lease, purchase, retain, own, hold, improve or use any property, real, personal or mixed or any undivided interest in such property;

(16) sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;

(17) establish a budget and make expenditures;

(18) borrow money;

(19) appoint committees, including standing committees, composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws;

(20) provide and receive information from, and cooperate with, law enforcement agencies;

(21) establish and elect an executive committee, including a chair and a vice chair;

(22) determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and

(23) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.

(d) The executive committee.

(1) The executive committee shall have the power to act on behalf of the commission according to the terms of this compact. The powers, duties and responsibilities of the executive committee shall include:

(A) Oversee the day-to-day activities of the administration of the compact, including enforcement and compliance with the provisions of the compact, its rules and bylaws and other such duties as deemed necessary;

(B) recommend to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to member states, fees charged to licensees and other fees;

(C) ensure compact administration services are appropriately provided, including by contract;

(D) prepare and recommend the budget;

(E) maintain financial records on behalf of the commission;

(F) monitor compact compliance of member states and provide compliance reports to the commission;

(G) establish additional committees as necessary;

(H) exercise the powers and duties of the commission during the interim between commission meetings, except for adopting or amending rules, adopting or amending bylaws and exercising any other powers and duties expressly reserved to the commission by rule or bylaw; and

(I) other duties as provided in the rules or bylaws of the commission.

(2) The executive committee shall be composed of up to seven members:

(A) The chair and vice chair of the commission shall be voting members of the executive committee; and

(B) The commission shall elect five voting members from the current membership of the commission.

(2) The commission may remove any member of the executive committee as provided in the commission's bylaws.

(3) The executive committee shall meet at least annually.

(A) Executive committee meetings shall be open to the public, except that the executive committee may meet in a closed, nonpublic meeting as provided in subsection (f)(2).

(B) The executive committee shall give 30 days' notice of its meetings, posted on its website and as determined to provide notice to persons with an interest in the business of the commission.

(C) The executive committee may hold a special meeting in accordance with subsection (f)(1)(B).

(e) The commission shall adopt and provide to the member states an annual report.

(f) Meetings of the commission.

(1) All meetings shall be open to the public, except that the commission may meet in a closed, nonpublic meeting as provided in subsection (f)(2).

(A) Public notice for all meetings of the full commission of meetings shall be given in the same manner as required under the rulemaking provisions in section 9, except that the commission may hold a special meeting as provided in subsection (f)(1)(B).

(B) The commission may hold a special meeting when it must meet to conduct emergency business by giving 48 hours' notice to all commissioners, on the commission's website, and other means as provided in the commission's rules. The commission's legal counsel shall certify that the commission's need to meet qualifies as an emergency.

(2) The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting for the commission or executive committee or other committees of the commission to receive legal advice or to discuss:

(A) Noncompliance of a member state with its obligations under the compact;

(B) the employment, compensation, discipline or other matters, practices or procedures related to specific employees;

(C) current or threatened discipline of a licensee by the commission or by a member state's licensing authority;

(D) current, threatened or reasonably anticipated litigation;

(E) negotiation of contracts for the purchase, lease or sale of goods, services or real estate;

(F) accusing any person of a crime or formally censuring any person;

(G) trade secrets or commercial or financial information that is privileged or confidential;

(H) information of a personal nature when disclosure would constitute a clearly unwarranted invasion of personal privacy;

(I) investigative records compiled for law enforcement purposes;

(J) information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

(K) matters specifically exempted from disclosure by federal or member state law; or

(L) other matters as promulgated by the commission by rule.

(3) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

(4) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken and the reasons for such actions, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

(g) Financing of the commission.

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources as provided in subsection (c)(12).

(3) The commission may levy on and collect an annual assessment from each member state and impose fees on licensees practicing in the member states under an equivalent license to cover the cost of the operations and activities of the commission and its staff, that must be in a total amount sufficient to cover its annual budget as approved each year when revenue is not provided by other sources. The aggregate annual assessment amount for member states shall be allocated based upon a formula that the commission shall promulgate by rule.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the commission.

(h) Qualified immunity, defense and indemnification.

(1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss

of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities. Nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted in this paragraph.

(2) The commission shall defend any member, officer, executive director, employee and representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties, or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities. Nothing in this paragraph shall be construed to prohibit that person from retaining their own counsel at their own expense and, provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee and representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

(4) Nothing in this compact shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, that shall be governed solely by any other applicable state laws.

(5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman antitrust act of 1890, Clayton act 15 U.S.C. §§ 12-27 or any other state or federal antitrust or anticompetitive law or regulation.

(6) Nothing in this compact shall be construed to be a waiver of sovereign immunity by the member states or by the commission.

SECTION 8—FACILITATING INFORMATION EXCHANGE

(a) The commission shall provide for facilitating the exchange of information to administer and implement the provisions of this compact in

accordance with the rules of the commission, consistent with generally accepted data protection principles.

(b) Notwithstanding any other provision of state law to the contrary, a member state shall agree to provide for the facilitation of the following licensee information as required by the rules of the commission, including:

(1) Identifying information;

(2) licensure data;

(3) adverse actions against a license and information related thereto;

(4) nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under member state law;

(5) any denial of application for licensure, and the reasons for such denial;

(6) the presence of investigative information; and

(7) other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.

(c) Nothing in this compact shall be deemed or construed to alter, limit or inhibit the power of a member state to control and maintain ownership of its licensee information or alter, limit or inhibit the laws or regulations governing licensee information in the member state.

SECTION 9—RULEMAKING

(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this interstate compact and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) The commission shall promulgate reasonable rules to achieve the intent and purpose of this interstate compact. In the event the commission exercises its rulemaking authority in a manner that is beyond purpose and intent of this interstate compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force and effect of law in the member states.

(c) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(d) Rules or amendments to the rules shall be adopted or ratified at a regular or special meeting of the commission in accordance with commission rules and bylaws.

(e) Prior to promulgation and adoption of a final rule or rules by the commission, and at least 30 days in advance of the meeting when the rule

will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission or other publicly accessible platform; and

(2) on the website of each member state licensing authority or other publicly accessible platform or the publication where each state would otherwise publish proposed rules.

(f) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 48 hours' notice, with opportunity to comment, provided that the usual rulemaking procedures shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety or welfare.

(A) Prevent a loss of commission or member state funds;

(B) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or

(C) protect public health and safety.

SECTION 10—OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

(a) Oversight.

(1) The executive and judicial branches of the state government in each member state shall enforce this compact and take all actions necessary and appropriate to implement the compact.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.

(3) The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process shall render a judgment or order void as to the commission, this compact or promulgated rules.

(b) Default, technical assistance and termination.

(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this

compact or the promulgated rules, the commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the commission may take, and shall offer training and specific technical assistance regarding the default.

(2) The commission shall provide a copy of the notice of default to the other member states.

(c) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a supermajority of the delegates of the member states, and all rights, privileges and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(d) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's licensing authority and each of the member states' licensing authorities.

(e) A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(f) Upon the termination of a state's membership from this compact, that state shall immediately provide notice to all licensees within that state of such termination. The terminated state shall continue to recognize all licenses granted pursuant to this compact for a minimum of six months after the date of said notice of termination.

(g) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(h) The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(i) Dispute resolution.

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(j) Enforcement.

(1) By majority vote as provided by rule, the commission may initiate legal action against a member state in default in the United States district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or the defaulting member state's law.

(2) A member state may initiate legal action against the commission in the United States district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(3) No person other than a member state shall enforce this compact against the commission.

SECTION 11—EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

(a) The compact shall come into effect on the date that the compact statute is enacted into law in the seventh member state.

(1) On or after the effective date of the compact indicated above, the commission shall convene and review the enactment of each of the charter member states to determine if the statute enacted by each such charter member state is materially different than the model compact statute.

(A) A charter member state whose enactment is found to be materially different from the model compact statute shall be entitled to the default process set forth in section 10.

(B) If any member state is later found to be in default, or is terminated or withdraws from the compact, the commission shall remain in existence and the compact shall remain in effect even if the number of member states should be less than seven.

(2) Member states enacting the compact subsequent to the charter member states shall be subject to the process set forth in section 7(c)(21) to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in the compact.

(3) All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the

effective date of the compact or the commission coming into existence shall be considered to be actions of the commission unless specifically repudiated by the commission.

(A) Any state that joins the compact subsequent to the commission's initial adoption of the rules and bylaws shall be subject to the rules and bylaws as they exist on the date that the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(B) Any member state may withdraw from this compact by enacting a statute repealing the same.

(b) A member state's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

(c) Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(d) Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all licenses granted pursuant to this compact for a minimum of six months after the date of such notice of withdrawal.

(1) Nothing contained in this compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

(2) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 12—CONSTRUCTION AND SEVERABILITY

(a) This compact and the commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the commission's rulemaking authority solely for those purposes.

(b) The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, a state seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction,

the validity of the remainder of this compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

(c) Notwithstanding subsection (b), the commission may deny a state's participation in the compact or, in accordance with the requirements of section 10(b), terminate a member state's participation in the compact, if it determines that a constitutional requirement of a member state is a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

SECTION 13—CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

(a) Nothing herein shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.

(b) Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict.

(c) All permissible agreements between the commission and the member states are binding in accordance with their terms.

Sec. 2. This section shall be known and may be cited as the dietitian compact.

SECTION 1—PURPOSE

The purpose of this compact is to facilitate interstate practice of dietetics with the goal of improving public access to dietetics services. This compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure while also providing for licensure portability through a compact privilege granted to qualifying professionals. This compact is designed to achieve the following objectives:

(a) Increase public access to dietetics services;

(b) provide opportunities for interstate practice by licensed dietitians who meet uniform requirements;

(c) eliminate the necessity for licenses in multiple states;

(d) reduce administrative burden on member states and licensees;

(e) enhance the states' ability to protect the public's health and safety;

(f) encourage the cooperation of member states in regulating multistate practice of licensed dietitians;

(g) support relocating active military members and their spouses;

(h) enhance the exchange of licensure, investigative and disciplinary information among member states; and

(i) vest all member states with the authority to hold a licensed dietitian accountable for meeting all state practice laws in the state where the patient is located at the time care is rendered.

SECTION 2—DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions apply:

(a) "ACEND" means the accreditation council for education in nutrition and dietetics or its successor organization.

(b) "Active military member" means any individual with full-time duty status in the active armed forces of the United States, including members of the national guard and reserve.

(c) "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws that is imposed by a licensing authority or other authority against a licensee, including actions against an individual's license or compact privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice or any other encumbrance on licensure affecting a licensee's authorization to practice, including issuance of a cease and desist action.

(d) "Alternative program" means a non-disciplinary monitoring or practice remediation process approved by a licensing authority.

(e) "CDR" means the commission on dietetic registration or its successor organization.

(f) "Charter member state" means any member state that enacted this compact by law before the effective date specified in section 12.

(g) "Continuing education" means a requirement as a condition of license renewal, to provide evidence of participation in, and completion of, educational and professional activities relevant to practice or area of work.

(h) "Compact commission" means the governmental agency whose membership consists of all states that have enacted this compact, which is known as the dietitian licensure compact commission, as described in section 8, and which shall operate as an instrumentality of the member states.

(i) "Compact privilege" means a legal authorization, which is equivalent to a license, permitting the practice of dietetics in a remote state.

(j) "Current significant investigative information" means:

(1) Investigative information that a licensing authority, after a preliminary inquiry that includes notification and an opportunity for the subject licensee to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

(2) investigative information that indicates that the subject licensee represents an immediate threat to public health and safety regardless of whether the subject licensee has been notified and had an opportunity to respond.

(k) "Data system" means a repository of information about licensees, including, but not limited to, continuing education, examination, licensure, investigative, compact privilege and adverse action information.

(l) "Encumbered license" means a license in which an adverse action restricts a licensee's ability to practice dietetics.

(m) "Encumbrance" means a revocation or suspension of, or any limitation on, a licensee's full and unrestricted practice of dietetics by a licensing authority.

(n) "Executive committee" means a group of delegates elected or appointed to act on behalf of and within the powers granted to them by this compact and the compact commission.

(o) "Home state" means the member state that is the licensee's primary state of residence or that has been designated pursuant to section 6.

(p) "Investigative information" means information, records and documents received or generated by a licensing authority pursuant to an investigation.

(q) "Jurisprudence requirement" means an assessment of an individual's knowledge of the state laws and regulations governing the practice of dietetics in such state.

(r) "License" means an authorization from a member state to either:

(1) Engage in the practice of dietetics, including medical nutrition therapy; or

(2) use the title "dietitian," "licensed dietitian," "licensed dietitian nutritionist," "certified dietitian" or other title describing a substantially similar practitioner as the compact commission may further define by rule.

(s) "Licensee" or "licensed dietitian" means an individual who currently holds a license and who meets all of the requirements outlined in section 4.

(t) "Licensing authority" means the board or agency of a state, or equivalent, that is responsible for the licensing and regulation of the practice of dietetics.

(u) "Member state" means a state that has enacted the compact.

(v) "Practice of dietetics" means the synthesis and application of dietetics as defined by state law and regulations, primarily for the provision of nutrition care services, including medical nutrition therapy, in person or via telehealth, to prevent, manage or treat diseases or medical conditions and promote wellness.

(w) "Registered dietitian" means a person who:

(1) Has completed applicable education, experience, examination and recertification requirements approved by CDR;

(2) is credentialed by CDR as a registered dietitian or a registered dietitian nutritionist; and

(3) is legally authorized to use the title registered dietitian or registered dietitian nutritionist and the corresponding abbreviations "RD" or "RDN."

(x) "Remote state" means a member state other than the home state where a licensee is exercising or seeking to exercise a compact privilege.

(y) "Rule" means a regulation promulgated by the compact commission that has the force of law.

(z) "Single state license" means a license issued by a member state within the issuing state and does not include a compact privilege in any other member state.

(aa) "State" means any state, commonwealth, district or territory of the United States of America.

(bb) "Unencumbered license" means a license that authorizes a licensee to engage in the full and unrestricted practice of dietetics.

SECTION 3—STATE PARTICIPATION IN THE COMPACT

(a) To participate in the compact, a state shall currently:

(1) License and regulate the practice of dietetics; and

(2) have a mechanism in place for receiving and investigating complaints concerning licensees.

(b) A member state shall:

(1) Participate fully in the compact commission's data system, including using the unique identifier as defined in rules;

(2) notify the compact commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of current significant investigative information regarding a licensee;

(3) implement or utilize procedures for considering the criminal history record information of applicants for an initial compact privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the federal bureau of investigation and the agency responsible for retaining that state's criminal records;

(A) a member state shall fully implement a criminal history record information requirement, within a time frame established by rule, that includes receiving the results of the federal bureau of investigation record search and shall use those results in determining compact privilege eligibility; and

(B) communication between a member state and the compact commission or among member states regarding the verification of eligibility for a compact privilege shall not include any information received from the federal bureau of investigation relating to a federal criminal history record information check performed by a member state;

(4) comply with and enforce the rules of the compact commission;

(5) require an applicant for a compact privilege to obtain or retain a license in the licensee's home state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws; and

(6) recognize a compact privilege granted to a licensee who meets all of the requirements outlined in section 4 in accordance with the terms of the compact and rules.

(c) Member states may set and collect a fee for granting a compact privilege.

(d) Individuals not residing in a member state shall continue to be able to apply for a member state's single state license as provided under the laws of each member state. The single state license granted to these individuals shall not be recognized as granting a compact privilege to engage in the practice of dietetics in any other member state.

(e) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single state license.

(f) At no point shall the compact commission have the power to define the requirements for the issuance of a single state license to practice dietetics. The member states shall retain sole jurisdiction over the provision of these requirements.

SECTION 4—COMPACT PRIVILEGE

(a) To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

(1) Satisfy one of the following:

(A) Hold a valid current registration that gives the applicant the right to use the term registered dietitian; or

(B) complete all of the following:

(i) An education program that is either:

(a) A master's degree or doctoral degree that is programmatically accredited by:

(1) ACEND; or

(2) a dietetics accrediting agency recognized by the United States department of education, which the compact commission may by rule determine, and from a college or university accredited at the time of graduation by the appropriate regional accrediting agency recognized by the council on higher education accreditation and the United States department of education; or

(b) an academic degree from a college or university in a foreign country equivalent to the degree described in subclause (a) that is programmatically accredited by:

(1) ACEND; or

(2) a dietetics accrediting agency recognized by the United States department of education, which the compact commission may by rule determine;

(ii) planned, documented and supervised practice experience in dietetics that is programmatically accredited by:

(a) ACEND; or

(b) a dietetics accrediting agency recognized by the United States department of education which the compact commission may by rule determine, that involves at least 1000 hours of practice experience under the supervision of a registered dietitian or a licensed dietitian; and

(iii) successful completion of either:

(a) The registration examination for dietitians administered by CDR; or

(b) a national credentialing examination for dietitians approved by the compact commission by rule, such completion being not more than five years prior to the date of the licensee's application for initial licensure and accompanied by a period of continuous licensure thereafter, all of which may be further governed by the rules of the compact commission;

(2) hold an unencumbered license in the home state;

(3) notify the compact commission that the licensee is seeking a compact privilege within a remote state;

(4) pay any applicable fees, including any state fee, for the compact privilege;

(5) meet any jurisprudence requirements established by the remote state where the licensee is seeking a compact privilege; and

(6) report to the compact commission any adverse action, encumbrance or restriction on a license taken by any nonmember state within 30 days from the date the action is taken.

(b) The compact privilege shall be valid until the expiration date of the home state license. To maintain a compact privilege, renewal of the compact privilege shall be congruent with the renewal of the home state license as the compact commission may define by rule. The licensee shall comply with the requirements of subsection (a) to maintain the compact privilege in the remote state.

(c) A licensee exercising a compact privilege shall adhere to the laws and regulations of the remote state. Licensees shall be responsible for educating themselves on, and complying with, any and all state laws relating to the practice of dietetics in such remote state.

(d) Notwithstanding anything to the contrary provided in this compact or state law, a licensee exercising a compact privilege shall not be required to complete continuing education requirements required by a remote state. A licensee exercising a compact privilege shall only be required to meet any continuing education requirements as required by the home state.

SECTION 5—OBTAINING A NEW HOME STATE LICENSE BASED ON A COMPACT PRIVILEGE

(a) A licensee may hold a home state license that allows for a compact privilege in other member states in only one member state at a time.

(b) If a licensee changes home state by moving between two member states:

(1) The licensee shall file an application for obtaining a new home state license based on a compact privilege, pay all applicable fees and notify the current and new home state in accordance with the rules of the compact commission.

(2) Upon receipt of an application for obtaining a new home state license by virtue of a compact privilege, the new home state shall verify that the licensee meets the criteria in section 4 via the data system and require that the licensee complete the following:

(A) Federal bureau of investigation fingerprint-based criminal history record information check;

(B) any other criminal history record information required by the new home state; and

(C) any jurisprudence requirements of the new home state.

(3) The former home state shall convert the former home state license into a compact privilege once the new home state has activated the new home state license in accordance with applicable rules adopted by the compact commission.

(4) Notwithstanding any other provision of this compact, if the licensee cannot meet the criteria in section 4, the new home state may apply its requirements for issuing a new single state license.

(5) The licensee shall pay all applicable fees to the new home state in order to be issued a new home state license.

(c) If a licensee changes their state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, the state criteria shall apply for issuance of a single state license in the new state.

(d) Nothing in this compact shall interfere with a licensee's ability to hold a single state license in multiple states, except that for the purposes of this compact, a licensee shall have only one home state license.

(e) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single state license.

SECTION 6—ACTIVE MILITARY MEMBERS OR THEIR SPOUSES

An active military member, or their spouse, shall designate a home state where the individual has a current license in good standing. The individ-

ual may retain the home state designation during the period the service member is on active duty.

SECTION 7—ADVERSE ACTIONS

(a) In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

(1) Take adverse action against a licensee's compact privilege within that member state; and

(2) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing authority in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure applicable to subpoenas issued in proceedings pending before that court. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located.

(b) Only the home state shall have the power to take adverse action against a licensee's home state license.

(c) For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

(d) The home state shall complete any pending investigations of a licensee who changes home states during the course of the investigations. The home state shall also have authority to take appropriate action and promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the data system shall promptly notify the new home state of any adverse actions.

(e) A member state, if otherwise permitted by state law, may recover from the affected licensee the costs of investigations and dispositions of cases resulting from any adverse action taken against that licensee.

(f) A member state may take adverse action based on the factual findings of another remote state if the member state follows its own procedures for taking the adverse action.

(g) Joint investigations.

(1) In addition to the authority granted to a member state by its respective state law, any member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation or compli-

ance materials in furtherance of any joint investigation initiated under the compact.

(h) If adverse action is taken by the home state against a licensee's home state license resulting in an encumbrance on the home state license, the licensee's compact privilege in all other member states shall be revoked until all encumbrances have been removed from the home state license. All home state disciplinary orders that impose adverse action against a licensee shall include a statement that the licensee's compact privileges are revoked in all member states during the pendency of the order.

(i) Once an encumbered license in the home state is restored to an unencumbered license as certified by the home state's licensing authority, the licensee shall meet the requirements of section 4(a) and follow the administrative requirements to reapply to obtain a compact privilege in any remote state.

(j) If a member state takes adverse action, such state shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the other member states state of any adverse actions.

(k) Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

SECTION 8—ESTABLISHMENT OF THE DIETITIAN LICENSURE COMPACT COMMISSION

(a) The compact member states hereby create and establish a joint governmental agency whose membership consists of all member states that have enacted the compact known as the dietitian licensure compact commission. The compact commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state. The compact commission shall come into existence on or after the effective date of the compact as set forth in section 12.

(b) Membership, voting and meetings.

(1) Each member state shall have and be limited to one delegate selected by that member state's licensing authority.

(2) The delegate shall be the primary administrator of the licensing authority or their designee.

(3) The compact commission shall by rule or bylaw establish a term of office for delegates and may by rule or bylaw establish term limits.

(4) The compact commission may recommend removal or suspension of any delegate from office.

(5) A member state's licensing authority shall fill any vacancy of its delegate occurring on the compact commission within 60 days of the vacancy.

(6) Each delegate shall be entitled to one vote on all matters before the compact commission requiring a vote by the delegates.

(7) Delegates shall meet and vote by such means as set forth in the bylaws. The bylaws may provide for delegates to meet and vote in person or by telecommunication, video conference or other means of communication.

(8) The compact commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The compact commission may meet in person or by telecommunication, video conference or other means of communication.

(c) The compact commission shall have the following powers:

(1) Establish the fiscal year of the compact commission;

(2) establish code of conduct and conflict of interest policies;

(3) establish and amend rules and bylaws;

(4) maintain its financial records in accordance with the bylaws;

(5) meet and take such actions as are consistent with the provisions of this compact, the compact commission's rules and the bylaws;

(6) initiate and conclude legal proceedings or actions in the name of the compact commission, except that the standing of any licensing authority to sue or be sued under applicable law shall not be affected;

(7) maintain and certify records and information provided to a member state as the authenticated business records of the compact commission and designate an agent to do so on the compact commission's behalf;

(8) purchase and maintain insurance and bonds;

(9) borrow, accept or contract for services of personnel, including, but not limited to, employees of a member state;

(10) conduct an annual financial review;

(11) hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact and establish the compact commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

(12) assess and collect fees;

(13) accept any and all appropriate donations, grants of money, other sources of revenue, equipment, supplies, materials, services and gifts, and receive, utilize and dispose of the same except that at all times the compact commission shall avoid any actual or appearance of impropriety or conflict of interest;

(14) lease, purchase, retain, own, hold, improve or use any property, real, personal or mixed or any undivided interest therein;

(15) sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;

(16) establish a budget and make expenditures;

(17) borrow money;

(18) appoint committees, including standing committees, composed of members, state regulators, state legislators or their representatives, consumer representatives and such other interested persons as may be designated in this compact or the bylaws;

(19) provide and receive information from, and cooperate with, law enforcement agencies;

(20) establish and elect an executive committee, including a chair and a vice chair;

(21) determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and

(22) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.

(d) The executive committee.

(1) The executive committee shall have the power to act on behalf of the compact commission according to the terms of this compact. The powers, duties and responsibilities of the executive committee shall include:

(A) Oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact and its rules and bylaws and other such duties as deemed necessary;

(B) recommend to the compact commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact member states, fees charged to licensees and other fees;

(C) ensure compact administration services are appropriately provided, including by contract;

(D) prepare and recommend the budget;

(E) maintain financial records on behalf of the compact commission;

(F) monitor compact compliance of member states and provide compliance reports to the compact commission;

(G) establish additional committees as necessary;

(H) exercise the powers and duties of the compact commission during the interim between compact commission meetings, except for adopting or amending rules, adopting or amending bylaws and exercising any other powers and duties expressly reserved to the compact commission by rule or bylaw; and

(I) other duties as provided in the rules or bylaws of the compact commission.

(2) The executive committee shall be composed of nine members:

(A) The chair and vice chair of the compact commission shall be voting members of the executive committee;

(B) five voting members from the current membership of the compact commission, elected by the compact commission;

(C) one exofficio, nonvoting member from a recognized professional association representing dietitians; and

(D) one exofficio, nonvoting member from a recognized national credentialing organization for dietitians.

(3) The compact commission may remove any member of the executive committee as provided in the compact commission's bylaws.

(4) The executive committee shall meet at least annually.

(A) Executive committee meetings shall be open to the public, except that the executive committee may meet in a closed, nonpublic meeting as provided in subsection (f)(2).

(B) The executive committee shall give 30 days' notice of its meetings, posted on the website of the compact commission and as determined to provide notice to persons with an interest in the business of the compact commission.

(C) The executive committee may hold a special meeting in accordance with subsection (f)(1)(B).

(e) The compact commission shall adopt and provide to the member states an annual report.

(f) Meetings of the compact commission.

(1) All meetings shall be open to the public, except that the compact commission may meet in a closed, nonpublic meeting as provided in subsection (f)(2).

(A) Public notice for all meetings of the full compact commission shall be given in the same manner as required under the rulemaking provisions in section 10, except that the compact commission may hold a special meeting as provided in subsection (f)(1)(B).

(B) The compact commission may hold a special meeting when it shall meet to conduct emergency business by giving 24 hours' notice to all member states on the compact commission's website and other means as provided in the compact commission's rules. The compact commission's legal counsel shall certify that the compact commission's need to meet qualifies as an emergency.

(2) The compact commission or the executive committee or other committees of the compact commission may convene in a closed, nonpublic meeting for the compact commission or executive committee or other committees of the compact commission to receive legal advice or to discuss:

(A) Noncompliance of a member state with its obligations under the compact;

(B) the employment, compensation, discipline or other matters, practices or procedures related to specific employees;

(C) current or threatened discipline of a licensee by the compact commission or by a member state's licensing authority;

(D) current, threatened or reasonably anticipated litigation;

(E) negotiation of contracts for the purchase, lease, or sale of goods, services or real estate;

(F) accusing any person of a crime or formally censuring any person;

(G) trade secrets or commercial or financial information that is privileged or confidential;

(H) information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(I) investigative records compiled for law enforcement purposes;

(J) information related to any investigative reports prepared by or on behalf of or for use of the compact commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

(K) matters specifically exempted from disclosure by federal or member state law; or

(L) other matters as specified in the rules of the compact commission.

(3) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

(4) The compact commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the compact commission or order of a court of competent jurisdiction.

(g) Financing of the compact commission.

(1) The compact commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

(2) The compact commission may accept any and all appropriate revenue sources as provided in subsection (c)(13).

(3) The compact commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants a compact privilege to cover the cost of the operations and activities of the compact commission and its staff that shall, in a total amount, be sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states shall be allocated based upon a formula that the compact commission shall promulgate by rule.

(4) The compact commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the com-

pact commission pledge the credit of any of the member states except by and with the authority of the member state.

(5) The compact commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the compact commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the compact commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the compact commission.

(h) Qualified immunity, defense and indemnification.

(1) The members, officers, executive director, employees and representatives of the compact commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of compact commission employment, duties or responsibilities, except that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the compact commission shall not in any way compromise or limit the immunity granted hereunder.

(2) The compact commission shall defend any member, officer, executive director, employee and representative of the compact commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of compact commission employment, duties or responsibilities or as determined by the compact commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of compact commission employment, duties or responsibilities, except that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense and that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The compact commission shall indemnify and hold harmless any member, officer, executive director, employee and representative of the compact commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of compact commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of compact commission employment, duties or responsibilities, except that the actual or alleged act,

error or omission did not result from the intentional or willful or wanton misconduct of that person.

(4) Nothing in this compact shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

(5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman antitrust act of 1890, the Clayton act 15 U.S.C. §§ 12-27 or any other state or federal antitrust or anticompetitive law or regulation.

(6) Nothing in this compact shall be construed to be a waiver of sovereign immunity by the member states or by the compact commission.

SECTION 9—DATA SYSTEMS

(a) The compact commission shall provide for the development, maintenance, operation and utilization of a coordinated data system.

(b) The compact commission shall assign each applicant for a compact privilege a unique identifier, as determined by the rules of the compact commission.

(c) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the compact commission, including:

(1) Identifying information;

(2) licensure data;

(3) adverse actions against a license or compact privilege and information related thereto;

(4) nonconfidential information related to alternative program participation, the beginning and ending dates of such participation and other information related to such participation not made confidential under member state law;

(5) any denial of application for licensure and the reason for such denial;

(6) the presence of current significant investigative information; and

(7) other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the compact commission.

(d) The records and information provided to a member state pursuant to this compact or through the data system, when certified by the compact commission or an agent thereof, shall constitute the authenticated business records of the compact commission and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a member state.

(e) Current significant investigative information pertaining to a licensee in any member state shall only be available to other member states.

(f) Member states shall report any adverse action against a licensee and to monitor the data system to determine whether any adverse action has been taken against a licensee. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

(g) Member states contributing information to the data system may designate information that shall not be shared with the public without the express permission of the contributing state.

(h) Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the member state contributing the information shall be removed from the data system.

SECTION 10—RULEMAKING

(a) The compact commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the compact. A rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the compact commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the compact, or the powers granted hereunder, or based upon another applicable standard of review.

(b) The rules of the compact commission shall have the force of law in each member state, except that where the rules conflict with the laws or regulations of a member state that relate to the procedures, actions and processes a licensed dietitian is permitted to undertake in that state and the circumstances under which they may do so, as held by a court of competent jurisdiction, the rules of the compact commission shall be ineffective in that state to the extent of the conflict.

(c) The compact commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules shall become binding on the day following adoption or as of the date specified in the rule or amendment, whichever is later.

(d) If a majority of the legislatures of the member states rejects a rule or portion of a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(e) Rules shall be adopted at a regular or special meeting of the compact commission.

(f) Prior to adoption of a proposed rule, the compact commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions and arguments.

(g) Prior to adoption of a proposed rule by the compact commission and at least 30 days in advance of the meeting at which the compact commission will hold a public hearing on the proposed rule, the compact commission shall provide a notice of proposed rulemaking:

(1) On the website of the compact commission or other publicly accessible platform;

(2) to persons who have requested notice of the compact commission's notices of proposed rulemaking; and

(3) in such other way as the compact commission may by rule specify.

(h) The notice of proposed rulemaking shall include:

(1) The time, date and location of the public hearing at which the compact commission will hear public comments on the proposed rule and, if different, the time, date and location of the meeting where the compact commission will consider and vote on the proposed rule;

(2) if the hearing is held via telecommunication, video conference or other means of communication, the compact commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;

(3) the text of the proposed rule and the reason therefor;

(4) a request for comments on the proposed rule from any interested person; and

(5) the manner in which interested persons may submit written comments.

(i) All hearings shall be recorded. A copy of the recording and all written comments and documents received by the compact commission in response to the proposed rule shall be available to the public.

(j) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the compact commission at hearings required by this section.

(k) The compact commission shall, by majority vote of all members, take final action on the proposed rule based on the rulemaking record and the full text of the rule.

(1) The compact commission may adopt changes to the proposed rule if the changes do not enlarge the original purpose of the proposed rule.

(2) The compact commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

(3) The compact commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection (l), the effective date of the rule shall be not sooner than 30 days after issuing the notice that it adopted or amended the rule.

(l) Upon determination that an emergency exists, the compact commission may consider and adopt an emergency rule with 24 hours' notice,

with an opportunity to comment, except that the usual rulemaking procedures provided in the compact and this section shall be retroactively applied to the rule as soon as reasonably possible but not later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety or welfare;

(2) prevent a loss of compact commission or member state funds;

(3) meet a deadline for the promulgation of a rule that is established by federal law or rule; or

(4) protect public health and safety.

(m) The compact commission or an authorized committee of the compact commission may direct revision to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revision shall be posted on the website of the compact commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the compact commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the compact commission.

(n) No member state's rulemaking requirements shall apply under this compact.

SECTION 11—OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

(a) Oversight.

(1) The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to implement this compact.

(2) Except as otherwise provided in this compact, venue is proper and judicial proceedings by or against the compact commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the compact commission is located. The compact commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.

(3) The compact commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and shall have standing to intervene in such a proceeding for

all purposes. Failure to provide the compact commission service of process shall render a judgment or order void as to the compact commission, this compact or promulgated rules.

(b) Default, technical assistance and termination.

(1) If the compact commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the compact commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default and any other action that the compact commission may take and shall offer training and specific technical assistance regarding the default.

(2) The compact commission shall provide a copy of the notice of default to the other member states.

(c) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the delegates of the member states, and all rights, privileges and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(d) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the compact commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's licensing authority and each of the member states' licensing authority.

(e) A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(f) Upon the termination of a state's membership from this compact, that state shall immediately provide notice to all licensees within that state of such termination. The terminated state shall continue to recognize all compact privileges granted pursuant to this compact for a minimum of six months after the date of said notice of termination.

(g) The compact commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the compact commission and the defaulting state.

(h) The defaulting state may appeal the action of the compact commission by petitioning the United States district court for the District of Columbia or the federal district where the compact commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(i) Dispute resolution.

(1) Upon request by a member state, the compact commission shall attempt to resolve disputes related to the compact that arise among member states and among member and nonmember states.

(2) The compact commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(j) Enforcement.

(1) By supermajority vote, the compact commission may initiate legal action against a member state in default in the United States district court for the District of Columbia or the federal district where the compact commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event that judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the compact commission. The compact commission may pursue any other remedies available under federal or the defaulting member state's law.

(2) A member state may initiate legal action against the compact commission in the United States district court for the District of Columbia or the federal district where the compact commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event that judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(3) No party other than a member state shall enforce this compact against the compact commission.

SECTION 12—EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

(a) The compact shall come into effect on the date that the compact statute is enacted into law in the seventh member state.

(1) On or after the effective date of the compact, the compact commission shall convene and review the enactment of each of the first seven member states, "charter member states," to determine if the statute enacted by each such charter member state is materially different than the model compact statute.

(A) A charter member state whose enactment is found to be materially different from the model compact statute shall be entitled to the default process set forth in section 11.

(B) If any member state is later found to be in default, or is terminated or withdraws from the compact, the compact commission shall remain

in existence and the compact shall remain in effect even if the number of member states should be fewer than seven.

(2) Member states enacting the compact subsequent to the seven initial charter member states shall be subject to the process set forth in section 8(c)(21) to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in the compact.

(3) All actions taken for the benefit of the compact commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the compact commission coming into existence shall be considered to be actions of the compact commission unless specifically repudiated by the compact commission.

(4) Any state that joins the compact subsequent to the compact commission's initial adoption of the rules and bylaws shall be subject to the rules and bylaws as they exist on the date that the compact becomes law in that state. Any rule that has been previously adopted by the compact commission shall have the full force and effect of law on the day the compact becomes law in that state.

(b) Any member state may withdraw from this compact by enacting a statute repealing such compact.

(1) A member state's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(3) Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all compact privileges granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

(c) Nothing contained in this compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

(d) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 13—CONSTRUCTION AND SEVERABILITY

(a) This compact and the compact commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the imple-

mentation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the compact commission's rulemaking authority solely for those purposes.

(b) The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, a state seeking participation in the compact or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

(c) Notwithstanding subsection (b), the compact commission may deny a state's participation in the compact or, in accordance with the requirements of section 11(b), terminate a member state's participation in the compact if it determines that a constitutional requirement of a member state is a material departure from the compact. If this compact shall be held to be contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

SECTION 14—CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

(a) Nothing in this compact shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.

(b) Any laws, statutes, rules and regulations or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict.

(c) All permissible agreements between the compact commission and the member states are binding in accordance with their terms.

Sec. 3. This section shall be known and may be cited as the cosmetologist licensure compact.

ARTICLE 1—PURPOSE

(a) The purpose of this compact is to facilitate the interstate practice and regulation of cosmetology with the goal of improving public access thereto, the safety of cosmetology services and reducing unnecessary burdens related to cosmetology licensure. Through this compact the member states seek to establish a regulatory framework that provides for a new multistate licensing program. Through this new licensing program, the

member states seek to provide increased value and mobility to licensed cosmetologists in the member states, while ensuring the provision of safe, effective and reliable services to the public.

(b) This compact is designed to achieve the following objectives, which are ratified by the member states to this compact:

(1) Provide opportunities for interstate practice by cosmetologists who meet uniform requirements for multistate licensure;

(2) enhance the abilities of member states to protect public health and safety and prevent fraud and unlicensed activity within the profession;

(3) ensure and encourage cooperation between member states in the licensure and regulation of the practice of cosmetology;

(4) support relocating military members and their spouses;

(5) facilitate the exchange of information between member states related to the licensure, investigation and discipline of the practice of cosmetology; and

(6) provide for the licensure and mobility of the workforce in the profession while addressing the shortage of workers and lessening the associated burdens on the member states.

ARTICLE 2—DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions shall govern the terms herein:

(a) "Active military member" means any person with full-time duty status in the armed forces of the United States, including members of the national guard and reserve.

(b) "Adverse action" means any administrative, civil, equitable or criminal action permitted by a member state's laws that is imposed by a state licensing authority or other regulatory body against a cosmetologist, including actions against an individual's license or authorization to practice such as revocation, suspension, probation, monitoring of the licensee, limitation of the licensee's practice or any other encumbrance on a license affecting an individual's ability to participate in the cosmetology industry, including the issuance of a cease and desist order.

(c) "Authorization to practice" means a legal authorization associated with a multistate license permitting the practice of cosmetology in that remote state, which shall be subject to the enforcement jurisdiction of the state licensing authority in that remote state.

(d) "Alternative program" means a non-disciplinary monitoring or prosecutorial diversion program approved by a member state's state licensing authority.

(e) "Background check" means the submission of information for an applicant for the purpose of obtaining such applicant's criminal history record information, as further defined in C.F.R. § 20.3(d), from the fed-

eral bureau of investigation and the agency responsible for retaining state criminal or disciplinary history in the applicant's home state.

(f) "Charter member state" means member states that have enacted legislation to adopt this compact where such legislation predates the effective date of this compact as defined in article 13.

(g) "Commission" means the governmental agency whose membership consists of all states that have enacted this compact, known as the cosmetology licensure compact commission, as defined in article 9, and shall operate as an instrumentality of the member states.

(h) "Cosmetologist" means an individual licensed in their home state to practice cosmetology.

(i) "Cosmetology", "cosmetology services" and the "practice of cosmetology" mean the care and services provided by a cosmetologist as set forth in the member state's statutes and regulations in the state where the services are being provided.

(j) "Current significant investigative information" means:

(1) Investigative information that a state licensing authority, after an inquiry or investigation that complies with a member state's due process requirements, has reason to believe is not groundless and, if proved true, would indicate a violation of that state's laws regarding fraud or the practice of cosmetology; or

(2) investigative information that indicates that a licensee has engaged in fraud or represents an immediate threat to public health and safety, regardless of whether the licensee has been notified and had an opportunity to respond.

(k) "Data system" means a repository of information about licensees, including, but not limited to, license status, investigative information and adverse actions.

(l) "Disqualifying event" means any event that shall disqualify an individual from holding a multistate license under this compact, which the commission may by rule or order specify.

(m) "Encumbered license" means a license in which an adverse action restricts the practice of cosmetology by a licensee, or where said adverse action has been reported to the commission.

(n) "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of cosmetology by a state licensing authority.

(o) "Executive committee" means a group of delegates elected or appointed to act on behalf of and within the powers granted to them by the commission.

(p) "Home state" means the member state that is a licensee's primary state of residence where such licensee holds an active and unencumbered license to practice cosmetology.

(q) "Investigative information" means information, records or documents received or generated by a state licensing authority pursuant to an investigation or other inquiry.

(r) "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of cosmetology in a state.

(s) "Licensee" means an individual who currently holds a license from a member state to practice as a cosmetologist.

(t) "Member state" means any state that has adopted this compact.

(u) "Multistate license" means a license issued by and subject to the enforcement jurisdiction of the state licensing authority in a licensee's home state that authorizes the practice of cosmetology in member states and includes authorizations to practice cosmetology in all remote states pursuant to this compact.

(v) "Remote state" means any member state other than the licensee's home state.

(w) "Rule" means any rule or regulation adopted by the commission under this compact that has the force of law.

(x) "Single-state license" means a cosmetology license issued by a member state that authorizes practice of cosmetology only within the issuing state and does not include any authorization outside of the issuing state.

(y) "State" means a state, territory or possession of the United States and the District of Columbia.

(z) "State licensing authority" means a member state's regulatory body responsible for issuing cosmetology licenses or otherwise overseeing the practice of cosmetology in that state.

ARTICLE 3—MEMBER STATE REQUIREMENTS

(a) To be eligible to join this compact and maintain eligibility as a member state, a state shall:

(1) License and regulate cosmetology;

(2) have a mechanism or entity in place to receive and investigate complaints about licensees practicing in that state;

(3) require that licensees within the state pass a cosmetology competency examination prior to being licensed to provide cosmetology services to the public in that state;

(4) require that licensees satisfy educational or training requirements in cosmetology prior to being licensed to provide cosmetology services to the public in that state;

(5) implement procedures for considering one or more of the following categories of information from applicants for licensure: Criminal history; disciplinary history; or background check. Such procedures may

include the submission of information by applicants for the purpose of obtaining an applicant's background check as defined herein;

(6) participate in the data system, including through the use of unique identifying numbers;

(7) share information related to adverse actions with the commission and other member states, both through the data system and otherwise;

(8) notify the commission and other member states, in compliance with the terms of the compact and rules of the commission, of the existence of investigative information or current significant investigative information in the state's possession regarding a licensee practicing in that state;

(9) comply with such rules as may be enacted by the commission to administer the compact; and

(10) accept licensees from other member states as established herein.

(b) Member states may charge a fee for granting a license to practice cosmetology.

(c) Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state, except that the single-state license granted to these individuals shall not be recognized as granting a multistate license to provide services in any other member state.

(d) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single-state license.

(e) A multistate license issued to a licensee by a home state to a resident of that state shall be recognized by each member state as authorizing a licensee to practice cosmetology in each member state.

(f) At no point shall the commission have the power to define the educational or professional requirements for a license to practice cosmetology. The member states shall retain sole jurisdiction over the provision of these requirements.

ARTICLE 4—MULTISTATE LICENSE

(a) To be eligible to apply to their home state's state licensing authority for an initial multistate license under this compact, a licensee must hold an active and unencumbered single-state license to practice cosmetology in such licensee's home state.

(b) Upon the receipt of an application for a multistate license, according to the rules of the commission, a member state's state licensing authority shall ascertain whether the applicant meets the requirements for a multistate license under this compact.

(c) If an applicant meets the requirements for a multistate license under this compact and any applicable rules of the commission, the state licensing authority in receipt of the application shall, within a reasonable

time, grant a multistate license to that applicant and inform all member states of the grant of such multistate license.

(d) A multistate license to practice cosmetology issued by a member state's state licensing authority shall be recognized by each member state as authorizing the practice thereof as though that licensee held a single-state license to do so in each member state, subject to the restrictions herein.

(e) A multistate license granted pursuant to this compact may be effective for a definite period of time, concurrent with the licensure renewal period in the home state.

(f) To maintain a multistate license under this compact, a licensee shall:

(1) Agree to abide by the rules of the state licensing authority and the state scope of practice laws governing the practice of cosmetology of any member state where the licensee provides services;

(2) pay all required fees related to the application and process and any other fees that the commission may, by rule, require; and

(3) comply with any and all other requirements regarding multistate licenses that the commission may, by rule, provide.

(g) A licensee practicing in a member state is subject to all scope of practice laws governing cosmetology services in that state.

(h) The practice of cosmetology under a multistate license granted pursuant to this compact shall subject the licensee to the jurisdiction of the state licensing authority, the courts and the laws of the member state where the cosmetology services are provided.

ARTICLE 5—REISSUANCE OF A MULTISTATE LICENSE BY A NEW HOME STATE

(a) A licensee may hold a multistate license, issued by their home state, in only one member state at any given time.

(b) If a licensee changes such licensee's home state by moving between two member states:

(1) The licensee shall immediately apply for the reissuance of such multistate license in such licensee's new home state. The licensee shall pay all applicable fees and notify the prior home state in accordance with the rules of the commission;

(2) upon receipt of an application to reissue a multistate license, the new home state shall verify that the multistate license is active, unencumbered and eligible for reissuance under the terms of the compact and the rules of the commission. The multistate license issued by the prior home state shall be deactivated and all member states notified in accordance with the applicable rules adopted by the commission;

(3) if required for initial licensure, the new home state may require a background check as specified in the laws of that state, or the compliance with any jurisprudence requirements of the new home state; and

(4) notwithstanding any other provision of this compact, if a licensee does not meet the requirements set forth in this compact for the reissuance of a multistate license by the new home state, then such licensee shall be subject to the new home state requirements for the issuance of a single-state license in that state.

(c) If a licensee changes such licensee's primary state of residence by moving from a member state to a non-member state, or from a non-member state to a member state, then the licensee shall be subject to the state requirements for the issuance of a single-state license in the new home state.

(d) Nothing in this compact shall interfere with a licensee's ability to hold a single-state license in multiple states, except that, for the purposes of this compact, a licensee shall have only one home state and one multistate license.

(e) Nothing in this compact shall interfere with the requirements established by a member state for the issuance of a single-state license.

ARTICLE 6—AUTHORITY OF THE COMPACT COMMISSION AND MEMBER STATE LICENSING AUTHORITIES

(a) Nothing in this compact, nor any rule or regulation of the commission, shall be construed to limit, restrict or in any way reduce the ability of a member state to enact and enforce laws, rules or regulations related to the practice of cosmetology in that state where those laws, rules or regulations are not inconsistent with the provisions of this compact.

(b) Insofar as practicable, a member state's state licensing authority shall cooperate with the commission and with each entity exercising independent regulatory authority over the practice of cosmetology according to the provisions of this compact.

(c) Discipline shall be the sole responsibility of the state where cosmetology services are provided. Accordingly, each member state's state licensing authority shall be responsible for receiving complaints about individuals practicing cosmetology in that state and for communicating all relevant investigative information about any such adverse action to the other member states through the data system in addition to any other methods the commission may require by rule.

ARTICLE 7—ADVERSE ACTIONS

(a) A licensee's home state shall have exclusive power to impose an adverse action against a licensee's multistate license issued by the home state.

(b) A home state may take adverse action on a multistate license based on the investigative information, current significant investigative information or adverse action of a remote state.

(c) In addition to the powers conferred by state law, each remote state's state licensing authority shall have the power to:

(1) Take adverse action against a licensee's authorization to practice cosmetology through the multistate license in that member state, except that:

(A) Only the licensee's home state shall have the power to take adverse action against the multistate license issued by the home state; and

(B) for the purposes of taking adverse action, the home state's state licensing authority shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine the appropriate action;

(2) issue cease and desist orders or impose an encumbrance on a licensee's authorization to practice within that member state;

(3) complete any pending investigations of a licensee who changes their primary state of residence during the course of such an investigation. The state licensing authority shall also be empowered to report the results of such an investigation to the commission through the data system as described herein;

(4) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a state licensing authority in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings before it. The issuing state licensing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located;

(5) if otherwise permitted by state law, recover from the affected licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee; and

(6) take adverse action against the licensee's authorization to practice in that state based on the factual findings of another remote state.

(d) A licensee's home state shall complete any pending investigation of a cosmetologist who changes such licensee's primary state of residence during the course of the investigation. The home state shall also have the authority to take appropriate action and promptly report the conclusions of the investigations to the data system.

(e) If an adverse action is taken by the home state against a licensee's multistate license, the licensee's authorization to practice in all other member states shall be deactivated until all encumbrances have been removed from the home state license. All home state disciplinary orders that impose an adverse action against a licensee's multistate license shall

include a statement that the cosmetologist's authorization to practice is deactivated in all member states during the pendency of the order.

(f) Nothing in this compact shall override a member state's authority to accept a licensee's participation in an alternative program in lieu of adverse action. A licensee's multistate license shall be suspended for the duration of the licensee's participation in any alternative program.

(g) Joint investigations.

(1) In addition to the authority granted to a member state by its respective scope of practice laws or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

ARTICLE 8—ACTIVE MILITARY MEMBERS AND THEIR SPOUSES

Active military members or their spouses shall designate a home state where the individual has a current license to practice cosmetology in good standing. The individual may retain their home state designation during any period of service when that individual or their spouse is on active duty assignment.

ARTICLE 9—ESTABLISHMENT AND OPERATION OF THE COSMETOLOGY LICENSURE COMPACT COMMISSION

(a) The compact member states create and establish a joint government agency whose membership consists of all member states that have enacted the compact, which shall be known as the cosmetology licensure compact commission. The commission is an instrumentality of the compact member states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in article 13.

(b) Membership, voting and meetings.

(1) Each member state shall have and be limited to one delegate selected by such member state's state licensing authority.

(2) The delegate shall be an administrator of the state licensing authority of the member state or their designee.

(3) The commission shall by rule or bylaw establish a term of office for delegates and may by rule or bylaw establish term limits.

(4) The commission may recommend removal or suspension of any delegate from office.

(5) A member state's state licensing authority shall fill any vacancy of its delegate occurring on the commission within 60 days of the vacancy.

Each delegate shall be entitled to one vote on all matters that are voted on by the commission.

(6) The commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The commission may meet by telecommunication, video conference or other similar electronic means.

(c) The commission shall have the following powers:

(1) Establish the fiscal year of the commission;

(2) establish code of conduct and conflict of interest policies;

(3) adopt rules and bylaws;

(4) maintain the commission's financial records in accordance with the bylaws;

(5) meet and take such actions as are consistent with the provisions of this compact, the commission's rules and the bylaws;

(6) initiate and conclude legal proceedings or actions in the name of the commission, provided that the standing of any state licensing authority to sue or be sued under applicable law shall not be affected;

(7) maintain and certify records and information provided to a member state as the authenticated business records of the commission and designate an agent to do so on the commission's behalf;

(8) purchase and maintain insurance and bonds;

(9) borrow, accept or contract for services of personnel, including, but not limited to, employees of a member state;

(10) conduct an annual financial review;

(11) hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

(12) as set forth in the commission rules, charge a fee to a licensee for the grant of a multistate license and thereafter, as may be established by commission rule, charge the licensee a multistate license renewal fee for each renewal period. Nothing herein shall be construed to prevent a home state from charging a licensee a fee for a multistate license or renewals of a multistate license or a fee for the jurisprudence requirement if the member state imposes such a requirement for the grant of a multistate license;

(13) assess and collect fees;

(14) accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials and services, and receive, utilize and dispose of the same, except that, at all times, the commission shall avoid any appearance of impropriety or conflict of interest;

(15) lease, purchase, retain, own, hold, improve or use any property, real, personal or mixed, or any undivided interest therein;

(16) sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;

(17) establish a budget and make expenditures;

(18) borrow money;

(19) appoint committees, including standing committees, composed of members, state regulators, state legislators or their representatives and consumer representatives and such other interested persons as may be designated in this compact and the bylaws;

(20) provide and receive information from, and cooperate with, law enforcement agencies;

(21) elect a chair, vice chair, secretary and treasurer and such other officers of the commission as provided in the commission's bylaws;

(22) establish and elect an executive committee, including a chair and a vice chair;

(23) adopt and provide an annual report to the member states;

(24) determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and

(25) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.

(d) The executive committee.

(1) The executive committee shall have the power to act on behalf of the commission according to the terms of this compact. The powers, duties and responsibilities of the executive committee shall include:

(A) Overseeing the day-to-day activities of the administration of the compact including compliance with the provisions of the compact, the commission's rules and bylaws and other such duties as deemed necessary;

(B) recommending to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact member states, fees charged to licensees and other fees;

(C) ensuring compact administration services are appropriately provided, including by contract;

(D) preparing and recommending the budget;

(E) maintaining financial records on behalf of the commission;

(F) monitoring compact compliance of member states and providing compliance reports to the commission;

(G) establishing additional committees as necessary;

(H) exercising the powers and duties of the commission during the interim between commission meetings, except for adopting or amending rules, adopting or amending bylaws and exercising any other powers and duties expressly reserved to the commission by rule or bylaw; and

(I) other duties as provided in the rules or bylaws of the commission.

(2) The executive committee shall be composed of up to seven voting members:

(A) The chair and vice chairperson of the commission and any other members of the commission who serve on the executive committee shall be voting members of the executive committee.

(B) Other than the chair, vice chair, secretary and treasurer, the commission shall elect three voting members from the current membership of the commission.

(C) The commission may elect ex officio, nonvoting members from a recognized national cosmetology professional association as approved by the commission. The commission's bylaws shall identify qualifying organizations and the manner of appointment if the number of organizations seeking to appoint an ex officio member exceeds the number of members specified in this article.

(3) The commission may remove any member of the executive committee as provided in the commission's bylaws.

(4) The executive committee shall meet at least annually.

(A) Annual executive committee meetings, as well as any executive committee meeting at which the commission does not take or intend to take formal action on a matter for which a commission vote would otherwise be required, shall be open to the public, except that the executive committee may meet in a closed, non-public session of a public meeting when dealing with any of the matters specified in article 9(f)(4).

(B) The executive committee shall give five business days advance notice of its public meetings, posted on its website and as determined to provide notice to persons with an interest in the public matters that the executive committee intends to address at those meetings.

(5) The executive committee may hold an emergency meeting when acting for the commission to:

(A) Meet an imminent threat to public health, safety or welfare;

(B) prevent a loss of commission or member state funds; or

(C) protect public health and safety.

(e) The commission shall adopt and provide an annual report to the member states.

(f) Meetings of the commission.

(1) All meetings of the commission that are not closed pursuant to article 9(f)(4) shall be open to the public. Notice of public meetings shall be posted on the commission's website at least 30 days prior to the public meeting.

(2) Notwithstanding article 9(f)(1), the commission may convene an emergency public meeting by providing at least 24 hours' prior notice on the commission's website and any other means as provided in the commission's rules for any of the reasons it may dispense with notice of proposed

rulemaking under article 11(l). The commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.

(3) Notice of all commission meetings shall provide the time, date and location of the meeting, and if the meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the notice shall include the mechanism for access to the meeting.

(4) The commission may convene in a closed, non-public meeting for the commission to discuss:

(A) Non-compliance of a member state with its obligations under the compact;

(B) the employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(C) current or threatened discipline of a licensee by the commission or by a member state's licensing authority;

(D) current, threatened or reasonably anticipated litigation;

(E) negotiation of contracts for the purchase, lease or sale of goods, services or real estate;

(F) accusing any person of a crime or formally censuring any person;

(G) trade secrets or commercial or financial information that is privileged or confidential;

(H) information of a personal nature if disclosure would constitute a clearly unwarranted invasion of personal privacy;

(I) investigative records compiled for law enforcement purposes;

(J) information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

(K) legal advice;

(L) matters specifically exempted from disclosure to the public by federal or member state law; or

(M) other matters as adopted by the commission by rule. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that such meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

(5) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

(g) Financing of the commission.

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

(2) The commission may accept any and all appropriate sources of revenue, donations and grants of money, equipment, supplies, materials and services.

(3) The commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants a multistate license to cover the cost of the operations and activities of the commission and its staff, which shall be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states shall be allocated based upon a formula that the commission shall adopt by rule.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the commission pledge the credit of any member states, except by and with the authority of such member state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the commission.

(h) Qualified immunity, defense and indemnification.

(1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties or responsibilities, except that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission shall not in any way compromise or limit such immunity granted in this paragraph.

(2) The commission shall defend any member, officer, executive director, employee and representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment,

duties or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, except that nothing in this paragraph shall be construed to prohibit such person from retaining their own counsel at their own expense and that the actual or alleged act, error or omission did not result from such person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee and representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, if the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

(4) Nothing in this compact shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

(5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman antitrust act of 1890, the Clayton act 15 U.S.C. §§ 17-27 or any other state or federal antitrust or anticompetitive law or regulation.

(6) Nothing in this compact shall be construed to be a waiver of sovereign immunity by the member states or by the commission.

ARTICLE 10—DATA SYSTEM

(a) The commission shall provide for the development, maintenance, operation and utilization of a coordinated database and reporting system.

(b) The commission shall assign each applicant for a multistate license a unique identifier, as determined by the rules of the commission.

(c) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

(1) Identifying information;

(2) licensure data;

(3) adverse actions against a license and information related thereto;

(4) non-confidential information related to alternative program participation, the beginning and ending dates of such participation and other information related to such participation;

(5) any denial of application for licensure and the reason for such denial, excluding the reporting of any criminal history record information when prohibited by law;

(6) the existence of investigative information;

(7) the existence of current significant investigative information; and

(8) other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.

(d) The records and information provided to a member state pursuant to this compact or through the data system, when certified by the commission or an agent thereof, shall constitute the authenticated business records of the commission and be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a member state.

(e) The existence of current significant investigative information and the existence of investigative information pertaining to a licensee in any member state shall only be available to other member states.

(f) It shall be the responsibility of the member states to monitor the database to determine whether adverse action has been taken against such a licensee or license applicant. Adverse action information pertaining to a licensee or license applicant in any member state shall be available to any other member state.

(g) Member states contributing information to the data system may designate information that shall not be shared with the public without the express permission of the contributing state.

(h) Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the member state contributing the information shall be removed from the data system.

ARTICLE 11—RULEMAKING

(a) The commission shall adopt reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the compact. A rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the compact, the powers granted under this compact or based upon another applicable standard of review.

(b) The rules of the commission shall have the force of law in each member state, except that where the rules of the commission conflict with the laws of the member state that establish the member state's scope of practice laws governing the practice of cosmetology as held by a court of competent jurisdiction, the rules of the commission shall be ineffective in such state to the extent of the conflict.

(c) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted thereunder. Rules shall become binding as of the date specified by the commission for each rule.

(d) If a majority of the legislatures of the member states rejects a rule or a portion of a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state or to any state applying to participate in the compact.

(e) Rules shall be adopted at a regular or special meeting of the commission.

(f) Prior to adoption of a proposed rule, the commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions and arguments.

(g) Prior to adoption of a proposed rule by the commission and at least 30 days in advance of the meeting at which the commission will hold a public hearing on the proposed rule, the commission shall provide a notice of proposed rulemaking:

(1) On the website of the commission or other publicly accessible platform;

(2) to persons who have requested notice of the commission's notices of proposed rulemaking; and

(3) in such other way as the commission may by rule specify.

(h) The notice of proposed rulemaking shall include:

(1) The time, date and location of the public hearing at which the commission will hear public comments on the proposed rule and, if different, the time, date and location of the meeting where the commission will consider and vote on the proposed rule;

(2) if the hearing is held via telecommunication, video conference or other electronic means, the commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;

(3) the text of the proposed rule and the reason therefor;

(4) a request for comments on the proposed rule from any interested person; and

(5) the manner in which interested persons may submit written comments.

(i) All hearings shall be recorded. A copy of the recording and all written comments and documents received by the commission in response to the proposed rule shall be available to the public.

(j) Nothing in this article shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this article.

(k) The commission shall, by majority vote of all members, take final

action on the proposed rule based on the rulemaking record and the full text of the rule.

(1) The commission may adopt changes to the proposed rule if the changes do not enlarge the original purpose of the proposed rule.

(2) The commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

(3) The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in article 11(l), the effective date of the rule shall not be earlier than 45 days after the commission issues notice that it has adopted or amended such rule.

(l) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with five days' notice, with opportunity to comment, except the usual rulemaking procedures provided in the compact and this article shall be retroactively applied to the rule as soon as reasonably possible, not later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately to:

(1) Meet an imminent threat to public health, safety or welfare;

(2) prevent a loss of commission or member state funds;

(3) meet a deadline for the adoption of a rule that is established by federal law or rule; or

(4) protect public health and safety.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

(n) No member state's rulemaking requirements shall apply under this compact.

ARTICLE 12—OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

(a) Oversight.

(1) The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to implement the compact.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing in this compact shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.

(3) The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process shall render a judgment or order void as to the commission, this compact or adopted rules.

(b) Default, technical assistance and termination.

(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or adopted rules, the commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, any other action that the commission may take and offer training and specific technical assistance regarding the default.

(2) The commission shall provide a copy of the notice of default to the other member states.

(3) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the delegates of the member states, and all rights, privileges and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(4) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's state licensing authority and each of the member states' state licensing authority.

(5) A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(6) Upon the termination of a state's membership from this compact, such state shall immediately provide notice to all licensees who hold a multistate license within that state of such termination. The terminated state shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of said notice of termination.

(7) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact unless agreed upon in writing between the commission and the defaulting state.

(8) The defaulting state may appeal the action of the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(c) Dispute resolution.

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and non-member states.

(2) The commission shall adopt a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(d) Enforcement.

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact and the commission's rules.

(2) By majority vote as provided by commission rule, the commission may initiate legal action against a member state in default in the United States district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its adopted rules. The relief sought may include both injunctive relief and damages. In the event that judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees. The remedies in this compact shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or the defaulting member state's law.

(3) A member state may initiate legal action against the commission in the United States district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its adopted rules. The relief sought may include both injunctive relief and damages. In the event that judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(4) No individual or entity other than a member state may enforce this compact against the commission.

ARTICLE 13—EFFECTIVE DATE, WITHDRAWAL AND AMENDMENT

(a) The compact shall come into effect on the date that the compact statute is enacted into law in the seventh member state. On or after the effective date of the compact, the commission shall convene and review

the enactment of each of the charter member states to determine if the statute enacted by each such charter member state is materially different than the model compact statute.

(1) A charter member state whose enactment is found to be materially different from the model compact statute shall be entitled to the default process set forth in article 12.

(2) If any member state is later found to be in default, or is terminated or withdraws from the compact, the commission shall remain in existence, and the compact shall remain in effect even if the number of member states should be fewer than seven.

(3) Member states enacting the compact subsequent to the charter member states shall be subject to the process set forth in article 9(c)(24) to determine if such enactments are materially different from the model compact statute and whether the enactments qualify for participation in the compact.

(4) All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence shall be considered to be actions of the commission unless specifically repudiated by the commission.

(5) Any state that joins the compact shall be subject to the commission's rules and bylaws as they exist on the date that the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the date that the compact becomes law in that state.

(b) Any member state may withdraw from this compact by enacting a statute repealing that state's enactment of the compact.

(1) A member state's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's state licensing authority to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(3) Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

(c) Nothing contained in this compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this compact.

(d) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

ARTICLE 14—CONSTRUCTION AND SEVERABILITY

(a) This compact and the commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the adoption of rules shall not be construed to limit the commission's rulemaking authority solely for those purposes.

(b) The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, a state seeking participation in the compact or of the United States or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

(c) Notwithstanding article 14(b), the commission may deny a state's participation in the compact or terminate a member state's participation in the compact, in accordance with the requirements of article 12, if the commission determines that a constitutional requirement of a member state is a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

ARTICLE 15—CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

(a) Nothing in this compact shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.

(b) Any laws, statutes, regulations or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict.

(c) All permissible agreements between the commission and the member states are binding in accordance with their terms.

Sec. 4.

SECTION 1—PURPOSE

In order to strengthen access to medical services and in recognition of the advances in the delivery of medical services, the participating states

of the PA licensure compact have allied in common purpose to develop a comprehensive process that complements the existing authority of state licensing boards to license and discipline PAs and seeks to enhance the portability of a license to practice as a PA while safeguarding the safety of patients. This compact allows medical services to be provided by PAs, via the mutual recognition of the licensee's qualifying license by other compact-participating states. This compact also adopts the prevailing standard for PA licensure and affirms that the practice and delivery of medical services by the PA occurs where the patient is located at the time of the patient encounter and, therefore, requires the PA to be under the jurisdiction of the state licensing board where the patient is located. State licensing boards that participate in this compact retain the jurisdiction to impose adverse action against a compact privilege in that state issued to a PA through the procedures of this compact. The PA licensure compact will alleviate burdens for military families by allowing active duty military personnel and their spouses to obtain a compact privilege based on having an unrestricted license in good standing from a participating state.

SECTION 2—DEFINITIONS

As used in this compact:

(a) "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws that is imposed by a licensing board or other authority against a PA license, application for licensure or compact privilege such as license denial, censure, revocation, suspension, probation, monitoring of the licensee or restriction on the licensee's practice.

(b) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another participating state to practice as a PA to provide medical services and other licensed activity to a patient located in the remote state under the remote state's laws and regulations.

(c) "Conviction" means a finding by a court that an individual is guilty of a felony or misdemeanor offense through adjudication or entry of a guilty plea or no contest to the charge by the offender.

(d) "Criminal background check" means the submission of fingerprints or other biometric-based information for an applicant for licensure for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d), from the state's criminal history record repository as defined in 28 C.F.R. § 20.3(f).

(e) "Data system" means the repository of information concerning licensees, including, but not limited to, license status and adverse actions, that is created and administered under the terms of this compact.

(f) "Executive committee" means a group of directors and ex officio individuals elected or appointed pursuant to section 7(f)(2).

(g) "Impaired practitioner" means a PA whose practice is adversely affected by a health-related condition that impacts such PA's ability to practice.

(h) "Investigative information" means information, records or documents received or generated by a licensing board pursuant to an investigation.

(i) "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of a PA in a state.

(j) "License" means current authorization by a state, other than authorization pursuant to a compact privilege, for a PA to provide medical services that would be unlawful without current authorization.

(k) "Licensee" means an individual who holds a license from a state to provide medical services as a PA.

(l) "Licensing board" means any state entity authorized to license and otherwise regulate PAs.

(m) "Medical services" means healthcare services provided for the diagnosis, prevention, treatment, cure or relief of a health condition, injury or disease, as defined by a state's laws and regulations.

(n) "Model compact" means the model for the PA licensure compact on file with the council of state governments or other entity as designated by the commission.

(o) "PA" means an individual who is licensed as a physician assistant in a state. For purposes of this compact, any other title or status adopted by a state to replace the term "physician assistant" shall be deemed synonymous with "physician assistant" and shall confer the same rights and responsibilities to the licensee under the provisions of this compact at the time of its enactment.

(p) "PA licensure compact commission," "compact commission" or "commission" means the national administrative body created pursuant to section 7(a).

(q) "Participating state" means a state that has enacted this compact.

(r) "Qualifying license" means an unrestricted license issued by a participating state to provide medical services as a PA.

(s) "Remote state" means a participating state where a licensee who is not licensed as a PA is exercising or seeking to exercise the compact privilege.

(t) "Rule" means any rule or regulation adopted by an entity that has the force and effect of law.

(u) "Significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the PA to respond if required by state law, has reason to believe is not groundless and, if proven true, would indicate more than a minor infraction.

(v) "State" means any state, commonwealth, district or territory of the United States.

SECTION 3—STATE PARTICIPATION IN THIS COMPACT

(a) To participate in this compact, a participating state shall:

(1) License PAs;

(2) participate in the compact commission's data system;

(3) have a mechanism in place for receiving and investigating complaints against licensees and applicants for licensure;

(4) notify the commission, in compliance with the terms of this compact and commission rules, of any adverse action against a licensee or applicant for licensure and the existence of significant investigative information regarding a licensee or applicant for licensure;

(5) fully implement a criminal background check requirement, within a time frame established by commission rule, by its licensing board receiving the results of a criminal background check and reporting to the commission whether the applicant for licensure has been granted a license;

(6) comply with the rules of the compact commission;

(7) utilize passage of a recognized national examination such as the NCCPA PANCE as a requirement for PA licensure; and

(8) grant the compact privilege to a holder of a qualifying license in a participating state.

(b) Nothing in this compact shall be construed to prohibit a participating state from charging a fee for granting the compact privilege.

SECTION 4—COMPACT PRIVILEGE

(a) To exercise the compact privilege, a licensee shall:

(1) Have graduated from a PA program accredited by the accreditation review commission on education for the physician assistant, inc., or other programs authorized by commission rule;

(2) hold current NCCPA certification;

(3) have no felony or misdemeanor convictions;

(4) have never had a controlled substance license, permit or registration suspended or revoked by a state or by the United States drug enforcement administration;

(5) have a unique identifier as determined by commission rule;

(6) hold a qualifying license;

(7) have had no revocation of a license or limitation or restriction on any license currently held due to an adverse action;

(A) if a licensee has had a limitation or restriction on a license or compact privilege due to an adverse action, two years shall have elapsed from the date on which the license or compact privilege is no longer limited or restricted due to the adverse action;

(B) if a compact privilege has been revoked or is limited or restricted in a participating state for conduct that would not be a basis for disciplinary action in a participating state in which the licensee is practicing or applying to practice under a compact privilege, that participating state shall have the discretion not to consider such action as an adverse action requiring the denial or removal of a compact privilege in that state;

(8) notify the compact commission that the licensee is seeking the compact privilege in a remote state;

(9) meet any jurisprudence requirement of a remote state in which the licensee is seeking to practice under the compact privilege and pay any fees applicable to satisfying the jurisprudence requirement; and

(10) report to the commission any adverse action taken by a nonparticipating state within 30 days after such adverse action is taken.

(b) The compact privilege shall be valid until the expiration or revocation of the qualifying license unless terminated pursuant to an adverse action. The licensee shall comply with the requirements of subsection (a) to maintain the compact privilege in a remote state. If the participating state takes adverse action against a qualifying license, the licensee shall lose the compact privilege in any remote state in which the licensee has a compact privilege until the licensee meets the following conditions:

(1) The license is no longer limited or restricted; and

(2) two years have elapsed from the date on which the license is no longer limited or restricted due to the adverse action.

(c) Once a restricted or limited license satisfies the requirements of subsection (b), the licensee shall meet the requirements of subsection (a) to obtain a compact privilege in any remote state.

(d) For each remote state in which a PA seeks authority to prescribe controlled substances, the PA shall satisfy all the requirements imposed by such state in granting or renewing such authority.

SECTION 5—DESIGNATION OF THE STATE FROM WHICH THE LICENSEE IS APPLYING FOR A COMPACT PRIVILEGE

Upon a licensee's application for a compact privilege, the licensee shall identify to the commission the participating state from which the licensee is applying, in accordance with applicable rules adopted by the commission and subject to the following requirements:

(a) When applying for a compact privilege, the licensee shall provide the commission with the address of the licensee's primary residence and, thereafter, shall immediately report to the commission any change in the address of the licensee's primary residence; and

(b) when applying for a compact privilege, the licensee is required to consent to accept service of process by mail at the licensee's primary residence on file with the commission with respect to any action brought

against the licensee by the commission or a participating state, including a subpoena, with respect to any action brought or investigation conducted by the commission or a participating state.

SECTION 6—ADVERSE ACTIONS

(a) A participating state in which a licensee is licensed shall have exclusive power to impose adverse action against the qualifying license issued by that participating state.

(b) In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

(1) Take adverse action against a PA's compact privilege within that state to remove a licensee's compact privilege or take other action necessary under applicable law to protect the health and safety of its citizens; and

(2) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a participating state for the attendance and testimony of witnesses or the production of evidence from another participating state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of such court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence is located.

(c) Notwithstanding subsection (b)(2), subpoenas shall not be issued by a participating state to gather evidence of conduct in another state that is lawful in such other state for the purpose of taking adverse action against a licensee's compact privilege or application for a compact privilege in the participating state.

(d) Nothing in this compact shall be deemed to authorize a participating state to impose discipline against a PA's compact privilege or to deny an application for a compact privilege in that participating state for the individual's otherwise lawful practice in another state.

(e) For purposes of taking adverse action, the participating state that issued the qualifying license shall give the same priority and effect to reported conduct received from any other participating state as it would if the conduct had occurred within the participating state that issued the qualifying license. The participating state shall apply its own state laws to determine appropriate action.

(f) A participating state, if otherwise permitted by state law, may recover from the affected PA the costs of investigations and disposition of cases resulting from any adverse action taken against that PA.

(g) A participating state may take adverse action based on the factual

findings of a remote state if the participating state follows its own procedures for taking the adverse action.

(h) Joint investigations.

(1) In addition to the authority granted to a participating state by such state's PA laws and regulations or other applicable state law, any participating state may participate with other participating states in joint investigations of licensees.

(2) Participating states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under this compact.

(i) If an adverse action is taken against a PA's qualifying license, the PA's compact privilege in all remote states shall be deactivated until two years have elapsed after all restrictions have been removed from the state license. All disciplinary orders by the participating state that issued the qualifying license that impose adverse action against a PA's license shall include a statement that the PA's compact privilege is deactivated in all participating states during the pendency of the order.

(j) If any participating state takes adverse action, it promptly shall notify the administrator of the data system.

SECTION 7—ESTABLISHMENT OF THE PA LICENSURE COMPACT COMMISSION

(a) The participating states hereby create and establish a joint government agency and national administrative body known as the PA licensure compact commission. The commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in section 11(a).

(b) Membership, voting and meetings.

(1) Each participating state shall have and be limited to one delegate selected by such participating state's licensing board or, if such participating state has more than one licensing board, selected collectively by the participating state's licensing boards.

(2) A delegate shall be either:

(A) A current PA, physician or public member of a licensing board or PA council or committee; or

(B) an administrator of a licensing board.

(3) Any delegate may be removed or suspended from office as provided by the laws of the state from which the delegate is appointed.

(4) The participating state licensing board shall fill any vacancy occurring in the commission within 60 days.

(5) Each delegate shall be entitled to one vote on all matters voted on by the commission and shall otherwise have an opportunity to participate

in the commission's business and affairs. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telecommunications, video conference or other means of communication.

(6) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in this compact and the bylaws.

(7) The commission shall establish by rule a term of office for delegates.

(c) The commission shall have the following powers and duties:

(1) Establish a code of ethics for the commission;

(2) establish the fiscal year of the commission;

(3) establish fees;

(4) establish bylaws;

(5) maintain its financial records in accordance with the bylaws;

(6) meet and take such actions as are consistent with the provisions of this compact and the bylaws;

(7) adopt rules to facilitate and coordinate implementation and administration of this compact, and such rules shall have the force and effect of law and shall be binding in all participating states;

(8) bring and prosecute legal proceedings or actions in the name of the commission, except that the standing of any state licensing board to sue or be sued under applicable law shall not be affected;

(9) purchase and maintain insurance and bonds;

(10) borrow, accept or contract for services of personnel, including, but not limited to, employees of a participating state;

(11) hire employees and engage contractors, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this compact and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

(12) accept any and all appropriate donations and grants of money, equipment, supplies, materials and services and receive, utilize and dispose of the same. At all times the commission shall avoid any appearance of impropriety or conflict of interest;

(13) lease, purchase, accept appropriate gifts or donations of or otherwise own, hold, improve or use any property real, personal or mixed. In performing these actions, the commission shall avoid the appearance of impropriety at all times;

(14) sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed;

(15) establish a budget and make expenditures;

(16) borrow money;

(17) appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, consumer representatives and such other interested persons as may be designated in this compact and the bylaws;

(18) provide and receive information from, and cooperate with, law enforcement agencies;

(19) elect a chairperson, vice chairperson, secretary and treasurer and such other officers of the commission as provided in the commission's bylaws;

(20) reserve for itself, in addition to those reserved exclusively to the commission under the compact, powers that the executive committee shall not exercise;

(21) approve or disapprove a state's participation in the compact based upon its determination as to whether the state's compact legislation materially departs from the model compact language;

(22) prepare and provide to the participating states an annual report; and

(23) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact, consistent with the state regulation of PA licensure and practice.

(d) Meetings of the commission.

(1) All meetings of the commission that are not closed pursuant to this subsection shall be open to the public. Notice of public meetings shall be posted on the commission's website at least 30 days prior to the public meeting.

(2) Notwithstanding subsection (d)(1), the commission may convene a public meeting by providing at least 24 hours' prior notice on the commission's website and any other means as provided in the commission's rules for any of the reasons it may dispense, with notice of proposed rulemaking under section 9(l).

(3) The commission may convene in a closed, nonpublic meeting or nonpublic part of a public meeting to receive legal advice or to discuss:

(A) Noncompliance of a participating state with its obligations under this compact;

(B) the employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;

(C) any current, threatened or reasonably anticipated litigation;

(D) the negotiation of contracts for the purchase, lease or sale of goods, services or real estate;

(E) the accusation of any individual of a crime or the formal censure any individual;

(F) the disclosure of trade secrets or commercial or financial information that is privileged or confidential;

(G) the disclosure of information of a personal nature, if disclosure would constitute a clearly unwarranted invasion of personal privacy;

(H) the disclosure of investigative records compiled for law enforcement purposes;

(I) the disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with the responsibility of investigation or determination of compliance issues pursuant to this compact;

(J) legal advice; or

(K) any matters specifically exempted from disclosure by federal or a participating state's statutes.

(4) If a meeting, or portion of a meeting, is closed pursuant to subsection (d)(3), the chairperson of the meeting or the chairperson's designee shall certify that the meeting or portion of the meeting may be closed and shall reference each relevant exempting provision.

(5) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(e) Financing of the commission.

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

(3) The commission may levy on and collect an annual assessment from each participating state and may impose compact privilege fees on licensees of participating states to which a compact privilege is granted to cover the cost of the operations and activities of the commission and its staff. Such assessment shall be in a total amount sufficient to cover the commission's annual budget as approved by the commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount levied on participating states shall be allocated based upon a formula to be determined by commission rule. Compact privileges and such compact privilege's associated fees shall be governed as follows:

(A) A compact privilege expires when the licensee's qualifying license in the participating state from which the licensee applied for the compact privilege expires; and

(B) if the licensee terminates the qualifying license through which the licensee applied for the compact privilege before its scheduled expi-

ration and the licensee has a qualifying license in another participating state, the licensee shall inform the commission that it is changing to that participating state through which it applies for a compact privilege to that participating state and pay to the commission any compact privilege fee required by commission rule.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet such obligations, nor shall the commission pledge the credit of any of the participating states, except by and with the authority of the participating state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the commission.

(f) The executive committee.

(1) The executive committee shall have to power to act on behalf of the commission according to the terms of this compact and commission rules.

(2) The executive committee shall be composed of nine members described as follows:

(A) Seven voting members who are elected by the commission from the current membership of the commission;

(B) (i) (a) one ex officio, nonvoting member from a recognized national PA professional association; and

(b) one ex officio, nonvoting member from a recognized national PA certification organization.

(ii) The ex officio members shall be selected by their respective organizations.

(3) The commission may remove any member of the executive committee as provided in its bylaws.

(4) The executive committee shall meet at least annually.

(5) The executive committee shall have the following duties and responsibilities:

(A) Recommend to the commission changes to the commission's rules or bylaws, changes to this compact legislation, fees to be paid by compact-participating states such as annual dues and any commission compact fee charged to licensees for the compact privilege;

(B) ensure that compact administration services are appropriately provided, whether contractual or otherwise;

(C) prepare and recommend the budget;

(D) maintain financial records on behalf of the commission;

(E) monitor compact compliance of participating states and provide compliance reports to the commission;

(F) establish additional committees as necessary;

(G) exercise the powers and duties of the commission during the interim between commission meetings, except for issuing proposed rulemaking or adopting commission rules or bylaws or exercising any other powers and duties exclusively reserved to the commission by the commission's rules; and

(H) perform other duties as provided in the commission's rules or bylaws.

(6) All meetings of the executive committee at which it votes or plans to vote on matters in exercising the powers and duties of the commission shall be open to the public and public notice of such meetings shall be given as public meetings of the commission are given.

(7) The executive committee may convene in a closed, nonpublic meeting for the same reasons that the commission may convene in a nonpublic meeting as set forth in subsection (d)(3), and shall announce the closed meeting as the commission is required to do under subsection (d)(4) and keep minutes of the closed meeting as the commission is required to do under subsection (d)(5).

(g) Qualified immunity, defense and indemnification.

(1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred or that the individual against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities. Nothing in this paragraph shall be construed to protect any such individual from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of such individual. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted hereunder.

(2) The commission shall defend any member, officer, executive director, employee, and representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities or as determined by the commission that the individual against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities. Nothing herein shall be construed to prohibit such individual from retaining such individual's own counsel

at the individual's own expense or that the actual or alleged act, error or omission did not result from the individual's intentional, willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that individual arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities or that such individual had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, if the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that individual.

(4) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses in any proceedings as authorized by commission rules.

(5) Nothing in this compact shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

(6) Nothing in this compact shall be construed to designate the venue or jurisdiction to bring actions for alleged acts of malpractice, professional misconduct, negligence or other such civil action pertaining to the practice of a PA. All such matters shall be determined exclusively by state law other than this compact.

(7) Nothing in this compact shall be interpreted to waive or otherwise abrogate a participating state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman act, Clayton act or any other state or federal antitrust or anticompetitive law or regulation.

(8) Nothing in this compact shall be construed to be a waiver of sovereign immunity by the participating states or by the commission.

SECTION 8—DATA SYSTEM

(a) The commission shall provide for the development, maintenance, operation and utilization of a coordinated data and reporting system containing licensure, adverse action and the reporting of the existence of significant investigative information on all licensed PAs and applicants that are denied a license in participating states.

(b) Notwithstanding any other state law to the contrary, a participating state shall submit a uniform data set to the data system on all PAs to whom this compact is applicable, utilizing a unique identifier, as required by the rules of the commission, including:

(1) Identifying information;
(2) licensure data;
(3) adverse actions against a license or compact privilege;
(4) any denial of application for licensure and the reason for such denial, excluding the reporting of any criminal history record information where such reporting is prohibited by law;
(5) the existence of significant investigative information; and
(6) other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(c) Significant investigative information pertaining to a licensee in any participating state shall only be available to other participating states.

(d) The commission shall promptly notify all participating states of any adverse action taken against a licensee or an individual applying for a license that has been reported to such commission. Such adverse action information shall be available to any other participating state.

(e) Participating states contributing information to the data system may, in accordance with state or federal law, designate information that shall not be shared with the public without the express permission of the contributing state. Notwithstanding any such designation, such information shall be reported to the commission through the data system.

(f) Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the participating state contributing the information shall be removed from the data system upon reporting of such by the participating state to the commission.

(g) The records and information provided to a participating state pursuant to this compact or through the data system, when certified by the commission or an agent thereof, shall constitute the authenticated business records of the commission and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a participating state.

SECTION 9—RULEMAKING

(a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Commission rules shall become binding as of the date specified by the commission for each rule.

(b) The commission shall adopt reasonable rules in order to effectively and efficiently implement and administer this compact and achieve its purposes. A commission rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rulemaking authority in a manner that is beyond the scope of the purposes of this compact, the powers granted hereunder or based upon another applicable standard of review.

(c) The rules of the commission shall have the force of law in each participating state, except that where the rules of the commission conflict with the laws of the participating state that establish the medical services, a PA may perform in the participating state, as held by a court of competent jurisdiction, and the rules of the commission shall be ineffective in that state to the extent of the conflict.

(d) If a majority of the legislatures of the participating states rejects a commission rule, by enactment of a statute or resolution in the same manner used to adopt this compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any participating state or to any state applying to participate in the compact.

(e) Commission rules shall be adopted at a regular or special meeting of the commission.

(f) Prior to adoption of a final rule by the commission and at least 30 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the commission's website or other publicly accessible platform;

(2) to persons who have requested notice of the commission's notices of proposed rulemaking; and

(3) in such other ways as the commission may specify by rule.

(g) The notice of proposed rulemaking shall include:

(1) The time, date and location of the public hearing on the proposed rule and the proposed time, date and location of the meeting in which the proposed rule will be considered and voted upon;

(2) the text of and the reason for the proposed rule;

(3) a request for comments on the proposed rule from any interested person and the date by which written comments must be received; and

(4) the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing or provide any written comments.

(h) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

(i) If the hearing is to be held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

(1) All persons wishing to be heard at the hearing shall, as directed in the notice of proposed rulemaking published not less than five business days before the scheduled date of the hearing, notify the commission of their desire to appear and testify at the hearing.

(2) Hearings shall be conducted in a manner that provides each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) All hearings shall be recorded. A copy of the recording and the written comments, data, facts, opinions and arguments received in response to the proposed rulemaking shall be made available to a person upon request.

(4) Nothing in this section shall be construed as requiring a separate hearing on each proposed rule. Proposed rules may be grouped for the convenience of the commission at hearings required by this section.

(j) Following the public hearing, the commission shall consider all written and oral comments timely received.

(k) The commission shall, by majority vote of all delegates, take final action on the proposed rule and shall determine the effective date of the rule, if adopted, based on the rulemaking record and the full text of the rule.

(1) If adopted, the rule shall be posted on the commission's website.

(2) The commission may adopt changes to the proposed rule if the changes do not expand the original purpose of the proposed rule.

(3) The commission shall provide an explanation on its website of the reasons for any substantive changes made to the proposed rule as well as reasons for any substantive changes not made that were recommended by commenters.

(4) The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection (l), the effective date of the rule shall be not sooner than 30 days after the commission issued the notice that it adopted the rule.

(l) Upon the determination that an emergency exists, the commission may consider and adopt an emergency rule with 24 hours' prior notice, without the opportunity for comment or hearing, expect that the usual rulemaking procedures provided in this compact and in this section shall be retroactively applied to the rule as soon as reasonably possible but in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that shall be adopted immediately by the commission in order to:

(1) Address an imminent threat to public health, safety or welfare;

(2) prevent a loss of commission or participating state funds;

(3) meet a deadline for the adoption of a commission rule that is established by federal law or rule; or

(4) protect public health and safety.

(m) The commission, or an authorized committee of the commission, may direct revisions to a previously adopted commission rule for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the commission's website. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change

to a rule. A challenge shall be made as set forth in the notice of revisions and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision shall not take effect without the approval of the commission.

(n) No participating state's rulemaking requirements shall apply under this compact.

SECTION 10—OVERSIGHT, DISPUTE RESOLUTION AND ENFORCEMENT

(a) Oversight.

(1) The executive and judicial branches of state government in each participating state shall enforce this compact and take all actions necessary and appropriate to implement the compact.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent that it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.

(3) The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact or the commission's rules and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission with service of process shall render a judgment or order in such proceeding void as to the commission, this compact or commission rules.

(b) Default, technical assistance and termination.

(1) If the commission determines that a participating state has defaulted in the performance of its obligations or responsibilities under this compact or the commission rules, the commission shall provide written notice to the defaulting state and other participating states. The notice shall describe the default, the proposed means of curing the default and any other action that the commission may take and shall offer remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state may be terminated from this compact upon an affirmative vote of a majority of the delegates of the participating states, and all rights, privileges and benefits conferred by this compact upon such state may be terminated on the effective date of termination. A cure of the default shall not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of participation in this compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature and to the licensing board of each of the participating states.

(4) A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from this compact, unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal its termination from the compact by the commission by petitioning the United States district court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

(7) Upon the termination of a state's participation in the compact, the state shall immediately provide notice to all licensees within that state of such termination:

(A) Licensees who have been granted a compact privilege in that state shall retain the compact privilege for 180 days following the effective date of such termination; and

(B) licensees who are licensed in that state who have been granted a compact privilege in a participating state shall retain the compact privilege for 180 days unless the licensee also has a qualifying license in a participating state or obtains a qualifying license in a participating state before the 180-day period ends, in which case, the compact privilege shall continue.

(c) Dispute resolution.

(1) Upon request by a participating state, the commission shall attempt to resolve disputes related to this compact that arise among participating states and between participating and nonparticipating states.

(2) The commission shall adopt a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(d) Enforcement.

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions of this compact and rules of the commission.

(2) If compliance is not secured after all means to secure compliance have been exhausted, by majority vote, the commission may initiate legal action in the United States district court for the District of Columbia or the federal district where the commission has its principal offices against a participating state in default to enforce compliance with the provisions

of this compact and the commission's adopted rules and bylaws. The relief sought may include both injunctive relief and damages. In the event that judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

(e) Legal action against the commission.

(1) A participating state may initiate legal action against the commission in the United States district court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its rules. The relief sought may include both injunctive relief and damages. In the event that judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(2) No person other than a participating state shall enforce this compact against the commission.

SECTION 11—DATE OF IMPLEMENTATION OF THE PA LICENSURE COMPACT COMMISSION

(a) This compact shall come into effect on the date that this compact statute is enacted into law in the seventh participating state.

(1) On or after the effective date of the compact, the commission shall convene and review the enactment of each of the states that enacted the compact prior to the commission convening, called charter-participating states, to determine if the statute enacted by each such charter-participating state is materially different than the model compact.

(A) A charter-participating state whose enactment is found to be materially different from the model compact shall be entitled to the default process set forth in section 10(b).

(B) If any participating state later withdraws from the compact or its participation is terminated, the commission shall remain in existence and the compact shall remain in effect even if the number of participating states should be fewer than seven. Participating states enacting the compact subsequent to the commission convening shall be subject to the process set forth in section 7(c)(21) to determine if their enactments are materially different from the model compact and whether they qualify for participation in the compact.

(2) Participating states enacting the compact subsequent to the seven initial charter-participating states shall be subject to the process set forth in section 7(c)(21) to determine if their enactments are materially different from the model compact and whether they qualify for participation in the compact.

(3) All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence shall be considered to be actions of the commission unless specifically repudiated by the commission.

(b) Any state that joins this compact shall be subject to the commission's rules and bylaws as they exist on the date that this compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day that this compact becomes law in that state.

(c) Any participating state may withdraw from this compact by enacting a statute repealing the same.

(1) A participating state's withdrawal shall not take effect until 180 days after enactment of the repealing statute. During the 180-day period, all compact privileges that were in effect in the withdrawing state and were granted to licensees licensed in the withdrawing state shall remain in effect. If any licensee licensed in the withdrawing state is also licensed in another participating state or obtains a license in another participating state within the 180 days, the licensee's compact privileges in other participating states shall not be affected by the passage of the 180 days.

(2) Withdrawal shall not affect the continuing requirement of the state licensing board of the withdrawing state to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(3) Upon the enactment of a statute withdrawing a state from this compact, the state shall immediately provide notice of such withdrawal to all licensees within that state. Such withdrawing state shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any PA licensure agreement or other cooperative arrangement between participating states and between a participating state and nonparticipating state that does not conflict with the provisions of this compact.

(e) This compact may be amended by the participating states. No amendment to this compact shall become effective and binding upon any participating state until it is enacted materially in the same manner into the laws of all participating states as determined by the commission.

SECTION 12—CONSTRUCTION AND SEVERABILITY

(a) This compact and the commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the compact. Provisions of the compact express-

ly authorizing or requiring the adoption of rules shall not be construed to limit the commission's rulemaking authority solely for those purposes.

(b) The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any participating state, a state seeking participation in the compact or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

(c) Notwithstanding the provisions of this subsection or subsection (b), the commission may deny a state's participation in the compact or, in accordance with the requirements of section 10(b), terminate a participating state's participation in the compact, if it determines that a constitutional requirement of a participating state is, or would be with respect to a state seeking to participate in the compact, a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the constitution of any participating state, the compact shall remain in full force and effect as to the remaining participating states and in full force and effect as to the participating state affected as to all severable matters.

SECTION 13—BINDING EFFECT OF COMPACT

(a) Nothing herein prevents the enforcement of any other law of a participating state that is not inconsistent with this compact.

(b) Any laws in a participating state in conflict with this compact are superseded to the extent of the conflict.

(c) All agreements between the commission and the participating states are binding in accordance with their terms.

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

Approved April 8, 2025.

CHAPTER 82

HOUSE BILL No. 2022
(Amends Chapter 4)

AN ACT concerning elections; requiring that any special election be held on the first Tuesday after the first Monday in March or on the same day as a general or primary election; amending K.S.A. 25-2006 and 25-2019 and K.S.A. 2024 Supp. 10-120, as amended by section 2 of 2025 Senate Bill No. 2, 25-432, 25-1115 and 25-2502 and repealing the existing sections.

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

Section 1. K.S.A. 2024 Supp. 10-120, as amended by section 2 of 2025 Senate Bill No. 2, is hereby amended to read as follows: 10-120. (a) Whenever an election is required for the issuance of bonds for any purpose by any municipality other than an irrigation district or where a different procedure for giving notice of the election is specifically provided by law, upon compliance with the legal requirements necessary and precedent to the call for the election, the proper municipal officers shall call an election. The election shall be held ~~within 60 days after compliance with the necessary requirements, or within 90 days, should the longer period include the date of a general election~~ *on the date of a general election, primary election or special election, as defined in K.S.A. 25-2502, and amendments thereto*.

(b) Notice of the election shall be published in a newspaper of general circulation in the municipality once each week for two consecutive weeks and on the website of the county election office of any county where the election is to be conducted if such county election office has a website. The first publication shall be not less than 21 days prior to the election. If published on the website of the county election office, such publication shall remain on the website until the day after the election. The notice shall set forth the time and place of holding the election and the purpose for which the bonds are to be issued and shall be signed by the county election officer. The election shall be held at the usual place of holding elections and shall be conducted by the officers or persons provided by law for holding elections in the municipality.

Sec. 2. K.S.A. 2024 Supp. 25-432 is hereby amended to read as follows: 25-432. An election shall not be conducted under this act unless:

(a) ~~Conducted on a date, mutually agreed upon by the governing body of the political or taxing subdivision and the county election officer, not later than 120 days following the date the request is submitted by the political or taxing subdivision;~~

~~(b)~~ The secretary of state approves a written plan for conduct of the election, including, but not limited to, a written timetable for the conduct of the election, submitted by the county election officer;

~~(c)~~*(b)* the election is nonpartisan;

~~(d)~~*(c)* the election is not one at which any candidate is elected, retained or recalled;

~~(e)~~*(d)* the election is not held on the same date as another election in which the qualified electors of that subdivision of government are eligible to cast ballots, except this restriction shall not apply to mail ballot elections held under K.S.A. 79-2925c, and amendments thereto*, or elections held on the first Tuesday after the first Monday in March*; and

~~(f)~~*(e)* the election is a question submitted election ~~at which~~ *and* all of the qualified electors of one of the following subdivisions of government are the only electors eligible to vote *on such question*:

(1) Counties;

(2) cities;

(3) school districts, except in an election held pursuant to K.S.A. 72-635 et seq., and amendments thereto;

(4) townships;

(5) benefit districts organized under K.S.A. 31-301, and amendments thereto;

(6) cemetery districts organized under K.S.A. 15-1013 or 17-1330, and amendments thereto;

(7) community college districts organized under K.S.A. 71-1101 et seq., and amendments thereto;

(8) fire districts organized under K.S.A. 19-3601 or 80-1512, and amendments thereto;

(9) hospital districts;

(10) improvement districts organized under K.S.A. 19-2753, and amendments thereto;

(11) Johnson county park and recreation district organized under K.S.A. 19-2859, and amendments thereto;

(12) water districts organized under K.S.A. 19-3501 et seq., and amendments thereto;

(13) transportation development districts created pursuant to K.S.A. 12-17,140 et seq., and amendments thereto; or

(14) any tract of land annexed pursuant to K.S.A. 12-521, and amendments thereto.

Sec. 3. K.S.A. 2024 Supp. 25-1115 is hereby amended to read as follows: 25-1115. (a) "General election" means the elections held on the Tuesday following the first Monday in November of both even-numbered and odd-numbered years, and in the case of an election of any officers to fill vacancies held on a date other than the Tuesday following the first Monday in November, the election at which any such officer is finally elected.

(b) "Primary election" means the elections held on the first Tuesday in August of both even-numbered and odd-numbered years and any other

preliminary election held on a date other than the first Tuesday in August at which part of the candidates for election to any national, state, county, city, school or other municipal office are eliminated by the process of the election but at which no officer is finally elected.

(c) "Special election" means any election ~~that is not a general or primary election, including, but not limited to, any mail ballot election conducted pursuant to K.S.A. 25-431 et seq., and amendments thereto. A special election shall not be held within 45 days of a general or primary election but may be held on the same day as a general or primary election~~ *held on the first Tuesday after the first Monday in March of any year or on the same day as a general or primary election*.

Sec. 4. K.S.A. 25-2006 is hereby amended to read as follows: 25-2006. *As used in article 20 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto:*

(a) "General election" means the election held for school officers on the Tuesday following the first Monday in November of odd-numbered years, and in the case of special elections of any school officers to fill vacancies, the election at which any such officer is finally elected.

(b) "Primary election" means the election held on the first Tuesday in August of each odd-numbered year, and any other preliminary election at which part of the candidates for special election to any school office are eliminated by the process of the election but at which no officer is finally elected.

(c) "Special election" means any election held on the first Tuesday after the first Monday in March of any year or on the same day as a general or primary election.

Sec. 5. K.S.A. 25-2019 is hereby amended to read as follows: 25-2019. *(a)* No school district shall call or hold more than one ~~special~~ bond election at a time other than *on the same date as* a *primary or* general election, *at a special election* or the election of board of education members within any one calendar year~~; nor shall any special bond election be held within sixty (60) days before or after a general election or election of members of the board of education of such district~~. The provisions of this act shall not prohibit the planning for or consideration of any bond election during the period between authorized bond elections, nor shall this act prohibit notice or other preparation for election during such period.

(b) The provisions of this act shall have no application to any capital outlay tax levy or election for authorization thereof. ~~This act shall apply to every school district offering any of grades one to twelve and to community junior colleges.~~

(c) This section shall not apply to bond elections held for the purpose of replacing, or repairing and equipping school buildings or facilities destroyed or substantially damaged by fire, windstorm, flood or other

casualty, if approval for such election is obtained from the state board of education.

Sec. 6. K.S.A. 2024 Supp. 25-2502 is hereby amended to read as follows: 25-2502.(a) "General election" means the elections held on the Tuesday following the first Monday in November of both even-numbered and odd-numbered years, and in the case of an election of any officers to fill vacancies held on a date other than the Tuesday following the first Monday in November, the election at which any such officer is finally elected.

(b) "Primary election" means the elections held on the first Tuesday in August of both even-numbered and odd-numbered years and any other preliminary election held on a date other than the first Tuesday in August at which part of the candidates for election to any national, state, county, township, city, school or other municipal office are eliminated by the process of the election but at which no officer is finally elected.

(c) "Special election" means any election ~~that is not a general or primary election, including, but not limited to, any mail ballot election conducted pursuant to K.S.A. 25-431 et seq., and amendments thereto. A special election shall not be held within 45 days of a general or primary election but may be~~ held on the *first Tuesday after the first Monday in March of any year or on the* same day as a general or primary election.

Sec. 7. K.S.A. 25-2006 and 25-2019 and K.S.A. 2024 Supp. 10-120, as amended by section 2 of 2025 Senate Bill No. 2, 25-432, 25-1115 and 25-2502 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 8, 2025.

CHAPTER 83

SENATE BILL No. 44*

AN ACT concerning antisemitism; declaring antisemitism to be against public policy; defining antisemitism and antisemitic for purposes of state law.

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

Section 1. (a) It is hereby declared that antisemitism and antisemitic acts are against the public policy of this state, including, but not limited to, the purposes of public educational institutions and law enforcement agencies in this state. The state of Kansas hereby adopts a non-legally binding definition of antisemitism and antisemitic.

(b) "Antisemitism" or "antisemitic" means the same as defined by the international Holocaust rememberance alliance's working definition of antisemitism, including the contemporary examples, as in effect on May 26, 2016. "Antisemitism" or "antisemitic" includes:

(A) Encouraging, supporting, praising, participating in or threatening violence or vandalism against Jewish people or property;

(B) wearing masks to conceal a person's identity with the intent to harass or discriminate against Jewish students, faculty or employees on school property; and

(C) incorporating or allowing funding of antisemitic curriculum or activities in any domestic or study abroad programs or classes.

(c) Nothing in this act shall be construed to diminish or infringe upon any right protected under the first amendment to the constitution of the United States or the bill of rights of the constitution of the state of Kansas.

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

Approved April 8, 2025.

Published in the *Kansas Register* May 1, 2025.

CHAPTER 84

Senate Substitute for HOUSE BILL No. 2313*

AN ACT concerning technology produced by certain foreign countries; relating to artificial intelligence platforms; prohibiting the use of artificial intelligence platforms of concern on state-issued devices and networks; prohibiting medical and research facilities from using genetic sequencers or operational software used for genetic analysis that is produced in or by a foreign adversary.

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

Section 1. (a) No electronic device that is owned or issued to an employee by a state agency shall be used to access an artificial intelligence platform of concern. Any network that is operated by a state agency shall prohibit the use of artificial intelligence platforms of concern by users who access the network.

(b) Any state agency that utilizes an artificial intelligence platform of concern or has an account with an artificial intelligence platform of concern shall deactivate and delete such account and shall no longer use the artificial intelligence platform.

(c) The provisions of this section shall not apply to state agencies that are using an electronic device owned or issued to an employee by a state agency to access an artificial intelligence platform of concern for the purposes of law enforcement activities or cybersecurity investigations.

(d) As used in this section:

(1) "Artificial intelligence platform of concern" means:

(A) The artificial intelligence model commonly referred to as DeepSeek and any artificial intelligence model that is owned or controlled, directly or indirectly, by Hangzhou DeepSeek Artificial Intelligence Basic Technology Research Company or a subsidiary or successor company of such company; or

(B) an artificial intelligence model that is controlled, directly or indirectly, by a country of concern;

(2) (A) "country of concern" means the following:

(i) People's republic of China, including the Hong Kong special administrative region;

(ii) republic of Cuba;

(iii) islamic republic of Iran;

(iv) democratic people's republic of Korea;

(v) Russian federation; and

(vi) Bolivarian republic of Venezuela.

(B) "Country of concern" does not include the republic of China (Taiwan); and

(3) "state agency" means any state office or officers, department, board, commission, institution or bureau or any agency, division or unit thereof.

Sec. 2. (a) As used in this section:

(1) "DNA" means deoxyribonucleic acid, ribonucleic acid and chromosomes that may be analyzed to detect heritable diseases or conditions, including the identification of carriers, predicting risk of disease or establishing a clinical diagnosis.

(2) "Foreign adversary" means the people's republic of China, the Russian federation, the Islamic republic of Iran, the democratic people's republic of Korea, the republic of Cuba, the Venezuelan regime of Nicolas Maduro or the Syrian Arab republic, including any agent of or any other entity under significant control of such foreign adversary, or any other entity deemed to be a foreign adversary by the governor in consultation with the adjutant general.

(3) "Genetic sequencer" means any device or platform used to conduct genetic analysis, resequencing, isolation or other genetic research.

(4) "Human genome" means DNA or ribonucleic acid that is found in human cells.

(5) "Medical facility" means a facility for the delivery of health services that receives state moneys, including interagency pass-through appropriations from the federal government, and conducts research or testing on, with or relating to genetic analysis or the human genome.

(6) "Operational or research software" means computer programs used for the operation, control, analysis or other necessary functions of genetic analysis or genetic sequencers.

(7) "Research facility" means a facility that receives state moneys, including interagency pass-through appropriations from the federal government and conducts research on, with or relating to genetic analysis or the human genome.

(b) No medical facility or research facility in this state shall utilize genetic sequencers or operational or research software used for genetic analysis produced in or by a foreign adversary, a state-owned enterprise of a foreign adversary, a company domiciled within a foreign adversary or a company-owned or company-controlled subsidiary of a company domiciled within a foreign adversary for the purpose of conducting genetic analysis.

(c) All genetic sequencers and operational and research software used for genetic sequencers or genetic analysis devices prohibited under subsection (b) that is not permanently disabled shall be removed and replaced with genetic sequencers and operational and research software used for genetic sequencers or genetic analysis that is not prohibited under subsection (b).

(d) Subject to appropriations, a medical facility or research facility in this state may request a reimbursement from the state treasurer up to the cost of replacement of the equipment and software prohibited un-

der subsection (b) from the state treasurer, provided the request includes purchase orders and is submitted prior to October 1, 2025.

(e) The provisions of this section are severable. If any provision of this section is declared unconstitutional or invalid, or the application of any portion of the act to any person or circumstance is held unconstitutional or invalid, the invalidity shall not affect other portions of the act that can be given effect without the invalid portion or application, and the applicability of such other portions of the act to any person or circumstance shall remain valid and enforceable.

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

Approved April 8, 2025.

CHAPTER 85

HOUSE BILL No. 2039
(Amended by Chapter 125)

AN ACT concerning healthcare providers; relating to the healthcare provider insurance availability act; adding maternity center to the definition of healthcare provider; relating to the Kansas credentialing act; amending definitions to provide that certain entities providing physical therapy, occupational therapy and speech-language pathology are not home health agencies; relating to emergency medical service providers; establishing that the authorized activities of paramedics, advanced emergency medical technicians, emergency medical technicians and emergency medical responders may be authorized upon the order of a healthcare professional; permitting nonemergency ambulance services to offer service for less than 24 hours per day, every day of the year; permitting certain emergency medical services in rural counties to operate with one emergency medical services provider; requiring entities placing automated external defibrillators for use within the state to register with the emergency medical services board; amending K.S.A. 40-3401, 65-5101, 65-6121 and 65-6149a and K.S.A. 2024 Supp. 65-6112, 65-6119, 65-6120, 65-6129a, 65-6135 and 65-6144 and repealing the existing sections.

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

Section 1. K.S.A. 40-3401 is hereby amended to read as follows: 40-3401. As used in this act:

(a) "Applicant" means any healthcare provider.

(b) "Basic coverage" means a policy of professional liability insurance required to be maintained by each healthcare provider pursuant to the provisions of K.S.A. 40-3402(a) or (b), and amendments thereto.

(c) "Commissioner" means the commissioner of insurance.

(d) "Fiscal year" means the year commencing on the effective date of this act and each year, commencing on the first day of July thereafter.

(e) "Fund" means the healthcare stabilization fund established pursuant to K.S.A. 40-3403(a), and amendments thereto.

(f) *(1)* "Healthcare provider" means a*:*

(A) Person licensed to practice any branch of the healing arts by the state board of healing arts~~, a~~*;*

(B) person who holds a temporary permit to practice any branch of the healing arts issued by the state board of healing arts~~, a~~*;*

(C) person engaged in a postgraduate training program approved by the state board of healing arts~~, a~~*;*

(D) medical care facility licensed by the state of Kansas~~, a~~*;*

(E) podiatrist licensed by the state board of healing arts~~, a~~*;*

(F) health maintenance organization issued a certificate of authority by the commissioner~~, an~~*;*

(G) optometrist licensed by the board of examiners in optometry~~, a~~*;*

(H) pharmacist licensed by the state board of pharmacy~~, a~~*;*

(I) licensed professional nurse who is authorized to practice as a registered nurse anesthetist~~, a~~*;*

(J) licensed professional nurse who has been granted a temporary authorization to practice nurse anesthesia under K.S.A. 65-1153, and amendments thereto~~, a~~*;*

(K) professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and ~~who~~ are healthcare providers as defined by this subsection~~, a~~*;*

(L) Kansas limited liability company organized for the purpose of rendering professional services by its members who are healthcare providers as defined by this subsection and ~~who are~~ legally authorized to render the professional services for which the limited liability company is organized~~, a~~*;*

(M) partnership of persons who are healthcare providers under this subsection~~, a~~*;*

(N) Kansas not-for-profit corporation organized for the purpose of rendering professional services by persons who are healthcare providers as defined by this subsection~~, a~~*;*

(O) nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine~~, a~~*;*

(P) dentist certified by the state board of healing arts to administer anesthetics under K.S.A. 65-2899, and amendments thereto~~, a~~*;*

(Q) psychiatric hospital licensed prior to January 1, 1988, and continuously thereafter under K.S.A. 2015 Supp. 75-3307b, prior to its repeal, and K.S.A. 39-2001 et seq., and amendments thereto, or a mental health center or mental health clinic licensed by the state of Kansas~~. On and after January 1, 2015, "healthcare provider" also means a~~*;*

(R) physician assistant licensed by the state board of healing arts~~, a~~*;*

(S) licensed advanced practice registered nurse who is authorized by the board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife~~, a~~*;*

(T) maternity center, if such maternity center has been granted accreditation by the commission for accreditation of birth centers and is a maternity center as defined in K.S.A. 65-503, and amendments thereto;

(U) licensed advanced practice registered nurse who has been granted a temporary authorization by the board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife~~, a~~*;*

(V) nursing facility licensed by the state of Kansas~~, an~~*;*

(W) assisted living facility licensed by the state of Kansas*;* or

(X) a residential healthcare facility licensed by the state of Kansas.

(2) "Healthcare provider" does not include:

~~(1)~~*(A)* Any state institution for people with intellectual disability;

~~(2)~~*(B)* any state psychiatric hospital;

~~(3)~~*(C)* any person holding an exempt license issued by the state board of healing arts or the board of nursing;

~~(4)~~*(D)* any person holding a visiting clinical professor license from the state board of healing arts;

~~(5)~~*(E)* any person holding an inactive license issued by the state board of healing arts;

~~(6)~~*(F)* any person holding a federally active license issued by the state board of healing arts;

~~(7)~~*(G)* an advanced practice registered nurse who is authorized by the board of nursing to practice as an advanced practice registered nurse in the classification of nurse-midwife or nurse anesthetist and who practices solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or ~~who~~ provides professional services as a charitable healthcare provider as defined under K.S.A. 75-6102, and amendments thereto; or

~~(8)~~*(H)* a physician assistant licensed by the state board of healing arts who practices solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or ~~who~~ provides professional services as a charitable healthcare provider as defined under K.S.A. 75-6102, and amendments thereto.

(g) "Inactive healthcare provider" means a person or other entity who purchased basic coverage or qualified as a self-insurer on or subsequent to the effective date of this act but who, at the time a claim is made for personal injury or death arising out of the rendering of or the failure to render professional services by such healthcare provider, does not have basic coverage or self-insurance in effect solely because such person is no longer engaged in rendering professional service as a healthcare provider.

(h) "Insurer" means any corporation, association, reciprocal exchange, inter-insurer and any other legal entity authorized to write bodily injury or property damage liability insurance in this state, including workers compensation and automobile liability insurance, pursuant to the provisions of the acts contained in article 9, 11, 12 or 16 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

(i) "Plan" means the operating and administrative rules and procedures developed by insurers and rating organizations or the commissioner to make professional liability insurance available to healthcare providers.

(j) "Professional liability insurance" means insurance providing coverage for legal liability arising out of the performance of professional services rendered or that should have been rendered by a healthcare provider.

(k) "Rating organization" means a corporation, an unincorporated association, a partnership or an individual licensed pursuant to K.S.A. 40-956, and amendments thereto, to make rates for professional liability insurance.

(l) "Self-insurer" means a healthcare provider who qualifies as a self-insurer pursuant to K.S.A. 40-3414, and amendments thereto.

(m) "Medical care facility" means the same when used in the healthcare provider insurance availability act as defined in K.S.A. 65-425, and amendments thereto, except that, as used in the healthcare provider insurance availability act, such term, as it relates to insurance coverage under the healthcare provider insurance availability act, also includes any director, trustee, officer or administrator of a medical care facility.

(n) "Mental health center" means a mental health center licensed by the state of Kansas under K.S.A. 39-2001 et seq., and amendments thereto, except that, as used in the healthcare provider insurance availability act, such term, as it relates to insurance coverage under the healthcare provider insurance availability act, also includes any director, trustee, officer or administrator of a mental health center.

(o) "Mental health clinic" means a mental health clinic licensed by the state of Kansas under K.S.A. 39-2001 et seq., and amendments thereto, except that, as used in the healthcare provider insurance availability act, such term, as it relates to insurance coverage under the healthcare provider insurance availability act, also includes any director, trustee, officer or administrator of a mental health clinic.

(p) "State institution for people with intellectual disability" means Winfield state hospital and training center, Parsons state hospital and training center and the Kansas neurological institute.

(q) "State psychiatric hospital" means Larned state hospital, Osawatomie state hospital and Rainbow mental health facility.

(r) "Person engaged in residency training" means:

(1) A person engaged in a postgraduate training program approved by the state board of healing arts who is employed by and is studying at the university of Kansas medical center only when such person is engaged in medical activities that do not include extracurricular, extra-institutional medical service for which such person receives extra compensation and that have not been approved by the dean of the school of medicine and the executive vice-chancellor of the university of Kansas medical center. Persons engaged in residency training shall be considered resident healthcare providers for purposes of K.S.A. 40-3401 et seq., and amendments thereto; and

(2) a person engaged in a postgraduate training program approved by the state board of healing arts who is employed by a nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine or who is employed by an affiliate of the university of Kansas school of medicine as defined in K.S.A. 76-367, and amendments thereto, only when such person is engaged in medical

activities that do not include extracurricular, extra-institutional medical service for which such person receives extra compensation and that have not been approved by the chief operating officer of the nonprofit corporation or the chief operating officer of the affiliate and the executive vice-chancellor of the university of Kansas medical center.

(s) "Full-time physician faculty employed by the university of Kansas medical center" means a person licensed to practice medicine and surgery who holds a full-time appointment at the university of Kansas medical center when such person is providing healthcare. A person licensed to practice medicine and surgery who holds a full-time appointment at the university of Kansas medical center may also be employed part-time by the United States department of veterans affairs if such employment is approved by the executive vice-chancellor of the university of Kansas medical center.

(t) "Sexual act" or "sexual activity" means ~~that~~ sexual conduct that constitutes a criminal or tortious act under the laws of the state of Kansas.

(u) "Board" means the board of governors created by K.S.A. 40-3403, and amendments thereto.

(v) "Board of directors" means the governing board created by K.S.A. 40-3413, and amendments thereto.

(w) "Locum tenens contract" means a temporary agreement not exceeding 182 days per calendar year that employs a healthcare provider to actively render professional services in this state.

(x) "Professional services" means patient care or other services authorized under the act governing licensure of a healthcare provider.

(y) "Healthcare facility" means a nursing facility, an assisted living facility or a residential healthcare facility as all such terms are defined in K.S.A. 39-923, and amendments thereto.

(z) "Charitable healthcare provider" means the same as defined in K.S.A. 75-6102, and amendments thereto.

Sec. 2. K.S.A. 65-5101 is hereby amended to read as follows: 65-5101. As used in this act, unless the context otherwise requires:

(a) "Attendant care services" means basic and ancillary services provided under home and community based services waiver programs;

(b) "council" means the home health services advisory council created by this act;

(c) *(1)* "home health agency" means a public or private agency or organization or a subdivision or subunit of such agency or organization that provides for a fee one or more*: (A)* Home health services~~,~~*; (B)* supportive care services*;* or *(C)* attendant care services provided under home and community based services waiver programs at the residence of a patient ~~but~~*; and*

(2) "home health agency" does not include*: (A)* Local health departments ~~which~~ *that* are not federally certified home health agencies~~,~~*; (B)* durable medical equipment companies ~~which~~ *that* provide home health

services by use of specialized equipment~~,~~*; (C)* independent living agencies~~,~~*; (D) entities that are not reimbursed by medicare part A and only provide services of persons licensed or certified under the physical therapy practice act, persons licensed under the occupational therapy practice act and persons licensed as speech-language pathologists; (E)* the Kansas department for aging and disability services*;* and *(F)* the department of health and environment;

(d) "home health services" means any of the following services provided at the current residence of the patient on a full-time, part-time or intermittent basis: Nursing, physical therapy, speech therapy, nutritional or dietetic consulting, occupational therapy, respiratory therapy, home health aide or medical social service;

(e) "home health aide" means an employee of a home health agency who is a certified nurse aide, is in good standing on the public nurse aide registry maintained by the Kansas department for aging and disability services and has completed a 20-hour home health aide course approved by the Kansas department for aging and disability services who assists, under registered nurse supervision, in the provision of home health services and ~~who~~ provides assigned ~~health care~~ *healthcare* to patients ~~but shall~~. *"Home health aide" does* not include employees of a home health agency providing only supportive care services or attendant care services;

(f) "independent living agency" means a public or private agency or organization or a subunit of such agency or organization whose primary function is to provide at least four independent living services, including independent living skills training, advocacy, peer counseling and information and referral as defined by the rehabilitation act of 1973, title VII, part B, and such agency shall be recognized by the secretary for aging and disability services as an independent living agency. Such agencies include independent living centers and programs ~~which~~ *that* meet the following quality assurances:

(1) Accreditation by a nationally recognized accrediting body such as the commission on accreditation of rehabilitation facilities; or

(2) receipt of grants from the state or the federal government and currently meets standards for independent living under the rehabilitation act of 1973, title VII, part B, sections (a) through (k), or comparable standards established by the state; or

(3) compliance with requirements established by the federal government under rehabilitation services administration standards for centers for independent living;

(g) "part-time or intermittent basis" means the providing of home health services in an interrupted interval sequence on the average of not to exceed three hours in any ~~twenty-four-hour~~ *24-hour* period;

(h) "patient's residence" means the actual place of residence of the

person receiving home health services, including institutional residences as well as individual dwelling units;

(i) "secretary" means secretary of health and environment;

(j) "subunit" or "subdivision" means any organizational unit of a larger organization ~~which~~ *that* can be clearly defined as a separate entity within the larger structure, ~~which can~~ meet all of the requirements of this act independent of the larger organization, ~~which can~~ be held accountable for the care of patients it is serving and ~~which~~ provides to all patients care and services meeting the standards and requirements of this act;

(k) "supportive care services" means services that do not require supervision by a healthcare professional, such as a physician assistant or registered nurse, to provide assistance with activities of daily living that the consumer could perform if such consumer were physically capable, including, but not limited to, bathing, dressing, eating, medication reminders, transferring, walking, mobility, toileting and continence care, provided in the consumer's temporary or permanent place of residence so that the consumer can remain safely and comfortably in the consumer's temporary or permanent place of residence. "Supportive care services" does not include any home health services; and

(l) "supportive care worker" means an employee of a home health agency who provides supportive care services.

Sec. 3. K.S.A. 2024 Supp. 65-6112 is hereby amended to read as follows: 65-6112. As used in article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto:

(a) "Administrator" means the executive director of the emergency medical services board.

(b) "Advanced emergency medical technician" means a person who holds an advanced emergency medical technician certificate issued pursuant to this act.

(c) "Advanced practice registered nurse" means an advanced practice registered nurse ~~as defined in K.S.A. 65-1113~~ *issued a license pursuant to K.S.A. 65-1130, and amendments thereto, who has authority to prescribe drugs as provided by K.S.A. 65-1130*, and amendments thereto.

(d) "Ambulance" means any privately or publicly owned motor vehicle, airplane or helicopter designed, constructed, prepared, staffed and equipped for use in transporting and providing emergency care for individuals who are ill or injured.

(e) "Ambulance service" means any organization operated for the purpose of transporting sick or injured persons to or from a place where medical care is furnished, whether or not such persons may be in need of emergency or medical care in transit.

(f) "Board" means the emergency medical services board established pursuant to K.S.A. 65-6102, and amendments thereto.

(g) "Emergency medical service" means the effective and coordinated delivery of such care as may be required by an emergency that includes the care and transportation of individuals by ambulance services and the performance of authorized emergency care by a physician, advanced practice registered nurse, professional nurse, ~~a licensed~~ physician assistant or emergency medical service provider.

(h) "Emergency medical service provider" means an emergency medical responder, advanced emergency medical technician, emergency medical technician or paramedic certified by the emergency medical services board.

(i) *"Emergency medical responder" means a person who holds an emergency medical responder certificate issued pursuant to this act.*

(j) "Emergency medical technician" means a person who holds an emergency medical technician certificate issued pursuant to this act.

~~(j) "Emergency medical responder" means a person who holds an emergency medical responder certificate issued pursuant to this act.~~

(k) "Hospital" means a hospital as defined by K.S.A. 65-425, and amendments thereto.

(l) "Medical director" means a physician.

(m) "Medical oversight" means to review, approve and implement medical protocols and to approve and monitor the activities, competency and education of emergency medical service providers.

(n) "Medical protocols" means written guidelines that authorize emergency medical service providers to perform certain medical procedures prior to contacting a physician, physician assistant authorized by a physician, advanced practice registered nurse ~~authorized by a physician~~ or professional nurse authorized by a physician.

(o) "Municipality" means any city, county, township, fire district or ambulance service district.

(p) "Nonemergency transportation" means the care and transport of a sick or injured person under a foreseen combination of circumstances calling for continuing care of such person. As used in this subsection, "transportation" includes performance of the authorized level of services of the emergency medical service provider whether within or outside the vehicle as part of such transportation services.

(q) "Operator" means a person or municipality ~~who~~ *that* has a permit to operate an ambulance service in the state of Kansas.

(r) "Paramedic" means a person who holds a paramedic certificate issued pursuant to this act.

(s) "Person" means an individual, a partnership, an association, a joint-stock company or a corporation.

(t) "Physician" means a person licensed by the state board of healing arts to practice medicine and surgery.

(u) "Physician assistant" means a physician assistant as defined in K.S.A. 65-28a02, and amendments thereto.

(v) "Professional nurse" means a ~~licensed~~ professional nurse as defined by K.S.A. 65-1113, and amendments thereto.

(w) *"Public place" means any areas open to the public or used by the general public including, but not limited to, banks, bars, food service establishments, retail service establishments, retail stores, public means of mass transportation, passenger elevators, healthcare institutions or any other place where healthcare services are provided to the public, medical care facilities, educational facilities, libraries, courtrooms, public buildings, restrooms, grocery stores, school buses, museums, theaters, auditoriums, arenas and recreational facilities. A private residence shall not be considered a "public place" unless such residence is used as a day care home, as defined in K.S.A. 65-530, and amendments thereto.*

(x) "Qualified healthcare provider" means a physician, a physician assistant when authorized by a physician, an advanced practice registered nurse or a professional nurse when authorized by a physician.

(y) "Sponsoring organization" means any professional association, accredited postsecondary educational institution, ambulance service that holds a permit to operate in this state, fire department, other officially organized public safety agency, hospital, corporation, governmental entity or emergency medical services regional council, as approved by the executive director, to offer initial courses of instruction or continuing education programs.

Sec. 4. K.S.A. 2024 Supp. 65-6119 is hereby amended to read as follows: 65-6119. Notwithstanding any other provision of law *to the contrary, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols or upon the order of a qualified healthcare provider,* a paramedic may:

(a) Perform all the authorized activities identified in K.S.A. 65-6120, 65-6121, 65-6144, and amendments thereto; *and*

(b) ~~when voice contact or a telemetered electrocardiogram is monitored by a physician, physician assistant where authorized by a physician or an advanced practice registered nurse where authorized by a physician or licensed professional nurse where authorized by a physician and direct communication is maintained, and upon order of such person, may~~ administer such medications or procedures as may be deemed necessary by a ~~person identified in this subsection;~~

~~(c) perform, during an emergency, those activities specified in subsection (b) before contacting a person identified in subsection (b) when specifically authorized to perform such activities by medical protocols; and~~

~~(d) perform, during nonemergency transportation, those activities specified in this section when specifically authorized to perform such activities by medical protocols~~ *qualified healthcare provider*.

Sec. 5. K.S.A. 2024 Supp. 65-6120 is hereby amended to read as follows: 65-6120. Notwithstanding any other provision of law to the contrary, *after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols or upon the order of a qualified healthcare provider,* an advanced emergency medical technician may:

(a) Perform any of the activities identified by K.S.A. 65-6121 *and 65-6144*, and amendments thereto; and

(b) perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof~~, as specifically identified in rules and regulations, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference with a physician, physician assistant where authorized by a physician, an advanced practice registered nurse where authorized by a physician, or professional nurse where authorized by a physician upon order of such a person~~:

(1) Advanced airway management;

(2) ~~referral of patient of alternate medical care site based on assessment; (3) transportation of a patient with a capped arterial line; (4)~~ veni-puncture for obtaining blood sample;

~~(5)~~*(3)* initiation and maintenance of intravenous infusion or saline lock;

~~(6)~~*(4)* initiation *and maintenance* of intraosseous infusion;

~~(7) nebulized therapy;~~

~~(8)~~*(5)* manual defibrillation;

~~(9)~~*(6)* cardiac monitoring;

~~(10)~~*(7)* electrocardiogram interpretation;

~~(11) monitoring of a nasogastric tube;~~ and

~~(12)~~*(8)* administration of medications~~ by methods as specified by rules and regulations of~~*, as approved by* the board *by appropriate routes*.

Sec. 6. K.S.A. 65-6121 is hereby amended to read as follows: 65-6121. ~~(a)~~ Notwithstanding any other provision of law to the contrary, *after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols or upon the order of a qualified healthcare provider,* an emergency medical technician may*:*

(a) Perform any *of the* activities identified in K.S.A. 65-6144, and amendments thereto~~,~~*;* and

(b) perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof~~, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols, or upon order when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced practice registered nurse when authorized by a physician or a professional nurse when authorized by a physician, upon order of such person~~:

(1) Airway maintenance, including use of:

(A) Single lumen airways as approved by the board;

(B) multilumen airways;

(C) ventilator devices;

(D) non-invasive positive pressure ventilation;

(E) forceps removal of airway obstruction;

(F) CO2 monitoring; *and*

(G) airway suctioning;

(2) monitoring *a* urinary catheter;

(3) capillary blood sampling *for purposes other than blood glucose monitoring*;

(4) administration of patient assisted medications as approved by the board;

(5) administration of medications, as approved by the board by appropriate routes;

(6) *monitoring a saline lock;*

(7) monitor, maintain or discontinue flow of IV line~~ if a physician approves transfer by an emergency medical technician~~;

(8) monitoring of a nasogastric tube; and

~~(7)~~*(9)* application of a traction splint.

Sec. 7. K.S.A. 2024 Supp. 65-6129a is hereby amended to read as follows: 65-6129a. (a) While engaged in a course of training or continuing education approved by the board~~ within a medical care facility~~, a student or emergency medical service provider engaged in such training or continuing education shall be under the supervision of a physician*, a physician assistant, an advanced practice registered nurse, a respiratory therapist,* ~~or~~ a professional nurse *or an emergency medical services provider who is, at a minimum, certified to provide the level of care for which the student is seeking certification*~~. While engaged in training or continuing education in emergency or nonemergency transportation outside a medical care facility, a student or emergency medical service provider shall be under the direct supervision of an emergency medical service provider who is at the minimum certified to provide the level of care for which the student is seeking certification or the emergency medical service provider~~

~~receiving the training is certified or shall be under the direct supervision of a physician or a professional nurse.~~

(b) Nothing in the provisions of article 61 of chapter 65 of the Kansas Statutes Annotated, and amendments thereto, shall be construed to preclude the provision of authorized activities by students enrolled in a training program while engaged in such program.

Sec. 8. K.S.A. 2024 Supp. 65-6135 is hereby amended to read as follows: 65-6135. (a) *Except as provided in subsection (b),* all ambulance services providing emergency care as defined by the rules and regulations adopted by the board shall offer service *for* 24 hours per day, every day of the year.

(b) *Ambulance services providing only nonemergency transportation may offer service for less than 24 hours per day, every day of the year.*

(c) Except as provided by subsection (d), whenever an operator is required to have a permit, at least one person ~~on each vehicle~~ *in the patient compartment during patient transport who is* providing emergency medical service shall be an emergency medical service provider certified *or authorized* pursuant to K.S.A. 65-6119, 65-6120 ~~or~~*,* 65-6121, *or 65-6158,* and amendments thereto, *a physician,* an individual licensed ~~by the state board of healing arts~~ to practice medicine and surgery *pursuant to K.S.A. 65-28,133, and amendments thereto*, a physician assistant, an advanced practice registered nurse ~~or~~*,* a professional nurse *or a registered nurse holding a multistate license pursuant to K.S.A. 65-1166, and amendments thereto*.

~~(c)~~*(d)* The board shall not require any ground vehicle providing ~~interfacility transfers from~~ *emergency medical services in* any county with a population of 30,000 or less to operate with more than one person who satisfies the requirements of subsection ~~(b)~~*(c)* if the driver of such vehicle is certified in cardiopulmonary resuscitation. *An operator that chooses to adopt this policy shall notify the board within 30 days of adoption of such policy.*

Sec. 9. K.S.A. 2024 Supp. 65-6144 is hereby amended to read as follows: 65-6144. ~~(a)~~ *Notwithstanding any other provision of law to the contrary* ~~an emergency medical responder may perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof~~, after successfully completing an approved course of instruction, local specialized device training and competency validation and when authorized by medical protocols~~,~~ or upon *the* order ~~when direct communication is maintained by radio, telephone or video conference is monitored by a physician, physician assistant when authorized by a physician, an advanced practice registered nurse when authorized by a physician or a professional nurse when authorized by a physician, upon order of such person~~ *of a qualified healthcare provider, an emergency medical responder may perform any of the following interventions, by use of the devices, medications and equipment, or any combination thereof*:

~~(1) Emergency vehicle operations;~~
~~(2) initial scene management;~~
~~(3)~~*(a)* Patient assessment and stabilization;
~~(4)~~*(b)* cardiac arrest management through the use of cardiopulmonary resuscitation and the use of an automated external defibrillator;
~~(5)~~*(c)* airway management and oxygen therapy;
~~(6)~~*(d)* utilization of equipment for the purposes of acquiring ~~an~~ *and transmitting* EKG rhythm ~~strip~~ *strips*;
~~(7)~~*(e)* control of bleeding;
~~(8)~~*(f)* extremity splinting;
~~(9)~~*(g)* spinal immobilization;
~~(10) nebulizer therapy;~~
~~(11) intramuscular injections with auto-injector;~~
~~(12)~~*(h)* administration of medications, as approved by the board by appropriate routes;
~~(13)~~*(i)* recognize and comply with advanced directives;
~~(14)~~*(j)* use of blood glucose monitoring;
~~(15)~~*(k)* assistance with childbirth;
~~(16)~~*(l)* non-invasive monitoring of hemoglobin derivatives;
~~(17)~~*(m)* distribution of non prescription, over-the-counter medications as approved by the service medical director, except *that* an emergency medical responder shall not distribute *any compound, mixture or preparation that contains any detectable quantity of*:
~~(A)~~*(1)* ~~Any compound, mixture, or preparation that contains any detectable quantity of~~ Ephedrine, its salts or optical isomers, or salts of optical isomers and is exempt from being reported to the statewide electronic logging system for the sale of methamphetamine precursors; or
~~(B)~~*(2)* ~~any compound, mixture, or preparation that contains any detectable quantity of~~ pseudoephedrine, its salts or optical isomers, or salts of optical isomers and is exempt from being reported to the statewide electronic logging system for the sale of methamphetamine precursors; and
~~(18)~~*(n)* other techniques and devices of preliminary care an emergency medical responder is trained to provide as approved by the board.

Sec. 10. K.S.A. 65-6149a is hereby amended to read as follows: 65-6149a. (a) (1) Any person who in good faith renders emergency care or treatment by the use of or provision of an automated external defibrillator shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts as an ordinary reasonably prudent person would have acted under the same or similar circumstances.

(2) No person or entity ~~which~~ *that* owns, leases, possesses or otherwise controls an automated external defibrillator and provides such automated external defibrillator to others for use shall be held liable for any

civil damages as a result of such use where the person or entity ~~which~~ *that* owns, leases, possesses or otherwise controls the automated external defibrillator has developed, implemented and follows guidelines to ensure proper maintenance and operation of the device.

(3) No ~~person licensed to practice medicine and surgery~~ *physician* who, pursuant to a prescription order, authorizes the acquisition of an automated external defibrillator or participates in the development of usual and customary protocols for an automated external defibrillator by a person or entity ~~which~~ *that* owns, leases, possesses or otherwise controls such automated external defibrillator and provides such automated external defibrillator for use by others shall be held liable for any civil damages as a result of such use.

(4) No person or entity ~~which~~ *that* teaches or provides a training program for cardiopulmonary resuscitation that includes training in the use of automated external defibrillators shall be held liable for any civil damages as a result of such training or use if such person or entity has provided such training in a manner consistent with the usual and customary standards for the providing of such training.

(b) Pursuant to the provisions of this subsection, persons or entities ~~which~~ *that* purchase, *lease, possess* or otherwise *control or* acquire an automated external defibrillator *to be placed in a public place within the state* shall ~~notify the emergency medical service which operates in the geographic area of the location of~~ *register* the automated external defibrillator *with the emergency medical services board*. ~~Persons or entities acquiring an automatic electronic defibrillator shall notify the emergency medical service providing local service on forms developed and provided by the emergency medical services board.~~

(c) The secretary of administration, in conjunction with the Kansas highway patrol, shall develop guidelines for the placement of automated external defibrillators in state owned or occupied facilities. The guidelines shall include, but not be limited to:

(1) Which state owned or occupied facilities should have automated external defibrillators readily available for use;

(2) recommendations for appropriate training courses in cardiopulmonary resuscitation and automated external defibrillators use;

(3) integration with existing emergency response plans;

(4) proper maintenance and testing of the devices;

(5) coordination with appropriate professionals in the oversight of training; and

(6) coordination with local emergency medical services regarding placement and conditions of use.

(d) Nothing in this ~~subsection~~ *section* shall be construed to require the state to purchase automated external defibrillators.

Sec. 11. K.S.A. 40-3401, 65-5101, 65-6121 and 65-6149a and K.S.A. 2024 Supp. 65-6112, 65-6119, 65-6120, 65-6129a, 65-6135 and 65-6144 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 8, 2025.

CHAPTER 86

SENATE BILL No. 50

AN ACT concerning postsecondary education; relating to the financing therefor; establishing uniform interest rate provisions for scholarship programs that include repayment obligations as a condition of receiving a scholarship; authorizing the board to recover the costs of collecting such repayment obligations and to charge fees for the costs of administering scholarship, grant and other financial assistance programs; requiring eligible students to enter into agreements with the state board of regents instead of a postsecondary educational institution as a condition to receiving a grant under the adult learner grant act; reducing the number of grants available and audits required under the low-income family postsecondary savings accounts incentive program; providing the audit process for certain withdrawals made under such program; amending K.S.A. 74-3260, 74-3267, 74-3272, 74-32,104, 74-32,116, 74-32,135, 74-32,153, 74-32,154, 74-32,223 and 75-650 and K.S.A. 2024 Supp. 74-3295, 74-32,276 and 74-32,286 and repealing the existing sections.

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

New Section 1. (a) On and after July 1, 2025, for any repayment obligation owed by an individual, the applicable interest rate shall be 5% per annum if such repayment obligation:

(1) Arises under any scholarship, grant or other student financial aid program established in article 32 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, or under any agreement entered into pursuant thereto; and

(2) requires the payment of interest pursuant to the terms of the statute or agreement under which the individual received the scholarship, grant or other student financial aid.

(b) No interest for such scholarship, grant, or other student financial aid shall begin to accrue earlier than the date that the individual becomes required to repay such scholarship, grant or other student financial aid to the state board of regents, as determined by the state board of regents.

(c) The interest rate established in subsection (a) and the accrual date determined under subsection (b) shall apply to repayment obligations arising in relation to any scholarship, grant or other student financial aid distributed prior to July 1, 2025, pursuant to any scholarship, grant or other student financial aid program established in article 32 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto.

(d) Nothing in this section shall be construed to impose an interest rate:

(1) In excess of the interest rate specified in either the applicable statute at the time an individual received the scholarship, grant or other student financial aid relating to the repayment obligation or the agreement between the individual and an educational institution, a sponsor or the state board of regents; or

(2) upon amounts owed to the state board of regents by educational institutions, sponsors or amounts owed to educational institutions or sponsors by the state board of regents.

(e) No individual shall be entitled to a refund for amounts paid to the state board of regents before July 1, 2025.

New Sec. 2. The state board of regents may recover the reasonable costs of collection, including, but not limited to, court costs, attorney fees and collection agency fees, from any individual who is subject to a repayment obligation arising under any scholarship, grant or other student financial aid program established in article 32 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, or under any agreement entered into pursuant thereto.

New Sec. 3. The chief executive officer of the state board of regents may fix, charge and collect fees for the processing of applications and other activities related to the administration of student financial assistance programs administered by the state board of regents. Such fees shall be fixed in amounts to recover all or a part of the direct and indirect operating expenses incurred for administering such programs. All moneys received by the state board of regents from the payment of such fees shall be deposited in the state treasury in accordance with K.S.A. 75-4215, and amendments thereto, and shall be credited to the financial aid services fee fund of the state board of regents.

Sec. 4. K.S.A. 74-3260 is hereby amended to read as follows: 74-3260. (a) Upon the failure of any person, who as an eligible student qualified for and received payments under an ROTC service scholarship, to remain eligible and qualified or to satisfy the obligation to accept a commission and serve as an officer in the Kansas national guard for the required period of time under an agreement entered into pursuant to this act, such person shall pay to the state of Kansas an amount equal to the total amount of payments ~~received by~~ *disbursed on behalf of* such person plus accrued interest from the ~~date such payments were received 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~~ *accrual date determined under section 1, and amendments thereto, and at the rate prescribed in section 1, and amendments thereto*. Such payment shall commence within 30 days, and be completed within five years, after the date of the act or circumstance that causes the failure of the person to remain eligible and qualified or to satisfy the obligation of such agreement. Payments under this section shall be installment payments and each such installment shall be not less than an amount equal to $\frac{1}{5}$ of the total amount ~~which~~ *that* would be required to be paid if paid in five equal annual installments. If an installment payment becomes 91 days overdue,

the entire amount outstanding shall become immediately due and payable, including all interest at the rate prescribed *in section 1, and amendments thereto*. Amounts paid under this section shall be deposited in the state treasury and credited to the ROTC service scholarship repayment fund as provided in K.S.A. 74-3260a, and amendments thereto.

(b) The state board of regents is authorized to turn any repayment account arising under the ROTC 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~~ *in section 1, and amendments thereto*.

Sec. 5. K.S.A. 74-3267 is hereby amended to read as follows: 74-3267. (a) (1) Except as otherwise provided in K.S.A. 74-3268, and amendments thereto, upon the failure of any person to satisfy the obligation to engage in the full-time or part-time practice of medicine and surgery within the state of Kansas for the required period of time under an agreement entered into as provided in K.S.A. 74-3266, and amendments thereto, such person shall repay to the state board of regents an amount equal to the total of ~~(1)~~*:*

(A) The amount of money received by such person pursuant to such agreement*;* plus ~~(2)~~

(B) accrued interest from the ~~date such money was received 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~~ *accrual date determined under section 1, and amendments thereto, and at the rate prescribed in section 1, and amendments thereto*.

(2) Any person who applies for and enters a postgraduate residency training program that is not an approved program as provided in this section shall be required to repay all moneys ~~received~~ *disbursed on behalf of such person* as provided in an agreement entered into under K.S.A. 74-3266, and amendments thereto, plus accrued interest from the ~~date such moneys were received 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~~ *accrual date determined under section 1, and amendments thereto, and at the rate prescribed in section 1, and amendments thereto,* and shall commence such repayment in accordance with subsection (b) within 90 days of graduation from the school of osteopathic medicine or upon termination or completion of a residency training program ~~which~~ *that* does not comply with the provisions of this act, whichever is later.

(3) Any person who enters and completes an approved postgraduate residency training program but fails to satisfy the obligation to engage in

the full-time or part-time practice of medicine and surgery for the required period of time shall be required to repay all money ~~received~~ *disbursed on behalf of such person* pursuant to an agreement entered into under K.S.A. 74-3266, and amendments thereto, plus accrued interest from the ~~date such money was received 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~~ *accrual date determined under section 1, and amendments thereto, and at the rate prescribed in section 1, and amendments thereto,* and shall commence such repayment in accordance with subsection (b) within 90 days of failure to satisfy the obligation.

(b) Each person required to repay any amount under this section shall repay an amount totaling the entire amount to be repaid under all such agreements for which obligations are not satisfied, including all amounts of interest at the rate prescribed *in section 1, and amendments thereto*. Except as otherwise provided in this section, such repayment shall be in installment payments and each such installment shall be not less than an amount equal to 1/5 of the total amount ~~which~~ *that* would be required to be paid if repaid in five equal annual installments.

(c) Except as otherwise provided in ~~subparts (2) and (3) of subsection (a)~~ *subsections (a)(2) and (a)(3)*, all installment payments under this section shall commence six months after the date of the action or circumstance that causes the failure of the person to satisfy the obligations of such agreements, as determined by the state board of regents based upon the circumstances of each individual case. If an installment payment becomes 91 days overdue, the entire amount outstanding shall become immediately due and payable, including all amounts of interest at the rate prescribed *in section 1, and amendments thereto*.

(d) The total repayment obligation imposed under all agreements entered into as provided in K.S.A. 74-3266, and amendments thereto, may be satisfied at any time prior to graduation from the accredited school of osteopathic medicine by making a single lump sum payment equal to the total of:

(1) The entire amount to be repaid under all such agreements upon failure to satisfy the obligations under such agreements to practice in Kansas~~,~~; plus

(2) all amounts of interest accrued thereon at the rate prescribed ~~under this section~~ *in section 1, and amendments thereto*.

(e) The state board of regents is authorized to turn any repayment account arising under the osteopathic medical 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~~ *in section 1, and amendments thereto*.

Sec. 6. K.S.A. 74-3272 is hereby amended to read as follows: 74-3272. (a) Except as otherwise provided in subsection (e) and in K.S.A. 74-3273, and amendments thereto, upon the failure of any person to satisfy the obligation to engage in the full-time or part-time practice of optometry within the state of Kansas for the required period of time under an agreement entered into pursuant to K.S.A. 74-3271, and amendments thereto, such person shall repay to the state board of regents an amount equal to the total of*:*

(1) The amount of money paid by the state board of regents for guaranteed admission and continued enrollment of such person in an accredited school or college of optometry pursuant to a contract entered into therefor under K.S.A. 76-721a, and amendments thereto~~,~~*;* plus

(2) accrued interest from the ~~date such money was paid pursuant to such contract 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~~ *accrual date determined under section 1, and amendments thereto, and at the rate prescribed in section 1, and amendments thereto*.

(b) Each person required to repay any amount under this section shall repay an amount totaling the entire amount to be repaid under such agreement for which such obligation is not satisfied, including all interest at the rate prescribed *in section 1, and amendments thereto*. Except as otherwise provided in this section, such repayment shall be in installment payments and each such installment shall be not less than an amount equal to 1/5 of the total amount ~~which~~ *that* would be required to be paid if repaid in five equal annual installments.

(c) All installment payments under this section shall commence six months after the date of the action or circumstance that causes the failure of the person to satisfy the obligations of such agreement, as determined by the state board of regents based upon the circumstances of each individual case. If an installment payment becomes 91 days overdue, the entire amount outstanding shall become immediately due and payable, including all interest at the rate prescribed *in section 1, and amendments thereto*.

(d) The total repayment obligation imposed under an agreement entered into pursuant to K.S.A. 74-3271, and amendments thereto, may be satisfied at any time prior to graduation from the accredited school or college of optometry by making a single lump-sum payment equal to the total of*:*

(1) The entire amount to be repaid under such agreement upon failure to satisfy the obligation to practice optometry in Kansas~~,~~*;* plus

(2) all interest thereon at the rate prescribed ~~to the date of payment~~ *in section 1, and amendments thereto*.

(e) If a person fails to satisfy an obligation to engage in the full-time or part-time practice of optometry in Kansas for the required period of time under an agreement entered into pursuant to K.S.A. 74-3271, and amendments thereto, because such person is engaged in the practice of optometry in a state other than Kansas, and if such person is subject to or currently making repayments under this section, and if such person subsequently commences the practice of optometry in this state which complies with the agreements entered into under such statute, the balance of the repayment amount, including interest thereon, from the time of such commencement of practice until the obligation of such person is satisfied, or until the time such person again becomes subject to repayments, shall be waived. All repayment amounts due prior to such commencement of practice in this state, including interest thereon, shall continue to be payable as provided in this section. If subsequent to such commencement of practice, the person fails to satisfy such obligation, the person again shall be subject to repayments, including interest thereon, as otherwise provided in this section.

(f) The state board of regents is authorized to turn any repayment account arising under the optometry 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~~ *in section 1, and amendments thereto*.

Sec. 7. K.S.A. 2024 Supp. 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~~ *disbursed on behalf of* such person pursuant to such agreement that was financed by the state of Kansas plus accrued interest ~~at a rate 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~~ *from the accrual date determined under section 1, and amendments thereto, and at the rate prescribed in section 1, and amendments thereto*. Installment payments of any such amounts may be made in accordance with rules and regulations of the state board of regents. Such installment payments shall commence six months after the date 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 des-

ignated 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~~ *in* section *1, and amendments thereto*.

Sec. 8. K.S.A. 74-32,104 is hereby amended to read as follows: 74-32,104. (a) Except as provided in K.S.A. 74-32,105, and amendments thereto, upon the failure of any person to satisfy the obligation under any agreement entered into pursuant to the teacher service scholarship program, such person shall pay to the executive officer an amount equal to the total amount of money ~~received by~~ *disbursed on behalf of* such person pursuant to such agreement 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~~ *from the accrual date determined under section 1, and amendments thereto, and at the rate prescribed in section 1, and amendments thereto*. Amounts of payment under this section shall be adjusted proportionately for full years of the obligation that have been satisfied. Installment payments of any such amounts may be made in accordance with the provisions of the agreement entered into by the scholarship recipient or if no such provisions exist in such agreement, 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. Amounts paid under this section to the executive officer shall be deposited in the teacher service scholarship repayment fund in accordance with K.S.A. 74-32,107, and amendments thereto.

(b) The state board of regents is authorized to turn any repayment account arising under the teacher 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~~ *in section 1, and amendments thereto*.

Sec. 9. K.S.A. 74-32,116 is hereby amended to read as follows: 74-32,116. (a) Except as provided in K.S.A. 74-32,117, and amendments thereto, upon the failure of a person to satisfy any obligation under an agreement entered into in accordance with the Kansas ethnic minority fellowship program, such person shall pay to the executive officer an amount equal to the total amount of money ~~received by~~ *disbursed on behalf of* such person pursuant to such agreement plus accrued interest from the ~~date such money was received 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~~ *accrual date determined under section 1, and amendments thereto,*

and at the rate prescribed in section 1, and amendments thereto. Amounts of payment under this section shall be adjusted proportionately for full years of performance of the obligations that have been satisfied. Installment payments of any such amounts may be made in accordance with the provisions of the agreement entered into by the fellowship recipient or if no such provisions exist in such agreement, 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. Amounts paid under this section to the executive officer shall be deposited in the Kansas ethnic minority fellowship program fund in accordance with K.S.A. 74-32,119, and amendments thereto.

(b) The state board of regents is authorized to turn any repayment account arising under the Kansas ethnic minority fellowship 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~~ *in section 1, and amendments thereto*.

Sec. 10. K.S.A. 74-32,135 is hereby amended to read as follows: 74-32,135. (a) Except as provided in K.S.A. 74-32,136, and amendments thereto, upon the failure of any person to satisfy the obligation under any agreement entered into pursuant to this act, such person shall pay to the executive officer an amount equal to the total amount of money ~~received by~~ *disbursed on behalf of* such person pursuant to such agreement ~~which~~ *that* is 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~~ *from the accrual date determined under section 1, and amendments thereto, and at the rate prescribed in section 1, and amendments thereto*. Installment payments of such amounts may be made 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. Amounts paid under this section to the executive officer shall be deposited in the advanced practice registered nurse service scholarship program fund in accordance with K.S.A. 74-32,138, and amendments thereto.

(b) The state board of regents is authorized to turn any repayment account arising under the advanced practice registered nurse 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~~ *in section 1, and amendments thereto*.

Sec. 11. K.S.A. 74-32,153 is hereby amended to read as follows: 74-32,153. (a) Upon completion of the recipient's program of study, the recipient shall be eligible for forgiveness of the loan by living and working in Kansas.

(b) By annually providing to the board of regents the required documentation certifying that the recipient worked and lived in Kansas throughout the prior year. Such documentation shall be provided to the board of regents within 30 days of the annual due date calculated from the completion of the course of study.

(c) If the required documentation certifying that the recipient lived and worked in Kansas is not received in the prescribed time by the board, the remaining loan amount shall be due and payable as prescribed under K.S.A. 74-32,154 and amendments thereto.

~~(d) Interest rates on the loan shall be determined by the state treasurer according to the interest rate received on the state idle funds plus 3%.~~

Sec. 12. K.S.A. 74-32,154 is hereby amended to read as follows: 74-32,154. (a) Except as otherwise provided in K.S.A. 74-32,155, and amendments thereto, upon the failure of any person to satisfy an obligation incurred under the loan agreement as provided in K.S.A. 74-32,152, and amendments thereto, such person shall repay to the state treasurer an amount equal to the total of*:* (1) The amount of money ~~received by~~ *disbursed on behalf of* such person pursuant to such agreement*;* plus (2) accrued interest~~, calculated at the interest rate on the state idle funds plus 3%, from the date such money was received~~ *from the accrual date determined under section 1, and amendments thereto, and at the rate prescribed in section 1, and amendments thereto*.

(b) Each person required to repay any amount under this section shall repay an amount totaling the entire amount to be repaid under all such agreements for which obligations are not satisfied, including all amounts of interest at the rate prescribed in ~~subsection (a)~~ *section 1, and amendments thereto*. Except as otherwise provided in this section, such repayment shall be made in installment payments determined by the state board of regents as provided in ~~subsection (c) of the~~ K.S.A. 74-32,152*(c)*, and amendments thereto.

(c) All installment payments under this section shall commence six months after the date of the action or circumstance that causes the failure of the person to satisfy the obligations of such agreements, as determined by the state board of regents based upon the circumstances of each individual case. If an installment payment becomes 91 days overdue, the entire amount outstanding shall become immediately due and payable,

including all amounts of interest at the rate prescribed *in section 1, and amendments thereto*.

(d) The total repayment obligation imposed under all agreements entered into as provided in K.S.A. 74-32,152, and amendments thereto, may be satisfied at any time prior to graduation by making a single lump-sum payment equal to the total of: (1) The entire amount to be repaid under all such agreements upon failure to satisfy the obligations under such agreements to practice in Kansas~~,~~*;* plus (2) all amounts of interest accrued thereon at the rate prescribed in ~~subsection (a)~~ *section 1, and amendments thereto*.

(e) The state board of regents is authorized to turn any delinquent repayment account arising under the workforce development loan program 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~~ *in section 1, and amendments thereto*.

Sec. 13. K.S.A. 74-32,223 is hereby amended to read as follows: 74-32,223. (a) Except as provided in K.S.A. 74-32,224, and amendments thereto, upon the failure of any person to satisfy the obligation under any agreement entered into pursuant to the program, such person shall pay to the executive officer an amount equal to the total amount of money ~~received by~~ *disbursed on behalf of* such person pursuant to such agreement 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~~ *from the accrual date determined under section 1, and amendments thereto, and at the rate prescribed in section 1, and amendments thereto*. Installment payments of any such amounts may be made in accordance with the provisions of agreements entered into by the scholarship recipient and the executive officer, 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. Amounts paid under this section to the executive officer shall be deposited in the nurse educator service scholarship repayment fund in accordance with K.S.A. 74-32,226, and amendments thereto.

(b) The state board of regents is authorized to turn any repayment account arising under the 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~~ *in section 1, and amendments thereto*.

Sec. 14. K.S.A. 2024 Supp. 74-32,276 is hereby amended to read as follows: 74-32,276. (a) As a condition to receiving a Kansas promise scholarship, an eligible student shall enter into a Kansas promise scholarship agreement with the state board of regents. The eligible postsecondary educational institution making the scholarship award to such student shall counsel each eligible student on the requirements and conditions of the promise scholarship agreement. Such agreement shall require any student who receives a Kansas promise scholarship to:

(1) Enroll as a full-time or part-time student at the eligible postsecondary educational institution from which the student is receiving a Kansas promise scholarship and engage in and complete the required promise eligible program within 36 months of the date the scholarship was first awarded;

(2) within six months after graduation from the promise eligible program:

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

(B) enroll as a full-time or part-time student in any public or private postsecondary educational institution with its primary location in Kansas and upon graduation or failure to re-enroll, reside in and commence work in Kansas for at least two consecutive years following the completion of such program;

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

(4) upon failure to satisfy the requirements of a Kansas promise scholarship agreement, repay the amount of the Kansas promise scholarship the student received under the program as provided in subsection (b) to the state board of regents.

(b) (1) Except as provided in subsection (c), if any student who receives a Kansas promise scholarship fails to satisfy the requirements of a Kansas promise scholarship agreement, such student shall pay an amount equal to the total amount of money ~~received by~~ *disbursed on behalf of* such student pursuant to such agreement that is financed by the state of Kansas plus accrued interest ~~at a rate equivalent to the interest rate applicable to loans made under the federal PLUS program at the time such student's first course funded by a Kansas promise scholarship award began. Interest shall begin accruing on the date the student is determined to be out of compliance with the Kansas promise scholarship agreement~~ *from the accrual date determined under section 1, and amendments thereto, and at*

the rate prescribed in section 1, and amendments thereto. Monthly installment payments of such amounts may be made in accordance with rules and regulations of the state board of regents. Such installment payments shall begin six months after the date of the action or circumstances that cause such student to fail to satisfy the requirements of a Kansas promise scholarship agreement, as determined by the state board of regents upon the circumstances of each individual case. All moneys received pursuant to this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas promise scholarship program fund.

(2) For any Kansas promise scholarship awarded on or after July 1, 2021, the state board of regents shall be the sole entity responsible for collecting or recouping any Kansas promise scholarship funds required to be repaid by a student who fails to satisfy the requirements of a Kansas promise scholarship agreement pursuant to this section.

(3) The state board of regents is authorized to turn any repayment account arising under this act to a designated loan servicer or collection agency to collect on the state board's behalf, the state not being involved other than to receive payments from the loan servicer or collection agency at the interest rate prescribed ~~under this subsection~~ *in section 1, and amendments thereto*.

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

(A) Determining whether or not a student satisfied the requirements of this act and the Kansas promise scholarship agreement; and

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

(5) Eligible postsecondary educational institutions shall:

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

(B) notify the state board of regents when a student who received a Kansas promise scholarship:

(i) Completes the program of study for which the student received the scholarship or has exhausted scholarship benefits; and

(ii) exceeds the 36-month program completion requirement provided in this section. This requirement shall apply to any Kansas promise scholarship awarded on or after July 1, 2021.

(6) For any Kansas promise scholarship awarded on or after July 1, 2021, eligible postsecondary educational institutions shall not be considered a contractor of the state nor shall such institutions be required to participate in tracking, collecting or recouping any funds required to be repaid by a student who fails to satisfy the requirements of a Kansas promise scholarship agreement pursuant to this section.

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

(d) A scholarship recipient satisfies the requirements of the Kansas promise scholarship program if such recipient:

(1) Completes the requirements of the scholarship agreement;

(2) commences service as a military servicemember after receiving a Kansas promise scholarship;

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

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

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

Sec. 15. K.S.A. 2024 Supp. 74-32,286 is hereby amended to read as follows: 74-32,286. (a) As a condition to receiving a grant under this act, an eligible student shall enter into an agreement with the *state board of regents. The* eligible postsecondary educational institution that awarded such grant~~. Such eligible postsecondary educational institution~~ shall counsel each eligible student on the requirements and conditions of the agreement. Such agreement shall require any student who receives a grant award to:

(1) Enroll as a full-time or part-time student at the eligible postsecondary educational institution that made the grant award and engage in and complete the adult learner grant eligible program;

(2) within six months after graduation from the adult learner grant eligible program:

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

(B) enroll as a full-time or part-time student in any public or private postsecondary educational institution with its primary location in Kansas and upon graduation or failure to re-enroll, reside in and commence work in Kansas for at least two consecutive years following the completion of such program;

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

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

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

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

(3) The state board of regents is authorized to turn any repayment account arising under this act to a designated loan servicer or collection agency to collect on the state board's behalf. The state's involvement shall only be to receive payments from the loan servicer or collection agency at the interest rate prescribed ~~under this subsection~~ *in section 1, and amendments thereto*.

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

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

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

(5) Eligible postsecondary educational institutions shall:

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

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

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

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

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

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

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

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

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

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

Sec. 16. K.S.A. 75-650 is hereby amended to read as follows: 75-650. (a) As used in this section:

(1) "Federal poverty level" means the most recent poverty income guidelines published in the calendar year by the United States department of health and human services.

(2) "Program" means the low-income family postsecondary savings accounts incentive program established by this section.

(3) "Qualified individual or family" means an individual or family who resides within the state of Kansas and whose household income is positive and not more than 200% of the federal poverty level for the tax year prior to the year in which the application is submitted.

(4) "Participant" means a qualified individual or family who has been approved for a matching grant under the program.

(5) "District" means a congressional district of the state of Kansas.

(6) "Application" means an application for a matching grant under the program.

(7) "Third-party contributor" means any individual or organization who contributes ~~money~~ *moneys* to a family postsecondary savings account established pursuant to K.S.A. 75-640 et seq., and amendments thereto, other than the account owner who established such family postsecondary savings account for the benefit of the participant.

(8) Words and phrases have the meanings provided by K.S.A. 75-643, and amendments thereto, unless otherwise provided by this section.

(b) There is hereby established the low-income family postsecondary savings accounts incentive program. The purpose of the program is to encourage the establishment of family postsecondary savings accounts pursuant to K.S.A. 75-640, and amendments thereto, by qualified individuals and families.

(c) The treasurer shall:

(1) Implement and administer the program;

(2) develop marketing plans and promotional material for the program;

(3) prescribe the procedure for~~,~~ and requirements relating to~~,~~ the submission and approval of applications;

(4) do all things necessary and proper to carry out the purposes of this act; and

(5) adopt any rules and regulations and policies deemed necessary for implementation and administration of the program.

(d) Applications shall be submitted to the treasurer in the manner and form required by the treasurer. Applications shall be accompanied by any information deemed necessary by the treasurer. Applications ~~must~~ *shall* be submitted each year using the applicant's household income from the previous tax year.

(e) ~~Beginning in calendar year 2009~~*In calendar years 2025, 2026 and 2027*, the treasurer may approve ~~no~~ *not* more than ~~300~~ *250* applications from a single district. If ~~300~~ *250* applications from residents of a district are not approved in *each such* calendar year ~~2009 or any year thereafter~~, the treasurer may approve additional applications submitted by residents of the remaining districts *of* up to the program total of ~~1,200~~ *1,000* applications per year. Applications shall be approved on a first come, first served basis. The treasurer shall provide written notice~~,~~ to an applicant~~,~~ of the approval or nonapproval of such person's application. *For calendar year 2028, and each calendar year thereafter, the treasurer shall not accept nor approve any application for the program.*

(f) The amount of contributions made to an account by an account owner who establishes a family postsecondary savings account for the benefit of a participant pursuant to K.S.A. 75-640 et seq., and amendments thereto, shall be matched by the state on a dollar-for-dollar basis

if the account owner contributes at least $100 to a family postsecondary education savings account for the benefit of the participant during ~~the calendar year~~ *any of the calendar years 2025, 2026 and 2027* for which the application has been approved. The aggregate of all matching amounts for any family postsecondary savings account shall not exceed $600 ~~in~~ *for* any calendar year. All contributions by a third-party contributor shall be deposited in the matching grant account for the participant established by the treasurer or another similar account for which the withdrawals are restricted as required by subsection (h).

(g) Between January 1 and January 31 of each state fiscal year, the director of accounts and reports shall transfer from the state general fund to the Kansas postsecondary education savings program trust fund the amount, as certified by the treasurer, necessary to meet the matching obligations under subsection (f) for the preceding calendar year, except that the amount transferred from the state general fund to the Kansas postsecondary education savings program trust fund shall not exceed the maximum amount specified by appropriation act for such purpose for that state fiscal year. On or before January 31 of each year, the treasurer shall transfer from the Kansas postsecondary education savings program trust fund to the account of each participant the amount determined by the treasurer to meet the matching obligation due to such participant under subsection (f) for the preceding calendar year.

(h) *(1)* ~~The treasurer shall ensure that all withdrawals of matching funds are used for qualified withdrawals under K.S.A. 75-640 et seq., and amendments thereto.~~*The treasurer shall not be required to prospectively approve any withdrawals under the program. Withdrawals of matching funds under the program shall be subject to audit as provided in this subsection.*

(2) The treasurer shall retrospectively audit at least 10 withdrawals of matching funds under the program made during each of the calendar years 2025, 2026 and 2027 to determine whether each such withdrawal was a qualified withdrawal or a nonqualified withdrawal under K.S.A. 75-640 et seq., and amendments thereto. The treasurer shall notify any participant whose withdrawal was selected for audit and request such participant to provide to the treasurer any documentation and information deemed necessary by the treasurer to facilitate the audit and determine whether the withdrawal was a qualified withdrawal or a nonqualified withdrawal under K.S.A. 75-640 et seq., and amendments thereto. Such documentation and information shall be submitted to the treasurer in the manner and form required by the treasurer on or before a deadline established by the treasurer and specified in the notice. If the participant does not timely respond to the notice of the audit, the audited withdrawal shall be conclusively presumed to be a nonqualified withdrawal. If the participant does not timely respond to the notice of audit or the treasurer otherwise determines that the audited

withdrawal was a nonqualified withdrawal, then the treasurer shall provide notice thereof to the Kansas department of revenue or other appropriate taxing authorities as determined by the treasurer and the participant.

(3) The treasurer's determination that a withdrawal is a nonqualified withdrawal under K.S.A. 75-640 et seq., and amendments thereto, shall be conclusive for the purposes of this act, absent manifest error.

(4) If the treasurer determines that the audited withdrawal was a nonqualified withdrawal under K.S.A. 75-640 et seq., and amendments thereto, then the participant shall refund the matching portion of the withdrawal by paying such portion to the treasurer, on payment terms established by the treasurer. Any such amounts that remain due and unpaid after the date prescribed by the treasurer for the payment thereof shall be subject to interest at the rate of 5% per annum, compounded monthly, from the date prescribed by the treasurer for the payment thereof. To collect such refund and interest from the participant, the treasurer is authorized to certify the amount due for setoff pursuant to K.S.A. 75-6201 et seq., and amendments thereto, and to exercise any other enforcement right otherwise available to the treasurer. The refund requirement under this act is in addition to and not in substitution for any other fine, penalty, interest or other consequence otherwise imposed by law in connection with withdrawals from the Kansas postsecondary education savings program.

(i) The treasurer shall deposit all refunds and interest received under subsection (h) in the state treasury to the credit of the state general fund.

~~(i)~~*(j)* The treasurer shall prepare and submit to the governor and the legislature a report on the program on or before January 31 of ~~each year~~ *2026, 2027 and 2028*. Such report shall include the number of accounts opened under the program, the amount of moneys contributed to such accounts by the participants, the amount of matching moneys transferred by the treasurer pursuant to subsection (g), the average income of the participants, ~~an analysis of the success of the program in meeting the purpose of the program~~ *the number and results of any audit performed pursuant to subsection (h)* and any other information deemed appropriate by the treasurer.

~~(j)~~*(k)* The provisions of this section shall be *a* part of and supplemental to the Kansas postsecondary education savings program.

Sec. 17. K.S.A. 74-3260, 74-3267, 74-3272, 74-32,104, 74-32,116, 74-32,135, 74-32,153, 74-32,154, 74-32,223 and 75-650 and K.S.A. 2024 Supp. 74-3295, 74-32,276 and 74-32,286 are hereby repealed.

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

Approved April 8, 2025.

Published in the *Kansas Register* April 24, 2025.

CHAPTER 87

HOUSE BILL No. 2050
(Amended by Chapter 125)

AN ACT concerning insurance; relating to the powers, duties and responsibilities of the commissioner of insurance; authorizing the commissioner of insurance to set the amount of certain fees; requiring the publication of certain fees in the Kansas register; reducing the number of board members appointed by the commissioner of insurance on certain insurance-related boards and the frequency of the meetings of the committee on surety bonds and insurance; renaming the Kansas insurance department as the Kansas department of insurance; requiring the commissioner of insurance to maintain a list of eligible nonadmitted insurers; authorizing certain nonadmitted insurers to transact business in Kansas with vehicle dealers and to provide excess coverage insurance on Kansas risks; renaming the office of the securities commissioner as the department of insurance assistant commissioner, securities division; eliminating the requirement that the senate confirm the department of insurance assistant commissioner, securities division appointee; amending K.S.A. 8-2405, 40-205a, 40-218, 40-246b, 40-246e, 40-252, 40-2,133, 40-504, 40-956, 40-2102, 40-2109, 40-22a04, 40-2604, 40-2702, 40-3116, 40-3213, 40-3304, 40-3413, 40-3812, 40-3813, 40-3814, 40-4103, 40-4116, 40-4323, 40-4334, 40-4503, 40-5003, 40-5509 and 75-4101 and K.S.A. 2024 Supp. 40-102, 40-3823, 40-3824, 40-4209, 40-4302, 40-4903 and 75-6301 and repealing the existing sections; also repealing K.S.A. 40-3217, 75-6302, 75-6303, 75-6304, 75-6305, 75-6306 and 75-6307.

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

New Section 1. (a) The Kansas insurance department, as established by K.S.A. 42-102, and amendments thereto, is hereby renamed the Kansas department of insurance. All powers, duties and functions of the Kansas insurance department are hereby transferred and imposed upon the Kansas department of insurance.

(b) Whenever the Kansas insurance department, 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 insurance department, such reference or designation shall be deemed to apply to the Kansas department of insurance.

(c) All rules and regulations, order and directives of the commissioner of insurance of the Kansas insurance department that are in effect on July 1, 2025, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the commissioner of insurance of the Kansas department of insurance until amended, revoked or nullified pursuant to law.

New Sec. 2. (a) (1) The office of the securities commissioner of Kansas, as established by K.S.A. 75-6301, and amendments thereto, is hereby renamed the department of insurance, securities division. All powers, duties and functions of the office of the securities commissioner of Kansas are hereby transferred and imposed upon the department of insurance, securities division.

(2) The securities commissioner is hereby renamed the department of insurance assistant commissioner, securities division. All powers, duties and functions of the securities commissioner are hereby transferred and imposed upon the department of insurance assistant commissioner, securities division.

(b) (1) Whenever the office of the securities commissioner of Kansas, 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 office of the securities commissioner of Kansas, such reference or designation shall be deemed to apply to the department of insurance, securities division.

(2) Whenever the securities commissioner, or words of like effect, are referred to or designated by statute, contract or other document, and such reference or designation is in regard to any function, power or duty of the securities commissioner of Kansas, such reference or designation shall be deemed to apply to the department of insurance assistant commissioner, securities division.

(c) All rules and regulations, orders and directives of the securities commissioner of Kansas that are in effect on July 1, 2025, shall continue to be effective and shall be deemed to be rules and regulations, orders and directives of the department of insurance assistant commissioner, securities division until amended, revoked or nullified pursuant to law.

Sec. 3. K.S.A. 8-2405 is hereby amended to read as follows: 8-2405. No dealer's license shall be issued or renewed unless the applicant or holder of the license shall have on file with the division an ~~approved~~ insurance policy, issued by an insurance carrier authorized to transact business within the state of Kansas *or issued by an eligible nonadmitted insurer pursuant to K.S.A. 40-246e, and amendments thereto*. The term of ~~the~~ *such* policy shall be continuous and shall remain in full force and effect until canceled under proper notice. All policies ~~must~~ *shall* be issued in the name of the holder or applicant for the vehicle dealer's license and shall provide public liability and property damage insurance for the operation of any vehicle by prospective purchasers, owned or being offered for sale by the dealer when being operated by the owner or seller, the seller's agent, servants, employees, prospective customers or other persons. The limits of liability shall correspond to the amount required by law in this state for bodily injury or death of any one person, bodily injury or death in any one accident and property damage. Such insurance*, when issued by an authorized insurer,* may not be cancelled unless 30 days' notice by the insurance carrier has been given in writing to the director. Upon the effective date of cancellation of any insurance policy required under this section, the license to engage in business as a dealer shall be void.

Sec. 4. K.S.A. 2024 Supp. 40-102 is hereby amended to read as follows: 40-102. There is hereby established ~~a department to be known as~~ the *Kansas department of* insurance ~~department, and such department shall have a~~. *The* chief officer ~~entitled~~ *of the department shall be* the commissioner of insurance. The commissioner of insurance shall be charged with the administration of all laws relating to insurance, insurance companies and fraternal benefit societies doing business in this state and all other duties that are or may be imposed upon such officer by law.

Sec. 5. K.S.A. 40-205a is hereby amended to read as follows: 40-205a. *(a)* No person shall ~~do~~ *perform* any act toward selling the stock of any insurance company or health maintenance organization unless such person first obtains from the commissioner of insurance written authority to engage in the business of selling the stock of such company. Such applicant shall first be appointed in writing by the president or secretary of the company for which such applicant intends to sell stock. The applicant for such license shall file with the commissioner of insurance the applicant's written application for a license authorizing the applicant to engage in the business of selling such stock. The applicant shall make sworn answers to such interrogatories as the commissioner of insurance shall require. The fee charged for the issuance of such license shall ~~be~~ *not exceed* $100 and shall be paid to the commissioner of insurance by the company requesting such license.

(b) Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register the fee required pursuant to this section for the next calendar year.

Sec. 6. K.S.A. 40-218 is hereby amended to read as follows: 40-218. *(a)* Every insurance company, or fraternal benefit society, on applying for authority to transact business in this state, and as a condition precedent to obtaining such authority, shall file in the insurance department its *irrevocable* written consent~~, irrevocable,~~ that any action or garnishment proceeding may be commenced against such company or fraternal benefit society in the proper court of any county in this state in which the cause of action shall arise or in which the plaintiff may reside by the service of process on the commissioner of insurance of this state, and stipulating and agreeing that such service shall be taken and held in all courts to be as valid and binding as if due service had been made upon the president or chief officer of such corporation. Such consent shall be executed by the president and secretary of the company and shall be accompanied by a duly certified copy of the order or resolution of the board of directors, trustees or managers authorizing the president and secretary to execute the same. The summons or order of garnishment, accompanied by a fee ~~of~~ *not to exceed* $25, shall be directed to the commissioner of insurance, and shall require the defendant or garnishee to answer or otherwise respond

by a certain day, not less than 40 days from the date the summons or order of garnishment is served on the commissioner. *Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register the fee required pursuant to this subsection for the next calendar year.*

(b) Service on the commissioner of insurance of any process, notice or demand against an insurance company or fraternal benefit society shall be made by delivering to and leaving with the commissioner or the commissioner's designee, the original of the process and two copies of the process and the petition, notice of demand, or the clerk of the court may send the original process and two copies of both the process and petition, notice or demand directly to the commissioner by certified mail, return receipt requested. In the event that any process, notice or demand is served on the commissioner, the commissioner shall immediately cause a copy thereof to be forwarded by certified mail, return receipt requested to the insurance company or fraternal benefit society address to its general agent if such agent resides in this state or to the secretary of the insurance company or fraternal benefit society sued at its registered or principal office in any state in which it is domesticated. The commissioner of insurance shall make return of the summons to the court from whence it issued, showing the date of its receipt, the date of forwarding such copies, and the name and address of each person to whom a copy was forwarded. Such return shall be under the hand and seal of office, and shall have the same force and effect as a due and sufficient return made on process directed to a sheriff. The commissioner of insurance shall keep a suitable record in which shall be docketed every action commenced against an insurance company, the time when commenced, the date and manner of service; also the date of the judgment, its amount and costs, and the date of payment thereof, which shall be certified from time to time by the clerk of the court.

Sec. 7. K.S.A. 40-246b is hereby amended to read as follows: 40-246b. (a) Upon receipt of a proper application, the commissioner of insurance may issue an excess lines coverage license to any licensed property and casualty agent of this state or any other state. Any agent so licensed may negotiate for insureds whose home state is this state, the types of contracts of fire insurance enumerated in K.S.A. 40-901, and amendments thereto, and the type of casualty insurance contracts enumerated in K.S.A. 40-1102, and amendments thereto, or reinsurance, ~~or~~ to place risks~~,~~ or to effect insurance or reinsurance for persons or corporations other than such agent~~,~~ with ~~insurers not authorized to do business in this state~~ *nonadmitted insurers eligible pursuant to K.S.A. 40-246e, and amendments thereto*. An agent, as defined in K.S.A. 40-4902, and amendments thereto, may place the kind ~~or kinds~~ of business specified in this act for which

such agent is licensed pursuant to K.S.A. 40-4903 and ~~subsection (d) of~~ 40-4906, and amendments thereto, with an ~~insurer not authorized to do business in this state~~ *eligible nonadmitted insurer* by placing such business with a person licensed pursuant to the provisions of this act and may share in the applicable commissions on such business. Before any such license shall be issued, the applicant shall submit proper application on a form prescribed by the commissioner, which application shall be accompanied by a fee of $50. Such license shall be renewable each year on May 1, upon the payment of a $50 fee.

(b) The agent so licensed shall on or before March 1 of each year, file with the insurance department of this state, a sworn affidavit or statement to the effect that, after diligent effort, such agent has been unable to secure the amount of insurance required to protect the property, person~~,~~ or firm described in such agent's affidavit or statement from loss or damage in regularly admitted companies during the preceding year. Mere rate differential shall not be grounds for placing a particular risk ~~in~~ *with* a nonadmitted ~~carrier~~ *insurer* when an admitted ~~carrier~~ *insurer* would accept such risk at a different rate. The licensed excess coverage agent ~~must~~ *shall*, prior to placing insurance with an *eligible nonadmitted* insurer ~~not authorized to do business in this state~~, obtain the written consent of the prospective named insured and provide such insured the following information in a form promulgated by the commissioner:

(1) A statement that the coverage will be obtained from an ~~insurer not authorized to do business in this state~~ *eligible nonadmitted insurer*;

(2) a statement that the ~~insurer's name appears on the list of companies maintained by the commissioner~~ *insurer is eligible* pursuant to K.S.A. 40-246e, and amendments thereto;

(3) a notice that the insurer's financial condition, policy forms, rates and trade practices are not subject to the review or jurisdiction of the commissioner;

(4) a statement that the protection of the guaranty associations is not afforded to policyholders of the insurer; and

(5) a statement or notice with respect to any other information deemed necessary by the commissioner pertinent to insuring with an ~~insurer not authorized to do business in this state~~ *eligible nonadmitted insurer*.

(c) In the event the insured desires that coverage be bound with an ~~insurer not admitted to this state~~ *eligible nonadmitted insurer* and it is not possible to obtain the written consent of the insured prior to binding the coverage, the excess lines agent may bind the coverage after advising the insured of the information set out above and shall obtain written confirmation that the insured desires that coverage be placed with an ~~insurer not admitted to this state~~ *eligible nonadmitted insurer* within 30 days after binding coverage.

(d) *(1)* When business comes to a licensed excess lines agent in which this state is the home state for placement with an ~~insurer not authorized to do business in this state~~ *eligible nonadmitted insurer* from an agent not licensed as an excess lines agent, it shall be the responsibility of the licensed excess lines agent to ascertain that the insured has been provided the preceding information and has consented to being insured with an ~~insurer not authorized to do business in this state~~ *eligible nonadmitted insurer*. Each excess lines agent shall keep a separate record book in such agent's office showing the transactions of fire and casualty insurance and reinsurance placed in ~~companies not authorized to do business in this state~~ *eligible nonadmitted insurers*, the amount of gross premiums charged thereon, the insurer with which the policy was placed, the date, term and number of the policy, the location and nature of the risk, the name of the insured and such other information as the commissioner may require and such record shall be available at all times for inspection by the commissioner of insurance or the commissioner's authorized representatives. The commissioner may revoke or suspend any license issued pursuant to the provisions of this act in the same manner and for the same reasons prescribed by K.S.A. 40-4909, and amendments thereto.

(2) Any policy issued under the provisions of this statute shall have stamped or endorsed in a prominent manner thereon, the following: This policy is issued by an ~~insurer not authorized to do business~~ *eligible nonadmitted insurer* in Kansas and, as such, the form, financial condition and rates are not subject to review by the commissioner of insurance and the insured is not protected by any guaranty fund.

(3) If business is placed with a nonadmitted company that is subsequently determined to be insolvent, the excess lines agent placing such business with such company is relieved of any responsibility to the insured as it relates to such insolvency, if the excess lines agent has satisfactorily complied with all requirements of this section pertaining to notification of the insured, has properly obtained the written consent of the insured and has used due diligence in selecting the insurer. It shall be presumed that due diligence was used in selecting the insurer if such insurer was on the list compiled pursuant to K.S.A. 40-246e, and amendments thereto, at the time coverage first became effective.

Sec. 8. K.S.A. 40-246e is hereby amended to read as follows: 40-246e. *(a)* The commissioner shall maintain a list of ~~insurers not authorized to do business in this state~~ *eligible nonadmitted insurers* for review by any interested person. Only those insurers who have filed a certified copy of their most recent annual statement with the commissioner in the form prescribed by K.S.A. 40-225, and amendments thereto, or~~,~~ if domiciled outside the United States, have filed their most recent annual statement

with the national association of insurance commissioners may appear on the list. ~~No excess lines agent shall place insurance on a Kansas domiciled risk with an insurer whose name does not appear on this list.~~ No company shall appear on the list whose capital or surplus as shown on the annual statement does not equal or exceed ~~$4,500,000~~ *$15,000,000*. Individual unincorporated insurers not listed by the national association of insurance commissioners may appear on the list if they are authorized to transact an insurance business in at least one state of the United States~~,~~ *and* possess assets ~~which~~ *that* are held in trust for the benefit of American policyholders in the sum of not less than $50,000,000 ~~and pay the filing fee required by this section~~. Insurance exchanges ~~who~~ *that* issue contracts on behalf of their members and pay the filing fee required by this section may appear on the list if their individual members have a capital or surplus equal to or in excess of $1,500,000 and the aggregate capital or surplus of all members of the exchange is at least $15,000,000. ~~A nonrefundable filing fee of $200 shall be required of any insurer submitting its annual statement for review by the commissioner for inclusion on such list.~~

(b) The commissioner shall remove an insurer's name from the listing only when~~:~~ ~~(a)~~ *the:*

~~The~~ *(1)* Insurer requests such removal;

~~or (b) the~~*(2)* insurer fails to file its latest annual statement ~~and required filing fee~~ prior to May 1 of each year as required by this section; ~~or (c) the~~

(3) commissioner is notified by the insurance supervisory authority of any state of the United States that such insurer has had its authority to transact business restricted~~,~~ or has been declared insolvent or placed in receivership, conservatorship, rehabilitation or any similar status wherein the business of the insurer is formally supervised by an insurance supervisory authority; ~~or (d) the~~

(4) commissioner is notified by the N.A.I.C. that any insurer domiciled outside the United States has been declared insolvent or placed in receivership, conservatorship, rehabilitation or any similar status ~~wherein~~ *in which* the business of the insurer is formally supervised by an insurance supervisory authority pursuant to an order by any court of competent jurisdiction; ~~or (e) the~~

(5) insurer has failed to effectuate reasonably prompt, fair and equitable payment of just losses and claims in this state; or

~~(f) the~~*(6)* insurer encourages, promotes or rewards an agent to violate the provisions of K.S.A. 40-246b, and amendments thereto.

(c) Notwithstanding its inclusion on the list, a nonadmitted insurer shall be eligible to place insurance in accordance with K.S.A. 40-246b, and amendments thereto, if such insurer meets the eligibility requirements of 15 U.S.C. § 8204, as in effect on July 1, 2025.

(d) There shall be no liability on the part of and no cause of action of any nature shall arise against the commissioner, the commissioner's employees, or the state of Kansas as a result of any insurer's name appearing or not appearing on the list required by this section if such list is constructed and maintained in good faith and without malice.

Sec. 9. K.S.A. 40-252 is hereby amended to read as follows: 40-252. *Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register the fees required pursuant to this section for the next calendar year.*

Every insurance company or fraternal benefit society organized under the laws of this state or doing business in this state shall pay to the commissioner of insurance fees and taxes *not to exceed the amounts* specified in the following schedule:

A

Insurance companies organized under the laws of this state:

1. Capital stock insurance companies and mutual legal reserve life insurance companies:
   Filing application for sale of stock or certificates of indebtedness....$25
Admission fees:
   Examination of charter and other documents.....500
   Filing annual statement.....100
   Certificate of authority 10
Annual fees:
   Filing annual statement.....100
   Continuation of certificate of authority 10
2. Mutual life, accident and health associations:
Admission fees:
   Examination of charter and other documents.....$500
   Filing annual statement.....100
   Certificate of authority 10
Annual fees:
   Filing annual statement.....100
   Continuation of certificate of authority 10
3. Mutual fire, hail, casualty and multiple line insurers and reciprocal or interinsurance exchanges:
Admission fees:
   Examination of charter and other documents.....$500
   Filing annual statement.....100
   Certificate of authority 10
Annual fees:
   Filing annual statement.....100
   Continuation of certificate of authority 10

In addition to the above fees and as a condition precedent to the continuation of the certificate of authority provided in this code, all such companies shall pay a ~~fee of $2 for each agent certified by the company and~~ *one-time fee of $2 for each newly certified agent. Such fee shall be nonrecurrent and constitute the only appointment fee charged for the duration of such newly certified agent's employment with the appointing company. Such companies* shall also pay a tax annually upon all premiums received on risk located in this state at the rate of ~~1% for tax year 1997, and~~ 2% ~~for all tax years thereafter~~ per annum less ~~(1) for tax years prior to 1984, any taxes paid on business in this state pursuant to the provisions of K.S.A. 40-1701 to 40-1707, inclusive, and 75-1508, and amendments thereto, and (2) for tax years 1984 and thereafter,~~ any taxes paid on business in this state pursuant to the provisions of K.S.A. 75-1508, and amendments thereto, and the amount of the firefighters relief tax credit determined by the commissioner of insurance. The amount of the firefighters relief tax credit for a company for the current tax year shall be determined by the commissioner of insurance by dividing*:* (A) The total amount of credits against the tax imposed by this section for taxes paid by all such companies on business in this state under K.S.A. 40-1701 ~~to~~ *through* 40-1707, ~~inclusive,~~ and amendments thereto, for tax year 1983, by (B) the total amount of taxes paid by all such companies on business in this state under K.S.A. 40-1703, and amendments thereto, for the tax year immediately preceding the current tax year, and by multiplying the result so obtained by (C) the amount of taxes paid by the company on business in this state under K.S.A. 40-1703, and amendments thereto, for the current tax year.

In the computation of the gross premiums all such companies shall be entitled to deduct any premiums returned on account of cancellations, including funds accepted before January 1, 1997, and declared and taxed as annuity premiums ~~which~~ *that*, on or after January 1, 1997, are withdrawn before application to the purchase of annuities, all premiums received for reinsurance from any other company authorized to do business in this state, dividends returned to policyholders and premiums received in connection with the funding of a pension, deferred compensation, annuity or profit-sharing plan qualified or exempt under sections 401, 403, 404, 408, 457 or 501 of the United States internal revenue code of 1986. Funds received by life insurers for the purchase of annuity contracts and funds applied by life insurers to the purchase of annuities shall not be deemed taxable premiums or be subject to tax under this section for tax years commencing on or after January 1, 1997.

B

Fraternal benefit societies organized under the laws of this state:

Admission fees:

Examination of charter and other documents.....$500

Filing annual statement.....100
Certificate of authority.....10
Annual fees:
Filing annual statement.....100
Continuation of certificate of authority.....10

C

Mutual nonprofit hospital service corporations, nonprofit medical service corporations, nonprofit dental service corporations, nonprofit optometric service corporations and nonprofit pharmacy service corporations organized under the laws of this state:

1. Mutual nonprofit hospital service corporations:
Admission fees:
Examination of charter and other documents.....$500
Filing annual statement.....100
Certificate of authority.....10
Annual fees:
Filing annual statement.....100
Continuation of certificate of authority.....10
2. Nonprofit medical service corporations:
Admission fees:
Examination of charter and other documents.....$500
Filing annual statement.....100
Certificate of authority.....10
Annual fees:
Filing annual statement.....100
Continuation of certificate of authority.....10
3. Nonprofit dental service corporations:
Admission fees:
Examination of charter and other documents.....$500
Filing annual statement.....100
Certificate of authority.....10
Annual fees:
Filing annual statement.....100
Continuation of certificate of authority.....10
4. Nonprofit optometric service corporations:
Admission fees:
Examination of charter and other documents.....$500
Filing annual statement.....100
Certificate of authority.....10
Annual fees:
Filing annual statement.....100
Continuation of certificate of authority.....10
5. Nonprofit pharmacy service corporations:

Admission fees:
Examination of charter and other documents.....$500
Filing annual statement.....100
Certificate of authority.....10
Annual fees:
Filing annual statement.....100
Continuation of certificate of authority.....10

In addition to the above fees and as a condition precedent to the continuation of the certificate of authority, provided in this code, every corporation or association shall pay annually to the commissioner of insurance a tax in an amount equal to ~~1% for tax year 1997, and~~ 2% ~~for all tax years thereafter~~ per annum of the total of all premiums, subscription charges, or any other term ~~which~~ *that* may be used to describe the charges made by such corporation or association to subscribers for hospital, medical or other health services or indemnity received during the preceding year. In such computations all such corporations or associations shall be entitled to deduct any premiums or subscription charges returned on account of cancellations and dividends returned to members or subscribers.

D

Insurance companies organized under the laws of any other state, territory or country:

1. Capital stock insurance companies and mutual legal reserve life insurance companies:
Filing application for sale of stock or certificates of indebtedness....$25
Admission fees:
Examination of charter and other documents.....500
Filing annual statement.....100
Certificate of authority.....10
Annual fees:
Filing annual statement.....100
Continuation of certificate of authority.....10

In addition to the above fees, all such companies shall pay ~~$5 for each agent certified by the company~~ *a one-time fee of $5 for each newly certified agent. Such fee shall be non-recurrent and constitute the only appointment fee charged for the duration of such newly certified agent's employment with the appointing company*, except as otherwise provided by law.

As a condition precedent to the continuation of the certificate of authority, provided in this code, every company organized under the laws of any other state of the United States or of any foreign country shall pay a tax upon all premiums received during the preceding year at the rate of 2% per annum.

In the computation of the gross premiums all such companies shall be entitled to deduct any premiums returned on account of cancellations, including funds accepted before January 1, 1997, and declared and taxed as annuity premiums ~~which~~ *that*, on or after January 1, 1997, are withdrawn before application to the purchase of annuities, dividends returned to policyholders and all premiums received for reinsurance from any other company authorized to do business in this state and premiums received in connection with the funding of a pension, deferred compensation, annuity or profit-sharing plan qualified or exempt under sections 401, 403, 404, 408, 457 or 501 of the United States internal revenue code of 1986. Funds received by life insurers for the purchase of annuity contracts and funds applied by life insurers to the purchase of annuities shall not be deemed taxable premiums or be subject to tax under this section for tax years commencing on or after January 1, 1997.

2. Mutual life, accident and health associations:
Admission fees:
Examination of charter and other documents.....$500
Filing annual statement.....100
Certificate of authority.....10
Annual fees:
Filing annual statement.....100
Continuation of certificate of authority.....10

In addition to the above fees, every such company organized under the laws of any other state of the United States shall pay ~~$5 for each agent certified by the company, and shall~~ *a one-time fee of $5 for each newly certified agent. Such fee shall be non-recurrent and constitute the only appointment fee charged for the duration of such newly certified agent's employment with the appointing company. Such companies shall* pay a tax annually upon all premiums received at the rate of 2% per annum.

In the computation of the gross premiums all such companies shall be entitled to deduct any premiums returned on account of cancellations, including funds accepted before January 1, 1997, and declared and taxed as annuity premiums ~~which~~ *that*, on or after January 1, 1997, are withdrawn before application to the purchase of annuities, dividends returned to policyholders and all premiums received for reinsurance from any other company authorized to do business in this state and premiums received in connection with the funding of a pension, deferred compensation, annuity or profit-sharing plan qualified or exempt under sections 401, 403, 404, 408, 457 or 501 of the United States internal revenue code of 1986. Funds received by life insurers for the purchase of annuity contracts and funds applied by life insurers to the purchase of annuities shall not be deemed taxable premiums or be subject to tax under this section for tax years commencing on or after January 1, 1997.

3. Mutual fire, casualty and multiple line insurers and reciprocal or interinsurance exchanges:

Admission fees:

Examination of charter and other documents and issuance of certificate of authority $500
Filing annual statement 100
Certificate of authority 10

Annual fees:

Filing annual statement 100
Continuation of certificate of authority 10

In addition to the above fees, every such company or association organized under the laws of any other state of the United States shall pay a ~~fee of $5 for each agent certified by the company and~~ *one-time fee of $5 for each newly certified agent. Such fee shall be non-recurrent and constitute the only appointment fee charged for the duration of such newly certified agent's employment with the appointing company. Such companies* shall also pay a tax annually upon all premiums received at the rate of 2% per annum.

For tax years 1998 and thereafter, the annual tax shall be reduced by the "applicable percentage" of: (1) Any taxes paid on business in this state pursuant to the provisions of K.S.A. 75-1508, and amendments thereto~~,~~; and (2) the amount of the firefighters relief tax credit determined by the commissioner of insurance. The amount of the firefighters relief tax credit for a company taxable under this subsection for the current tax year shall be determined by the commissioner of insurance by dividing (A) the total amount of taxes paid by all such companies on business in this state under K.S.A. 40-1701 to 40-1707, and amendments thereto, for tax year 1983 as then in effect, by (B) the total amount of taxes paid by all such companies on business in this state under K.S.A. 40-1703, and amendments thereto, for the tax year immediately preceding the current tax year, and by multiplying the result so obtained by (C) the amount of taxes paid by the company on business in this state under K.S.A. 40-1703, and amendments thereto, for the current tax year. The "applicable percentage" shall be as follows:

Tax Year	Applicable Percentage
1998	10%
1999	20%
2000	40%
2002	50%
2003	60%
2004	70%
2005	80%
2006	90%
2007 and thereafter	100%

In the computation of the gross premiums all such companies shall be entitled to deduct any premiums returned on account of cancellations, all premiums received for reinsurance from any other company authorized to do business in this state, and dividends returned to policyholders.

E

Fraternal benefit societies organized under the laws of any other state, territory or country:

Admission fees:
Examination of charter and other documents.....$500
Filing annual statement.....100
Certificate of authority.....10
Annual fees:
Filing annual statement.....100
Continuation of certificate of authority.....10

F

Mutual nonprofit hospital service corporations, nonprofit medical service corporations, nonprofit dental service corporations, nonprofit optometric service corporations and nonprofit pharmacy service corporations organized under the laws of any other state, territory or country:

1. Mutual nonprofit hospital service corporations:
Admission fees:
Examination of charter and other documents.....$500
Filing annual statement.....100
Certificate of authority.....10
Annual fees:
Filing annual statement.....100
Continuation of certificate of authority.....10
2. Nonprofit medical service corporations, nonprofit dental service corporations, nonprofit optometric service corporations and nonprofit pharmacy service corporations:
Admission fees:
Examination of charter and other documents.....$500
Filing annual statement.....100
Certificate of authority.....10
Annual fees:
Filing annual statement.....100
Continuation of certificate of authority.....10

In addition to the above fees and as a condition precedent to the continuation of the certificate of authority, provided in this code, every corporation or association shall pay annually to the commissioner of insurance a tax in an amount equal to 2% per annum of the total of all premiums, subscription charges, or any other term ~~which~~ *that* may be used to describe the charges

made by such corporation or association to subscribers in this state for hospital, medical or other health services or indemnity received during the preceding year. In such computations all such corporations or associations shall be entitled to deduct any premiums or subscription charges returned on account of cancellations and dividends returned to members or subscribers.

G

Payment of Taxes.

For the purpose of insuring the collection of the tax upon premiums, assessments and charges as set out in subsection A, C, D or F, every insurance company, corporation or association shall at the time it files its annual statement, as required by the provisions of K.S.A. 40-225, and amendments thereto, make a return, generated by or at the direction of its president and secretary or other chief officers, under penalty of K.S.A. 21-5824, and amendments thereto, to the commissioner of insurance, stating the amount of all premiums, assessments and charges received by the companies or corporations in this state, whether in cash or notes, during the year ending on the December 31 next preceding.

Commencing in 1985 and annually thereafter the estimated taxes shall be paid as follows: On or before June 15 and December 15 of such year an amount equal to 50% of the full amount of the prior year's taxes as reported by the company shall be remitted to the commissioner of insurance. As used in this paragraph, "prior year's taxes" includes*:* (1) Taxes assessed pursuant to this section for the prior calendar year~~,~~*;* (2) fees and taxes assessed pursuant to K.S.A. 40-253, and amendments thereto, for the prior calendar year~~,~~*;* and (3) taxes paid for maintenance of the department of the state fire marshal pursuant to K.S.A. 75-1508, and amendments thereto, for the prior calendar year.

Upon the receipt of such returns the commissioner of insurance shall verify the same and assess the taxes upon such companies, corporations or associations on the basis and at the rate provided herein and the balance of such taxes shall thereupon become due and payable giving credit for amounts paid pursuant to the preceding paragraph, or the commissioner shall make a refund if the taxes paid in the prior June and December are in excess of the taxes assessed.

H

The fee prescribed for the examination of charters and other documents shall apply to each company's initial application for admission and shall not be refundable for any reason.

Sec. 10. K.S.A. 40-2,133 is hereby amended to read as follows: 40-2,133. (a) No insurer may utilize or continue to utilize the services of an MGA on and after the effective date of this act unless such utilization is in compliance with this act.

(b) The insurer shall have on file an independent financial examination in a form acceptable to the commissioner of each MGA with which it has done business.

(c) If an MGA establishes loss reserves, the insurer shall annually obtain the opinion of an actuary attesting to the adequacy of loss reserves established for losses incurred and outstanding on business produced by the MGA. Such requirement shall be in addition to any other required loss reserve certification.

(d) The insurer shall periodically, but not less frequently than semiannually, conduct an on-site review of the underwriting and claims processing operations of the MGA.

(e) Binding authority for all reinsurance contracts or participation in insurance or reinsurance syndicates shall rest with an officer of the insurer who shall not be affiliated with the MGA.

(f) *(1)* Within 30 days of entering into or termination of a contract with an MGA, the insurer shall provide written notification of such appointment or termination to the commissioner. Notices of appointment of an MGA shall include*:*

~~(1)~~*(A)* A statement of duties ~~which~~ *that* the applicant is expected to perform on behalf of the insurer~~,~~*;*

~~(2)~~*(B)* the lines of insurance for which the applicant is to be authorized to act~~;~~*;*

~~(3)~~*(C)* a notification fee in ~~the~~ *an* amount ~~of~~ *not to exceed* $100~~, (4)~~*;* and

(D) any other information the commissioner may request.

(2) Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register the fee required pursuant to this subsection for the next calendar year.

(g) *Each calendar quarter,* an insurer shall ~~each quarter~~ review its books and records to determine if any agent or broker has become, by operation of ~~subsection (d) of~~ K.S.A. 40-2,130*(d)*, and amendments thereto, an MGA as defined in that subsection. If the insurer determines that an agent or broker has become an MGA pursuant to the above, the insurer shall promptly notify the agent or broker and the commissioner of such determination, and the insurer and agent or broker shall fully comply with the provisions of this act within 30 days.

(h) An insurer shall not appoint to its board of directors an officer, director, employee or controlling shareholder of its MGAs. This subsection shall not apply to relationships governed by the applicable provisions of article 33 of chapter 40 of the Kansas Statutes Annotated*, and amendments thereto*.

Sec. 11. K.S.A. 40-504 is hereby amended to read as follows: 40-504. Any corporation heretofore organized and existing pursuant to law for the

purpose of making insurance on the lives of individuals, may take advantage and have the benefit of this act by filing in the office of the commissioner of insurance a declaration of the company, signed by the president and secretary, giving the name of the corporation, a copy of the bylaws, the form of application adopted by them, and a copy of the policy contract proposed to be issued to individuals, together with a fee ~~of one hundred dollars~~ *not to exceed $100*. The commissioner of insurance shall submit all documents to the attorney general for ~~his~~ examination, and if found by ~~him~~ *the attorney general* to be in accordance with the law ~~he~~, *the attorney general* shall certify to and deliver ~~the same~~ *such documents* to the commissioner of insurance, who shall retain such documents on file~~, and~~. Upon compliance by ~~said~~ *such* company with the provisions of this code, the commissioner of insurance shall issue ~~his~~ *a* certificate authorizing ~~said~~ *such* company to do business in this state under the provisions of this code. *Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register the fee required pursuant to this section for the next calendar year.*

Sec. 12. K.S.A. 40-956 is hereby amended to read as follows: 40-956. (a) *(1)* Any corporation, association, partnership or individual whether located in or out of the state, may apply for license as a rating organization for such kinds of insurance or subdivisions thereof as are specified in its application and shall file ~~therewith~~:

~~(1)~~*(A)* A copy of its constitution, articles of agreement or association or certificate of incorporation, and its bylaws and rules governing the conduct of its business;

~~(2)~~*(B)* a list of its members and subscribers;

~~(3)~~*(C)* the name and address of a resident of the state upon whom service of process or orders of the commissioner may be served and an irrevocable agreement to accept such service or notices; and

~~(4)~~*(D)* a statement of its qualification as a rating organization.

(2) Every rating organization shall notify the commissioner promptly of every change in its organizational structure, members or subscribers and the person upon whom service or notices may be made.

(3) If the commissioner finds the applicant is qualified, the commissioner shall issue a license specifying the kinds of insurance or subdivisions thereof for which the applicant is authorized to act as a rating organization. Every such application shall be granted or denied in whole or in part by the commissioner within 60 days of the date of its filing. Licenses issued pursuant to this section shall continue in force until May 1 next after their date unless suspended or revoked by the commissioner. The fee for such license shall ~~be~~ *not exceed* $25 annually. *Not later than December 1 of each year, the commissioner of insurance shall set and cause to be published in the Kansas register the fee required pursuant to*

this paragraph for the next calendar year. Licenses issued pursuant to this section may be suspended or revoked by the commissioner, after hearing upon notice, in the event the rating organization ceases to meet the requirements of this section.

(b) Every rating organization shall furnish its rating services without discrimination to its members and subscribers. Subject to rules ~~which~~ *that* have been approved by the commissioner as reasonable, each rating organization shall permit any insurer or group pool, not a member, to be a subscriber to its rating service for any kind of insurance or subdivision thereof for which it is authorized to act as a rating organization. The reasonableness of any rule in its application to subscribers, or the refusal of any rating organization to admit an insurer or group pool as a subscriber, at the request of any subscriber, pool or any insurer shall be reviewed by the commissioner at a hearing.

(c) No rating organization shall adopt any rule, the effect of which would be to prohibit or regulate the payment of dividends, savings or unabsorbed premium deposits allowed or returned by insurers to their policyholders, members or subscribers.

(d) The commissioner, at least once in five years, shall make or cause to be made an examination of each rating organization licensed in this state. The reasonable costs of such examination shall be paid by the rating organization examined, upon presentation to it of a detailed account of such cost. The officers, managers, agents and employees of such rating organization may be examined under oath and shall exhibit all books, records, accounts, documents or agreements governing its method of operation. The commissioner may waive such examination upon proof such rating organization has, within a reasonably recent period, been examined by the insurance supervisory official of another state, and upon filing with the commissioner a copy of the report of such examination.

(e) Cooperation among rating organizations or among rating organizations and insurers in rate making or in other matters within the scope of this act is hereby authorized, ~~provided~~ *except that* the filings resulting from such cooperation are subject to all the provisions of this act ~~which~~ *that* are applicable to filings generally. The commissioner may review such cooperative activities and practices and if, after a hearing, the commissioner finds any such activity or practice is unfair, unreasonable or otherwise inconsistent with this act or other provision of the insurance laws of this state, the commissioner may issue a written order requiring discontinuance of such activities or practices.

(f) Any rating organization may provide for the examination of policies, daily reports, binders and other transaction with its members or subscribers~~, providing~~ *if* it makes reasonable rules governing those activities~~, which~~. *Such* rules shall be approved by the commissioner~~. Such~~

~~rules~~ *and* shall contain a provision that in the event any insurer does not within 60 days furnish satisfactory evidence to the rating organization of the correction of any error or omissions previously called to its attention by the rating organization, it shall be the duty of the rating organization to notify the commissioner thereof. All information submitted for examination shall be confidential.

(g) Any rating organization may subscribe for or purchase actuarial, technical or other services, and such services shall be available to all members and subscribers without discrimination. Any rating organization may collect, compile and distribute past and current premiums of individual insurers.

Sec. 13. K.S.A. 40-2102 is hereby amended to read as follows: 40-2102. *(a)* Every insurer undertaking to transact in the state of Kansas the business of automobile and motor vehicle bodily injury and property damage liability insurance and every rating organization ~~which~~ *that* files rates for such insurance shall cooperate in ~~the preparation and submission~~ *preparing and submitting a plan* to the commissioner of insurance ~~of a plan or plans~~ for the equitable apportionment among insurers of applicants for insurance who ~~are~~, in good faith~~,~~ *are* entitled to, but ~~who~~ are unable to procure *such insurance* through ordinary methods~~, such insurance~~. Such plan or plans shall provide:

~~(a)~~*(1)* Reasonable rules governing the equitable distribution of risks by direct insurance, reinsurance or otherwise and their assignment to insurers, including provisions requiring, at the request of the applicant, an immediate assumption of the risk by an insurer or insurers upon completion of an application, payment of the specified premium and deposit the application and the premium in the United States mail, postage prepaid and addressed to the plan's office;

~~(b)~~*(2)* rates and rate modifications applicable to such risks ~~which~~ *that* shall be reasonable, adequate and not unfairly discriminatory;

~~(c)~~*(3)* the limits of liability ~~which~~ *that* the insurer shall be required to assume;

~~(d)~~*(4)* a method ~~whereby~~ *by which* applicants for insurance, insureds and insurers may have a hearing on grievances and the right of appeal to the commissioner;

~~(e) for every such plan or plans, there shall be~~ *(5)* a governing board to be appointed by the commissioner of insurance ~~which~~ *that* shall meet at least annually to review and prescribe operating rules~~, and which shall consist of the following members:~~.

~~(1)~~*(b) (1) Prior to January 1, 2026, such board shall consist of the following nine members:*

(A) (i) Seven members who shall be appointed *prior to December 31, 2025,* as follows:

(a) Three ~~of such~~ members shall be representatives of foreign insurance companies~~,~~*;*

(b) two members shall be representatives of domestic insurance companies*;* and

(c) two members shall be licensed independent insurance agents~~.~~*;*

(ii) such *seven* members shall be appointed for a term of three years, except that the initial appointment shall include two members appointed for a two-year term and two members appointed for a one-year term as designated by the commissioner; and

~~(2)~~*(B)* two members ~~representative~~ *shall be representatives* of the general public interest with such members to be appointed for a term of two years.

(2) The terms of the members appointed and serving on the governing board as of July 1, 2025, shall expire on December 31, 2025.

(c) (1) The commissioner shall appoint a governing board for the plan that shall serve on and after January 1, 2026, and that shall have the same powers, duties and functions as its predecessor. On and after January 1, 2026, all members of such governing board shall serve three-year terms, except that such members shall be removable by the commissioner for inefficiency, neglect of duty or malfeasance. Such governing board shall consist of five members to be appointed as follows:

(A) Three members shall be representatives of insurers;

(B) one member shall be a representative of independent insurance agents; and

(C) one member shall be a representative of the general public.

(2) In making appointments to the governing board, the commissioner shall consider if foreign and domestic insurers are fairly represented.

(d) (1) The commissioner shall review the plan as soon as reasonably possible after filing in order to determine whether it meets the requirements set forth in ~~(a), (b), (c) and (d) above~~ *subsections (a)(1) through (a)(4)*. As soon as reasonably possible after the plan has been filed the commissioner shall, in writing, approve or disapprove ~~the same~~ *such plan*. Any plan shall be deemed approved unless disapproved within 45 days. Subsequent to the waiting period the commissioner may disapprove any plan on the ~~ground~~ *grounds* that ~~it~~ *such plan* does not meet the requirements set forth in ~~(a), (b), (c) and (d) above~~ *subsections (a)(1) through (a)(4)*, but only after a hearing held upon not less than 10 days' written notice to every insurer and rating organization affected specifying the matter to be considered at such hearing~~,~~ and only by an order specifying in what respect the commissioner finds that such plan fails to meet such requirements, and stating when within a reasonable period thereafter such plan shall be deemed no longer effective. Such order shall not affect any assignment made or policy issued or made prior to the expiration of the

period set forth in such order. Amendments to such plan or plans shall be prepared, ~~and~~ filed and reviewed in the same manner as ~~herein~~ provided *in this section* with respect to the original plan or plans.

(2) If no plan meeting the standards set forth in ~~(a), (b), (c) and (d)~~ *subsections (a)(1) through (a)(4)* is submitted to the commissioner within the period stated in any order disapproving an existing plan, the commissioner shall, if necessary to carry out the purpose of this section after hearing, prepare and promulgate a plan meeting such requirements. If, after a hearing conducted in accordance with the provisions of the Kansas administrative procedure act, the commissioner finds that any activity or practice of any insurer or rating organization in connection with the operation of such plan or plans is unfair or unreasonable or otherwise inconsistent with the provisions of this subsection, the commissioner may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this subsection and requiring discontinuance of such activity or practice.

Sec. 14. K.S.A. 40-2109 is hereby amended to read as follows: 40-2109. *(a)* Every insurer undertaking to transact in this state the business of either workers compensation or employer's liability insurance or both, and every rating organization ~~which~~ *that* files rates for such insurance shall cooperate in ~~the preparation and submission~~ *preparing and submitting a plan* to the commissioner of insurance ~~of a plan or plans~~, for the equitable apportionment among insurers of applicants for insurance who ~~are~~, in good faith, *are* entitled to but ~~who~~ are unable to procure *such insurance* through ordinary methods~~, such insurance~~. Such plan or plans shall provide:

~~(a)~~*(1)* Reasonable rules governing the equitable distribution of risks by direct insurance, reinsurance or otherwise and their assignment to insurers;

~~(b)~~*(2)* rates and rate modifications applicable to such risks ~~which~~ *that* shall be reasonable, adequate and not unfairly discriminatory;

~~(c)~~*(3)* a method ~~whereby~~ *by which* applicants for insurance, insured and insurers may have a hearing on grievances and the right of appeal to the commissioner; *and*

~~(d) for every such plan or plans, there shall be~~ *(4)* a governing board to be appointed by the commissioner of insurance ~~which~~ *that* shall meet at least annually to review and prescribe operating rules~~, and which shall consist of the following members:~~.

(b) (1) Prior to January 1, 2026, such board shall consist of the following nine members:

~~(1)~~*(A) (i)* Seven members who shall be appointed *prior to December 31, 2025,* as follows:

(a) Three ~~of such~~ members shall be representatives of foreign insurance companies~~,~~*;*

(b) two members shall be representatives of domestic insurance companies*;* and

(c) two members shall be licensed independent insurance agents.

(ii) Such *seven* members shall be appointed for a term of three years, except that the initial appointment shall include two members appointed for a two-year term and two members appointed for a one-year term, as designated by the commissioner; and

~~(2)~~*(B)* two members representative of the general public interest with such members to be appointed for a term of two years.

(2) The terms of the members appointed and serving on the governing board as of July 1, 2025, shall expire on December 31, 2025.

(c) (1) The commissioner shall appoint a governing board for the plan that shall serve on and after January 1, 2026, and that shall have the same powers, duties and functions as its predecessor. On and after January 1, 2026, all members of such governing board shall serve three-year terms, except that such members shall be removable by the commissioner for inefficiency, neglect of duty or malfeasance. Such governing board shall consist of seven members to be appointed as follows:

(A) Four members shall be representatives of insurance companies;

(B) two members shall be licensed insurance agents; and

(C) one member shall be a representative of the general public interest.

(2) In selecting the members who shall be representatives of insurers, the commissioner shall consider if foreign and domestic insurers are fairly represented.

(d) (1) The commissioner shall review the plan as soon as reasonably possible after filing in order to determine whether it meets the requirements set forth in subsections (a)~~ and (c) above~~*(1) through (a)(3)*. As soon as reasonably possible after the plan has been filed the commissioner shall in writing approve or disapprove~~ the same~~ *such plan*, except that any plan shall be deemed approved unless disapproved within 45 days. Subsequent to the waiting period the commissioner may disapprove any plan on the ground that it does not meet the requirements set forth in subsections (a)~~, (b) and (c) above~~*(1) through (a)(3)*, but only after a hearing held upon not less than 10 days' written notice to every insurer and rating organization affected specifying the matter to be considered at such hearing, and only by an order specifying in what respect the commissioner finds that such plan fails to meet such requirements and stating when within a reasonable period thereafter such plan shall be deemed no longer effective. Such order shall not affect any assignment made or policy issued or made prior to the expiration of the period set forth in such order. Amendments to such plan or plans shall be prepared,~~ and~~ filed and reviewed in the same manner as~~ herein~~ provided *in this section* with respect to the original plan or plans.

(2) If no plan meeting the standards set forth in subsections (a)~~, (b) and (c)~~*(1) through (a)(3)* is submitted to the commissioner within the period stated in any order, disapproving an existing plan the commissioner shall, if necessary to carry out the purpose of this section after hearing, prepare and promulgate a plan meeting such requirements. When such plan or plans or amendments thereto have been approved or promulgated, no insurer shall thereafter issue a policy of workers compensation or employer's liability insurance or undertake to transact such business in this state unless such insurer shall participate in such an approved or promulgated plan. If, after a hearing conducted in accordance with the provisions of the Kansas administrative procedure act, the commissioner finds that any activity or practice of any insurer or rating organization in connection with the operation of such plan or plans is unfair or unreasonable or otherwise inconsistent with the provisions of this section, the commissioner may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or otherwise inconsistent with the provisions of this section and requiring discontinuance of such activity or practice.

(e) The commissioner shall approve rates and rate modifications for each plan that provides workers compensation insurance. This provision shall not prohibit the application of surcharges, experience modifications or other rating variables.

Sec. 15. K.S.A. 40-22a04 is hereby amended to read as follows: 40-22a04. (a) The commissioner shall adopt rules and regulations establishing standards governing the conduct of utilization review activities performed in this state or affecting residents or healthcare providers of this state by utilization review organizations. Unless granted an exemption under K.S.A. 40-22a06, and amendments thereto, no utilization review organization may conduct utilization review services in this state or affecting residents of this state without first obtaining a certificate from the commissioner.

(b) The commissioner shall not issue a certificate to a utilization review organization until the applicant:

(1) Files a formal application for certification in such form and detail as required by the commissioner and such application has been executed under oath by the chief executive officer, president or other head official of the applicant;

(2) files with the commissioner a certified copy of its charter or articles of incorporation and bylaws, if any;

(3) states the location of the office or offices of the utilization review organization where utilization review affecting residents or health care providers of this state will be principally performed;

(4) provides a summary of the qualifications and experience of persons performing utilization review affecting the persons and at the locations identified pursuant to paragraph (3);

(5) makes payment of a certification fee ~~of~~ *not to exceed* $100 to the commission; and

(6) provides such other information or documentation as the commissioner requires.

(c) Certificates issued by the commissioner pursuant to this act shall remain effective until suspended, surrendered or revoked subject to payment of an annual continuation fee ~~of~~ *not to exceed* $50.

(d) The commissioner may suspend or revoke the certificate or any exemption from certification requirements upon determination that the interests of Kansas insureds are not being properly served under such certificate or exemption. Any such action shall be taken only after a hearing conducted in accordance with the provisions of the Kansas administrative procedure act.

(e) Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register the fee required pursuant to this paragraph for the next calendar year.

Sec. 16. K.S.A. 40-2604 is hereby amended to read as follows: 40-2604. *(a)* No person shall engage in the business of financing insurance premiums under this act in this state without first having obtained a license as a premium finance company from the commissioner of insurance. Every violation of any of the provisions of this act shall subject the person violating ~~the same~~ *such provisions* to a penalty not to exceed $500 for each violation or by imprisonment not to exceed six months in jail or both.

(b) (1) (A) The license continuation fee shall ~~be~~ *not exceed* $100. The fee for such continuation shall be paid to the commissioner to be deposited in the state general fund.

(B) Licenses may be continued from year to year as of May 1 of each year upon payment of the continuation fee. Every licensee shall, on or before the first day of April, pay to the commissioner ~~the sum of~~ *an amount not to exceed* $100 as a continuation fee for the succeeding year. Failure to pay the continuation fee within the time prescribed shall automatically revoke the license.

(2) Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register the fees required pursuant to this subsection for the next calendar year.

(c) The applicant for such license shall file with the commissioner written application and shall make sworn answers to such interrogatories as the commissioner may require on forms prepared by the commissioner. The commissioner shall have authority, at any time, to require the applicant fully to disclose the identity of all stockholders, partners, officers and employees, and the commissioner may, in the exercise of discretion, refuse to issue or renew a license in the name of any firm, partnership, or

corporation if not satisfied that any officer, employee, stockholder, or partner thereof who may materially influence the applicant's conduct meets the standards of this act.

Sec. 17. K.S.A. 40-2702 is hereby amended to read as follows: 40-2702. (a) As used in this act, unless the context otherwise requires, the term "insurer" means and includes all corporations, companies, associations, societies, fraternal benefit societies, mutual nonprofit hospital service and nonprofit medical service companies, partnerships and persons engaged as principals in the business of insurance of the kinds enumerated in articles 4, 5, 6, 7, 11, 18, 19, 19a, 19b, 19c, 22, 32 and 38 of chapter 40 of the Kansas Statutes Annotated, and ~~any~~ amendments thereto, insofar as the business of insurance of the kinds enumerated in such articles relate to life and accident or sickness. Whenever in this section there is reference to an act effected or committed by mail, the venue of such act shall be at the point where the matter transmitted by mail is delivered and takes effect.

It shall be unlawful for any insurer to transact insurance business in this state, as set forth in subsection (b) ~~of this section~~, without a certificate of authority from the commissioner of insurance. This section shall not apply to:

(1) The lawful transaction of insurance procured by agents under the authority of K.S.A. 40-246b, 40-246c and 40-246d, and amendments thereto, relating to accident and sickness insurance;

(2) contracts of reinsurance issued by an insurer not organized under the laws of this state;

(3) transactions in this state involving a policy lawfully solicited, written and delivered outside of this state, covering only subjects of insurance not resident in this state at the time of issuance and which transactions are subsequent to the issuance of such policy;

(4) attorneys acting in the ordinary relation of attorney and client in the adjustment of claims or losses;

(5) transactions in this state involving group life and group sickness and accident or blanket sickness and accident insurance or group annuities, where the master policy of such groups was lawfully issued and delivered in and pursuant to the laws of a state in which the insurer was authorized to do an insurance business to a group organized for purposes other than the procurement of insurance and where the policyholder is domiciled or otherwise has a bona fide residence;

(6) transactions in this state involving any policy of life or accident and health insurance or annuity contract issued prior to the effective date of this act;

(7) contracts of insurance written by certain lodges, societies, persons and associations specified in K.S.A. 40-202, and amendments thereto,

and organizations preempted from state jurisdiction as a result of compliance with both the employees retirement income security act of 1974, as amended, including all bonding provisions, and paragraph (9) of subsection (c) of section 501 of the internal revenue code; and

(8) any life insurance company organized and operated, without profit to any private shareholder or individual, exclusively for the purpose of aiding and strengthening educational institutions, organized and operated without profit to any private shareholder or individual, by issuing insurance and annuity contracts directly from the home office of the company, without insurance agents or insurance representatives in this state, only to or for the benefit of such institutions and individuals engaged in the services of such institutions, but this exemption shall be conditioned upon any such company complying with the following requirements:

~~(i)~~*(A)* Payment of an annual registration fee ~~of~~ *not to exceed* $500~~;~~*. Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register such fee for the next calendar year;*

~~(ii)~~*(B)* filing a copy of the form of any policy or contract issued to Kansas residents with the commissioner of insurance;

~~(iii)~~*(C)* filing a copy of its annual statement prepared pursuant to the laws of its state of domicile, as well as such other financial material as may be requested, with the commissioner of insurance; and

~~(iv)~~*(D)* providing, in such form as may be prescribed by the commissioner of insurance, for the appointment of the commissioner of insurance as its true and lawful attorney upon whom may be served all lawful process in any action or proceeding against such company arising out of any policy or contract it has issued to, or which is currently held by, a Kansas citizen and process so served against such company shall have the same force and validity as if served upon the company.

(b) Any of the following acts in this state effected by mail or otherwise by or on behalf of an unauthorized insurer ~~is~~ *shall be* deemed to constitute the transaction of an insurance business in this state:

(1) The making of or proposing to make, as an insurer, an insurance contract;

(2) the taking or receiving of any application for insurance;

(3) the receiving or collection of any premium, commission, membership fees, assessments, dues or other consideration for any insurance or any part thereof;

(4) the issuance or delivery of contracts of insurance to residents of this state or to persons authorized to do business in this state;

(5) *(A)* directly or indirectly acting as an agent for or otherwise representing or aiding on behalf of ~~another~~ any *other* person or insurer in the*:*

(i) solicitation, negotiation, procurement or effectuation of insurance or renewals thereof ~~or in the~~ *;*

(ii) dissemination of *coverage or rate* information ~~as to coverage or rates, or~~*;*

(iii) forwarding of applications or delivery of policies or contracts ~~or~~ *;*

(iv) investigation or adjustment of claims or losses or in the transaction of matters subsequent to effectuation of the contract and rising out of it*;* or

(v) in any other manner representing or assisting a person or insurer in the transaction of insurance with respect to subjects of insurance resident in this state.

(B) Nothing ~~herein~~ *in this paragraph* shall be construed to prohibit full-time salaried employees of a corporate insured from acting in the capacity of an insurance manager or buyer in placing insurance ~~in~~ *on* behalf of such employer;

(6) the transaction of any kind of insurance business specifically recognized as transacting an insurance business within the meaning of the statutes relating to insurance; or

(7) the transacting of or proposing to transact any insurance business, in substance equivalent to any of the foregoing, in a manner designed to evade the provisions of this act.

(c) (1) The failure of an insurer transacting insurance business in this state to obtain a certificate of authority from the commissioner of insurance shall not impair the validity of any act or contract of such insurer and shall not prevent such insurer from defending any action at law or suit in equity in any court of this state, but no insurer transacting insurance business in this state without a certificate of authority shall be permitted to maintain an action in any court of this state to enforce any right, claim or demand arising out of the transaction of such business until such insurer shall have obtained a certificate of authority.

(2) In the event of failure of any such unauthorized insurer to pay any claim or loss within the provisions of such insurance contract, any person who assisted or in any manner aided, directly or indirectly, in the procurement of such insurance contract shall be liable to the insured for the full amount of the claim or loss in the manner provided by the provisions of such insurance contract.

Sec. 18. K.S.A. 40-3116 is hereby amended to read as follows: 40-3116. (a) Insurers and self-insurers are hereby directed to organize and maintain an assigned claims plan to provide that any person~~,~~ who suffers injury in this state may obtain personal injury protection benefits through such plan if:

(1) Personal injury protection benefits are not available to the injured person, except that personal injury protection benefits shall not be deemed unavailable to any person suffering injury while such person was the operator of a motorcycle or motor-driven cycle, for which the owner

thereof has rejected personal injury protection benefits pursuant to ~~subsection (f) of~~ K.S.A. 40-3107, and amendments thereto;

(2) Motor vehicle liability insurance or self-insurance applicable to the injury cannot be identified;

(3) Personal injury protection benefits applicable to the injury are inadequate to provide the contracted-for benefits because of financial inability of an insurer or self-insurer to fulfill its obligation~~; however~~, *except that* benefits available through the assigned claims plan shall be excess over any benefits paid or payable through the Kansas insurance guaranty association. If the personal injury protection benefits are not paid by the Kansas insurance guaranty association within the limitation of time specified in this act, such benefits shall be paid by the assigned claims plan. Payments made by the assigned claims plan pursuant to this section shall constitute covered claims under K.S.A. 40-2901et seq., and amendments thereto.

(b) If a claim qualifies for assignment under this section, the assigned claims plan or any insurer or self-insurer to whom the claim is assigned shall be subrogated to all of the rights of the claimant against any insurer or self-insurer, its successor in interest or substitute, legally obligated to provide personal injury protection benefits to the claimant, for any of such benefits provided by the assignment.

(c) A person shall not be entitled to personal injury protection benefits through the assigned claims plan with respect to injury ~~which~~ *that* such person has sustained if, at the time of such injury, such person was the owner of a motor vehicle for which a policy of motor vehicle liability insurance is required under this act and such person failed to have such policy in effect.

(d) The assigned claims plan shall be governed by such rules and regulations as are necessary for its operation and for the assessment of costs, which shall be approved by the commissioner. Any claim brought through said plan shall be assigned to an insurer or self-insurer, in accordance with the approved regulations of operation, and such insurer or self-insurer, after the assignment, shall have the same rights and obligations *as* it would have if, prior to such assignment, it had issued a motor vehicle liability insurance policy providing personal injury protection benefits applicable to the loss or expenses incurred or was a self-insurer providing such benefits. Any party accepting benefits ~~hereunder~~ *under this section* shall have such rights and obligations as such person would have if a motor vehicle liability insurance policy providing personal injury protection benefits were issued to such person.

(e) No insurer shall write any motor vehicle liability insurance policy in this state unless the insurer participates in the assigned claims plan organized pursuant to this section, nor shall any person qualify as a self-insurer pursuant to ~~subsection (f) of~~ K.S.A. 40-3104, and amendments

thereto, unless such person agrees to participate in such assigned claims plan. Any insurer or self-insurer required to participate in the assigned claims plan who violates this subsection shall be assessed a civil penalty of not more than $5,000 for each policy issued or self-insurance certificate obtained in violation thereof.

(f) (1) On and after January 1, 2026, the governing committee of the assigned claims plan shall consist of five members, who shall be removable by the commissioner for inefficiency, neglect of duty or malfeasance. Members shall be appointed as follows:

(A) Three members shall be representatives of insurers;

(B) one member shall be a representative of independent insurance agents; and

(C) one member shall be a representative of the general public.

(2) In selecting the members who shall be representatives of insurers, the commissioner shall consider whether foreign and domestic insurers are fairly represented.

Sec. 19. K.S.A. 40-3213 is hereby amended to read as follows: 40-3213. (a) *(1)* Every health maintenance organization and medicare provider organization subject to this act shall pay to the commissioner the following fees:

~~(1)~~*(A)* For filing an application for a certificate of authority, *an amount not to exceed* $150;

~~(2)~~*(B)* for filing each annual report, *an amount not to exceed* $50; *and*

~~(3)~~*(C)* for filing an amendment to the certificate of authority, *an amount not to exceed* $10.

(2) Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register the fees required pursuant to this subsection for the next calendar year.

(b) Every health maintenance organization subject to this act shall pay annually to the commissioner at the time such organization files its annual report, a privilege fee in an amount equal to the following percentages of the total of all premiums, subscription charges or any other term that may be used to describe the charges made by such organization to enrollees: 3.31% during the reporting period beginning January 1, 2015, and ending December 31, 2017; and 5.77% on and after January 1, 2018. In such computations all such organizations shall be entitled to deduct therefrom any premiums or subscription charges returned on account of cancellations and dividends returned to enrollees. If the commissioner shall determine at any time that the application of the privilege fee, or a change in the rate of the privilege fee, would cause a denial of, reduction in or elimination of federal financial assistance to the state or to any health maintenance organization subject to this act, the commissioner is hereby authorized to terminate the operation of such privilege fee or the change in such privilege fee.

(c) For the purpose of insuring the collection of the privilege fee provided for by subsection (b), every health maintenance organization subject to this act and required by subsection (b) to pay such privilege fee shall at the time it files its annual report, as required by K.S.A. 40-3220, and amendments thereto, make a return, generated by or at the direction of its chief officer or principal managing director, under penalty of K.S.A. 21-5824, and amendments thereto, to the commissioner, stating the amount of all premiums, assessments and charges received by the health maintenance organization, whether in cash or notes, during the year ending on the last day of the preceding calendar year. Upon the receipt of such returns the commissioner of insurance shall verify such returns and reconcile the fees pursuant to subsection (f) upon such organization on the basis and at the rate provided in this section.

(d) Premiums or other charges received by an insurance company from the operation of a health maintenance organization subject to this act shall not be subject to any fee or tax imposed under the provisions of K.S.A. 40-252, and amendments thereto.

(e) Fees charged 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 medical assistance fee fund created by K.S.A. 40-3236, and amendments thereto.

(f) (1) ~~On and after January 1, 2018,~~ In addition to any other filing or return required by this section, each health maintenance organization shall submit a report to the commissioner on or before March 31 and September 30 of each year containing an estimate of the total amount of all premiums, subscription charges or any other term that may be used to describe the charges made by such organization to enrollees that the organization expects to collect during the current calendar year. Upon filing each March 31 report, the organization shall submit payment equal to ½ of the privilege fee that would be assessed by the commissioner for the current calendar year based upon the organization's reported estimate. Upon filing each September 30 report, the organization shall submit payment equal to the balance of the privilege fee that would be assessed by the commissioner for the current calendar year based upon the organization's reported estimates.

(2) Any amount of privilege fees actually owed by a health maintenance organization during any calendar year in excess of estimated privilege fees paid shall be assessed by the commissioner and shall be due and payable upon issuance of such assessment.

(3) Any amount of estimated privilege fees paid by a health maintenance organization during any calendar year in excess of privilege fees actually owed shall be reconciled when the commissioner assesses privi-

lege fees in the ensuing calendar year. The commissioner shall credit such excess amount against future privilege fee assessments. Any such excess amount paid by a health maintenance organization that is no longer doing business in Kansas and that no longer has a duty to pay the privilege fee shall be refunded by the commissioner from funds appropriated by the legislature for such purpose.

Sec. 20. K.S.A. 40-3304 is hereby amended to read as follows: 40-3304. (a) (1) No person other than the issuer shall make a tender offer for or a request or invitation for tenders of, or enter into any agreement to exchange securities or, seek to acquire, or acquire, in the open market or otherwise, any voting security of a domestic insurer if, after the consummation thereof, such person would, directly or indirectly, or by conversion or by exercise of any right to acquire, be in control of such insurer, and no person shall enter into an agreement to merge with or otherwise to acquire control of a domestic insurer or any person controlling a domestic insurer unless, at the time any such offer, request, or invitation is made or any such agreement is entered into, or prior to the acquisition of such securities if no offer or agreement is involved, such person has filed with the commissioner of insurance and has sent to such insurer, a statement containing the information required by this section and such offer, request, invitation, agreement or acquisition has been approved by the commissioner of insurance in the manner hereinafter prescribed. The requirements of this section shall not apply to the merger or consolidation of those companies subject to the requirements of K.S.A. 40-507 and 40-1216 through 40-1225, and amendments thereto.

(2) For purposes of this section, any controlling person of a domestic insurer seeking to divest its controlling interest in the domestic insurer, in any manner, shall file with the commissioner, with a copy to the insurer, confidential notice of its proposed divestiture at least 30 days prior to the cessation of control. The commissioner shall determine those instances in which each party seeking to divest or to acquire a controlling interest in an insurer shall be required to file for and obtain approval of the transaction. The information shall remain confidential until the conclusion of the transaction unless the commissioner, in the commissioner's discretion, determines that confidential treatment will interfere with enforcement of this section. If the statement referred to in paragraph (1) is otherwise filed, this paragraph shall not apply.

(3) With respect to a transaction subject to this section, the acquiring person shall also be required to file a preacquisition notification with the commissioner, and such preacquistion notification shall contain the information in the form and manner prescribed by the commissioner through rules and regulations.

(4) ~~For the purposes of~~*As used in* this section:

(A) ~~A~~ "Domestic" insurer ~~shall include~~ *includes* any person controlling a domestic insurer unless such person, as determined by the commissioner of insurance, is either directly or through its affiliates primarily engaged in business other than the business of insurance.

(B) "Person" ~~shall~~ *does* not include any securities broker holding, in the usual and customary broker's function, less than 20% of the voting securities of the insurance company or of any person ~~which~~ *that* controls the insurance company.

(b) *(1)* The statement to be filed with the commissioner of insurance ~~hereunder~~ shall be made under oath or affirmation, shall be accompanied by a nonrefundable filing fee ~~of~~ *not to exceed* $1,000 and shall contain the following information:

~~(1)~~*(A)* The name and address of each person by whom or on whose behalf the merger or other acquisition of control referred to in subsection (a) is to be ~~affected~~ *effected*, hereinafter called "acquiring party," and:

~~(A)~~*(i)* If such person is an individual, such individual's principal occupation, all offices and positions held by such individual during the past five years and any conviction of crimes other than minor traffic violations during the past 10 years; *and*

~~(B)~~*(ii)* if such person is not an individual, a report of the nature of its business operations during the past five years or for such ~~lesser~~ *shorter* period as such person and any predecessors thereof shall have been in existence~~;~~, an informative description of the business intended to be done by such person and such person's subsidiaries~~;~~ and a list of all individuals who are or who have been selected to become directors or executive officers of such person, or who perform or will perform functions appropriate to such positions. Such list shall include for each such individual the information required by ~~subparagraph (A)~~ *clause (i)*;

~~(2)~~*(B)* the source, nature and amount of the consideration used or to be used in effecting the merger or other acquisition of control, a description of any transaction wherein funds were or are to be obtained for any such purpose including any pledge of the insurer's stock, or the stock of any of its subsidiaries or controlling affiliates, and the identity of persons furnishing such consideration, except that where a source of such consideration is a loan made in the lender's ordinary course of business, the identity of the lender shall remain confidential, if the person filing such statement so requests;

~~(3)~~*(C)* fully audited financial information as to the earnings and financial condition of each acquiring party for the preceding five fiscal years of each such acquiring party or for such lesser period as such acquiring party and any predecessors thereof shall have been in existence and similar unaudited information as of a date not earlier than 90 days prior to the filing of the statement;

~~(4)~~*(D)* any plans or proposals that each acquiring party may have to liquidate such insurer, to sell its assets, merge or consolidate it with any person or to make any other material change to its business, corporate structure or management;

~~(5)~~*(E)* the number of shares of any security referred to in subsection (a) that each acquiring party proposes to acquire and the terms of the offer, request, invitation, agreement or acquisition referred to in subsection (a) and a statement regarding the method utilized to determine the fairness of the proposal;

~~(6)~~*(F)* the amount of each class of any security referred to in subsection (a) that is beneficially owned or concerning which there is a right to acquire beneficial ownership by each acquiring party;

~~(7)~~*(G)* a full description of any contracts, arrangements or understandings with respect to any security referred to in subsection (a) in which any acquiring party is involved, including, but not limited to, transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. Such description shall identify the persons with whom such contracts, arrangements or understandings have been entered into;

~~(8)~~*(H)* a description of the purchase of any security referred to in subsection (a) during the 12 calendar months preceding the filing of the statement, by any acquiring party, including the dates of purchase, names of the purchasers and consideration paid or agreed to be paid therefor;

~~(9)~~*(I)* a description of any recommendations to purchase any security referred to in subsection (a) made during the 12 calendar months preceding the filing of the statement, by any acquiring party, or by anyone based upon interviews or at the suggestion of such acquiring party;

~~(10)~~*(J)* copies of all tender offers for, requests or invitations for tenders of, exchange offers for and agreements to acquire or exchange any securities referred to in subsection (a) and, if distributed, of additional soliciting material relating thereto;

~~(11)~~*(K)* the terms of any agreement, contract or understanding made with or proposed to be made with any broker-dealer as to solicitation of securities referred to in subsection (a) for tender and the amount of any fees, commissions or other compensation to be paid to broker-dealers with regard thereto;

~~(12)~~*(L)* an agreement by the person required to file the statement referred to in subsection (a) that such person ~~will~~ *shall* provide the annual report, *as* specified in K.S.A. 40-3305(l), and amendments thereto, for so long as control exists;

~~(13)~~*(M)* an acknowledgment by the person required to file the statement referred to in subsection (a) that the person and all subsidiaries

within its control in the insurance holding company system will provide to the commissioner of insurance upon request such information as the commissioner of insurance deems necessary to evaluate enterprise risk to the insurer; and

~~(14)~~*(N)* such additional information as the commissioner of insurance may by rule or regulation prescribe as necessary or appropriate for the protection of policyholders of the insurer or in the public interest.

(2) If the person required to file the statement referred to in subsection (a) is a partnership, limited partnership, syndicate or other group, the commissioner of insurance may require that the information ~~called for by paragraphs~~ *required pursuant to subparagraphs* ~~(1)~~ *(A)* through ~~(14)~~ *(N)* shall be ~~given~~ *provided* with respect to each partner of such partnership or limited partnership, each member of such syndicate or group and each person who controls such partner or member. If any such partner, member or person is a corporation or the person required to file the statement referred to in subsection (a) is a corporation, the commissioner of insurance may require that the information ~~called for by paragraphs~~ *required pursuant to subparagraphs* ~~(1)~~ *(A)* through ~~(14)~~ *(N)* shall be ~~given~~ *provided* with respect to such corporation, each officer and director of such corporation and each person who is directly or indirectly the beneficial owner of more than 10% of the outstanding voting securities of such corporation.

(3) If any material change occurs in the facts set forth in the statement filed with the commissioner of insurance and sent to such insurer pursuant to this section, an amendment setting forth such change, together with copies of all documents and other material relevant to such change, shall be filed with the commissioner of insurance and sent to such insurer within two business days after ~~the~~ *such* person learns of such change.

(4) Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register the fee required pursuant to this subsection for the next calendar year.

(c) If any offer, request, invitation, agreement or acquisition referred to in subsection (a) is proposed to be made by means of a registration statement under the securities act of 1933 or in circumstances requiring the disclosure of similar information under the securities exchange act of 1934, or under a state law requiring similar registration or disclosure, the person required to file the statement referred to in subsection (a) may utilize such documents in furnishing the information called for by that statement.

(d) (1) The commissioner of insurance shall approve any merger or other acquisition of control referred to in subsection (a) unless, after a public hearing thereon conducted in accordance with the provisions of the Kansas administrative procedure act, the commissioner of insurance finds that:

(A) After the change of control the domestic insurer referred to in subsection (a) would not be able to satisfy the requirements for the issuance of a license to write the line or lines of insurance for which it is presently licensed;

(B) the financial condition of any acquiring party is such as might jeopardize the financial stability of the insurer or prejudice the interest of its policyholders;

(C) the plans or proposals which the acquiring party has to liquidate the insurer, sell its assets, consolidate or merge it with any person, or to make any other material change in its business, corporate structure or management, are unfair and unreasonable to policyholders of the insurer or are not in the public interest;

(D) the competence, experience and integrity of those persons who would control the operation of the insurer are such that it would not be in the interest of policyholders of the insurer or of the public to permit the merger or other acquisition of control; or

(E) the acquisition is likely to be hazardous or prejudicial to the insurance-buying public.

(2) The public hearing referred to in subsection (d)(1) shall be held as soon as ~~practical~~ *practicable* after the statement required by this subsection (a) is filed, and at least 20 days' notice thereof shall be given by the commissioner of insurance to the person filing the statement. Not less than seven days' notice of such public hearing shall be given by the person filing the statement to the insurer and to such other persons as may be designated by the commissioner of insurance. At such hearing, the person filing the statement, the insurer, any person to whom notice of hearing was sent and any other person whose interests may be affected thereby shall have the right to present evidence, examine and cross-examine witnesses and offer oral and written arguments in accordance with the Kansas administrative procedure act. In the absence of intervention, such insurer or person shall have the right to present oral or written statements in accordance with K.S.A. 77-523(c), and amendments thereto.

(3) If the proposed acquisition of control will require the approval of more than one commissioner of insurance, the public hearing referred to in paragraph (2) may be held on a consolidated basis upon request of the person filing the statement referred to in subsection (a). Such person shall file the statement referred to in subsection (a) with the national association of insurance commissioners within five days of making the request for a public hearing. A commissioner of insurance may opt out of a consolidated hearing and shall provide notice to the applicant of the opt-out within 10 days of the receipt of the statement referred to in subsection (a). A hearing conducted on a consolidated basis shall be public and shall be held within the United States before the commissioners of insurance

of the states in which the insurers are domiciled. Such commissioners of insurance shall hear and receive evidence. A commissioner of insurance may attend such hearing in person or by telecommunication.

(4) As a condition of a change of control of a domestic insurer, any determination by the commissioner of insurance that the person acquiring control of the insurer shall be required to maintain or restore the capital of the insurer to the level required by the laws and regulations of this state shall be made not later than 60 days after the date of notification of the change in control submitted pursuant to subsection (a).

(5) The commissioner of insurance may retain at the acquiring person's expense any attorneys, actuaries, accountants and other experts not otherwise a part of the staff of the commissioner of insurance as the commissioner of insurance deems to be reasonably necessary to assist the commissioner of insurance in reviewing the proposed acquisition of control.

(e) The provisions of this section shall not apply to any offer, request, invitation, agreement or acquisition that the commissioner of insurance by order shall exempt therefrom as:

(1) Not having been made or entered into for the purpose and not having the effect of changing or influencing the control of a domestic insurer; or

(2) as otherwise not comprehended within the purposes of this section.

(f) The following shall be violations of this section:

(1) The failure to file any statement, amendment or other material required to be filed pursuant to subsection (a) or (b); or

(2) the effectuation or any attempt to effectuate an acquisition of control of, or merger with, a domestic insurer unless the commissioner of insurance has given the requisite approval thereto.

(g) The courts of this state are hereby vested with jurisdiction over every securityholder of a domestic insurer and every person not resident, domiciled or authorized to do business in this state who files a statement with the commissioner of insurance under this section and over all actions involving such person arising out of violations of this section. Each such person shall be deemed to have performed acts equivalent to and constituting an appointment by such a person of the commissioner of insurance to be such person's true and lawful attorney upon whom may be served all lawful process in any action, suit or proceeding arising out of violations of this section. Copies of all such lawful process shall be served on the commissioner of insurance and transmitted by registered or certified mail by the commissioner of insurance to such person at such person's last known address.

Sec. 21. K.S.A. 40-3413 is hereby amended to read as follows: 40-3413. (a) Every insurer and every rating organization shall cooperate in

~~the preparation of~~ *preparing* a plan or plans for the equitable apportionment among such insurers of applicants for professional liability insurance and such other liability insurance as may be included in or added to the plan, who ~~are~~, in good faith, *are* entitled to such insurance but are unable to procure ~~the same~~ through ordinary methods. Such plan or plans shall be prepared and filed with the commissioner and the board of governors within a reasonable time but not exceeding 60 calendar days ~~from the effective date of this act~~. Such plan or plans shall provide:

(1) Reasonable rules governing the equitable distribution of risks by direct insurance, reinsurance or otherwise including the authority to make assessments against the insurers participating in the plan or plans;

(2) rates and rate modifications applicable to such risks ~~which~~ *that* shall be reasonable, adequate and not unfairly discriminatory;

(3) a method whereby periodically the plan shall compare the premiums earned to the losses and expenses sustained by the plan. If there is any surplus of premiums over losses and expenses received for that year such surplus shall be transferred to the fund. If there is any excess of losses and expenses over premiums earned such losses shall be transferred from the fund, ~~however~~ *except that* such transfers shall not occur more often than once each three months;

(4) the limits of liability ~~which~~ *that* the plan shall be required to provide, ~~but in no event shall~~ *except that* such limits *shall not* be less than those limits provided for in ~~subsection (a) of~~ K.S.A. 40-3402, and amendments thereto; *and*

(5) a method ~~whereby~~ *by which* applicants for insurance, insureds and insurers may have a hearing on grievances and the right of appeal to the commissioner.

(b) *(1)* For every such plan or plans, there shall be a governing board ~~which~~ *that* shall meet at least annually to review and prescribe operating rules. *Prior to December 31, 2025,* such board of directors shall consist of nine members to be appointed, for terms of four years, by the commissioner as follows:

~~(1)~~*(A)* Two members *who* shall be representatives of foreign insurers;

~~(2)~~*(B)* two members *who* shall be representatives of domestic insurers;

~~(3)~~*(C)* two members *who* shall be ~~health care~~ *healthcare* providers;

~~(4)~~*(D)* one member *who* shall be a licensed insurance agent actively engaged in the solicitation of casualty insurance;

~~(5)~~*(E)* one member *who* shall be the chairperson of the board of governors or the chairperson's designee; and

~~(6)~~*(F)* one member *who* shall be a representative of the general public.

(2) The members of the governing board appointed on or before July 1, 2025, shall serve their current terms that shall expire on December 31,

2025. On and after January 1, 2026, the governing board shall consist of five members who shall be appointed for a term of four years except that such members shall be removable by the commissioner for inefficiency, neglect of duty or malfeasance as follows:

(A) One member who shall be a representative of foreign insurers;

(B) one member who shall be a representative of domestic insurers;

(C) one member shall be a healthcare provider;

(D) one member who shall be a licensed insurance agent engaged in the solicitation of casualty insurance; and

(E) one member who shall be chairperson of the board or the chairperson's designee.

(c) The commissioner and ~~board of directors~~ *governing board* shall review the plan as soon as reasonably possible after filing in order to determine whether ~~it~~ *if such plan* meets the requirements set forth in subsection (a). As soon as reasonably possible after the plan has been filed, the commissioner, consistent with the recommendations of the ~~board of directors~~ *governing board*, shall ~~in writing~~ approve or disapprove the plan *in writing*. Any plan shall be deemed approved unless disapproved within 30 days. Subsequent to the waiting period the commissioner may disapprove any plan on the ~~ground~~ *grounds* that ~~it~~ *such plan* does not meet the requirements set forth in subsection (a), but only after a hearing held upon not less than 10 days' written notice to every insurer and rating organization affected specifying in what respect the commissioner finds that such plan fails to meet such requirements~~,~~ and stating when, within a reasonable period thereafter, such plan shall be deemed no longer effective. Such order shall not affect any assignment made or policy issued or made prior to the expiration of the period set forth in the order. Amendments to such plan or plans shall be prepared, ~~and~~ filed and reviewed in the same manner as ~~herein~~ provided *in this section* with respect to the original plan or plans.

(d) If no plan meeting the standards set forth in subsection (a) is submitted to the commissioner and board of directors within 60 calendar days from ~~the effective date of this act~~ *July 1, 1982,* or within the period stated in any order disapproving an existing plan, the commissioner with the assistance of the board of directors shall after a hearing, if necessary to carry out the purpose of this act, prepare and promulgate a plan meeting such requirements.

(e) If, after a hearing conducted in accordance with the provisions of the Kansas administrative procedure act, the commissioner and board of directors find that any activity or practice of any insurer or rating organization in connection with the operation of such plan or plans is unfair or unreasonable or otherwise inconsistent with the provisions of this act, the commissioner and board of directors may issue a written order specifying in what respects such activity or practice is unfair or unreasonable or oth-

erwise inconsistent with the provisions of this act and requiring discontinuance of such activity or practice.

(f) An insurer participating in the plan approved by the commissioner may pay a commission with respect to insurance written under the plan to an insurance agent licensed for any other insurer participating in the plan or to any insurer participating in the plan. Such commission shall be reasonably equivalent to the usual customary commission paid on similar types of policies issued in the voluntary market.

~~(g) Notwithstanding the provisions of K.S.A. 40-3402, and amendments thereto, the plan shall make available policies of professional liability insurance covering prior acts. Such professional liability insurance policies shall have limits of coverage not exceeding $1,000,000 per claim, subject to not more than $3,000,000 annual aggregate liability for all claims made as a result of personal injury or death arising out of the rendering of or the failure to render professional services within this state on or before December 31, 2014. Such professional liability insurance policies shall be made available only to physician assistants licensed by the state board of healing arts, licensed advanced practice registered nurses authorized by the state board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife, nursing facilities licensed by the state of Kansas, assisted living facilities licensed by the state of Kansas and residential health care facilities licensed by the state of Kansas that will be in compliance with K.S.A. 40-3402, and amendments thereto, on January 1, 2015. The premiums for such professional liability insurance policies shall be based upon reasonably prudent actuarial principles. The provisions of this subsection shall expire on January 1, 2016.~~

Sec. 22. K.S.A. 40-3812 is hereby amended to read as follows: 40-3812. (a) A person shall apply to be an administrator in its home state and shall receive a license from the regulatory authority of its home state prior to performing any function of an administrator in this state.

(b) A person applying to Kansas as its home state shall apply for licensure by submitting to the commissioner an application in the form prescribed by the commissioner that shall include or be accompanied by the following information and documents:

(1) All basic organizational documents of the applicant, including any articles of incorporation, articles of association, partnership agreement, trade name certificate, trust agreement, shareholder agreement, certificate of existence from the Kansas secretary of state and other applicable documents and all amendments to such documents;

(2) the bylaws, rules, regulations or similar documents regulating the internal affairs of the applicant;

(3) NAIC biographical affidavits for the individuals who are directly or indirectly responsible for the conduct of affairs of the applicant, in-

cluding all members of the board of directors, board of trustees, executive committee or other governing board or committee, the principal officers in the case of a corporation or the partners or members in the case of a partnership, association or limited liability company, any shareholders or members holding directly or indirectly 10% or more of the voting stock, voting securities or voting interest of the applicant and any other person who directly or indirectly exercises control or influence over the affairs of the applicant;

(4) audited annual financial statements or reports for the two most recent fiscal years that demonstrate that the applicant has a positive net worth. If the applicant has been in existence for less than two fiscal years, the uniform application shall include financial statements or reports, certified by at least two officers, owners or directors of the applicant and prepared in accordance with GAAP, for any completed fiscal years and for any month during the current fiscal year for which such financial statements or reports have been completed. An audited annual financial report prepared on a consolidated basis shall include a columnar consolidating or combining worksheet that shall be filed with the report and include the following:

(A) Amounts shown on the consolidated audited financial report shown on the worksheet;

(B) amounts for each entity stated separately; and

(C) explanations of consolidating and eliminating entries included.

The applicant shall also include such other information as the commissioner may require in order to review the current financial condition of the applicant;

(5) in lieu of submitting audited financial statements, and upon written application by an applicant and good cause shown, the commissioner may grant a hardship exemption from filing audited financial statements and allow the submission of unaudited financial statements. Acceptable formats for unaudited financial statements, that shall include notes, are:

(A) Reports compiled or reviewed by a certified public accountant; or

(B) *(i)* internal financial reports prepared in accordance with GAAP, certified by at least two officers, owners or directors of the administrator.

(ii) If unaudited financial statements are submitted, the applicant ~~must~~ *shall* also secure and maintain a surety bond in a form prescribed by the commissioner for the use and benefit of the commissioner to be held in trust for the benefit and protection of covered persons and any payor or self-funded plan against loss by reason of acts of fraud or dishonesty, for the greater of 10% of funds handled for the benefit of Kansas residents or $20,000. Administrators of self-funded plans in Kansas ~~are~~ *shall be* subject to the mandatory surety bond requirement ~~found~~ *described* in subsection (h), regardless of whether they file audited or unaudited financial reports;

(6) a statement describing the business plan, including information on staffing levels and activities, proposed in this state and nationwide. The plan shall provide details setting forth the applicant's capability for providing a sufficient number of experienced and qualified personnel in the areas of claims processing, record keeping and underwriting;

(7) a license application fee ~~in the amount of~~ *not to exceed* $400; and

(8) such other pertinent information as may be required by the commissioner.

(c) An administrator licensed or applying for licensure under the provisions of this section shall make available for inspection by the commissioner, copies of all contracts with payors or other persons utilizing the services of the administrator.

(d) An administrator licensed or applying for licensure under the provisions of this section shall produce its accounts, records and files for examination, and makes its officers available to give information with respect to its affairs, as often as reasonably required by the commissioner.

(e) The commissioner may refuse to issue a license if the commissioner determines that the applicant or any individual responsible for the conduct of affairs of the applicant is not competent, trustworthy, financially responsible or of good personal and business reputation, or has had an insurance or an administrator certificate of authority or license denied or revoked for cause by any jurisdiction, or if the commissioner determines that any of the grounds set forth in K.S.A. 40-3810, and amendments thereto, exist with respect to the applicant.

(f) A license issued under this section shall remain valid, unless surrendered, suspended or revoked by the commissioner, for so long as the administrator continues in business in this state and remains in compliance with the provisions of this act and any applicable rules and regulations.

(g) An administrator licensed or applying for licensure under the provisions of this section shall immediately notify the commissioner of any material change in its ownership, control or other fact or circumstance affecting its qualification for a license in this state.

(h) An administrator licensed or applying for a home state license that administers or will administer governmental or church self-insured plans in this state or any other state shall maintain a surety bond for the use and benefit of the commissioner to be held in trust for the benefit and protection of covered persons and any payor or self-funded plan against loss by reason of acts of fraud or dishonesty. The bond shall be in the greater of the following amounts:

(1) $100,000; or

(2) an amount equal to 10% of the aggregate total amount of self-funded coverage under church plans or governmental plans handled in

this state and all additional states in which the administrator is authorized to do business.

(i) Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register the fee required pursuant to this section for the next calendar year.

Sec. 23. K.S.A. 40-3813 is hereby amended to read as follows: 40-3813. (a) Unless an administrator has obtained a home state license in this state, any administrator who performs duties as an administrator in this state shall obtain a nonresident administrator license in accordance with the provisions of this section by filing with the commissioner the uniform application, accompanied by a letter of certification. In lieu of requiring an administrator to file a letter of certification with the uniform application, the commissioner may verify the nonresident administrator's home state certificate of authority or license status through an electronic database maintained by the NAIC, its affiliates or subsidiaries.

(b) An administrator shall not be eligible for a nonresident administrator license under the provisions of this section if ~~it~~ *such administrator* does not hold a license in a home state that has adopted a substantially similar law governing administrators.

(c) Except as provided in subsections (b) and (h), the commissioner shall issue to the administrator a nonresident administrator license promptly upon receipt of a complete application.

(d) Each nonresident administrator shall file biennially, as a part of its application for renewal of its license, a statement that its home state administrator license remains in force and has not been revoked or suspended by its home state during the preceding years. Each nonresident administrator renewal application shall be accompanied by a renewal application fee ~~in the amount of~~ *not to exceed* $200.

(e) At the time of filing the application for licensing required under the provisions of this section, the nonresident administrator shall pay a license application fee ~~in the amount of~~ *not to exceed* $400.

(f) An administrator licensed or applying for licensure under the provisions of this section shall produce its accounts, records and files for examination, and make its officers available to give information with respect to its affairs, as often as reasonably required by the commissioner.

(g) A nonresident administrator is not required to hold a nonresident administrator license in this state if the administrator is licensed in its home state and the administrator's duties in this state are limited to:

(1) The administration of a group policy or plan and ~~no~~ *not* more than a total of 20% of covered persons, for all plans the administrator services, reside in this state; and

(2) the total number of covered persons residing in this state is ~~less~~ *fewer* than 100.

(h) The commissioner may refuse to issue a nonresident administrator license, or delay the issuance of a nonresident administrator license, if the commissioner determines that, due to events or information obtained subsequent to the home state's licensure of the administrator, the nonresident administrator cannot satisfy the requirements of this act or that grounds exist for the home state's revocation or suspension of the administrator's home state certificate of authority or license.

(i) Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register the fees required pursuant to this section for the next calendar year.

Sec. 24. K.S.A. 40-3814 is hereby amended to read as follows: 40-3814. (a) Each administrator licensed under the provisions of this act shall file an annual report for the preceding calendar year with the commissioner on or before July 1 of each year, or within such extension of time as the commissioner may grant for good cause, accompanied by an annual report fee ~~in the amount of~~ *not to exceed* $100*. Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register such fee for the next calendar year*.

(b) The annual report shall include:

(1) *The complete names and addresses of all payors, and for self-funded plans, all employers and trusts with which the administrator had agreements during the preceding fiscal year.*

(2) the number of Kansas residents covered by each of the plans; and

(3) (A) an audited financial statement attested to by an independent certified public accountant. An audited annual financial report prepared on a consolidated basis shall include a columnar consolidating or combining worksheet ~~that shall be~~ filed with the report ~~and~~. *Such worksheet shall* include the following:

~~(A)~~*(i)* Amounts shown on the consolidated audited financial report shown on the worksheet;

~~(B)~~*(ii)* amounts for each entity stated separately; and

~~(C)~~*(iii)* explanations of consolidating and eliminating entries included.

~~(2)~~*(B)* In lieu of submitting an audited financial statement, and upon written application by an administrator and good cause shown, the commissioner may grant a hardship exemption from filing audited financial statements and allow the submission of unaudited financial statements. Acceptable formats for unaudited financial statements, ~~that~~ *which* shall include notes, are:

~~(A)~~*(i)* Reports compiled or reviewed by a certified public accountant; or

~~(B)~~*(ii)* internal financial reports prepared in accordance with GAAP, certified by at least two officers, owners or directors of the administrator.

(C) If unaudited financial statements are submitted, the administrator ~~must~~ *shall* secure and maintain a surety bond in a form prescribed by the commissioner for the use and benefit of the commissioner to be held in trust for the benefit and protection of covered persons and any payor or self-funded plan against loss by reason of acts of fraud or dishonesty, for the greater of 10% of funds handled for the benefit of Kansas residents or $20,000.

~~(b)~~*(c)* The annual report shall be in the form and contain such matters as the commissioner prescribes and shall be verified by at least two officers, owners or directors of the administrator.

~~(c) The annual report shall include the complete names and addresses of all payors and for self-funded plans, all employers and trusts, with which the administrator had agreements during the preceding fiscal year. The report shall also include the number of Kansas residents covered by each of the plans.~~

Sec. 25. K.S.A. 2024 Supp. 40-3823 is hereby amended to read as follows: 40-3823. (a) No person shall act or operate as a pharmacy benefits manager without first obtaining a valid license issued by the commissioner.

(b) Each person seeking a license to act as a pharmacy benefits manager shall file with the commissioner an application for a license upon a form to be furnished by the commissioner. At a minimum, the application form shall include the following information:

(1) The name, address and telephone number of the pharmacy benefits manager.~~,~~*;*

(2) the name, address, official position and professional qualifications of each individual who is responsible for the conduct of the affairs of the pharmacy benefits manager, including all members of the board of directors, board of trustees, executive committee, other governing board or committee, the principal officers in the case of a corporation, the partners or members in the case of a partnership or association.~~,~~*;*

(3) the name and address of the applicant's agent for service of process in the state.~~,~~*;*

(4) the name, address, phone number, email address and official position of the employee who will serve as the primary contact for the department.~~,~~*;*

(5) a copy of the pharmacy benefits manager's corporate charter, articles of incorporation or other charter document.~~,~~*;*

(6) a template contract~~, which shall include~~ *including* a dispute resolution process, that ultimately involves an independent fact finder between:

(A) The pharmacy benefits manager and the health insurer; or

(B) the pharmacy benefits manager and the pharmacy or a pharmacy's contracting agent.~~,~~*; and*

(7) a network adequacy report on a form prescribed by the department through rules and regulations.

(c) A nonrefundable application fee ~~of~~ *not to exceed* $2,500. *Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register such fee for the next calendar year.*

(d) The licensee shall inform the commissioner, by any means acceptable to the commissioner, of any material change in the information required by this subsection within 90 days of such change. Failure to timely inform the commissioner of a material change may result in a penalty against the licensee in the amount of $500.

(e) Within 90 days after receipt of a completed application, the network adequacy report and the applicable license fee, the commissioner shall review the application and issue a license if the applicant is deemed qualified under this section. If the commissioner determines that the applicant is not qualified, the commissioner shall notify the applicant and shall specify the reason for the denial.

(f) (1) All documents, materials or other information and copies thereof in the possession or control of the department or any other governmental entity that are obtained by or disclosed to the commissioner or any other person in the course of an application, examination or investigation made pursuant to this act shall be confidential by law and privileged, shall not be subject to any open records, freedom of information, sunshine or other public record disclosure laws~~,~~ and shall not be subject to subpoena or discovery.

(2) The provisions of paragraph (1) shall only apply to the disclosure of the confidential documents described in paragraph (1) by the department or any other governmental entity and shall not be construed to create any privilege in favor of any other party.

(3) The provisions of this subsection shall expire on July 1, 2027, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2027.

Sec. 26. K.S.A. 2024 Supp. 40-3824 is hereby amended to read as follows: 40-3824. (a) Each pharmacy benefits manager license shall expire on March 31 *of* each year and may be renewed annually on the request of the licensee. The application for renewal shall be submitted on a form furnished by the commissioner and accompanied by a renewal fee ~~of~~ *not to exceed* $2,500. The application for renewal shall be in such form and contain such matters as the commissioner prescribes.

(b) If a license renewal fee is not paid by the prescribed date, the amount of the fee, plus a penalty fee ~~of~~ *not to exceed* $2,500 shall be paid. The pharmacy benefits manager's license may be revoked or suspended by the commissioner until the renewal fee and any penalty assessed has been paid.

(c) Any person who performs or is performing any pharmacy benefits management service shall be required to obtain a license as a pharmacy

benefits manager from the commissioner not later than January 1, 2023, in order to continue to do business in Kansas.

(d) Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register the fees required pursuant to this section for the next calendar year.

Sec. 27. K.S.A. 40-4103 is hereby amended to read as follows: 40-4103. Risk retention groups chartered in states other than this state seeking to do business as a risk retention group in this state shall observe and abide by the laws of this state as follows:

(a) *Notice of operations and designation of commissioner as agent.* Before offering insurance in this state, a risk retention group shall submit to the commissioner:

(1) A statement identifying the state or states in which the risk retention group is chartered and licensed as a liability insurance company, date of chartering, its principal place of business and such other information, including information on its membership, as the commissioner of this state may require to verify that the risk retention group is qualified under K.S.A. 40-4101(k), and amendments thereto;

(2) a copy of its plan of operations or a feasibility study and revisions of such plan or study submitted to its state of domicile, except that the provision relating to the submission of a plan of operation or a feasibility study shall not apply with respect to any line or classification of liability insurance that *was*:

(A) ~~Was~~ Defined in the product liability risk retention act of 1981 before October 27, 1986; and

(B) ~~was~~ offered before such date by any risk retention group that had been chartered and operating for not less than three years before such date;

(3) a statement of registration that designates the commissioner as its agent for the purpose of receiving service of legal documents or process; and

(4) a notification fee ~~in the amount of~~ *not to exceed* $250. *Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register such fee for the next calendar year.*

(b) *Financial condition.* Any risk retention group doing business in this state shall submit to the commissioner:

(1) A copy of the group's financial statement submitted to its state of domicile that contains a statement of opinion on loss and loss adjustment expense reserves made by a member of the American academy of actuaries or a qualified loss reserve specialist under criteria established by the national association of insurance commissioners;

(2) a copy of each examination of the risk retention group as certified by the commissioner or public official conducting the examination;

(3) upon request by the commissioner, a copy of any audit performed with respect to the risk retention group; and

(4) such information as may be required to verify its continuing qualification as a risk retention group under K.S.A. 40-4101(k), and amendments thereto.

(c) *Taxation.* (1) All premiums paid for coverages within this state to risk retention groups chartered outside this state shall be subject to taxation at the same rate and subject to the same interest, fines and penalties for nonpayment as that provided by K.S.A. 40-246c, and amendments thereto. Risk retention groups chartered or licensed in this state shall be taxed in accordance with K.S.A. 40-252, and amendments thereto.

(2) To the extent agents or brokers are utilized, they shall report and pay the taxes for the premiums for risks that they have placed with or on behalf of a risk retention group not chartered in this state.

(3) To the extent agents or brokers are not utilized or fail to pay the tax, each risk retention group shall pay the tax for risks insured within the state. Each risk retention group shall report all premiums paid to it for risks insured within the state.

(d) *Compliance with unfair claims settlement practices law.* Any risk retention group, its agents and representatives, shall comply with K.S.A. 40-2404(9), and amendments thereto.

(e) *Deceptive, false or fraudulent practices.* Any risk retention group shall comply with the laws of this state regarding deceptive, false or fraudulent acts or practices, except that if the commissioner seeks an injunction regarding such conduct, the injunction shall be obtained from a court of competent jurisdiction.

(f) *Examination regarding financial condition.* Any risk retention group shall submit to an examination in accordance with K.S.A. 40-222 and 40-223, and amendments thereto, by the commissioner to determine its financial condition if the commissioner of the jurisdiction in which the group is chartered has not initiated an examination or does not initiate an examination within 60 days after a request by the commissioner of this state.

(g) *Notice to purchasers.* Any policy issued by a risk retention group shall contain in 10 point type on the front page and the declaration page, the following notice:

NOTICE

This policy is issued by your risk retention group. Your risk retention group may not be subject to all of the insurance laws and regulations of your state. State insurance insolvency guaranty funds are not available for your risk retention group.

(h) *Prohibited acts regarding solicitation or sale.* The following acts by a risk retention group are hereby prohibited:

(1) The solicitation or sale of insurance by a risk retention group to any person who is not eligible for membership in such group; and

(2) the solicitation or sale of insurance by, or operation of, a risk retention group that is in a hazardous financial condition or is financially impaired.

(i) *Prohibition on ownership by an insurance company.* No risk retention group shall be allowed to do business in this state if an insurance company is directly or indirectly a retention group all of whose members are insurance companies.

(j) *Prohibited coverage.* No risk retention group may offer insurance policy coverage prohibited by the laws of this state or declared unlawful by the supreme court of the state of Kansas.

(k) *Delinquency proceedings.* A risk retention group not chartered in this state and doing business in this state must comply with a lawful order issued in a voluntary dissolution proceeding or in a delinquency proceeding commenced by a state insurance commissioner if there has been a finding of financial impairment after an examination under subsection (f).

Sec. 28. K.S.A. 40-4116 is hereby amended to read as follows: 40-4116. (a) *(1)* A purchasing group ~~which~~ *that* intends to do business in this state shall furnish notice to the commissioner ~~which shall~~:

~~(1)~~*(A)* ~~Identify~~*Identifying* the state in which the group is domiciled;

~~(2)~~*(B)* ~~specify~~*specifying* the lines and classifications of liability insurance ~~which~~ *that* the purchasing group intends to purchase;

~~(3)~~*(C)* ~~identify~~*identifying* the insurance company from which the group intends to purchase its insurance and the domicile of such company;

~~(4)~~*(D)* ~~identify~~*identifying* the principal place of business of the group; and

~~(5)~~*(E)* ~~provide~~*providing* such other information as may be required by the commissioner to verify that the purchasing group is qualified under ~~subsection (j) of~~ K.S.A. 40-4101*(j),* and amendments thereto.

(2) The notice submitted to the commissioner shall be accompanied by a notification fee ~~of~~ *not to exceed* $250.

(b) The purchasing group shall file with the insurance department its written consent, irrevocable, that any action or garnishment proceeding may be commenced against such group in the proper court of any county in this state in which the cause of action shall arise or in which the plaintiff may reside by the service of process on the commissioner of insurance of this state and stipulating and agreeing that such service shall be taken and held in all courts to be as valid and binding as if due service had been made upon the president or chief officer of such corporation. Such consent shall be executed by the president of the company and shall be accompanied by a certified copy of the order or resolution of the board of directors, trustees or managers authorizing the president to execute the

same. The summons, accompanied by a fee ~~of~~ *not to exceed* $25, shall be directed to the commissioner of insurance and shall require the defendant to answer not less than 40 days from its date. Such summons, and a certified copy of the petition shall be ~~forthwith~~ *immediately* forwarded by the clerk of the court to the commissioner of insurance, who shall immediately forward a copy of the summons and the certified copy of the petition, to the president of the group sued, and thereupon the commissioner of insurance shall make return of the summons to the court from which it issued, showing the date of the receipt by the commissioner, the date of forwarding of such copies and the name and address of the person to whom the commissioner forwarded the copy. Such return shall be made under the commissioner's hand and seal of office~~,~~ and ~~shall~~ have the same force and effect as a due and sufficient return made by the sheriff on process directed to the sheriff. The foregoing shall not apply in the case of a purchasing group ~~which~~ *that*:

(1) (A) Was domiciled before April 2, 1986; and

(B) is domiciled on and after October 27, 1986, in any state of the United States;

(2) (A) before October 27, 1986, purchased insurance from an insurance carrier licensed in any state; and

(B) since October 27, 1986, purchased its insurance from an insurance carrier licensed in any state;

(3) was a purchasing group under the requirements of the product liability retention act of 1981 before October 27, 1986; and

(4) does not purchase insurance that was not authorized for purposes of an exemption under that act, as in effect before October 27, 1986.

(c) Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register the fees required pursuant to this section for the next calendar year.

Sec. 29. K.S.A. 2024 Supp. 40-4209 is hereby amended to read as follows: 40-4209. (a) (1) No person shall act as or hold such person out to be a prepaid service plan in this state unless such person holds a certificate of registration as a prepaid service plan issued by the commissioner of insurance. An application for such certificate may be made to the commissioner of insurance on forms prescribed by the commissioner and shall include:

(A) The completed application form;

(B) a list of each individual who solicits memberships on behalf of such prepaid service plan; and

(C) a filing fee ~~of~~ *not to exceed* $100.

(2) The certificate of registration may be continued for successive annual periods by notifying the commissioner of such intent, paying an annual continuation fee ~~of~~ *not to exceed* $50 and advising the commissioner of insurance of any additions to or deletions from the list of individuals

who solicit memberships on behalf of such prepaid service plan since the last reporting date.

(b) The certificate of registration shall be issued to or continued for a prepaid service plan by the commissioner of insurance unless the commissioner of insurance, after due notice and hearing, determines that the prepaid service plan is not competent, trustworthy, financially responsible or of good personal and business reputation~~,~~ or has had a previous application for a certificate of registration denied for cause since January 1, 1988, or within five years of the date of application, whichever is later.

(c) Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register the fees required pursuant to this section for the next calendar year.

Sec. 30. K.S.A. 2024 Supp. 40-4302 is hereby amended to read as follows: 40-4302. (a) Any captive insurance company, when permitted by its organizational documents, may apply to the commissioner for a certificate of authority to do any and all insurance comprised in K.S.A. 40-901 et seq., 40-1102(1)(a)~~,~~ *and* (1)(c) through (1)(n), and amendments thereto, and to issue life, accident and health insurance policies provided that:

(1) No pure captive insurance company shall insure any risks other than those of its parent and affiliated companies and, upon prior approval of the commissioner, any controlled unaffiliated business up to 5% of total direct written premium;

(2) no association captive insurance company shall insure any risks other than those of its association and those of the member organizations of its association. No association captive insurance company shall expose itself to loss on any one risk or hazard in an amount exceeding 10% of its paid-up capital and surplus;

(3) no captive insurance company shall provide personal lines of insurance, workers' compensation, employers' liability insurance coverage, long-term care coverage, critical care coverage, surety, title insurance, credit insurance or any component thereof, except that a technology-enabled fiduciary financial institution insurance company shall be permitted to provide contracts of suretyship and credit insurance in accordance with K.S.A. 2024 Supp. 40-4354, and amendments thereto;

(4) no captive insurance company shall accept or cede reinsurance except as provided in K.S.A. 40-4311, and amendments thereto;

(5) no captive insurance company shall provide accident and health, life insurance or annuities on a direct basis;

(6) no captive insurance company authorized as a life insurance company shall transact business other than life insurance; and

(7) no captive insurance company authorized to transact business under article 9 or 11 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, shall engage in the business of life insurance.

(b) No captive insurance company organized under the laws of this state shall do any insurance business in this state unless:

(1) It first obtains from the commissioner a certificate of authority authorizing it to do insurance business in this state;

(2) its board of directors, members, partners, managers, committee of managers or other governing body holds at least one meeting each year in this state;

(3) it maintains its principal place of business in this state; and

(4) it authorizes the commissioner to accept service of process on its behalf in accordance with K.S.A. 40-218, and amendments thereto.

(c) Before receiving a certificate of authority, an applicant captive insurance company shall file with the commissioner:

(1) A copy of the applicant captive insurance company's organizational documents; and

(2) a plan of operation or a feasibility study describing the anticipated activities and results of the applicant captive insurance company that shall include:

(A) The company's loss prevention program of its parent and insureds, as applicable;

(B) historical and expected loss experience of the risks to be insured or reinsured by the applicant captive insurance company;

(C) pro forma financial statements and projections of the proposed business operations of the applicant captive insurance company;

(D) an analysis of the adequacy of the applicant captive insurance company's proposed premiums, assets and capital and surplus levels relative to the risks to be insured or reinsured by the captive insurance company;

(E) a statement of the applicant captive insurance company's net retained limited liability on any contract of insurance or reinsurance it intends to issue and the nature of any reinsurance it intends to cede;

(F) a statement certifying that the applicant captive insurance company's investment policy is in compliance with this act and specifying the type of investments to be made;

(G) a statement identifying the geographic areas in which the applicant captive insurance company intends to operate;

(H) a statement identifying the persons or organizations that will perform the applicant captive insurance company's major operational functions, including management, underwriting, accounting, asset investment, claims adjusting and loss control and the adequacy of the expertise, experience and character of such persons or organizations; and

(I) whenever required by the commissioner, an appropriate opinion by a qualified independent actuary regarding the adequacy of the applicant captive insurance company's proposed capital, surplus and premium levels;

(3) a description of the coverages, deductibles, coverage limits, rates and forms, together with any additional information that the commissioner may require;

(4) such other items deemed relevant by the commissioner in ascertaining whether the proposed captive insurance company will be able to meet its obligations; and

(5) any modification or change in the items required under this subsection that shall require the prior approval of the commissioner.

(d) Each captive insurance company not in existence on January 1, 2018, shall pay to the commissioner a nonrefundable fee ~~of~~ *not to exceed* $10,000 for examining, investigating and processing its application for a certificate of authority. The commissioner is authorized to retain legal, financial, actuarial, analysis and examination services from outside the department, the reasonable costs of which shall be charged against the applicant. In addition, it shall pay a renewal fee for each year thereafter ~~of~~ *not to exceed* $10,000. *Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register the fee required by this subsection for the next calendar year.*

(e) ~~Each captive insurance company already in existence on January 1, 2018, shall pay an annual renewal fee of $110 until January 1, 2028, after which date the provisions of subsection (d) shall apply.~~

~~(f)~~ If the commissioner is satisfied that the documents and statements that such captive insurance company has filed comply with the provisions of this act, the commissioner may grant a certificate of authority authorizing a:

(1) Captive insurance company other than a technology-enabled fiduciary financial institution to do insurance business in this state until March 1 thereafter, which certificate of authority may be renewed; and

(2) technology-enabled fiduciary financial institution insurance company to do insurance business in this state until the later of March 1 thereafter or the maturity date of the last payment-in-kind asset held by such technology-enabled fiduciary financial institution insurance company pursuant to this act.

~~(g)~~*(f)* Information submitted under this section shall be and remain confidential, and shall not be made public by the commissioner or any employee or agent of the commissioner without the written consent of the company, except that:

(1) Such information may be discoverable by a party in a civil action or contested case to which the captive insurance company that submitted such information is a party, upon a showing by the party seeking to discover such information that:

(A) The information sought is relevant to and necessary for the furtherance of such action or case;

(B) the information sought is unavailable from other non-confidential sources;

(C) a subpoena issued by a judicial or administrative officer or competent jurisdiction has been submitted to the commissioner; and

(D) the privacy of a qualified policyholder shall be protected in any court proceeding concerning such qualified policyholder if the technology-enabled fiduciary financial institution insurance company so petitions the court. Upon the filing of such petition, any information, including, but not limited to, an instrument, inventory, statement or verified report produced by the technology-enabled fiduciary financial institution insurance company regarding a policy issued to a qualified policyholder or payment-in-kind assets held by the technology-enabled fiduciary financial institution insurance company to satisfy claims of such qualified policyholder, all payment-in-kind policies, all petitions relevant to such information and all court orders thereon, shall be sealed upon filing and shall not be made a part of the public record of the proceeding, except that such petition shall be available to the court, the commissioner, the technology-enabled fiduciary financial institution insurance company, their attorneys and to such other interested persons as the court may order upon a showing of good cause;

(2) the commissioner may disclose such information to a public officer having jurisdiction over the regulation of insurance in another state, ~~provided that~~ *if*:

(A) Such public official shall agree in writing to maintain the confidentiality of such information; and

(B) the laws of the state in which such public official serves requires such information to be and to remain confidential;

(3) access may also be granted to the national association of insurance commissioners and its affiliates, and the international association of supervisors and its affiliates. Such parties ~~must~~ *shall* agree in writing prior to receiving the information to provide to it the same confidential treatment as required by this section, unless the company gives prior written consent; and

(4) the privacy of those who have established an affiliated fidfin trust or alternative asset custody account shall be protected in any court proceeding concerning such trust or custody account if the acting trustee, custodian, trustor or any beneficiary so petition the court. Upon the filing of such a petition, the instrument, inventory, statement filed by any trustee or custodian, annual verified report of the trustee or custodian and all petitions relevant to trust administration and all court orders thereon shall be sealed upon filing and shall not be made a part of the public record of the proceeding, except that such petition shall be available to the court, the trustor, the trustee, the custodian, any beneficiary, their attorneys and

to such other interested persons as the court may order upon a showing of good cause.

Sec. 31. K.S.A. 40-4323 is hereby amended to read as follows: 40-4323. (a) As used in this section, unless the context requires otherwise, "dormant captive insurance company" means a captive insurance company that has:

(1) Ceased transacting the business of insurance, including the issuance of insurance policies; and

(2) no remaining liabilities associated with insurance business transactions or insurance policies issued prior to the filing of its application for a certificate of dormancy under this section.

(b) A captive insurance company domiciled in Kansas that meets the criteria of subsection (a) may apply to the commissioner for a certificate of dormancy. The certificate of dormancy shall be subject to renewal every five years and shall be forfeited if not renewed within such time.

(c) A dormant captive insurance company that has been issued a certificate of dormancy shall:

(1) Possess and thereafter maintain unimpaired, paid-in capital and surplus of not less than $25,000;

(2) prior to March 15 of each year, submit to the commissioner a report of its financial condition, verified by oath by two of its executive officers, in a form as may be prescribed by the commissioner; and

(3) pay a license renewal fee ~~of~~ *not to exceed* $500*. Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register such fee required pursuant to this paragraph*.

(d) A dormant captive insurance company shall not be subject to or liable for the payment of any tax under K.S.A. 40-4314, and amendments thereto, or as provided in article 28 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

(e) A dormant captive insurance company shall apply to the commissioner for approval to surrender its certificate of dormancy and resume conducting the business of insurance prior to issuing any insurance policies.

(f) A certificate of dormancy shall be revoked if a dormant captive insurance company no longer meets the criteria of subsection (a).

(g) The commissioner may promulgate rules and regulations as necessary to carry out the provisions of this section.

Sec. 32. K.S.A. 40-4334 is hereby amended to read as follows: 40-4334. (a) To transact business in Kansas, a special purpose insurance captive shall:

(1) Obtain from the commissioner a certificate of authority authorizing it to conduct reinsurance business in Kansas;

(2) hold at least one meeting of its board of directors each year within Kansas;

(3) maintain its principal place of business in Kansas;

(4) authorize the commissioner to accept service of process on its behalf in accordance with K.S.A. 40-218, and amendments thereto;

(5) maintain unimpaired paid-in capital and surplus of not less than $5,000,000;

(6) maintain a risk-based capital of at least 200%; and

(7) pay all applicable fees as required by this act.

(b) A special purpose insurance captive, when permitted by its organizational documents, may apply to the commissioner for a certificate of authority to conduct reinsurance in Kansas as authorized by this section.

(1) An authorized special purpose insurance captive may only reinsure the risks of its ceding company. A special purpose insurance captive may reinsure risks of more than one ceding company~~, provided~~ *if* all ceding companies from which a special purpose insurance captive assumes risks ~~shall be~~ *are* affiliated with one another.

(2) An authorized special purpose insurance captive may cede all or a portion of its assumed risks under ceded reinsurance agreements.

(3) An authorized special purpose insurance captive may take credit or a reduction from liability for the reinsurance of risks or portions of risks ceded to a reinsurer in accordance with K.S.A. 40-221a, and amendments thereto, or as otherwise approved by the commissioner.

(c) To obtain a certificate of authority to transact business as a special purpose insurance captive in Kansas, the special purpose insurance captive shall:

(1) File an application~~, which~~ *that* shall include the following:

(A) Certified copies of its organizational documents;

(B) a statement under oath from any of the applicant's officers as to the financial condition of the applicant as of the time the application is filed;

(C) evidence of the applicant's assets as of the time of the application;

(D) complete biographical sketches for each officer and director on forms created by the NAIC;

(E) a plan of operation as described in K.S.A. 40-4335, and amendments thereto;

(F) an affidavit signed by the applicant that the special purpose insurance captive will operate only in accordance with the provisions of this section and its plan of operation;

(G) a description of the investment strategy the special purpose insurance captive will follow; and

(H) a description of the source and form of the initial minimum capital proposed in the plan of operation; and

(2) have deposited with the commissioner of insurance pursuant to K.S.A. 40-229a, and amendments thereto, securities authorized by K.S.A.

40-2a01 et seq., and amendments thereto, in an amount equal to not less than the minimum capital stock required of such company for the protection of its policyholders or creditors, or both;

(3) demonstrate that the minimum surplus required is established and held in Kansas; and

(4) provide copies of any filings made by the ceding company with the ceding company's domiciliary insurance regulator to obtain approval for the ceding company to enter into the special purpose insurance captive contract and copies of any filings made by any affiliate of the special purpose insurance captive to obtain regulatory approval to contribute capital to the special purpose insurance captive or to acquire direct or indirect ownership of the special purpose insurance captive. The special purpose insurance captive shall provide copies of any letters of approval or disapproval received from the insurance regulator responding to such filing.

(d) The commissioner may require the special purpose insurance captive to revise its plan of operation under K.S.A. 40-4335, and amendments thereto, and meet all requirements imposed by a revised plan of operation as approved by the commissioner thereunder.

(e) The department shall act upon a complete application within 30 days of its filing. Upon good cause shown, the commissioner may extend the time to act on the application by 30 days.

(f) In the event *that* the ceding company is not required to make filings with its domiciliary insurance regulator as described in subsection (c)(4), no such filing shall be required under subsection (c)(4) in Kansas~~,~~ ~~provided~~ *if* the applicant provides the commissioner with a certification signed by one of its officers attesting that no such filing is required with the ceding company's domiciliary regulator.

(g) Once granted, a certificate of authority under this section shall continue until March 1 of each year. At such time, the certificate of authority may be renewed at the discretion of the commissioner.

(h) A special purpose insurance captive shall pay to the commissioner a nonrefundable application fee ~~of~~ *not to exceed* $10,000 for examining, investigating and processing its application for certificate of authority, and the commissioner is authorized to retain legal, financial, actuarial and examination services from outside the department, the reasonable costs of which may be additionally charged against the applicant. In addition, each special purpose insurance captive shall pay a renewal fee ~~for each year thereafter of~~ *not to exceed* $10,000 *for each subsequent year. Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register the fee required pursuant to this subsection for the next calendar year.*

Sec. 33. K.S.A. 40-4503 is hereby amended to read as follows: 40-4503. (a) No person, firm, association or corporation shall act as a rein-

surance broker in this state if the reinsurance broker maintains an office either directly or as a member or employee of a firm or association, or as an officer, director or employee of a corporation:

(1) In this state, unless such reinsurance broker is a licensed producer in this state; or

(2) in another state, unless such reinsurance broker is a licensed producer in this state or another state having a law substantially similar to this act or such reinsurance broker is licensed in this state as a nonresident reinsurance intermediary.

(b) No person, firm, association or corporation shall act as a reinsurance manager:

(1) For a reinsurer domiciled in this state, unless such reinsurance manager is a licensed producer in this state;

(2) in this state, if the reinsurance manager maintains an office either directly or as a member or employee of a firm or association, or an officer, director or employee of a corporation in this state, unless such reinsurance manager is a licensed producer in this state;

(3) in another state for a nondomestic insurer, unless such reinsurance manager is a licensed producer in this state or another state having a law substantially similar to this act or such person is licensed in this state as a nonresident reinsurance intermediary.

(c) The commissioner may require a reinsurance manager subject to subsection (b) to file a bond in an amount from an insurer acceptable to the commissioner for the protection of each reinsurer represented.

(d) (1) The commissioner may issue a reinsurance intermediary license to any person, firm, association or corporation who has complied with the requirements of this act. Before any such license may be issued, the applicant shall submit proper application therefor on a form prescribed by the commissioner ~~which~~ *that* shall be accompanied by an initial fee ~~of~~ *not to exceed* $150. Any license so issued shall remain in effect until suspended, revoked, voluntarily surrendered or otherwise terminated by the commissioner or licensee subject to payment of an annual continuation fee ~~of~~ *not to exceed* $100 on or before May 1 of each year. Any such license issued to a firm or association will authorize all the members of such firm or association and any designated employees to act as reinsurance intermediaries under the license, and all such persons shall be named in the application and any supplements thereto. Any such license issued to a corporation shall authorize all of the officers~~,~~ and any designated employees and directors thereof~~,~~ to act as reinsurance intermediaries on behalf of such corporation, and all such persons shall be named in the application and any supplements thereto.

(2) If the applicant for a reinsurance intermediary license is a nonresident, such applicant, as a condition precedent to receiving or holding a

license, shall designate the commissioner as agent for service of process in the manner, and with the same legal effect, as is provided for by this act for designation of service of process upon insurers holding a Kansas certificate of authority. Such applicant shall furnish the commissioner with the name and address of a resident of this state upon whom notices or orders of the commissioner or process affecting such nonresident reinsurance intermediary may be served. Such licensee shall promptly notify the commissioner in writing of every change in its designated agent for service of process, and such change shall not become effective until acknowledged by the commissioner.

(3) Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register the fee required pursuant to this subsection for the next calendar year.

(e) The commissioner may, after a hearing conducted in accordance with the provisions of the Kansas administrative procedure act~~,~~ *and* held ~~on~~ not less than 20 days' notice, refuse to issue a reinsurance intermediary license if, in the judgment of the commissioner~~,~~*: (1)* The applicant, any one named on the application, or any member, principal, officer or director of the applicant, is not trustworthy~~, or~~*; (2)* any controlling person of such applicant is not trustworthy to act as a reinsurance intermediary~~,~~*;* or *(3)* any of the foregoing has given cause for revocation or suspension of such license~~,~~ or has failed to comply with any prerequisite for the issuance of such license.

(f) Licensed attorneys at law in this state when acting in their professional capacity as such shall be exempt from this section.

Sec. 34. K.S.A. 2024 Supp. 40-4903 is hereby amended to read as follows: 40-4903. (a) Unless denied licensure pursuant to K.S.A. 40-4909, and amendments thereto, any person who meets the requirements of K.S.A. 40-4905, and amendments thereto, shall be issued an insurance agent license. An insurance agent may receive qualifications for a license in one or more of the following lines of authority:

(1) Life: Insurance coverage on human lives including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income.

(2) Accident and health or sickness: Insurance coverage for sickness, bodily injury or accidental death, and may include benefits for disability income.

(3) Property: Insurance coverage for the direct or consequential loss or damage to property of every kind.

(4) Casualty: Insurance coverage against legal liability, including that for death, injury or disability or damage to real or personal property.

(5) Variable life and variable annuity products: Insurance coverage provided under variable life insurance contracts, variable annuities or any

other life insurance or annuity product that reflects the investment experience of a separate account.

(6) Personal lines: Property and casualty insurance coverage sold primarily to an individual or family for noncommercial purposes.

(7) Credit: Limited line credit insurance.

(8) Crop insurance: Limited line insurance for damage to crops from unfavorable weather conditions, fire, lightning, flood, hail, insect infestation, disease or other yield-reducing conditions or any other peril subsidized by the federal crop insurance corporation, including multi-peril crop insurance.

(9) Title insurance: Limited line insurance that insures titles to property against loss by reason of defective titles or encumbrances.

(10) (A) Travel insurance: Limited line insurance for personal risks incidental to planned travel, including, but not limited to:

(i) Interruption or cancellation of trip or event;

(ii) loss of baggage or personal effects;

(iii) damages to accommodations or rental vehicles;

(iv) sickness, accident, disability or death occurring during travel.~~,~~;

(v) emergency evacuation;

(vi) repatriation of remains; or

(vii) any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the commissioner.

(B) Travel insurance does not include major medical plans that provide comprehensive medical protection for travelers with trips lasting six months or longer, for example, persons working overseas, including military personnel deployed overseas.

(11) Pre-need funeral insurance: Limited line insurance that allows for the purchase of a life insurance or annuity contract by or on behalf of the insured solely to fund a pre-need contract or arrangement with a funeral home for specific services.

(12) Bail bond insurance: Limited line insurance that provides surety for a monetary guarantee that an individual released from jail will be present in court at an appointed time.

(13) Self-service storage unit insurance: Limited line insurance relating to the rental of self-service storage units, including:

(A) Personal effects insurance that provides coverage to renters of storage units at the same facility for the loss of, or damage to, personal effects that occurs at the same facility during the rental period; and

(B) any other coverage that the commissioner may approve as meaningful and appropriate in connection with the rental of storage units. Such insurance may only be issued in accordance with K.S.A. 40-241, and amendments thereto.

(14) Any other line of insurance permitted under the provisions of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations promulgated thereunder.

(b) Unless suspended, revoked or refused renewal pursuant to K.S.A. 40-4909, and amendments thereto, an insurance agent license shall remain in effect as long as:

(1) Education requirements for resident individual agents are met by such insurance agent's biennial due date;

(2) such insurance agent submits an application for renewal on a form prescribed by the commissioner; and

(3) such insurance agent pays a biennial renewal application fee ~~of~~ *not to exceed* $4.

(c) Except as provided in paragraphs (1) through (4), each licensed insurance agent shall biennially obtain a minimum of 18 C.E.C.s that include at least three hours of instruction in insurance ethics that also may include regulatory compliance.

(1) Each licensed insurance agent who is an individual and holds only a crop qualification shall biennially obtain a minimum of two C.E.C.s in courses certified as crop C.E.C.s under the property and casualty category.

(2) Each licensed insurance agent who is an individual and is licensed only for title insurance shall biennially obtain a minimum of four C.E.C.s in courses certified by the board of abstract examiners as title C.E.C.s under the property and casualty category.

(3) Each licensed insurance agent who is an individual and holds a life insurance license solely for the purpose of selling pre-need funeral insurance or annuity products shall file a report on or before such agent's biennial due date affirming that such agent transacted no other insurance business during the period covered by the report and shall provide certification from an officer of each insurance company that has appointed such agent that the agent transacted no other insurance business during the period covered by the report. Agents who have offered to sell or sold only pre-need funeral insurance are exempt from the requirement to obtain C.E.C.s.

(4) Each licensed insurance agent who is an individual and holds only a bail bond, self-service storage unit or travel insurance qualification is exempt from the requirement to obtain C.E.C.s.

(5) (A) A licensed insurance agent who is a member of the national guard or any reserve component of the armed services of the United States who serves on active duty for at least 90 consecutive days shall be exempt from the requirement to obtain C.E.C.s during the time that such insurance agent is on active duty.

(B) The commissioner shall grant an extension to any licensed insurance agent described in subparagraph (A) until the biennial due date

that occurs in the year next succeeding the year in which such active duty ceases.

(d) An instructor of an approved subject shall be entitled to the same C.E.C. as a student completing the study.

(e) (1) An individual insurance agent who has been licensed for more than one year, on or before such insurance agent's biennial due date, shall file a report with the commissioner certifying that such insurance agent has met the continuing education requirements for the previous biennium ending on such insurance agent's biennial due date. Each individual insurance agent shall maintain a record of all courses attended together with a certificate of attendance for the remainder of the biennium in which the courses were attended and the entire next succeeding biennium.

(2) If the required report showing proof of continuing education completion is not received by the commissioner by the individual insurance agent's biennial due date, such individual insurance agent's qualification and each and every corresponding license shall be suspended automatically for a period of 90 calendar days or until such time as the producer satisfactorily demonstrates completion of the continuing education requirement, whichever is sooner. In addition, the commissioner shall assess a penalty of $100 for each license suspended. If such insurance agent fails to furnish to the commissioner the required proof of continuing education completion and the monetary penalty within 90 calendar days of such insurance agent's biennial due date, such individual insurance agent's qualification and each and every corresponding license shall expire on such insurance agent's biennial due date. If after more than three but less than 12 months from the date the license expired, the insurance agent wants to reinstate such insurance agent's license, such individual shall provide the required proof of continuing education completion and pay a reinstatement fee in the amount of $100 for each license suspended. If after more than 12 months from the date an insurance agent's license has expired, such insurance agent wants to reinstate such insurance agent's license, such individual shall apply for an insurance agent's license, provide the required proof of continuing education completion and pay a reinstatement fee in the amount of $100 for each license suspended. Upon receipt of a written application from such insurance agent claiming extreme hardship, the commissioner may waive any penalty imposed under this subsection.

(3) On and after the effective date of this act, any applicant for an individual insurance agent's license who previously held a license that expires on or after June 30, 2001, because of failure to meet continuing education requirements and who seeks to be relicensed shall provide evidence that appropriate C.E.C.s have been completed for the prior biennium.

(4) Upon receipt of a written application from an individual insurance agent, the commissioner, in cases involving medical hardship or military

service, may extend the time within which to fulfill the minimum continuing educational requirements for a period of not to exceed 180 days.

(5) This section shall not apply to any inactive insurance agent during the period of such inactivity. For the purposes of this paragraph, "inactive period" or "period of inactivity" means a continuous period of time of not more than four years starting from the date inactive status is granted by the commissioner. Before returning to active status, such inactive insurance agent shall:

(A) File a report with the commissioner certifying that such agent has met the continuing education requirement; and

(B) pay the renewal fee. If the required proof of continuing education completion and the renewal fee is not furnished at the end of the inactive period, such individual insurance agent's qualification and each and every corresponding license shall expire at the end of the period of inactivity. For issuance of a new license, the individual shall apply for a license and pass the required examination.

(6) Any individual who allows such individual's insurance agent license in this state and *in* all other states ~~in which~~ *where* such individual is licensed as an insurance agent to expire for a period of four or more consecutive years~~,~~ shall apply for a new insurance agent license and pass the required examination.

(f) (1) Each course, program of study~~,~~ or subject shall be submitted to and certified by the commissioner in order to qualify for purposes of continuing education.

(2) Each request for certification of any course, program of study or subject shall contain the following information:

(A) The name of the provider or provider organization;

(B) the title of such course, program of study or subject;

(C) the date the course, program of study or subject will be offered;

(D) the location where the course, program of study or subject will be offered;

(E) an outline of each course, program of study or subject, including a schedule of times when such material will be presented;

(F) the names and qualifications of instructors;

(G) the number of C.E.C.s requested;

(H) a nonrefundable C.E.C. qualification fee ~~in the amount of~~ *not to exceed* $50 per course, program of study or subject or *not to exceed* $250 per year for all courses, programs of study or subjects submitted by a specific provider or provider organization; and

(I) a nonrefundable annual provider fee ~~of~~ *not to exceed* $100.

(3) Upon receipt of such information, the commissioner shall grant or deny certification of any submitted course, program of study or subject as an approved subject, program of study or course and indicate the number

of C.E.C.s that will be recognized for each approved course, program of study or subject. Each approved course, program of study or subject shall be assigned by the commissioner to one or both of the following classes:

(A) Property and casualty; or

(B) life insurance, including annuity and variable contracts, and accident and health insurance.

(4) Each course, program of study or subject shall have a value of at least one C.E.C.

(5) (A) Each provider seeking approval of a course, program of study or subject for continuing education credit shall issue or cause to be issued to each person who attends a course, program of study or subject offered by such provider a certificate of attendance. The certificate shall be signed by either the instructor who presents the course, program of study or course or such provider's authorized representative. Each provider shall maintain a list of all individuals who attend courses offered by such provider for continuing education credit for the remainder of the biennium in which the courses are offered and the entire next succeeding biennium.

(B) The commissioner shall accept, without substantive review, any course, program of study or subject submitted by a provider that has been approved by the insurance supervisory authority of any other state or territory accredited by the NAIC. The commissioner may disapprove any individual instructor or provider who has been the subject of disciplinary proceedings or who has otherwise failed to comply with any other state's or territory's laws or regulations.

(6) The commissioner may grant or approve any specific course, program of study or course that has appropriate merit, such as any course, programs of study or course with broad national or regional recognition, without receiving any request for certification. The fee prescribed by subsection (f)(2) shall not apply to any approval granted pursuant to this provision.

(7) The C.E.C. value assigned to any course, program of study or subject, other than a correspondence course, computer based training, interactive internet study training or other course pursued by independent study, shall in no way be contingent upon passage or satisfactory completion of any examination given in connection with such course, program of study or subject. The commissioner shall establish, by rules and regulations, *the* criteria for determining acceptability of any method used for verification of the completion of each stage of any computer based or interactive internet study training. Completion of any computer based training or interactive internet study training shall be verified in accordance with a method approved by the commissioner.

(g) Upon request, the commissioner shall provide a list of all approved continuing education courses currently available to the public.

(h) An individual insurance agent who independently studies an insurance course, program of study or subject that is not an agent's examination approved by the commissioner shall receive credit for the C.E.C.s assigned by the commissioner as recognition for the approved subject. No other credit shall be given for independent study.

(i) Any licensed individual insurance agent who is unable to comply with license renewal procedures due to military service or some other extenuating circumstances may request a waiver of those procedures from the commissioner. Such agent may also request from the commissioner a waiver of any examination requirement or any other fine or sanction imposed for failure to comply with renewal procedures.

(j) Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register the fees required pursuant to this section for the next calendar year.

Sec. 35. K.S.A. 40-5003 is hereby amended to read as follows: 40-5003. (a) No person shall operate as a viatical settlement provider or viatical settlement broker without first obtaining a license from the commissioner or the insurance regulatory official of the state of residence of the viator. If there is more than one viator on a single policy and the viators are residents of different states, the viatical settlement shall be governed by the law of the state in which the viator having the largest percentage ownership resides or, if the viators hold equal ownership, the state of residence of one viator agreed upon in writing by all viators.

(b) Application for a viatical settlement provider license shall be made to the commissioner by the applicant on a form prescribed by the commissioner, and these applications shall be accompanied by a nonrefundable fee ~~of~~ *not to exceed* $1,000.

(c) Licenses for viatical settlement providers may be renewed from year to year on the anniversary date upon payment of the annual renewal fee ~~of~~ *not to exceed* $500. Failure to pay the fees by the renewal date results in expiration of the license.

(d) Application for a viatical settlement broker license shall be made to the commissioner by the applicant on a form prescribed by the commissioner. Each application shall be accompanied by a nonrefundable application fee ~~of~~ *not to exceed* $100.

(e) Licenses for a viatical settlement broker license may be renewed from year to year on the anniversary date upon payment of the annual renewal fee ~~of~~ *not to exceed* $50. Failure to pay the fees by the renewal date results in expiration of such license.

(f) The applicant shall provide information on forms required by the commissioner. The commissioner shall have authority, at any time, to require the applicant to fully disclose the identity of all stockholders, partners, officers, members and employees, and the commissioner, in the

exercise of the commissioner's discretion, may refuse to issue a license in the name of a legal entity if not satisfied that any officer, employee, stockholder, partner or member thereof who may materially influence the applicant's conduct meets the standards of this act.

(g) A license issued to a legal entity authorizes all partners, officers, members and designated employees to act as viatical settlement providers or viatical settlement brokers, as applicable, under the license, and all those persons shall be named in the application and any supplements to the application.

(h) Upon the filing of an application and the payment of the license fee, the commissioner shall make an investigation of each applicant and issue a license if the commissioner finds that the applicant:

(1) If a viatical settlement provider, has provided a detailed plan of operation;

(2) is competent and trustworthy and intends to act in good faith in the capacity involved by the license applied for;

(3) has a good business reputation and has had experience, training or education so as to be qualified in the business for which the license is applied for;

(4) if a legal entity, provides a certificate of good standing from the state of its domicile; and

(5) if a viatical settlement provider or viatical settlement broker, has provided an anti-fraud plan that meets the requirements of ~~paragraph (g) of~~ K.S.A. 40-5012*(g)*, and amendments thereto.

(i) The commissioner shall not issue a license to a nonresident applicant, unless a written designation of an agent for service of process is filed and maintained with the commissioner or the applicant has filed with the commissioner, the applicant's written irrevocable consent that any action against the applicant may be commenced against the applicant by service of process on the commissioner.

(j) A viatical settlement provider or viatical settlement broker shall provide to the commissioner new or revised information about officers, 10% or more stockholders, partners, directors, members or designated employees within 30 days of the change.

(k) Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register the fees required pursuant to this section for the next calendar year.

Sec. 36. K.S.A. 40-5509 is hereby amended to read as follows: 40-5509. (a) *(1)* An individual who has met the requirements for licensure under this act shall be issued a public adjuster license. A public adjuster license shall remain in effect, unless revoked, terminated or suspended, as long as the request for renewal is timely submitted and a license renewal fee ~~of~~ *not to exceed* $100 is paid and any other requirements for

license renewal are met by the due date. The licensee shall inform the commissioner by any means acceptable to the commissioner of a change of address, change of legal name or change of information submitted on the application within 30 days of the change.

(2) Not later than December 1 of each year, the commissioner shall set and cause to be published in the Kansas register the fees required pursuant to this subsection for the next calendar year.

(b) A public adjuster shall be subject to the provisions ~~of subsection (9)~~ of K.S.A. 40-2404*(9)*, and amendments thereto.

(c) A public adjuster who allows such person's license to lapse may, within 12 months from the due date of the renewal, be issued a new public adjuster license upon the commissioner's receipt of proof that the licensee has satisfactorily completed the renewal process and the licensee's payment of a reinstatement fee of $100. The new public adjuster license shall be effective *on* the date *that* the commissioner receives such proof and the reinstatement fee.

(d) A licensed public adjuster that is unable to comply with license renewal procedures due to military service, a long-term medical disability or some other extenuating circumstance, may request an extension of time to comply with those procedures.

(e) The public adjuster license shall contain the licensee's name, city and state of business address, personal identification number, the date of issuance, the expiration date and any other information the commissioner deems necessary.

(f) In order to assist in the performance of the commissioner's duties, the commissioner may contract with non-governmental entities, including the NAIC, to perform any ministerial functions, including the collection of fees and data related to licensing that the commissioner may deem appropriate.

Sec. 37. K.S.A. 75-4101 is hereby amended to read as follows: 75-4101. (a) There is hereby created a committee on surety bonds and insurance, which shall consist of the state treasurer, the attorney general and the commissioner of insurance or their respective designees. The commissioner of insurance shall be the chairperson of the committee and the director of purchases or the director's designee shall be the ex officio secretary. The committee shall meet upon the call of the chairperson and at such other times as the committee shall determine ~~but at least once each month on the second Monday in each month. Meetings shall be held in the office of the commissioner of insurance~~. The members of the committee shall serve without compensation. The secretary shall be the custodian of all property, records and proceedings of the committee. Except as provided in this section and K.S.A. 74-4925, 74-4927, 75-6501 through 75-6511 and 76-749, and amendments thereto, no state agency shall pur-

chase any insurance of any kind or nature or any surety bonds upon state officers or employees, except as provided in this act. Except as otherwise provided in this section, ~~health care~~ *healthcare* coverage and ~~health care~~ *healthcare* services of a health maintenance organization for state officers and employees designated under K.S.A. 75-6501(c), and amendments thereto, shall be provided in accordance with the provisions of K.S.A. 75-6501 through 75-6511, and amendments thereto.

(b) The Kansas turnpike authority may purchase group life, health and accident insurance or health care services of a health maintenance organization for its employees or members of the highway patrol assigned, by contract or agreement entered pursuant to K.S.A. 68-2025, and amendments thereto, to police toll or turnpike facilities, independent of the committee on surety bonds and insurance and of the provisions of K.S.A. 75-6501 through 75-6511, and amendments thereto. Such authority may purchase liability insurance covering all or any part of its operations and may purchase liability and related insurance upon all vehicles owned or operated by the authority independent of the committee on surety bonds and insurance and such insurance may be purchased without complying with K.S.A. 75-3738 through 75-3744, and amendments thereto. Any board of county commissioners may purchase such insurance or ~~health care~~ *healthcare* services, independent of such committee, for district court officers and employees any part of whose total salary is payable by the county. Nothing in any other provision of the laws of this state shall be construed as prohibiting members of the highway patrol so assigned to police toll or turnpike facilities from receiving compensation in the form of insurance or health maintenance organization coverage as herein authorized.

(c) The agencies of the state sponsoring a foster grandparent or senior companion program, or both, shall procure a policy of accident, personal liability and excess automobile liability insurance insuring volunteers participating in such programs against loss in accordance with specifications of federal grant guidelines. Such agencies may purchase such policy of insurance independent of the committee on surety bonds and insurance and without complying with K.S.A. 75-3738 through 75-3744, and amendments thereto.

(d) Any state educational institution as defined by K.S.A. 76-711, and amendments thereto, may purchase insurance of any kind or nature except employee health insurance. Such insurance shall be purchased on a competitively bid or competitively negotiated basis in accordance with procedures prescribed by the state board of regents. Such insurance may be purchased independent of the committee on surety bonds and insurance and without complying with K.S.A. 75-3738 through 75-3744, and amendments thereto.

(e) (1) The state board of regents may enter into one or more group insurance contracts to provide health and accident insurance coverage or ~~health care~~ *healthcare* services of a health maintenance organization for all students attending a state educational institution as defined in K.S.A. 76-711, and amendments thereto, and such students' dependents, except that such insurance shall not provide coverage for elective procedures that are not medically necessary as determined by a treating physician. The participation by a student in such coverage shall be voluntary. In the case of students who are employed by a state educational institution in a student position, the level of employer contributions toward such coverage shall be determined by the board of regents.

(2) The state board of regents is hereby authorized to independently provide, through self-insurance or the purchase of insurance contracts, ~~health care~~ *healthcare* benefits for employees of a state educational institution, as such term is defined in K.S.A. 76-711, and amendments thereto, when the state ~~health care~~ *healthcare* benefits program is insufficient to satisfy the requirements of 22 C.F.R. § 62.14, as in effect upon ~~the effective date of this section~~ *April 13, 2017*. Such healthcare benefits shall be limited to only those for whom the state ~~health care~~ *healthcare* benefits program does not meet federal requirements.

(3) The state board of regents may purchase cybersecurity insurance as it deems necessary to protect student records, labor information and other statutorily protected data that the board maintains, independent of the committee on surety bonds and insurance and without complying with the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto. As used in this paragraph, "cybersecurity insurance" includes, but is not limited to, first-party coverage against losses such as data destruction, denial of service attacks, theft, hacking and liability coverage guaranteeing compensation for damages from errors such as the failure to safeguard data.

(4) The state board of regents may adopt rules and regulations necessary to administer and implement the provisions of this section.

Sec. 38. K.S.A. 2024 Supp. 75-6301 is hereby amended to read as follows: 75-6301. (a) There is hereby established under the jurisdiction of the commissioner of insurance ~~a division to be known as the office of the securities commissioner of Kansas~~ *the department of insurance, securities division*. The ~~office~~ *department of insurance, securities division* shall be administered by the ~~securities commissioner of Kansas~~ *department of insurance assistant commissioner, securities division* who shall be in the unclassified service under the Kansas civil service act. The ~~securities commissioner~~ *department of insurance assistant commissioner, securities division* shall be appointed by the commissioner of insurance ~~and be subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amend-~~

~~ments thereto~~. The ~~securities commissioner~~ *department of insurance assistant commissioner, securities division* shall have special training and qualifications for such position, ~~shall~~ receive such compensation as may be fixed by the commissioner of insurance and ~~shall~~ serve at the pleasure of the commissioner of insurance. ~~Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as securities commissioner shall exercise any power, duty or function as securities commissioner until confirmed by the senate.~~

(b) The ~~securities commissioner~~ *department of insurance assistant commissioner, securities division* shall devote full time to the performance of the duties of the ~~office of the securities commissioner~~ *department of insurance, securities division*.

(c) The ~~securities commissioner~~ *department of insurance assistant commissioner, securities division* may appoint directors and other employees within the ~~office of the securities commissioner~~ *department of insurance, securities division* as determined necessary by the ~~securities commissioner~~ *department of insurance assistant commissioner, securities division* to effectively carry out the mission of the office. All directors appointed after the effective date of this act shall be in the unclassified service under the Kansas civil service act, ~~shall~~ have special training and qualifications for such positions, ~~shall~~ serve at the pleasure of the ~~securities commissioner~~ *department of insurance assistant commissioner, securities division* and ~~shall~~ receive compensation fixed by the ~~securities commissioner~~ *department of insurance assistant commissioner, securities division* and approved by the commissioner of insurance.

(d) Nothing in subsection (c) shall affect the classified status of any person employed in the ~~office of the securities commissioner~~ *department of insurance, securities division* on the day immediately preceding the effective date of this act. The provisions of this subsection shall not be construed to limit the powers of the ~~securities commissioner~~ *department of insurance assistant commissioner, securities division* pursuant to K.S.A. 75-2948, and amendments thereto.

(e) The ~~office of the securities commissioner of Kansas~~ *department of insurance, securities division* shall cooperate with the *department of* insurance ~~department~~ to consolidate administrative functions and cross-appoint such employees as deemed necessary to provide efficiency. The commissioner of insurance and the ~~securities commissioner~~ *department of insurance assistant commissioner, securities division* are hereby authorized to enter into agreements and adopt rules and regulations as necessary to administer the provisions of this subsection.

Sec. 39. K.S.A. 8-2405, 40-205a, 40-218, 40-246b, 40-246e, 40-252, 40-2,133, 40-504, 40-956, 40-2102, 40-2109, 40-22a04, 40-2604, 40-2702, 40-3116, 40-3213, 40-3217, 40-3304, 40-3413, 40-3812, 40-3813, 40-

3814, 40-4103, 40-4116, 40-4323, 40-4334, 40-4503, 40-5003, 40-5509, 75-4101, 75-6302, 75-6303, 75-6304, 75-6305, 75-6306 and 75-6307 and K.S.A. 2024 Supp. 40-102, 40-3823, 40-3824, 40-4209, 40-4302, 40-4903 and 75-6301 are hereby repealed.

Sec. 40. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 8, 2025.

CHAPTER 88

SENATE BILL No. 64

AN ACT concerning retirement and pensions; relating to the Kansas public employees retirement system; adjusting certain internal references; extending the time for filing administrative appeals; updating provisions relating to compliance with the federal internal revenue code; amending K.S.A. 74-4902 and 74-4904 and K.S.A. 2024 Supp. 74-49,123 and repealing the existing sections.

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

Section 1. K.S.A. 74-4902 is hereby amended to read as follows: 74-4902. As used in articles 49 and 49a of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, unless otherwise provided or the context otherwise requires:

(1) "Accumulated contributions" means the sum of all contributions by a member to the system which are credited to the member's account, with interest allowed thereon;

(2) "acts" means the provisions of articles 49 and 49a of the Kansas Statutes Annotated, and amendments thereto;

(3) "actuarial equivalent" means an annuity or benefit of equal value to the accumulated contributions, annuity or benefit, when computed upon the basis of the actuarial tables in use by the system. Whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, the assumptions shall be specified in a way that precludes employer discretion;

(4) "actuarial tables" means the actuarial tables approved and in use by the board at any given time;

(5) "actuary" means the actuary or firm of actuaries employed or retained by the board at any given time;

(6) "agent" means the individual designated by each participating employer through whom system transactions and communication are directed;

(7) "beneficiary" means, subject to the provisions of K.S.A. 74-4927, and amendments thereto, any natural person or persons, estate or trust, or any combination thereof, named by a member to receive any benefits as provided for by this act. Designations of beneficiaries by a member who is a member of more than one retirement system made on or after July 1, 1987, shall be the basis of any benefits payable under all systems unless otherwise provided by law. Except as otherwise provided by subsection ~~(33) of this section~~ *(32)*, if there is no named beneficiary living at the time of the member's death, any benefits provided for by this act shall be paid to: (A) The member's surviving spouse; (B) the member's dependent child or children; (C) the member's dependent parent or parents; (D) the member's nondependent child or children; (E) the member's nondepen-

dent parent or parents; *or* (F) the estate of the deceased member; in the order of preference as specified in this subsection;

(8) "board of trustees," "board" or "trustees" means the managing body of the system which is known as the Kansas public employees retirement system board of trustees;

(9) "compensation" means, except as otherwise provided, all salary, wages and other remuneration payable to a member for personal services performed for a participating employer, including maintenance or any allowance in lieu thereof provided a member as part of compensation, but not including reimbursement for travel or moving expenses or on and after July 1, 1994, payment pursuant to an early retirement incentive program made prior to the retirement of the member. Beginning with the employer's fiscal year ~~which~~ *that* begins in calendar year 1991 or for employers other than the state of Kansas, beginning with the fiscal year ~~which~~ *that* begins in calendar year 1992, when the compensation of a member who remains in substantially the same position during any two consecutive years of participating service used in calculating final average salary is increased by an amount which exceeds 15%, then the amount of such increase which exceeds 15% shall not be included in compensation, except that: (A) Any amount of compensation for accumulated sick leave or vacation or annual leave paid to the member; (B) any increase in compensation for any member due to a reclassification or reallocation of such member's position or a reassignment of such member's job classification to a higher range or level; and (C) any increase in compensation as provided in any contract entered into prior to January 1, 1991, and still in force on the effective date of this act, pursuant to an early retirement incentive program as provided in K.S.A. 72-5395 et seq., and amendments thereto, shall be included in the amount of compensation of such member used in determining such member's final average salary and shall not be subject to the 15% limitation provided in this subsection. Any contributions by such member on the amount of such increase which exceeds 15% which is not included in compensation shall be returned to the member. Unless otherwise provided by law, beginning with the employer's fiscal year coinciding with or following July 1, 1985, compensation shall include any amounts for tax sheltered annuities or deferred compensation plans. Beginning with the employer's fiscal year ~~which~~ *that* begins in calendar year 1991, compensation shall include amounts under sections 403b, 457 and 125 of the federal internal revenue code of 1986 and, as the board deems appropriate, any other section of the federal internal revenue code of 1986 which defers or excludes amounts from inclusion in income. For purposes of applying limits under the federal internal revenue code "compensation" shall have the meaning as provided in K.S.A. 74-49,123, and amendments thereto. For purposes of this subsection and application to

the provisions of ~~subsection (4) of~~ K.S.A. 74-4927*(4)*, and amendments thereto, "compensation" shall not include any payments made by the state board of regents pursuant to the provisions of ~~subsection (5) of~~ K.S.A. 74-4927a*(5)*, and amendments thereto, to a member of the faculty or other person defined in ~~subsection (1)(a) of~~ K.S.A. 74-4925*(1)(a)*, and amendments thereto;

(10) "credited service" means the sum of participating service and prior service and in no event shall credited service include any service ~~which~~ *that* is credited under another retirement plan authorized under any law of this state;

(11) "dependent" means a parent or child of a member who is dependent upon the member for at least ½ of such parent or child's support;

(12) "effective date" means the date upon which the system becomes effective by operation of law;

(13) "eligible employer" means the state of Kansas, and any county, city, township, special district or any instrumentality of any one or several of the aforementioned or any noncommercial public television or radio station located in this state ~~which~~ *that* receives state funds allocated by the Kansas public broadcasting commission whose employees are covered by social security. If a class or several classes of employees of any above defined employer are not covered by social security, such employer shall be deemed an eligible employer only with respect to such class or those classes of employees who are covered by social security;

(14) "employee" means any appointed or elective officer or employee of a participating employer whose employment is not seasonal or temporary and whose employment requires at least 1,000 hours of work per year, and any such officer or employee who is concurrently employed performing similar or related tasks by two or more participating employers, who each remit employer and employee contributions on behalf of such officer or employee to the system, and whose combined employment is not seasonal or temporary, and whose combined employment requires at least 1,000 hours of work per year, but not including: (A) Any employee who is a contributing member of the United States civil service retirement system; (B) any employee who is a contributing member of the federal employees retirement system; (C) any employee who is a leased employee as provided in section 414 of the federal internal revenue code of a participating employer; and (D) any employee or class of employees specifically exempted by law. After June 30, 1975, no person who is otherwise eligible for membership in the Kansas public employees retirement system shall be barred from such membership by reason of coverage by, eligibility for or future eligibility for a retirement annuity under the provisions of K.S.A. 74-4925, and amendments thereto, except that no person shall receive service credit under the Kansas public employees retirement

system for any period of service for which benefits accrue or are granted under a retirement annuity plan under the provisions of K.S.A. 74-4925, and amendments thereto. After June 30, 1982, no person who is otherwise eligible for membership in the Kansas public employees retirement system shall be barred from such membership by reason of coverage by, eligibility for or future eligibility for any benefit under another retirement plan authorized under any law of this state, except that no such person shall receive service credit under the Kansas public employees retirement system for any period of service for which any benefit accrues or is granted under any such retirement plan. Employee shall include persons who are in training at or employed by, or both, a sheltered workshop for the blind operated by the secretary for children and families. The entry date for such persons shall be the beginning of the first pay period of the fiscal year commencing in calendar year 1986. Such persons shall be granted prior service credit in accordance with K.S.A. 74-4913, and amendments thereto. However, such persons classified as home industry employees shall not be covered by the retirement system. Employees shall include any member of a board of county commissioners of any county and any council member or commissioner of a city whose compensation is equal to or exceeds $5,000 per year;

(15) "entry date" means the date as of which an eligible employer joins the system. The first entry date pursuant to this act is January 1, 1962;

(16) "executive director" means the managing officer of the system employed by the board under this act;

(17) "final average salary" means in the case of a member who retires prior to January 1, 1977, and in the case of a member who retires after January 1, 1977, and who has less than five years of participating service after January 1, 1967, the average highest annual compensation paid to such member for any five years of the last 10 years of participating service immediately preceding retirement or termination of employment, or in the case of a member who retires on or after January 1, 1977, and who has five or more years of participating service after January 1, 1967, the average highest annual compensation paid to such member on or after January 1, 1967, for any five years of participating service preceding retirement or termination of employment, or, in any case, if participating service is less than five years, then the average annual compensation paid to the member during the full period of participating service, or, in any case, if the member has less than one calendar year of participating service such member's final average salary shall be computed by multiplying such member's highest monthly salary received in that year by 12; in the case of a member who became a member under ~~subsection (3) of~~ K.S.A. 74-4925*(3)*, and amendments thereto, or who became a member with a participating employer as defined in ~~subsection (3) of~~ K.S.A. 74-4931*(3)*,

and amendments thereto, and who elects to have compensation paid in other than 12 equal installments, such compensation shall be annualized as if the member had elected to receive 12 equal installments for any such periods preceding retirement; in the case of a member who retires after July 1, 1987, the average highest annual compensation paid to such member for any four years of participating service preceding retirement or termination of employment; in the case of a member who retires on or after July 1, 1993, whose date of membership in the system is prior to July 1, 1993, and any member who is in such member's membership waiting period on July 1, 1993, and whose date of membership in the system is on or after July 1, 1993, the average highest annual compensation, as defined in subsection (9), paid to such member for any four years of participating service preceding retirement or termination of employment or the average highest annual salary, as defined in subsection ~~(34)~~ *(33)*, paid to such member for any three years of participating service preceding retirement or termination of employment, whichever is greater; and in the case of a member who retires on or after July 1, 1993, and whose date of membership in the system is on or after July 1, 1993, the average highest annual salary, as defined in subsection ~~(34)~~ *(33)*, paid to such member for any three years of participating service preceding retirement or termination of employment. Final average salary shall not include any purchase of participating service credit by a member as provided in ~~subsection (2) of~~ K.S.A. 74-4919h*(2)*, and amendments thereto, which is completed within five years of retirement. For any application to purchase or repurchase service credit for a certain period of service as provided by law received by the system after May 17, 1994, for any member who will have contributions deducted from such member's compensation at a percentage rate equal to two or three times the employee's rate of contribution or will begin paying to the system a lump-sum amount for such member's purchase or repurchase and such deductions or lump-sum payment commences after the commencement of the first payroll period in the third quarter, "final average salary" shall not include any amount of compensation or salary which is based on such member's purchase or repurchase. Any application to purchase or repurchase multiple periods of service shall be treated as multiple applications. For purposes of this subsection, the date that such member is first hired as an employee for members who are employees of employers that elected to participate in the system on or after January 1, 1994, shall be the date that such employee's employer elected to participate in the system. In the case of any former member who was eligible for assistance pursuant to K.S.A. 74-4925, and amendments thereto, prior to July 1, 1998, for the purpose of calculating final average salary of such member, such member's final average salary shall be based on such member's salary while a member of the system or while eligi-

ble for assistance pursuant to K.S.A. 74-4925, and amendments thereto, whichever is greater;

(18) "fiscal year" means, for the Kansas public employees retirement system, the period commencing July 1 of any year and ending June 30 of the next;

(19) "Kansas public employees retirement fund" means the fund created by this act for payment of expenses and benefits under the system and referred to as the fund;

(20) "leave of absence" means a period of absence from employment without pay, authorized and approved by the employer, and which after the effective date does not exceed one year;

(21) "member" means an eligible employee who is in the system and is making the required employee contributions; any former employee who has made the required contributions to the system and has not received a refund if such member is within five years of termination of employment with a participating employer; or any former employee who has made the required contributions to the system, has not yet received a refund and has been granted a vested benefit;

(22) "military service" means service in the uniformed forces of the United States, for which retirement benefit credit must be given under the provisions of USERRA or service in the armed forces of the United States or in the commissioned corps of the United States public health service, which service is immediately preceded by a period of employment as an employee or by entering into an employment contract with a participating employer and is followed by return to employment as an employee with the same or another participating employer within 12 months immediately following discharge from such military service, except that if the board determines that such return within 12 months was made impossible by reason of a service-connected disability, the period within which the employee must return to employment with a participating employer shall be extended not more than two years from the date of discharge or separation from military service;

(23) "normal retirement date" means the date on or after which a member may retire with full retirement benefits pursuant to K.S.A. 74-4914, and amendments thereto;

(24) "participating employer" means an eligible employer who has agreed to make contributions to the system on behalf of its employees;

(25) "participating service" means the period of employment after the entry date for which credit is granted a member;

(26) "prior service" means the period of employment of a member prior to the entry date for which credit is granted a member under this act;

(27) "prior service annual salary" means the highest annual salary, not including any amounts received as payment for overtime or as reimburse-

ment for travel or moving expense, received for personal services by the member from the current employer in any one of the three calendar years immediately preceding January 1, 1962, or the entry date of the employer, whichever is later, except that if a member entered the employment of the state during the calendar year 1961, the prior service annual salary shall be computed by multiplying such member's highest monthly salary received in that year by 12;

(28) "retirant" means a member who has retired under this system;

(29) "retirement benefit" means a monthly income or the actuarial equivalent thereof paid in such manner as specified by the member pursuant to this act or as otherwise allowed to be paid at the discretion of the board, with benefits accruing from the first day of the month coinciding with or following retirement and ending on the last day of the month in which death occurs. Upon proper identification a surviving spouse may negotiate the warrant issued in the name of the retirant. If there is no surviving spouse, the last warrant shall be payable to the designated beneficiary;

(30) "retirement system" or "system" means the Kansas public employees retirement system as established by this act and as it may be amended;

(31) "social security" means the old age, survivors and disability insurance section of the federal social security act;

(32) "trust" means an express trust, created by a trust instrument, including a will, designated by a member to receive payment of the insured death benefit under K.S.A. 74-4927, and amendments thereto, and payment of the member's accumulated contributions under ~~subsection (1) of~~ K.S.A. 74-4916*(1)*, and amendments thereto. A designation of a trust shall be filed with the board. If no will is admitted to probate within six months after the death of the member or no trustee qualifies within such six months or if the designated trust fails, for any reason whatsoever, the insured death benefit under K.S.A. 74-4927, and amendments thereto, and the member's accumulated contributions under ~~subsection (1) of~~ K.S.A. 74-4916*(1)*, and amendments thereto, shall be paid in accordance with the provisions of subsection (7) ~~of this section~~ as in other cases where there is no named beneficiary living at the time of the member's death and any payments so made shall be a full discharge and release to the system from any further claims;

(33) "salary" means all salary and wages payable to a member for personal services performed for a participating employer, including maintenance or any allowance in lieu thereof provided a member as part of salary. Salary shall not include reimbursement for travel or moving expenses, payment for accumulated sick leave or vacation or annual leave, severance pay or any other payments to the member determined by the board to not be payments for personal services performed for a partici-

pating employer constituting salary or on and after July 1, 1994, payment pursuant to an early retirement incentive program made prior to the retirement of the member. When the salary of a member who remains in substantially the same position during any two consecutive years of participating service used in calculating final average salary is increased by an amount which exceeds 15%, then the amount of such increase which exceeds 15% shall not be included in salary. Any contributions by such member on the amount of such increase which exceeds 15% which is not included in compensation shall be returned to the member. Unless otherwise provided by law, salary shall include any amounts for tax sheltered annuities or deferred compensation plans. Salary shall include amounts under sections 403b, 457 and 125 of the federal internal revenue code of 1986 and, as the board deems appropriate, any other section of the federal internal revenue code of 1986 ~~which~~ *that* defers or excludes amounts from inclusion in income. For purposes of applying limits under the federal internal revenue code "salary" shall have the meaning as provided in K.S.A. 74-49,123, and amendments thereto. In any case, if participating service is less than three years, then the average annual salary paid to the member during the full period of participating service, or, in any case, if the member has less than one calendar year of participating service such member's final average salary shall be computed by multiplying such member's highest monthly salary received in that year by 12;

(34) "federal internal revenue code" means the federal internal revenue code of 1954 or 1986, as in effect on July 1, 2008, and as applicable to a governmental plan; and

(35) "USERRA" means the federal uniformed services employment and reemployment rights act of 1994 as in effect on July 1, 2008.

Sec. 2. K.S.A. 74-4904 is hereby amended to read as follows: 74-4904. (1) The system may sue and be sued in its official name, but its trustees, officers, employees and agents shall not be personally liable for acts of the system unless such person acted with willful, wanton or fraudulent misconduct or intentionally tortious conduct. Any agreement in settlement of litigation involving the system and the investment of moneys of the fund is a public record as provided in K.S.A. 45-215 et seq., and amendments thereto, and subject to the provisions of that act. The service of all legal process and of all notices which may be required to be in writing, whether legal proceedings or otherwise, shall be had on the executive director at such executive director's office. All actions or proceedings directly or indirectly against the system shall be brought in Shawnee county.

(2) Any person aggrieved by any order or decision of the board made without a hearing, may, within ~~30~~ *60* days after notice of the order or decision of the board make written request to the board for a hearing thereon. The board shall hear such party or parties in accordance with the

provisions of the Kansas administrative procedure act at its next regular meeting or at a special meeting within 60 days after receipt of such request. For the purpose of any hearing under this section, the board may appoint the executive director or use a presiding officer from the office of administrative hearings. The board shall review an initial order resulting from a hearing under this section. The board is hereby authorized to enter into a contract with the office of administrative hearings and to provide for reimbursement for actual and necessary expenses and compensation for such person serving as a presiding officer.

Sec. 3. K.S.A. 2024 Supp. 74-49,123 is hereby amended to read as follows: 74-49,123. (a) This section applies to the Kansas public employees retirement system and to all other public retirement plans administered by the board of trustees.

(b) As used in this section:

(1) "Federal internal revenue code" means the federal internal revenue code of 1954 or 1986, as amended and as applicable to a governmental plan as in effect on July 1, 2008; and

(2) "retirement plan" includes the Kansas public employees retirement system and all other Kansas public retirement plans and benefit structures, which are administered by the board.

(c) In addition to the federal internal revenue code provisions otherwise noted in each retirement plan's law, and in order to satisfy the applicable requirements under the federal internal revenue code, the retirement plans shall be subject to the following provisions, notwithstanding any other provision of the retirement plan's law:

(1) The board shall distribute the corpus and income of the retirement plan to the members and their beneficiaries in accordance with the retirement plan's law. At no time prior to the satisfaction of all liabilities with respect to members and their beneficiaries shall any part of the corpus and income be used for, or diverted to, purposes other than the exclusive benefit of the members and their beneficiaries.

(2) Forfeitures arising from severance of employment, death or for any other reason may not be applied to increase the benefits any member would otherwise receive under the retirement plan's law. However, forfeitures may be used to reduce an employer's contribution.

(3) All benefits paid from the retirement plan shall be distributed in accordance with a good faith interpretation of the requirements of section 401(a)(9) of the federal internal revenue code and the regulations under that section. Notwithstanding any other provision of these rules and regulations, ~~effective on and after January 1, 2003,~~ the retirement plan is subject to the following provisions:

(A) Benefits must begin by the required beginning date, which is the later of April 1 of the calendar year following the calendar year in which

the member reaches ~~72 years of age, or 70½ years of age if the member was born before July 1, 1949,~~ *the applicable age* or April 1 of the calendar year following the calendar year in which the member terminates employment. If a member fails to apply for retirement benefits by April 1 of the calendar year following the calendar year in which such member reaches ~~72 years of age, or 70½ years of age if the member was born before July 1, 1949,~~ *the applicable age* or April 1 of the calendar year following the calendar year in which such member terminates employment, whichever is later, the board will begin distributing the benefit as required by this section. *For purposes of this section, the applicable age is 70½ if the member was born before July 1, 1949, age 72 if the member was born on or after July 1, 1949, but before January 1, 1951, age 73 if the member was born on or after January 1, 1951, but before January 1, 1959, and age 75 if the member was born on or after January 1, 1960.*

(B) The member's entire interest must be distributed over the member's life or the lives of the member and a designated beneficiary, or over a period not extending beyond the life expectancy of the member or of the member and a designated beneficiary. Death benefits must be distributed in accordance with section 401(a)(9) of the federal internal revenue code, including the incidental death benefit requirement in section 401(a)(9)(G) of the federal internal revenue code, and the regulations implementing that section.

(C) *Except as allowed under section 401(a)(9) of the federal internal revenue code and applicable regulations thereunder,* the life expectancy of a member, the member's spouse or the member's beneficiary may not be recalculated after the initial determination for purposes of determining benefits.

(D) If a member dies after the required distribution of benefits has begun, the remaining portion of the member's interest must be distributed at least as rapidly as under the method of distribution before the member's death and no longer than the remaining period over which distributions commenced.

(E) If a member dies before required distribution of the member's benefits has begun, the member's entire interest must be either:

(i) In accordance with federal regulations, distributed over the life or life expectancy of the designated beneficiary, with the distributions beginning no later than December 31 of the calendar year immediately following the calendar year of the member's death; or

(ii) distributed by December 31 of the calendar year containing the fifth anniversary of the member's death.

(F) The amount of an annuity paid to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of the federal internal revenue code.

(G) The death and disability benefits provided by a retirement plan are limited by the incidental benefit rule set forth in section 401(a)(9)(G) of the federal internal revenue code and *applicable* treasury ~~regulation 1.401-1(b)(l)(i)~~ *regulations*.

(H) Distributions from a defined contribution or deferred compensation plan shall be made in accordance with the rules under section 401(a)(9) of the federal internal revenue code that are specific to such plans.

(4) Distributions from the retirement plans may be made only upon retirement, separation from service, disability or death.

(5) The board or its designee may not:

(A) Determine eligibility for benefits;

(B) compute rates of contribution; or

(C) compute benefits of members or beneficiaries, in a manner that discriminates in favor of members who are considered officers, supervisors or highly compensated, as prohibited under section 401(a)(4) of the federal internal revenue code.

(6) Subject to the provisions of this subsection, benefits paid from, and employee contributions made to, the retirement plans shall not exceed the maximum benefits and the maximum annual additions, respectively, permissible under section 415 of the federal internal revenue code.

(A) Before January 1, 1995, a member may not receive an annual benefit that exceeds the limits specified in section 415(b) of the federal internal revenue code, subject to the applicable adjustments in that section. Beginning January 1, 1995, a participant may not receive an annual benefit that exceeds the dollar amount specified in section 415(b)(1)(A) of the federal internal revenue code, subject to the applicable adjustments in section 415 of the federal internal revenue code.

(B) Notwithstanding any other provision of law to the contrary, the board may modify a request by a participant to make a contribution to the retirement plans if the amount of the contribution would exceed the limits under section 415(c) or 415(n) of the federal internal revenue code subject to the following:

(i) Where the retirement plan's law requires a lump-sum payment, for the purchase of service credit, the board may establish a periodic payment plan in order to avoid a contribution in excess of the limits under section 415(c) or 415(n) of the federal internal revenue code.

(ii) If the board's option under clause (i) will not avoid a contribution in excess of the limits under section 415(c) or 415(n) of the federal internal revenue code, the board shall reduce or deny the contribution.

(C) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if an active member makes one or more contributions to purchase permissive service credit

under a retirement plan, then the requirements of this section shall be treated as met only if:

(i) The requirements of section 415(b) of the federal internal revenue code are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of such section; or

(ii) the requirements of section 415(c) of the federal internal revenue code are met, determined by treating all such contributions as annual additions for purposes of such section. For purposes of applying clause (i) a retirement plan shall not fail to meet the reduced limit under section 415(b)(2)(C) of the federal internal revenue code solely by reason of this subparagraph (C), and for purposes of applying clause (ii), a retirement plan shall not fail to meet the percentage limitation under section 415(c)(1)(B) of the federal internal revenue code solely by reason of this paragraph.

(iii) For purposes of this clause, the term "permissive service credit" means service credit:

(a) Specifically recognized by a retirement plan's law for purposes of calculating a member's benefit under that retirement plan;

(b) that such member has not received under a retirement plan; and

(c) that such member may receive under a retirement plan's law only by making a voluntary additional contribution, in an amount determined under the retirement plan's law and procedures established by the board, that does not exceed the amount necessary to fund the benefit attributable to such service credit.

(iv) A retirement plan shall fail to meet the requirements of this clause if the retirement plan's law specifically provides for a purchase of nonqualified service purchase, and if:

(a) More than five years of nonqualified service credit are taken into account for purposes of this subclause; or

(b) any nonqualified service credit is taken into account under this subclause before the member has at least five years of participation under a retirement plan. For purposes of this subclause, effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, the term "nonqualified service credit" means the same as provided in section 415(n)(3)(C) of the federal internal revenue code.

(v) In the case of a trustee-to-trustee transfer after December 31, 2001, to which section 403(b)(13)(A) or 457(e)(17)(A) of the federal internal revenue code applies, without regard to whether the transfer is made between plans maintained by the same employer:

(a) The limitations of clause (iv) shall not apply in determining whether the transfer is for the purchase of permissive service credit; and

(b) the distribution rules applicable under federal law to a retirement plan shall apply to such amounts and any benefits attributable to such amounts.

(vi) For an eligible member, the limitation of section 415(c)(1) of the federal internal revenue code shall not be applied to reduce the amount of permissive service credit which may be purchased to an amount less than the amount which was allowed to be purchased under the terms of the statute as in effect on August 5, 1997. For purposes of this clause, an eligible member is an individual who first became a member in the retirement plan before January 1, 1998.

(D) Subject to approval by the internal revenue service, the board shall maintain a qualified governmental excess benefit arrangement under section 415(m) of the federal internal revenue code. The board shall establish the necessary and appropriate procedures for the administration of such benefit arrangement under the federal internal revenue code. The amount of any annual benefit that would exceed the limitations imposed by section 415 of the federal internal revenue code shall be paid from this benefit arrangement. The amount of any contribution that would exceed the limitations imposed by section 415 of the federal internal revenue code shall be credited to this benefit arrangement. The qualified excess benefit arrangement shall be a separate portion of the retirement plan. The qualified excess benefit arrangement is subject to the following requirements:

(i) The benefit arrangement shall be maintained solely for the purpose of providing to participants in the retirement plans that part of the participant's annual benefit otherwise payable under the terms of the act that exceeds the limitations on benefits imposed by section 415 of the federal internal revenue code; and

(ii) participants do not have an election, directly or indirectly, to defer compensation to the excess benefit arrangement.

(E) For purposes of applying these limits only and for no other purpose, the definition of compensation where applicable shall be compensation actually paid or made available during a limitation year, except as noted below and as permitted by treasury regulation section 1.415(c)-2. Specifically, compensation shall be defined as wages within the meaning of section 3401(a) of the federal internal revenue code and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under sections 6041(d), 6051(a)(3) and 6052 of the federal internal revenue code. Compensation shall be determined without regard to any rules under section 3401(a) of the federal internal revenue code that limit the remuneration included in wages based on the nature or location of the employment or the services performed, such as the exception for agricultural labor in section 3401(a)(2) of the federal internal revenue code.

(i) However, for limitation years beginning after December 31, 1997, compensation shall also include amounts that would otherwise be included in compensation but for an election under sections 125(a), 402(e)(3),

402(h)(1)(B), 402(k) or 457(b) of the federal internal revenue code. For limitation years beginning after December 30, 2000, compensation shall also include any elective amounts that are not includable in the gross income of the employee by reason of section 132(f)(4) of the federal internal revenue code.

(ii) The definition of compensation shall exclude employee contributions picked up under section 414(h)(2) of the federal internal revenue code.

(iii) For limitation years beginning on and after January 1, 2007, compensation for the limitation year will also include compensation paid by the later of two and a half months after an employee's severance from employment or the end of the limitation year that includes the date of the employee's severance from employment if:

(a) The payment is regular compensation for services during the employee's regular working hours or compensation for services outside the employee's regular working hours, such as overtime or shift differential, commissions, bonuses or other similar payments, and absent a severance from employment, the payments would have been paid to the employee while the employee continues in employment with the employer;

(b) the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued; or

(c) for limitation years beginning on and after January 1, 2012, the payment is made pursuant to a nonqualified unfunded deferred compensation plan, but only if the payment would have been paid to the member at the same time if the member had continued employment with the employer and only to the extent that the payment is includable in the member's gross income.

(iv) Any payments not described in clause (iii) are not considered compensation if paid after severance from employment, even if they are paid within two and a half months following severance from employment, except for payments to the individual who does not currently perform services for the employer by reason of qualified military service, within the meaning of section 414(u)(1) of the federal internal revenue code, to the extent these payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the employer rather than entering qualified military service.

(v) An employee who is in qualified military service, within the meaning of section 414(u)(1) of the federal internal revenue code, shall be treated as receiving compensation from the employer during such period of qualified military service equal to: (a) The compensation the employee would have received during such period if the employee were not in qualified military service, determined based on the rate of pay the employee would

have received from the employer but for the absence during the period of qualified military service; or (b) if the compensation the employee would have received during such period was not reasonably certain, the employee's average compensation from the employer during the 12-month period immediately preceding the qualified military service, or if shorter, the period of employment immediately preceding the qualified military service.

(vi) Back pay, within the meaning of treasury regulation section 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.

(7) On and after January 1, 2009, for purposes of applying the limits under section 415(b) of the federal internal revenue code, the following shall apply:

(A) A member's applicable limit shall be applied to the member's annual benefit in the first limitation year without regard to any automatic cost-of-living increases;

(B) to the extent the member's annual benefit equals or exceeds such limit, the member shall no longer be eligible for cost-of-living increases until such time as the benefit plus the accumulated increases are less than such limit;

(C) thereafter, in any subsequent limitation year, the member's annual benefit including any automatic cost-of-living increase applicable shall be tested under the then applicable benefit limit including any adjustment to the dollar limit under section 415(b)(1)(A) or 415(d) of the federal internal revenue code and the regulations thereunder; and

(D) in no event shall a member's annual benefit payable from a retirement plan in any limitation year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to section 415(d) of the federal internal revenue code and the regulations thereunder. If the form of benefit without regard to the automatic benefit increase feature is not a straight life annuity, then the preceding sentence is applied by reducing the limit under section 415(b) of the federal internal revenue code applicable at the annuity starting date to an actuarially equivalent amount determined using the assumptions specified in treasury regulation section 1.415(b)-1(c)(2)(ii) that take into account the death benefits under the form of benefit. This subsection applies to distributions made on and after January 1, 1993. A distributee may elect to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a transfer made from the retirement system.

(i) An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: (a) Any distribution that is one of

a series of substantially equal periodic payments, not less frequently than annually, made for the life or the life expectancy of the distributee or the joint lives or joint life expectancies of the distributee and the distributee's designated beneficiary or for a specified period of 10 years or more; (b) any distribution to the extent such distribution is required under section 401(a)(9) of the federal internal revenue code; (c) the portion of any distribution that is not includable in gross income; and (d) any other distribution that is reasonably expected to total less than $200 during the year. Effective January 1, 2002, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions that are not includable in gross income. However, such portion may be transferred only to an individual retirement account or annuity described in section 408(a) or (b) of the federal internal revenue code, or to a qualified defined contribution plan described in section 401(a) of the federal internal revenue code or to a qualified plan described in section 403(a) of the federal internal revenue code, that agrees to separately account for amounts so transferred and earnings on such amounts, including separately accounting for the portion of the distribution that is includable in gross income and the portion of the distribution that is not so includable, or on or after January 1, 2007, to a qualified defined benefit plan described in section 401(a) of the federal internal revenue code or to an annuity contract described in section 403(b) of the federal internal revenue code, that agrees to separately account for amounts so transferred and earnings thereon, including separately accounting for the portion of the distribution that is includable in gross income and the portion of the distribution that is not so includable.

(ii) An eligible retirement plan is any of the following that accepts the distributee's eligible rollover distribution:

(a) An individual retirement account described in section 408(a) of the federal internal revenue code;

(b) an individual retirement annuity described in section 408(b) of the federal internal revenue code;

(c) an annuity plan described in section 403(a) of the federal internal revenue code;

(d) a qualified trust described in section 401(a) of the federal internal revenue code;

(e) effective January 1, 2002, an annuity contract described in section 403(b) of the federal internal revenue code;

(f) effective January 1, 2002, a plan eligible under section 457(b) of the federal internal revenue code that is maintained by a state, political subdivision of a state or any agency or instrumentality of a state or a political subdivision of a state that agrees to separately account for amounts transferred into the plan from a retirement plan; ~~or~~

(g) effective January 1, 2008, a roth IRA described in section 408(A) of the federal internal revenue code*; or*

(h) effective January 1, 2016, a SIMPLE IRA, as described in section 408(p) of the federal internal revenue code, provided that the rollover contribution is made after the two-year period described in section 72(t)(6) of the federal internal revenue code.

(iii) Effective January 1, 2002, the definition of eligible rollover distribution also includes a distribution to a surviving spouse, or to a spouse or former spouse who is an alternate payee under a domestic relations order, as defined in section 414(p) of the federal internal revenue code.

(iv) A distributee includes an employee or former employee. It also includes the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in section 414(p) of the federal internal revenue code. Effective July 1, 2007, a distributee further includes a nonspouse beneficiary who is a designated beneficiary as defined by section 401(a)(9)(E) of the federal internal revenue code. However, a nonspouse beneficiary may rollover the distribution only to an individual retirement account or individual retirement annuity established for the purpose of receiving the distribution and the account or annuity will be treated as an "inherited" individual retirement account or annuity.

(v) A direct rollover is a payment by the retirement system to the eligible retirement plan specified by the distributee.

(8) Notwithstanding any law to the contrary, the board may accept a direct or indirect eligible rollover distributions for the purpose of the purchase of service credit. In addition, the board may accept a direct trustee to trustee transfer from a deferred compensation plan under section 457(b) of the federal internal revenue code or a tax sheltered annuity under section 403(b) of the federal internal revenue code for: (A) The purchase of permissive service credit, as defined under section 415(n)(3)(A) of the federal internal revenue code; or (B) a repayment to which section 415 of the federal internal revenue code does not apply pursuant to section 415(k)(3) of the federal internal revenue code. Any such transfer shall be allowed as provided in this subsection to the extent permitted by law, subject to any conditions, proofs or acceptance established or required by the board or the board's designee.

(9) Where required by the act, an employer shall pick up and pay contributions that would otherwise be payable by members of a retirement plan in accordance with section 414(h)(2) of the federal internal revenue code as follows:

(A) The contributions, although designated as employee contributions, are being paid by the employer in lieu of contributions by the employee;

(B) the employee must not have been given the option of receiving the amounts directly instead of having them paid to the retirement plan; and

(C) the pickup shall apply to amounts that a member elects to contribute to receive credit for prior or participating service if the election is irrevocable and applies to amounts contributed before retirement.

(10) (A) Notwithstanding any provision of this plan to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with section 414(u) of the federal internal revenue code and the uniformed services employment and reemployment rights act of 1994.

(B) Effective with respect to deaths occurring on or after January 1, 2007, while a member is performing qualified military service, as defined in chapter 43 of title 38, United States code, to the extent required by section 401(a)(37) of the federal internal revenue code, survivors of a member in the system, are entitled to any additional benefits that the system would provide if the member had resumed employment and then died, such as accelerated vesting or survivor benefits that are contingent on the member's death while employed. A deceased member's period of qualified military service must be counted for vesting purposes.

(C) Effective with respect to deaths or disabilities, or both, occurring on or after January 1, 2007, while a member is performing qualified military service, as defined in chapter 43 of title 38, United States code, to the extent permitted by section 414(u)(9) of the federal internal revenue code, for the benefit accrual purposes and in the case of death, for vesting purposes, the member will be treated as having earned years of service for the period of qualified military service, having returned to employment on the day before the death or disability, or both, and then having terminated on the date of death or disability. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

(D) Beginning January 1, 2009, to the extent required by section 414(u)(12) of the federal internal revenue code, an individual receiving differential wage payments, as defined under section 3401(h)(2) of the federal internal revenue code, from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under section 415(c) of the federal internal revenue code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner.

(11) Upon the complete or partial termination of a retirement plan, the rights of members to benefits accrued to the date of termination, to the extent funded, or to the amounts in their accounts are nonforfeitable, and amounts in their accounts may be distributed to them.

(d) The plan year for the retirement plan begins on July 1.

(e) The limitation year for purposes of section 415 of the federal internal revenue code is the calendar year.

(f) The board may not engage in a transaction prohibited by section 503(b) of the federal internal revenue code.

(g) (1) For purposes of determining an "actuarial equivalent" or of an "actuarial computation" for members hired prior to July 1, 2009, the board shall use the following:

(A) The applicable mortality table is specified in revenue ruling 2001-62 or revenue ruling 2007-67, as applicable; and

(B) the applicable interest factor is the actuarially assumed rate of return established by the board.

(2) For purposes of determining an "actuarial equivalent" or an "actuarial computation" for members hired on or after July 1, 2009, the board shall use the following:

(A) The applicable mortality table is the $^{50}/_{50}$ male/female blend of the RP 2000 health annuitant mortality table, projected to 2025; and

(B) the applicable interest factor is the actuarially assumed rate of return established by the board.

(3) For converting amounts payable under the partial lump sum option, the board shall use the following:

(A) The applicable mortality table is a $^{50}/_{50}$ male/female blend of the 1983 group annuity mortality table; and

(B) the applicable interest factor is the actuarially assumed rate of return established by the board.

(4) For benefit testing under section 415(b) of the federal internal revenue code, the factors required by treasury regulations shall be used. The applicable mortality table is specified in revenue ruling 2001-62 for years prior to January 1, 2009, and notice 2008-85 for years after December 31, 2008.

Sec. 4. K.S.A. 74-4902 and 74-4904 and K.S.A. 2024 Supp. 74-49,123 are hereby repealed.

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

Approved April 8, 2025.

CHAPTER 89

HOUSE BILL No. 2134

AN ACT concerning open records and open meetings; relating to the open records act; limiting certain charges for furnishing records and employee time required to make records available; exempting records compiled in the process of formally closed investigations with no found violations and records that contain material that is obscene from disclosure; requiring county or district attorneys to file reports of violations of the open records act and open meetings act with the attorney general in October instead of January; relating to the open meetings act; determining the membership calculation of subordinate groups; requiring public bodies or agencies that live stream meetings to ensure that the public is able to observe; amending K.S.A. 45-219, 75-7d01, 75-753 and 75-4318 and K.S.A. 2024 Supp. 45-221 and repealing the existing sections.

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

Section 1. K.S.A. 45-219 is hereby amended to read as follows: 45-219. (a) Any person may make abstracts or obtain copies of any public record to which such person has access under this act. If copies are requested, the public agency may require a written request and advance payment of the prescribed fee. A public agency shall not be required to provide copies of radio or recording tapes or discs, video tapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices, unless such items or devices were shown or played to a public meeting of the governing body thereof, ~~but~~ *except that* the public agency shall not be required to provide such items or devices ~~which~~ *that* are copyrighted by a person other than the public agency.

(b) Copies of public records shall be made while the records are in the possession, custody and control of the custodian or a person designated by the custodian and shall be made under the supervision of such custodian or person. ~~When practical~~ *Whenever practicable*, copies shall be made in the place where the records are kept. If it is ~~impractical~~ *not practicable* to do so, the custodian shall allow arrangements to be made for use of other facilities. If it is necessary to use other facilities for copying, the cost thereof shall be paid by the person desiring a copy of the records. In addition, the public agency may charge the same fee for the services rendered in supervising the copying as for furnishing copies under subsection (c) and may establish a reasonable schedule of times for making copies at other facilities.

(c) Except as provided by subsection ~~(f)~~ *(h)* or where fees for inspection or for copies of a public record are prescribed by statute, each public agency may prescribe reasonable fees for providing access to or furnishing copies of public records, subject to the following:

(1) In the case of fees for copies of records, the fees shall not exceed the actual cost of furnishing ~~copies~~ *the requested records*, including the cost of staff time required to make the information available. *Actual costs*

may include the cost to review and redact the requested records but shall not include incidental costs incurred by the public agency that are not attributable to furnishing the requested records.

(2) In the case of fees for providing access to records maintained on computer facilities, the fees shall include only the cost of any computer services, including staff time required.

(3) *If the public agency incurs costs for staff time to provide access to or furnish copies of public records, the agency shall use in good faith the lowest-cost category of staff reasonably necessary to provide access to or furnish copies of public records. Charges for staff time shall be based on the employee's salary or hourly wage. Charges for staff time shall not include the costs of employee benefits.*

(4) Upon request, a public agency shall provide to the person requesting access to or copies of public records pursuant to this section an itemized statement of costs incurred by the public agency and charged to such requester. Such itemized statement shall include, but not be limited to, the hourly rates charged for each employee involved in making the requested records available and an itemized list of any other fees charged to provide access to or furnish copies of the requested records.

(5) Fees for access to or copies of public records of public agencies within the legislative branch of the state government shall be established in accordance with K.S.A. 46-1207a, and amendments thereto*, and the provisions of this section*.

~~(4)~~*(6)* Fees for access to or copies of public records of public agencies within the judicial branch of the state government shall be established in accordance with rules of the supreme court *and the provisions of this section*.

~~(5)~~*(7)* Fees for access to or copies of public records of a public agency ~~within the executive branch of the state government shall be established by the agency head~~ *within the executive branch of the state government shall be established in accordance with the provisions of this section by the agency head*.

(d) Any person requesting records *within the executive branch* may appeal the reasonableness of the fees charged for providing access to or furnishing copies of such records to the secretary of administration, whose decision shall be final. ~~A fee for copies of public records which is equal to or less than $.25 per page shall be deemed a reasonable fee.~~

~~(d)~~*(e) (1) When the staff time needed to respond to a records request will exceed five hours or the estimated actual cost for staff time needed to fill the request exceeds $200, the public agency shall make reasonable efforts to contact the requester and engage in interactive communication about mitigating costs to fill the request. The requester is not obligated to mitigate costs.*

(2) If a public agency has made reasonable efforts to contact the requester pursuant to this section and the requester has failed to respond by the end of the third business day, the records request will be deemed to be withdrawn until a subsequent contact has been made by the requester to the public agency.

(3) As used in this subsection, "reasonable efforts to contact the requester" means contacting the requester through the means of communication that the requester provided to be used by the agency to respond to the request.

(f) Except as otherwise authorized pursuant to K.S.A. 75-4215, and amendments thereto, each public agency within the executive branch of the state government shall remit all moneys received by or for it from fees charged pursuant to this section to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto. Unless otherwise specifically provided by law, the state treasurer shall deposit the entire amount thereof in the state treasury and credit the same to the state general fund or an appropriate fee fund as determined by the agency head.

~~(e)~~*(g)* Each public agency of a political or taxing subdivision shall remit all moneys received by or for it from fees charged pursuant to this act to the treasurer of such political or taxing subdivision at least monthly. Upon receipt of any such moneys, such treasurer shall deposit the entire amount thereof in the treasury of the political or taxing subdivision and credit the same to the general fund thereof, unless otherwise specifically provided by law.

~~(f)~~*(h)* Any person who is a certified shorthand reporter may charge fees for transcripts of such person's notes of judicial or administrative proceedings in accordance with rates established pursuant to rules of the Kansas supreme court.

~~(g)~~*(i)* Nothing in the open records act shall require a public agency to electronically make copies of public records by allowing a person to obtain copies of a public record by inserting, connecting or otherwise attaching an electronic device provided by such person to the computer or other electronic device of the public agency.

Sec. 2. K.S.A. 2024 Supp. 45-221 is hereby amended to read as follows: 45-221. (a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to K.S.A. 75-4315d, and amendments thereto, or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court or rule of the senate committee on confirmation oversight

relating to information submitted to the committee pursuant to K.S.A. 75-4315d, and amendments thereto, to restrict or prohibit disclosure.

(2) Records that are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records that pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information that would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, except documents relating to the appointment of persons to fill a vacancy in an elected office.

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information that would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, except if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records that show only passage or failure and not specific scores.

(10) Criminal investigation records, except as provided herein. The district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:

(A) Is in the public interest;

(B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution;

(C) would not reveal the identity of any confidential source or undercover agent;

(D) would not reveal confidential investigative techniques or procedures not known to the general public;

(E) would not endanger the life or physical safety of any person; and

(F) would not reveal the name, address, phone number or any other information that specifically and individually identifies the victim of any

sexual offense described 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.

If a public record is discretionarily closed by a public agency pursuant to this subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of subparagraphs (A) through (F) that necessitate closure of that public record.

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if*:*

(A) Disclosure would interfere with a prospective administrative adjudication or civil litigation ~~or~~*;*

(B) disclosure would reveal the identity of a confidential source or undercover agent*; or*

(C) the investigation is formally closed and the agency determines that no violation occurred.

(12) Records of emergency or security information or procedures of a public agency, if disclosure would jeopardize public safety, including records of cybersecurity plans, cybersecurity assessments and cybersecurity vulnerabilities or procedures related to cybersecurity plans, cybersecurity assessments and cybersecurity vulnerabilities, or plans, drawings, specifications or related information for any building or facility that is used for purposes requiring security measures in or around the building or facility or that is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence that is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or that is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto.

(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

(A) The information that the agency maintains on computer facilities; and

(B) the form in which the information can be made available using existing computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications that are prepared by a person other than an employee of a public agency or records that are the property of a private person.

(19) Well samples, logs or surveys that the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.

(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers that pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body that has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers that pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting; or

(B) distributed to a majority of a quorum of any body that has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records that pertain to identifiable individuals.

(24) Records that are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records that represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate or release, except that:

(A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations; conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where incarcerated or location of parole office maintaining supervision and address of a releasee whose crime was committed after the effective date of this act shall be subject to disclosure to any person other than another inmate or releasee, except that the disclosure of the location of an inmate transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections;

(B) the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall be subject to disclosure to any person, except that the name, address, telephone number or any other information that specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall not be disclosed; and

(D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(33) Financial information submitted by contractors in qualification statements to any public agency.

(34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

(35) Any report or record that is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and that is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(36) Information that would reveal the precise location of an archeological site.

(37) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(38) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 40-2c20 and 40-2d20, and amendments thereto.

(39) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to K.S.A. 40-409(b), and amendments thereto.

(40) Disclosure reports filed with the commissioner of insurance under K.S.A. 40-2,156(a), and amendments thereto.

(41) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.

(42) Any records the disclosure of which is restricted or prohibited by a tribal-state gaming compact.

(43) Market research, market plans, business plans and the terms and conditions of managed care or other third-party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital that the chancellor of the university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.

(44) The amount of franchise tax paid to the secretary of revenue or the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign limited partnership, domestic limited liability partnerships and foreign limited liability partnerships.

(45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect:

(A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services;

(B) transportation and sewer or wastewater treatment systems, facilities or equipment; or

(C) private property or persons, if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.

(46) Any information or material received by the register of deeds of a county from military discharge papers, DD Form 214. Such papers shall be disclosed: To the military dischargee; to such dischargee's immediate family members and lineal descendants; to such dischargee's heirs, agents or assigns; to the licensed funeral director who has custody of the body of the deceased dischargee; when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect the claim of military service or honorable discharge or a claim of a dependent of the dischargee; and upon the written approval of the ~~commissioner of veterans affairs~~ *Kansas office of veterans services*, to a person conducting research.

(47) Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse or the name, address, location or other contact information of alleged victims of stalking, domestic violence or sexual assault.

(48) Policy information provided by an insurance carrier in accordance with K.S.A. 44-532(h)(1), and amendments thereto. This exemption shall not be construed to preclude access to an individual employer's record for the purpose of verification of insurance coverage or to the department of labor for their business purposes.

(49) An individual's e-mail address, cell phone number and other contact information that has been given to the public agency for the purpose of public agency notifications or communications that are widely distributed to the public.

(50) Information provided by providers to the local collection point administrator or to the 911 coordinating council pursuant to the Kansas 911 act upon request of the party submitting such records.

(51) Records of a public agency on a public website that are search-

able by a keyword search and identify the home address or home ownership of: A law enforcement officer as defined in K.S.A. 21-5111, and amendments thereto; a parole officer; a probation officer; a court services officer; a community correctional services officer; a local correctional officer or local detention officer; a federal judge; a justice of the supreme court; a judge of the court of appeals; a district judge; a district magistrate judge; a municipal judge; a presiding officer who conducts hearings pursuant to the Kansas administrative procedure act; an administrative law judge employed by the office of administrative hearings; a member of the state board of tax appeals; an administrative law judge who conducts hearings pursuant to the workers compensation act; a member of the workers' compensation appeals board; the United States attorney for the district of Kansas; an assistant United States attorney; a special assistant United States attorney; the attorney general; an assistant attorney general; a special assistant attorney general; a county attorney; an assistant county attorney; a special assistant county attorney; a district attorney; an assistant district attorney; a special assistant district attorney; a city attorney; an assistant city attorney; or a special assistant city attorney. Such person shall file with the custodian of such record a request to have such person's identifying information restricted from public access on such public website. Within 10 business days of receipt of such requests, the public agency shall restrict such person's identifying information from such public access. Such restriction shall expire after five years and such person may file with the custodian of such record a new request for restriction at any time.

(52) Records of a public agency that would disclose the name, home address, zip code, e-mail address, phone number or cell phone number or other contact information for any person licensed to carry concealed handguns or of any person who enrolled in or completed any weapons training in order to be licensed or has made application for such license under the personal and family protection act, K.S.A. 75-7c01 et seq., and amendments thereto, shall not be disclosed unless otherwise required by law.

(53) Records of a utility concerning information about cyber security threats, attacks or general attempts to attack utility operations provided to law enforcement agencies, the state corporation commission, the federal energy regulatory commission, the department of energy, the southwest power pool, the North American electric reliability corporation, the federal communications commission or any other federal, state or regional organization that has a responsibility for the safeguarding of telecommunications, electric, potable water, waste water disposal or treatment, motor fuel or natural gas energy supply systems.

(54) Records of a public agency containing information or reports obtained and prepared by the office of the state bank commissioner in the

course of licensing or examining a person engaged in money transmission business pursuant to K.S.A. 9-508 et seq., and amendments thereto, shall not be disclosed except pursuant to K.S.A. 9-513c, and amendments thereto, or unless otherwise required by law.

(55) Records of a public agency that contain captured license plate data or that pertain to the location of an automated license plate recognition system.

(56) Records of a public agency that contain material that is obscene as defined in K.S.A. 21-6401, and amendments thereto.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer that may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" does not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material that is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record that is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions that are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record that pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record that has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited

or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

(g) Any confidential records or information relating to security measures provided or received under the provisions of subsection (a)(45) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

Sec. 3. K.S.A. 75-7d01 is hereby amended to read as follows: 75-7d01. (a) There is hereby created in the office of the attorney general a batterer intervention program certification unit.

(b) ~~Except as otherwise provided by law,~~ The books, documents, papers, records or other sources of information obtained and the investigations conducted by the unit shall be confidential as required by state or federal law.

(c) The purpose of the batterer intervention program certification unit is to certify and inspect batterer intervention programs in Kansas. To accomplish this purpose, upon request of the unit, the unit shall have access to all records of reports, investigation documents and written reports of findings related to confirmed cases of domestic violence or exploitation of persons or cases in which there is reasonable suspicion to believe domestic violence has occurred that are received or generated by the Kansas department for children and families, the Kansas department for aging and disability services, the department of health and environment or the Kansas bureau of investigation.

(d) The attorney general shall develop a set of tools, methodologies, requirements and forms for the domestic violence offender assessment required by K.S.A. 21-6604(p), and amendments thereto. The batterer intervention program tools, methodologies, requirements and forms shall be developed in consultation with the agency certified by the centers for disease control and prevention and the department of health and human services as the domestic violence coalition for the state and with local domestic violence victims' services organizations.

(e) The attorney general may appoint a panel to assist the attorney general by making recommendations regarding the:

(1) Content and development of a batterer intervention certification program; and

(2) rules and regulations.

(f) The attorney general may appoint such advisory committees as the attorney general deems necessary to carry out the purposes of the batterer intervention program certification act. Except as provided in K.S.A. 75-3212, and amendments thereto, no member of any such advisory committee shall receive any compensation, subsistence, mileage or other allowance for serving on an advisory committee or attending any meeting thereof.

Sec. 4. K.S.A. 75-753 is hereby amended to read as follows: 75-753. (a) On or before ~~January~~ *October* 15, of each year, the county or district attorney of each county shall report to the attorney general all complaints received during the preceding fiscal year concerning violations of the open records act and open meetings act and the disposition of each complaint.

(b) The attorney general shall compile information received pursuant to subsection (a) with information relating to investigations of violations of the open records act and the open meetings act conducted by the office of the attorney general. The attorney general shall publish a yearly abstract of such information listing by name the public agencies which are the subject of such complaints or investigations.

Sec. 5. K.S.A. 75-4318 is hereby amended to read as follows: 75-4318. (a) Subject to the provisions of subsection (g), all meetings for the conduct of the affairs of, and the transaction of business by, all legislative and administrative bodies and agencies of the state and political and taxing subdivisions thereof, including boards, commissions, authorities, councils, committees, subcommittees and other subordinate groups thereof, receiving or expending and supported in whole or in part by public funds shall be open to the public and no binding action by such public bodies or agencies shall be by secret ballot. Meetings of task forces, advisory committees or subcommittees of advisory committees created pursuant to a governor's executive order shall be open to the public in accordance with this act.

(b) Notice of the date, time and place of any regular or special meeting of a public body or agency designated in subsection (a) shall be furnished to any person requesting such notice, except that:

(1) If notice is requested by petition, the petition shall designate one person to receive notice on behalf of all persons named in the petition, and notice to such person shall constitute notice to all persons named in the petition;

(2) if notice is furnished to an executive officer of an employees' organization or trade association, such notice shall be deemed to have been furnished to the entire membership of such organization or association; and

(3) the public body or agency may require that a request to receive notice must be submitted again to the public body or agency prior to the commencement of any subsequent fiscal year of the public body or agency during which the person wishes to continue receiving notice, but, prior to discontinuing notice to any person, the public body or agency must notify the person that notice will be discontinued unless the person resubmits a request to receive notice.

(c) It shall be the duty of the presiding officer or other person calling

the meeting, if the meeting is not called by the presiding officer, to furnish the notice required by subsection (b).

(d) Prior to any meeting mentioned by subsection (a), any agenda relating to the business to be transacted at such meeting shall be made available to any person requesting the agenda.

(e) The use of cameras, photographic lights and recording devices shall not be prohibited at any meeting mentioned by subsection (a), but such use shall be subject to reasonable rules designed to insure the orderly conduct of the proceedings at such meeting.

(f) Except as provided by section 22 of article 2 of the constitution of the state of Kansas, interactive communications in a series shall be open if they collectively involve a majority of the membership of the public body or agency, share a common topic of discussion concerning the business or affairs of the public body or agency, and are intended by any or all of the participants to reach agreement on a matter that would require binding action to be taken by the public body or agency.

(g) The provisions of the open meetings law shall not apply:

(1) To any administrative body that is authorized by law to exercise quasi-judicial functions when such body is deliberating matters relating to a decision involving such quasi-judicial functions;

(2) to the prisoner review board when conducting parole hearings or parole violation hearings held at a correctional institution;

(3) to any impeachment inquiry or other impeachment matter referred to any committee of the house of representatives prior to the report of such committee to the full house of representatives; and

(4) if otherwise provided by state or federal law or by rules of the Kansas senate or house of representatives.

(h) When a subcommittee or other subordinate group is created by a public body or agency, whenever a majority of such subcommittee or other subordinate group meets, such subcommittee or other subordinate group shall be subject to the requirements of this act.

(i) Unless otherwise stated in law, a private entity will only be considered a subordinate group of a legislative or administrative body of the state or a political and taxing subdivision if such private entity is under the control, whether directly or indirectly, of a legislative or administrative body of the state or a political and taxing subdivision.

(j) A public body or agency that voluntarily elects to live stream their meeting on television, the internet or any other medium shall ensure that all aspects of the open meeting are available through the selected medium for the public to observe. An unintentional technological failure or an action taken by the provider of the selected medium that disrupts or prevents such live stream shall not constitute a violation of this subsection.

Sec. 6. K.S.A. 45-219, 75-7d01, 75-753 and 75-4318 and K.S.A. 2024 Supp. 45-221 are hereby repealed.

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

Approved April 8, 2025.

CHAPTER 90

HOUSE BILL No. 2249
(Amended by Chapter 125)

AN ACT concerning healthcare facilities; relating to nursing facility physical environment regulatory requirements for rural emergency hospitals; requiring the secretary for aging and disability services to grant waivers to certain rural emergency hospitals to provide skilled nursing facility care; relating to state hospitals; establishing the south central regional mental health hospital; amending K.S.A. 21-5413, 39-1602, 39-1613, 40-3401, 41-1126, 65-4921, 65-5601, 75-3099, 75-3373, 76-384, 76-12a01, 76-12a31, 76-1407, 76-1409 and 76-1409a and K.S.A. 2024 Supp. 39-1401, 59-2006b, 59-2946, 59-29b46, 59-29b54, 59-29b57, 59-3077, 74-3292, 76-1936 and 76-1958 and repealing the existing sections.

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

New Section 1. (a) The secretary for aging and disability services shall, upon application of a rural emergency hospital, grant a physical environment waiver for existing nursing facilities to such rural emergency hospital to transition not more than 10 swing beds to skilled nursing facility beds, if such rural emergency hospital:

(1) Is currently licensed as a rural emergency hospital pursuant to the rural emergency hospital act;

(2) was licensed as a hospital immediately prior to the rural emergency hospital's licensure as a rural emergency hospital; and

(3) during such rural emergency hospital's licensure as a hospital, such rural emergency hospital provided skilled nursing facility services or critical access hospital swing bed services to patients for at least 12 months without a finding of immediate jeopardy.

(b) As used in this section:

(1) "Critical access hospital" means the same as defined in K.S.A. 65-468, and amendments thereto.

(2) "Hospital" means the same as defined in K.S.A. 65-425, and amendments thereto.

(c) This section shall be a part of and supplemental to the rural emergency hospital act.

New Sec. 2. (a) South central regional mental health hospital is a state hospital that shall be open for the reception of patients, under the same rules and regulations as provided for by law for the government and regulation of the other state hospitals.

(b) There is hereby created in the state treasury the south central regional mental health hospital fee fund. Such fund shall be administered by the Kansas department for aging and disability services. The superintendent of south central regional mental health hospital shall remit all moneys received by or for the superintendent from charges made under K.S.A. 59-2006, and amendments thereto, and other operations of

such institution 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 south central regional mental health hospital 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 such superintendent or by a person or persons designated by the superintendent.

(c) As authorized by section 74(a) of chapter 81 of the 2022 Session Laws of Kansas and Sec. 28(c) of chapter 97 of the 2022 Session Laws of Kansas, a regional state psychiatric hospital shall be established in Wichita, Kansas, for Sedgwick county and the surrounding regional area to expand access to mental health beds in south-central Kansas.

(d) The secretary for aging and disability services is authorized and directed to establish, equip and maintain, in connection with and as a part of the south central regional mental health hospital, suitable buildings for an extension to the state security hospital for the purpose of holding in custody, examining, treating and caring for such mentally ill persons as may be committed or ordered to the state security hospital by courts of criminal jurisdiction or inmates with mental illness who are transferred for care or treatment to the state security hospital from a correctional institution under the control of the secretary of corrections, or patients with a mental illness, other than minors, who are transferred for care or treatment to the state security hospital from any institution under the jurisdiction of the secretary for aging and disability services. The secretary for aging and disability services is hereby authorized and empowered to supervise and manage the extension to the state security hospital. The superintendent of the Larned state hospital shall act as the superintendent of the extension to the state security hospital.

Sec. 3. K.S.A. 21-5413 is hereby amended to read as follows: 21-5413. (a) Battery is:

(1) Knowingly or recklessly causing bodily harm to another person; or

(2) knowingly causing physical contact with another person when done in a rude, insulting or angry manner.

(b) Aggravated battery is:

(1) (A) Knowingly causing great bodily harm to another person or disfigurement of another person;

(B) knowingly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or

(C) knowingly causing physical contact with another person when done in a rude, insulting or angry manner with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted;

(2) (A) recklessly causing great bodily harm to another person or disfigurement of another person;

(B) recklessly causing bodily harm to another person with a deadly weapon, or in any manner whereby great bodily harm, disfigurement or death can be inflicted; or

(3) (A) committing an act described in K.S.A. 8-1567, and amendments thereto, when great bodily harm to another person or disfigurement of another person results from such act; or

(B) committing an act described in K.S.A. 8-1567, and amendments thereto, when bodily harm to another person results from such act under circumstances whereby great bodily harm, disfigurement or death can result from such act; or

(4) committing an act described in K.S.A. 8-1567, and amendments thereto, when great bodily harm to another person or disfigurement of another person results from such act while:

(A) In violation of any restriction imposed on such person's driving privileges pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto;

(B) such person's driving privileges are suspended or revoked pursuant to article 10 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto; or

(C) such person has been deemed a habitual violator as defined in K.S.A. 8-285, and amendments thereto, including at least one violation of K.S.A. 8-1567, and amendments thereto, or violating an ordinance of any city in this state, any resolution of any county in this state or any law of another state, which ordinance, resolution or law declares to be unlawful the acts prohibited by that statute.

(c) Battery against a law enforcement officer is:

(1) Battery as defined in subsection (a)(2) committed against a:

(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

(D) judge, while such judge is engaged in the performance of such judge's duty;

(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty;

(2) battery as defined in subsection (a)(1) committed against a:

(A) Uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(B) uniformed or properly identified state, county or city law enforcement officer, other than a state correctional officer or employee, a city or county correctional officer or employee or a juvenile detention facility officer, or employee, while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

(D) judge, while such judge is engaged in the performance of such judge's duty;

(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty; or

(3) battery as defined in subsection (a) committed against a:

(A) State correctional officer or employee by a person in custody of the secretary of corrections, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(B) state correctional officer or employee by a person confined in such juvenile correctional facility, while such officer or employee is engaged in the performance of such officer's or employee's duty;

(C) juvenile detention facility officer or employee by a person confined in such juvenile detention facility, while such officer or employee is engaged in the performance of such officer's or employee's duty; or

(D) city or county correctional officer or employee by a person confined in a city holding facility or county jail facility, while such officer or employee is engaged in the performance of such officer's or employee's duty.

(d) Aggravated battery against a law enforcement officer is:

(1) Aggravated battery as defined in subsection (b)(1)(A) committed against a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty;

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

(D) judge, while such judge is engaged in the performance of such judge's duty;

(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty;

(2) aggravated battery as defined in subsection (b)(1)(B) or (b)(1)(C) committed against a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty;

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty;

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty;

(D) judge, while such judge is engaged in the performance of such judge's duty;

(E) attorney, while such attorney is engaged in the performance of such attorney's duty; or

(F) community corrections officer or court services officer, while such officer is engaged in the performance of such officer's duty; or

(3) knowingly causing, with a motor vehicle, bodily harm to a:

(A) Uniformed or properly identified state, county or city law enforcement officer while the officer is engaged in the performance of the officer's duty;

(B) uniformed or properly identified university or campus police officer while such officer is engaged in the performance of such officer's duty; or

(C) uniformed or properly identified federal law enforcement officer while such officer is engaged in the performance of such officer's duty.

(e) Battery against a school employee is a battery as defined in subsection (a) committed against a school employee in or on any school property or grounds upon which is located a building or structure used by a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12 or at any regularly scheduled school sponsored activity or event, while such employee is engaged in the performance of such employee's duty.

(f) Battery against a mental health employee is a battery as defined in subsection (a) committed against a mental health employee by a person in the custody of the secretary for aging and disability services, while such employee is engaged in the performance of such employee's duty.

(g) Battery against a healthcare provider is a battery as defined in subsection (a) committed against a healthcare provider while such provider is engaged in the performance of such provider's duty.

(h) (1) Battery is a class B person misdemeanor.

(2) Aggravated battery as defined in:

(A) Subsection (b)(1)(A) or (b)(4) is a severity level 4, person felony;

(B) subsection (b)(1)(B) or (b)(1)(C) is a severity level 7, person felony;

(C) subsection (b)(2)(A) or (b)(3)(A) is a severity level 5, person felony; and

(D) subsection (b)(2)(B) or (b)(3)(B) is a severity level 8, person felony.

(3) Battery against a law enforcement officer as defined in:

(A) Subsection (c)(1) is a class A person misdemeanor;

(B) subsection (c)(2) is a severity level 7, person felony; and

(C) subsection (c)(3) is a severity level 5, person felony.

(4) Aggravated battery against a law enforcement officer as defined in:

(A) Subsection (d)(1) or (d)(3) is a severity level 3, person felony; and

(B) subsection (d)(2) is a severity level 4, person felony.

(5) Battery against a school employee is a class A person misdemeanor.

(6) Battery against a mental health employee is a severity level 7, person felony.

(7) Battery against a healthcare provider is a class A person misdemeanor.

(i) As used in this section:

(1) "Correctional institution" means any institution or facility under the supervision and control of the secretary of corrections;

(2) "state correctional officer or employee" means any officer or employee of the Kansas department of corrections or any independent contractor, or any employee of such contractor, whose duties include working at a correctional institution;

(3) "juvenile detention facility officer or employee" means any officer or employee of a juvenile detention facility as defined in K.S.A. 38-2302, and amendments thereto;

(4) "city or county correctional officer or employee" means any correctional officer or employee of the city or county or any independent contractor, or any employee of such contractor, whose duties include working at a city holding facility or county jail facility;

(5) "school employee" means any employee of a unified school district or an accredited nonpublic school for student instruction or attendance or extracurricular activities of pupils enrolled in kindergarten or any of the grades one through 12;

(6) "mental health employee" means:

(A) An employee of the Kansas department for aging and disability services working at Larned state hospital, Osawatomie state hospital, *south central regional mental health hospital,* Kansas neurological institute and Parsons state hospital ~~and training center~~ and the treatment staff as defined in K.S.A. 59-29a02, and amendments thereto; and

(B) contractors and employees of contractors under contract to provide services to the Kansas department for aging and disability services working at any such institution or facility;

(7) "judge" means a duly elected or appointed justice of the supreme court, judge of the court of appeals, judge of any district court of Kansas, district magistrate judge or municipal court judge;

(8) "attorney" means a: (A) County attorney, assistant county attorney, special assistant county attorney, district attorney, assistant district attorney, special assistant district attorney, attorney general, assistant attorney general or special assistant attorney general; and (B) public defender, assistant public defender, contract counsel for the state board of indigents' defense services or an attorney who is appointed by the court to perform services for an indigent person as provided by article 45 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto;

(9) "community corrections officer" means an employee of a community correctional services program responsible for supervision of adults or juveniles as assigned by the court to community corrections supervision and any other employee of a community correctional services program that provides enhanced supervision of offenders such as house arrest and surveillance programs;

(10) "court services officer" means an employee of the Kansas judicial branch or local judicial district responsible for supervising, monitoring or writing reports relating to adults or juveniles as assigned by the court, or performing related duties as assigned by the court;

(11) "federal law enforcement officer" means a law enforcement officer employed by the United States federal government who, as part of such officer's duties, is permitted to make arrests and to be armed; and

(12) "healthcare provider" means an individual who is licensed, registered, certified or otherwise authorized by the state of Kansas to provide healthcare services in this state.

Sec. 4. K.S.A. 2024 Supp. 39-1401 is hereby amended to read as follows: 39-1401. As used in this act:

(a) "Resident" means:

(1) Any resident, as defined by K.S.A. 39-923, and amendments thereto; or

(2) any individual kept, cared for, treated, boarded or otherwise accommodated in a medical care facility; or

(3) any individual, kept, cared for, treated, boarded or otherwise accommodated in a state psychiatric hospital or state institution for people with intellectual disability.

(b) "Adult care home" means the same as defined in K.S.A. 39-923, and amendments thereto.

(c) "In need of protective services" means that a resident is unable to perform or obtain services which are necessary to maintain physical or mental health, or both.

(d) "Services which are necessary to maintain physical and mental health" include, but are not limited to, the provision of medical care for physical and mental health needs, the relocation of a resident to a facility or institution able to offer such care, assistance in personal hygiene, food, clothing, adequately heated and ventilated shelter, protection from health and safety hazards, protection from maltreatment the result of which includes, but is not limited to, malnutrition, deprivation of necessities or physical punishment and transportation necessary to secure any of the above stated needs, except that this term shall not include taking such person into custody without consent, except as provided in this act.

(e) "Protective services" means services provided by the state or other governmental agency or any private organizations or individuals which are necessary to prevent abuse, neglect or exploitation. Such protective services shall include, but not be limited to, evaluation of the need for services, assistance in obtaining appropriate social services and assistance in securing medical and legal services.

(f) "Abuse" means any act or failure to act performed intentionally or recklessly that causes or is likely to cause harm to a resident, including:

(1) Infliction of physical or mental injury;

(2) any sexual act with a resident when the resident does not consent or when the other person knows or should know that the resident is incapable of resisting or declining consent to the sexual act due to mental deficiency or disease or due to fear of retribution or hardship;

(3) unreasonable use of a physical restraint, isolation or medication that harms or is likely to harm a resident;

(4) unreasonable use of a physical or chemical restraint, medication or isolation as punishment, for convenience, in conflict with a physician's orders or as a substitute for treatment, except where such conduct or physical restraint is in furtherance of the health and safety of the resident or another resident;

(5) a threat or menacing conduct directed toward a resident that results or might reasonably be expected to result in fear or emotional or mental distress to a resident;

(6) fiduciary abuse; or

(7) omission or deprivation by a caretaker or another person of goods or services which are necessary to avoid physical or mental harm or illness.

(g) "Neglect" means the failure or omission by one's self, caretaker or another person with a duty to provide goods or services which are reasonably necessary to ensure safety and well-being and to avoid physical or mental harm or illness.

(h) "Caretaker" means a person or institution who has assumed the responsibility, whether legally or not, for the care of the resident voluntarily, by contract or by order of a court of competent jurisdiction.

(i) "Exploitation" means misappropriation of resident property or intentionally taking unfair advantage of an adult's physical or financial resources for another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense by a caretaker or another person.

(j) "Medical care facility" means a facility licensed under K.S.A. 65-425 et seq., and amendments thereto, but shall not include, for purposes of this act, a state psychiatric hospital or state institution for people with intellectual disability, including Larned state hospital, Osawatomie state hospital ~~and Rainbow mental health facility~~, Kansas neurological institute ~~and~~, Parsons state hospital and ~~training center~~ *south central regional mental health hospital*.

(k) "Fiduciary abuse" means a situation in which any person who is the caretaker of, or who stands in a position of trust to, a resident, takes, secretes, or appropriates the resident's money or property, to any use or purpose not in the due and lawful execution of such person's trust.

(l) "State psychiatric hospital" means Larned state hospital, Osawatomie state hospital and ~~Rainbow mental health facility~~ *south central regional mental health hospital*.

(m) "State institution for people with intellectual disability" means Kansas neurological institute and Parsons state hospital ~~and training center~~.

(n) "Report" means a description or accounting of an incident or incidents of abuse, neglect or exploitation under this act and for the purposes of this act shall not include any written assessment or findings.

(o) "Law enforcement" means the public office which is vested by law with the duty to maintain public order, make arrests for crimes and investigate criminal acts, whether that duty extends to all crimes or is limited to specific crimes.

(p) "Legal representative" means an agent designated in a durable power of attorney, power of attorney or durable power of attorney for health care decisions or a court appointed guardian, conservator or trustee.

(q) "Financial institution" means any bank, trust company, escrow company, finance company, saving institution, credit union or fiduciary financial institution, chartered and supervised under state or federal law.

(r) "Governmental assistance provider" means an agency, or employee of such agency, which is funded solely or in part to provide assistance within the Kansas senior care act, K.S.A. 75-5926 et seq., and amendments thereto, including medicaid and medicare.

No person shall be considered to be abused, neglected or exploited or in need of protective services for the sole reason that such person relies

upon spiritual means through prayer alone for treatment in accordance with the tenets and practices of a recognized church or religious denomination in lieu of medical treatment.

Sec. 5. K.S.A. 39-1602 is hereby amended to read as follows: 39-1602. As used in K.S.A. 39-1601 through 39-1612, and amendments thereto:

(a) "Targeted population" means the population group designated by rules and regulations of the secretary as most in need of mental health services that are funded, in whole or in part, by state or other public funding sources, and such group shall include adults with severe and persistent mental illness, severely emotionally disturbed children and adolescents and other individuals at risk of requiring institutional care.

(b) "Community based mental health services" includes, but is not limited to, evaluation and diagnosis, case management services, mental health inpatient and outpatient services, prescription and management of psychotropic medication, prevention, education, consultation, treatment and rehabilitation services, 24-hour emergency services, and any facilities required therefor, that are provided within one or more local communities in order to provide a continuum of care and support services to enable mentally ill persons, including targeted population members, to function outside of inpatient institutions to the extent of their capabilities. Community based mental health services also include assistance in securing employment services, housing services, medical and dental care and other support services.

(c) "Mental health center" means any community mental health center as defined in K.S.A. 39-2002, and amendments thereto.

(d) "Secretary" means the secretary for aging and disability services.

(e) "Department" means the Kansas department for aging and disability services.

(f) "State psychiatric hospital" means Osawatomie state hospital, ~~Rainbow mental health facility or~~ Larned state hospital *or south central regional mental health hospital*.

(g) "Mental health reform phased program" means the program in three phases for the implementation of mental health reform in Kansas as follows:

(1) The first phase covers the counties in the Osawatomie state hospital catchment area and is to commence on July 1, 1990, and is to be completed by June 30, 1994;

(2) the second phase covers the counties in the Topeka state hospital catchment area and is to commence on July 1, 1992, and is to be completed by June 30, 1996; and

(3) the third phase covers the counties in the Larned state hospital catchment area and is to commence on July 1, 1993, and is to be completed by June 30, 1997.

(h) "Screening" means the process performed by a participating community mental health center, pursuant to a contract entered into with the secretary under K.S.A. 39-1610, and amendments thereto, to determine whether a person, under either voluntary or involuntary procedures, can be evaluated or treated, or can be both evaluated and treated, in the community or should be referred to the appropriate state psychiatric hospital for such treatment or evaluation or for both treatment and evaluation.

(i) "Osawatomie state hospital catchment area" means, except as otherwise defined by rules and regulations of the secretary adopted pursuant to K.S.A. 39-1613, and amendments thereto, the area composed of the following counties: Allen, Anderson, Atchison, Bourbon, Brown, ~~Butler,~~ Chase, Chautauqua, Cherokee, Clay, *Cloud,* Coffey, ~~Cowley,~~ Crawford, Doniphan, Douglas, Elk, Franklin, Geary, Greenwood, Jackson, Jefferson, Jewell, Johnson, Labette, Leavenworth, Linn, Lyon, Marshall, Miami, Mitchell, Montgomery, Morris, Nemaha, Neosho, Osage, Pottawatomie, Republic, Riley, ~~Sedgwick,~~ Shawnee, Wabaunsee, Washington, Wilson, Woodson and Wyandotte.

(j) "Larned state hospital catchment area" means, except as otherwise defined by rules and regulations of the secretary adopted pursuant to K.S.A. 39-1613, and amendments thereto, the area composed of the following counties: Barber, Barton, Cheyenne, Clark, Comanche, Decatur, Dickinson, Edwards, Ellis, Ellsworth, Finney, Ford, Gove, Graham, Grant, Gray, Greeley, Hamilton, Harper, ~~Harvey,~~ Haskell, Hodgeman, Kearny, Kingman, Kiowa, Lane, Lincoln, Logan, Marion, McPherson, Meade, Morton, Ness, Norton, Osborne, *Ottawa,* Pawnee, Phillips, Pratt, Rawlins, Reno, Rice, Rooks, Rush, Russell, Saline, Scott, Seward, Sheridan, Sherman, Smith, Stafford, Stanton, Stevens, ~~Sumner,~~ Thomas, Trego, Wallace and Wichita.

(k) "Catchment area" means the Osawatomie state hospital catchment area or the Larned state hospital catchment area *or the south central regional mental health hospital catchment area as defined in subsections (i) and (m).*

(l) "Participating mental health center" means a mental health center that has entered into a contract with the secretary for aging and disability services to provide screening, treatment and evaluation, court ordered evaluation and other treatment services pursuant to the care and treatment act for mentally ill persons, in keeping with the phased concept of the mental health reform act.

(m) "South central regional mental hospital catchment area" means, except as otherwise defined by rules and regulations of the secretary adopted pursuant to K.S.A. 39-1613, and amendments thereto, the area composed of the following counties: Sedgwick, Butler, Cowley, Harvey and Sumner.

Sec. 6. K.S.A. 39-1613 is hereby amended to read as follows: 39-1613. (a) The secretary for aging and disability services is hereby authorized to adopt rules and regulations to define and redefine the ~~Osawatomie~~ state hospital catchment ~~area and Larned state hospital catchment area~~ *areas* as may be necessary in the opinion of the secretary for aging and disability services to accommodate shifts in populations in need of mental health services within available community mental health facility and state ~~institution~~ *hospital* capacities ~~and resources and in accordance with the following:(1) Each such catchment area shall be defined by contiguous counties that are designated by name;~~

~~(2) no county shall be included in more than one such catchment area;~~

~~(3) each county shall be included in the Osawatomie state hospital catchment area or Larned state hospital catchment area; and~~

~~(4) No designated community mental health center shall be included in more than one such catchment area~~. *The designation of a county to a particular catchment area shall not prevent the admission of persons to a state hospital in another catchment area when there are insufficient capacities and resources currently available in the designated state hospital catchment area.*

(b) Each rule and regulation adopted, amended or revived under this section shall be published in its entirety in the Kansas register in the first issue published after such adoption, amendment or revival.

Sec. 7. K.S.A. 40-3401 is hereby amended to read as follows: 40-3401. As used in this act:

(a) "Applicant" means any healthcare provider.

(b) "Basic coverage" means a policy of professional liability insurance required to be maintained by each healthcare provider pursuant to the provisions of K.S.A. 40-3402(a) or (b), and amendments thereto.

(c) "Commissioner" means the commissioner of insurance.

(d) "Fiscal year" means the year commencing on the effective date of this act and each year, commencing on the first day of July thereafter.

(e) "Fund" means the healthcare stabilization fund established pursuant to K.S.A. 40-3403(a), and amendments thereto.

(f) *(1)* "Healthcare provider" means a*:*

(A) Person licensed to practice any branch of the healing arts by the state board of healing arts~~, a~~*;*

(B) person who holds a temporary permit to practice any branch of the healing arts issued by the state board of healing arts~~, a~~*;*

(C) person engaged in a postgraduate training program approved by the state board of healing arts~~, a~~*;*

(D) medical care facility licensed by the state of Kansas~~, a~~*;*

(E) podiatrist licensed by the state board of healing arts~~, a~~*;*

(F) health maintenance organization issued a certificate of authority by the commissioner~~, an~~*;*

(G) optometrist licensed by the board of examiners in optometry~~, a~~*;*

(H) pharmacist licensed by the state board of pharmacy~~, a~~*;*

(I) licensed professional nurse who is authorized to practice as a registered nurse anesthetist~~, a~~*;*

(J) licensed professional nurse who has been granted a temporary authorization to practice nurse anesthesia under K.S.A. 65-1153, and amendments thereto~~, a~~*;*

(K) professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are healthcare providers as defined by this subsection~~, a~~*;*

(L) Kansas limited liability company organized for the purpose of rendering professional services by its members who are healthcare providers as defined by this subsection and ~~who are~~ legally authorized to render the professional services for which the limited liability company is organized~~, a~~*;*

(M) partnership of persons who are healthcare providers under this subsection~~, a~~*;*

(N) Kansas not-for-profit corporation organized for the purpose of rendering professional services by persons who are healthcare providers as defined by this subsection~~, a~~*;*

(O) nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine~~, a~~*;*

(P) dentist certified by the state board of healing arts to administer anesthetics under K.S.A. 65-2899, and amendments thereto~~, a~~*;*

(Q) psychiatric hospital licensed prior to January 1, 1988, and continuously thereafter under K.S.A. 2015 Supp. 75-3307b, prior to its repeal, and K.S.A. 39-2001 et seq., and amendments thereto, or a mental health center or mental health clinic licensed by the state of Kansas~~. On and after January 1, 2015, "healthcare provider" also means a~~*;*

(R) physician assistant licensed by the state board of healing arts~~, a~~*;*

(S) licensed advanced practice registered nurse who is authorized by the board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife~~, a~~*;*

(T) licensed advanced practice registered nurse who has been granted a temporary authorization by the board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife~~, a~~*;*

(U) nursing facility licensed by the state of Kansas~~, an~~*;*

(V) assisted living facility licensed by the state of Kansas*;* or

(W) a residential healthcare facility licensed by the state of Kansas.

(2) "Healthcare provider" does not include:

~~(1)~~*(A)* Any state institution for people with intellectual disability;

~~(2)~~*(B)* any state psychiatric hospital;

~~(3)~~*(C)* any person holding an exempt license issued by the state board of healing arts or the board of nursing;

~~(4)~~*(D)* any person holding a visiting clinical professor license from the state board of healing arts;

~~(5)~~*(E)* any person holding an inactive license issued by the state board of healing arts;

~~(6)~~*(F)* any person holding a federally active license issued by the state board of healing arts*;*

~~(7)~~*(G)* an advanced practice registered nurse who is authorized by the board of nursing to practice as an advanced practice registered nurse in the classification of nurse-midwife or nurse anesthetist and who practices solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or who provides professional services as a charitable healthcare provider as defined under K.S.A. 75-6102, and amendments thereto; or

~~(8)~~*(H)* a physician assistant licensed by the state board of healing arts who practices solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or ~~who~~ provides professional services as a charitable healthcare provider as defined under K.S.A. 75-6102, and amendments thereto.

(g) "Inactive healthcare provider" means a person or other entity who purchased basic coverage or qualified as a self-insurer on or subsequent to the effective date of this act but who, at the time a claim is made for personal injury or death arising out of the rendering of or the failure to render professional services by such healthcare provider, does not have basic coverage or self-insurance in effect solely because such person is no longer engaged in rendering professional service as a healthcare provider.

(h) "Insurer" means any corporation, association, reciprocal exchange, inter-insurer and any other legal entity authorized to write bodily injury or property damage liability insurance in this state, including workers compensation and automobile liability insurance, pursuant to the provisions of the acts contained in article 9, 11, 12 or 16 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto.

(i) "Plan" means the operating and administrative rules and procedures developed by insurers and rating organizations or the commissioner to make professional liability insurance available to healthcare providers.

(j) "Professional liability insurance" means insurance providing coverage for legal liability arising out of the performance of professional services rendered or that should have been rendered by a healthcare provider.

(k) "Rating organization" means a corporation, an unincorporated association, a partnership or an individual licensed pursuant to K.S.A. 40-956, and amendments thereto, to make rates for professional liability insurance.

(l) "Self-insurer" means a healthcare provider who qualifies as a self-insurer pursuant to K.S.A. 40-3414, and amendments thereto.

(m) "Medical care facility" means the same when used in the healthcare provider insurance availability act as defined in K.S.A. 65-425, and amendments thereto, except that as used in the healthcare provider insurance availability act such term, as it relates to insurance coverage under the healthcare provider insurance availability act, also includes any director, trustee, officer or administrator of a medical care facility.

(n) "Mental health center" means a mental health center licensed by the state of Kansas under K.S.A. 39-2001 et seq., and amendments thereto, except that as used in the healthcare provider insurance availability act such term, as it relates to insurance coverage under the healthcare provider insurance availability act, also includes any director, trustee, officer or administrator of a mental health center.

(o) "Mental health clinic" means a mental health clinic licensed by the state of Kansas under K.S.A. 39-2001 et seq., and amendments thereto, except that, as used in the healthcare provider insurance availability act, such term, as it relates to insurance coverage under the healthcare provider insurance availability act, also includes any director, trustee, officer or administrator of a mental health clinic.

(p) "State institution for people with intellectual disability" means ~~Winfield state hospital and training center,~~ Parsons state hospital ~~and training center~~ and the Kansas neurological institute.

(q) "State psychiatric hospital" means Larned state hospital, Osawatomie state hospital and ~~Rainbow mental health facility~~ *south central regional mental health hospital*.

(r) "Person engaged in residency training" means:

(1) A person engaged in a postgraduate training program approved by the state board of healing arts who is employed by and is studying at the university of Kansas medical center only when such person is engaged in medical activities that do not include extracurricular, extra-institutional medical service for which such person receives extra compensation and that have not been approved by the dean of the school of medicine and the executive vice-chancellor of the university of Kansas medical center. Persons engaged in residency training shall be considered resident healthcare providers for purposes of K.S.A. 40-3401 et seq., and amendments thereto; and

(2) a person engaged in a postgraduate training program approved by the state board of healing arts who is employed by a nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine or who is employed by an affiliate of the university of Kansas school of medicine as defined in K.S.A. 76-367,

and amendments thereto, only when such person is engaged in medical activities that do not include extracurricular, extra-institutional medical service for which such person receives extra compensation and that have not been approved by the chief operating officer of the nonprofit corporation or the chief operating officer of the affiliate and the executive vice-chancellor of the university of Kansas medical center.

(s) "Full-time physician faculty employed by the university of Kansas medical center" means a person licensed to practice medicine and surgery who holds a full-time appointment at the university of Kansas medical center when such person is providing healthcare. A person licensed to practice medicine and surgery who holds a full-time appointment at the university of Kansas medical center may also be employed part-time by the United States department of veterans affairs if such employment is approved by the executive vice-chancellor of the university of Kansas medical center.

(t) "Sexual act" or "sexual activity" means ~~that~~ sexual conduct that constitutes a criminal or tortious act under the laws of the state of Kansas.

(u) "Board" means the board of governors created by K.S.A. 40-3403, and amendments thereto.

(v) "Board of directors" means the governing board created by K.S.A. 40-3413, and amendments thereto.

(w) "Locum tenens contract" means a temporary agreement not exceeding 182 days per calendar year that employs a healthcare provider to actively render professional services in this state.

(x) "Professional services" means patient care or other services authorized under the act governing licensure of a healthcare provider.

(y) "Healthcare facility" means a nursing facility, an assisted living facility or a residential healthcare facility as all such terms are defined in K.S.A. 39-923, and amendments thereto.

(z) "Charitable healthcare provider" means the same as defined in K.S.A. 75-6102, and amendments thereto.

Sec. 8. K.S.A. 41-1126 is hereby amended to read as follows: 41-1126. (a) In addition to other purposes for which expenditures may be made from the other state fees fund of the Kansas department for aging and disability services, moneys in the other state fees fund of the Kansas department for aging and disability services shall be used by the secretary for aging and disability services to provide financial assistance to community-based alcoholism and intoxication treatment programs for the following purposes:

(1) Matching money under title XX of the federal social security act to purchase treatment services from approved treatment facilities;

(2) providing start-up or expansion grants for halfway houses or rehabilitation centers for alcoholics;

(3) purchasing services from approved treatment facilities for persons who are needy but who are not eligible for assistance under either title XIX or title XX of the federal social security act, and administrative costs of the alcohol and drug abuse section which shall not exceed 10% of the total moneys in the community alcoholism and intoxication programs fund; and

(4) assisting to develop programs for prevention, education, early identification and facility assistance and review team.

(b) No state alcohol treatment program at Osawatomie state hospital, ~~Rainbow mental health facility or~~ Larned state hospital *or south central regional mental health hospital* shall receive any moneys under the provisions of subsection (a) of this section.

(c) There is hereby established in the state treasury the community alcoholism and intoxication programs fund.

(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 community alcoholism and intoxication programs fund interest earnings based on:

(1) The average daily balance of moneys in the community alcoholism and intoxication programs fund for the preceding month; and

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

(e) All expenditures from the community alcoholism and intoxication programs 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 for aging and disability services or the secretary's designee.

Sec. 9. K.S.A. 2024 Supp. 59-2006b is hereby amended to read as follows: 59-2006b. (a) At least annually, the secretary for aging and disability services shall establish the basic maximum rate of charge for treatment of patients in each state institution, except that such rates shall not exceed projected hospital costs of the state institution, including the allocated costs of services by other state agencies, as determined by application of generally acceptable hospital accounting principles. In determining these rates, the secretary shall compute the average daily projected operating cost of treatment of all patients in each state institution and shall set a basic maximum rate of charge for each and every patient in each state institution and each such patient's responsible relatives at the average daily projected operating cost of each institution so computed. When established pursuant to this section, each such rate shall be published in the Kansas register by the secretary and thereafter, until a subsequent rate is published as provided in this section, the rates last published shall be the legal rate of charge. All courts in this state shall recognize and take judicial notice of the procedure and the rates established under this section.

(b) In lieu of the procedure for computing the basic maximum rate of charge established under subsection (a), the secretary for aging and disability services may authorize any state institution to compute an individual patient charge on the basis of rates for services based on cost incurred by such state institution as determined by application of generally acceptable hospital accounting principles.

(c) As used in this section, "state institution" means the Osawatomie state hospital, ~~Rainbow mental health facility,~~ Larned state hospital, including the state security hospital, Parsons state hospital ~~and training center~~, *south central regional mental health hospital, including the extension state security hospital* and the Kansas neurological institute.

Sec. 10. K.S.A. 2024 Supp. 59-2946 is hereby amended to read as follows: 59-2946. When used in the care and treatment act for mentally ill persons:

(a) "Discharge" means the final and complete release from treatment, by either the head of a treatment facility acting pursuant to K.S.A. 59-2950, and amendments thereto, or by an order of a court issued pursuant to K.S.A. 59-2973, and amendments thereto.

(b) "Head of a treatment facility" means the administrative director of a treatment facility or such person's designee.

(c) "Law enforcement officer" means the same as defined in K.S.A. 22-2202, and amendments thereto.

(d) (1) "Mental health center" means any community mental health center as defined in K.S.A. 39-2002, and amendments thereto, or a mental health clinic organized as a not-for-profit or a for-profit corporation pursuant to K.S.A. 17-1701 through 17-1775, and amendments thereto, or K.S.A. 17-6001 through 17-6010, and amendments thereto, and licensed in accordance with the provisions of K.S.A. 39-2001 et seq., and amendments thereto.

(2) "Participating mental health center" means a mental health center that has entered into a contract with the secretary for aging and disability services pursuant to the provisions of K.S.A. 39-1601 through 39-1612, and amendments thereto.

(e) "Mentally ill person" means any person who is suffering from a mental disorder that is manifested by a clinically significant behavioral or psychological syndrome or pattern and associated with either a painful symptom or an impairment in one or more important areas of functioning, and involving substantial behavioral, psychological or biological dysfunction, to the extent that the person is in need of treatment.

(f) (1) "Mentally ill person subject to involuntary commitment for care and treatment" means a mentally ill person, as defined in subsection (e), who also lacks capacity to make an informed decision concerning treatment, is likely to cause harm to self or others, and whose diagnosis

is not solely one of the following mental disorders: Alcohol or chemical substance abuse; antisocial personality disorder; intellectual disability; organic personality syndrome; or an organic mental disorder.

(2) "Lacks capacity to make an informed decision concerning treatment" means that the person, by reason of the person's mental disorder, is unable, despite conscientious efforts at explanation, to understand basically the nature and effects of hospitalization or treatment or is unable to engage in a rational decision-making process regarding hospitalization or treatment, as evidenced by an inability to weigh the possible risks and benefits.

(3) "Likely to cause harm to self or others" means that the person, by reason of the person's mental disorder: (A) Is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty; or (B) is substantially unable, except for reason of indigency, to provide for any of the person's basic needs, such as food, clothing, shelter, health or safety, causing a substantial deterioration of the person's ability to function on the person's own.

No person who is being treated by prayer in the practice of the religion of any church that teaches reliance on spiritual means alone through prayer for healing shall be determined to be a mentally ill person subject to involuntary commitment for care and treatment under this act unless substantial evidence is produced upon which the district court finds that the proposed patient is likely in the reasonably foreseeable future to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty.

(g) "Patient" means a person who is a voluntary patient, a proposed patient or an involuntary patient.

(1) "Voluntary patient" means a person who is receiving treatment at a treatment facility pursuant to K.S.A. 59-2949, and amendments thereto.

(2) "Proposed patient" means a person for whom a petition pursuant to K.S.A. 59-2952 or 59-2957, and amendments thereto, has been filed.

(3) "Involuntary patient" means a person who is receiving treatment under order of a court or a person admitted and detained by a treatment

facility pursuant to an application filed pursuant to K.S.A. 59-2954(b) or (c), and amendments thereto.

(h) "Physician" means a person licensed to practice medicine and surgery as provided for in the Kansas healing arts act or a person who is employed by a state psychiatric hospital or by an agency of the United States and who is authorized by law to practice medicine and surgery within that hospital or agency.

(i) "Psychologist" means a licensed psychologist, as defined by K.S.A. 74-5302, and amendments thereto.

(j) "Qualified mental health professional" means a physician or psychologist who is employed by a participating mental health center or who is providing services as a physician or psychologist under a contract with a participating mental health center, a licensed master's level psychologist, a licensed clinical psychotherapist, a licensed marriage and family therapist, a licensed clinical marriage and family therapist, a licensed professional counselor, a licensed clinical professional counselor, a licensed specialist social worker or a licensed master social worker or a registered nurse who has a specialty in psychiatric nursing, who is employed by a participating mental health center and who is acting under the direction of a physician or psychologist who is employed by, or under contract with, a participating mental health center.

(1) "Direction" means monitoring and oversight including regular, periodic evaluation of services.

(2) "Licensed master social worker" means a person licensed as a master social worker by the behavioral sciences regulatory board under K.S.A. 65-6301 through 65-6318, and amendments thereto.

(3) "Licensed specialist social worker" means a person licensed in a social work practice specialty by the behavioral sciences regulatory board under K.S.A. 65-6301 through 65-6318, and amendments thereto.

(4) "Licensed master's level psychologist" means a person licensed as a licensed master's level psychologist by the behavioral sciences regulatory board under K.S.A. 74-5361 through 74-5373, and amendments thereto.

(5) "Registered nurse" means a person licensed as a registered professional nurse by the board of nursing under K.S.A. 65-1113 through 65-1164, and amendments thereto.

(k) "Secretary" means the secretary for aging and disability services.

(l) "State psychiatric hospital" means Larned state hospital, Osawatomie state hospital or ~~Rainbow mental health facility~~ *south central regional mental health hospital*.

(m) "Treatment" means any service intended to promote the mental health of the patient and rendered by a qualified professional, licensed or certified by the state to provide such service as an independent practitioner or under the supervision of such practitioner.

(n) "Treatment facility" means any mental health center or clinic, psychiatric unit of a medical care facility, state psychiatric hospital, psychologist, physician or other institution or person authorized or licensed by law to provide either inpatient or outpatient treatment to any patient.

(o) The terms defined in K.S.A. 59-3051, and amendments thereto, shall have the meanings provided by that section.

Sec. 11. K.S.A. 2024 Supp. 59-29b46 is hereby amended to read as follows: 59-29b46. When used in the care and treatment act for persons with an alcohol or substance abuse problem:

(a) "Discharge" means the final and complete release from treatment, by either the head of a treatment facility acting pursuant to K.S.A. 59-29b50, and amendments thereto, or by an order of a court issued pursuant to K.S.A. 59-29b73, and amendments thereto.

(b) "Head of a treatment facility" means the administrative director of a treatment facility or such person's designee.

(c) "Law enforcement officer" means the same as defined in K.S.A. 22-2202, and amendments thereto.

(d) "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed by the behavioral sciences regulatory board. Such person shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or while completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 75-7d01 through 75-7d13, and amendments thereto, unless otherwise exempt from licensure under subsection (n).

(e) "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed by the behavioral sciences regulatory board.

(f) "Licensed master's addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed under this act. Such person may diagnose substance use disorders only under the direction of a licensed clinical addiction counselor, a licensed psychologist, a person licensed to practice medicine and surgery or a person licensed to provide mental health services as an independent practitioner and whose licensure allows for the diagnosis and treatment of substance abuse disorders or mental disorders.

(g) "Other facility for care or treatment" means any mental health clinic, medical care facility, nursing home, the detox units at ~~either Osawatomie state hospital or Larned state hospital~~ *any state hospital*, any

physician or any other institution or individual authorized or licensed by law to give care or treatment to any person.

(h) "Patient" means a person who is a voluntary patient, a proposed patient or an involuntary patient.

(1) "Voluntary patient" means a person who is receiving treatment at a treatment facility pursuant to K.S.A. 59-29b49, and amendments thereto.

(2) "Proposed patient" means a person for whom a petition pursuant to K.S.A. 59-29b52 or 59-29b57, and amendments thereto, has been filed.

(3) "Involuntary patient" means a person who is receiving treatment under order of a court or a person admitted and detained by a treatment facility pursuant to an application filed pursuant to K.S.A. 59-29b54(b) or (c), and amendments thereto.

(i) "Person with an alcohol or substance abuse problem" means a person who: (1) Lacks self-control as to the use of alcoholic beverages or any substance as defined in subsection (m); or

(2) uses alcoholic beverages or any substance to the extent that the person's health may be substantially impaired or endangered without treatment.

(j) (1) "Person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment" means a person with an alcohol or substance abuse problem who also is incapacitated by alcohol or any substance and is likely to cause harm to self or others.

(2) "Incapacitated by alcohol or any substance" means that the person, as the result of the use of alcohol or any substance, has impaired judgment resulting in the person:

(A) Being incapable of realizing and making a rational decision with respect to the need for treatment; or

(B) lacking sufficient understanding or capability to make or communicate responsible decisions concerning either the person's well-being or estate.

(3) "Likely to cause harm to self or others" means that the person, by reason of the person's use of alcohol or any substance:

(A) Is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty; or

(B) is substantially unable, except for reason of indigency, to provide for any of the person's basic needs, such as food, clothing, shelter, health or safety, causing a substantial deterioration of the person's ability to function on the person's own.

(k) "Physician" means a person licensed to practice medicine and surgery as provided for in the Kansas healing arts act or a person who is employed by a state psychiatric hospital or by an agency of the United States and who is authorized by law to practice medicine and surgery within that hospital or agency.

(l) "Psychologist" means a licensed psychologist, as defined by K.S.A. 74-5302, and amendments thereto.

(m) "Substance" means:

(1) The same as the term "controlled substance" as defined in K.S.A. 21-5701, and amendments thereto; or

(2) fluorocarbons, toluene or volatile hydrocarbon solvents.

(n) "Treatment" means the broad range of emergency, outpatient, intermediate and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological and social service care, vocational rehabilitation and career counseling, which may be extended to persons with an alcohol or substance abuse problem.

(o) (1) "Treatment facility" means a treatment program, public or private treatment facility, or any facility of the United States government available to treat a person for an alcohol or other substance abuse problem, but such term does not include a licensed medical care facility, a licensed adult care home, a facility licensed under K.S.A. 2015 Supp. 75-3307b, prior to its repeal, or under K.S.A. 39-2001 et seq., and amendments thereto, a community-based alcohol and drug safety action program certified under K.S.A. 8-1008, and amendments thereto, and performing only those functions for which the program is certified to perform under K.S.A. 8-1008, and amendments thereto, or a professional licensed by the behavioral sciences regulatory board to diagnose and treat mental disorders at the independent level or a physician, who may treat in the usual course of the behavioral sciences regulatory board licensee's or physician's professional practice individuals incapacitated by alcohol or other substances, but who are not primarily engaged in the usual course of the individual's professional practice in treating such individuals, or any state institution, even if detoxification services may have been obtained at such institution.

(2) "Private treatment facility" means a private agency providing facilities for the care and treatment or lodging of persons with either an alcohol or other substance abuse problem and meeting the standards prescribed in either K.S.A. 65-4013 or 65-4603, and amendments thereto, and licensed under either K.S.A. 65-4014 or 65-4607, and amendments thereto.

(3) "Public treatment facility" means a treatment facility owned and operated by any political subdivision of the state of Kansas and licensed under either K.S.A. 65-4014 or 65-4603, and amendments thereto, as an

appropriate place for the care and treatment or lodging of persons with an alcohol or other substance abuse problem.

(p) The terms defined in K.S.A. 59-3051, and amendments thereto, shall have the meanings provided by that section.

Sec. 12. K.S.A. 2024 Supp. 59-29b54 is hereby amended to read as follows: 59-29b54. (a) A treatment facility may admit and detain any person for emergency observation and treatment upon an ex parte emergency custody order issued by a district court pursuant to K.S.A. 59-29b58, and amendments thereto.

(b) A treatment facility or the detox unit at ~~Osawatomie state hospital or at Larned state hospital~~ *any state hospital* may admit and detain any person presented for emergency observation and treatment upon written application of a law enforcement officer having custody of that person pursuant to K.S.A. 59-29b53, and amendments thereto. The application shall state:

(1) The name and address of the person sought to be admitted, if known;

(2) the name and address of the person's spouse or nearest relative, if known;

(3) the officer's belief that the person is or may be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment and is likely to cause harm to self or others if not immediately detained;

(4) the factual circumstances in support of that belief and the factual circumstances under which the person was taken into custody including any known pending criminal charges; and

(5) the fact that the law enforcement officer will file the petition provided for in K.S.A. 59-29b57, and amendments thereto, by the close of business of the first day thereafter that the district court is open for the transaction of business, or that the officer has been informed by a parent, legal guardian or other person, whose name shall be stated in the application will file the petition provided for in K.S.A. 59-29b57, and amendments thereto, within that time.

(c) A treatment facility may admit and detain any person presented for emergency observation and treatment upon the written application of any individual. The application shall state:

(1) The name and address of the person sought to be admitted, if known;

(2) the name and address of the person's spouse or nearest relative, if known;

(3) the applicant's belief that the person may be a person with an alcohol or substance abuse problem subject to involuntary commitment and is likely to cause harm to self or others if not immediately detained;

(4) the factual circumstances in support of that belief;

(5) any pending criminal charges, if known;

(6) the fact that the applicant will file the petition provided for in K.S.A. 59-29b57, and amendments thereto, by the close of business of the first day thereafter that the district court is open for the transaction of business; and

(7) the application shall also be accompanied by a statement in writing of a physician, psychologist or licensed addiction counselor finding that the person is likely to be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act.

(d) Any treatment facility or personnel thereof, who in good faith renders treatment in accordance with law to any person admitted pursuant to subsection (b) or (c), shall not be liable in a civil or criminal action based upon a claim that the treatment was rendered without legal consent.

Sec. 13. K.S.A. 2024 Supp. 59-29b57 is hereby amended to read as follows: 59-29b57. (a) A verified petition to determine whether or not a person is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act may be filed in the district court of the county ~~wherein~~ *where* that person resides or ~~wherein~~ *where* such person may be found.

(b) The petition shall state:

(1) The petitioner's belief that the named person is a person with an alcohol or substance abuse problem subject to involuntary commitment and the facts upon which this belief is based;

(2) to the extent known, the name, age, present whereabouts and permanent address of the person named as possibly a person with an alcohol or substance abuse problem subject to involuntary commitment; and if not known, any information the petitioner might have about this person and where the person resides;

(3) to the extent known, the name and address of the person's spouse or nearest relative or relatives, or legal guardian, or if not known, any information the petitioner might have about a spouse, relative or relatives or legal guardian and where they might be found;

(4) to the extent known, the name and address of the person's legal counsel, or if not known, any information the petitioner might have about this person's legal counsel;

(5) to the extent known, whether or not this person is able to pay for medical services, or if not known, any information the petitioner might have about the person's financial circumstances or indigency;

(6) to the extent known, the name and address of any person who has custody of the person, and any known pending criminal charge or charges or of any arrest warrant or warrants outstanding or, if there are none, that

fact or if not known, any information the petitioner might have about any current criminal justice system involvement with the person;

(7) the name or names and address or addresses of any witness or witnesses the petitioner believes has knowledge of facts relevant to the issue being brought before the court; and

(8) the name and address of the treatment facility to which the petitioner recommends that the proposed patient be sent for treatment if the proposed patient is found to be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act, or if the petitioner is not able to recommend a treatment facility to the court, then that fact and that the secretary for aging and disability services has been notified and requested to determine which treatment facility the proposed patient should be sent to.

(c) The petition shall be accompanied by:

(1) A signed certificate from a physician, psychologist or state certified alcohol and substance abuse counselor stating that such professional has personally examined the person and any available records and has found that the person, in such professional's opinion, is likely to be a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act, unless the court allows the petition to be accompanied by a verified statement by the petitioner that the petitioner had attempted to have the person seen by a physician, psychologist or state certified alcohol and substance abuse counselor, but that the person failed to cooperate to such an extent that the examination was impossible to conduct;

(2) a statement of consent to the admission of the proposed patient to the treatment facility named by the petitioner pursuant to subsection (b)(8) signed by the head of that treatment facility or other documentation which shows the willingness of the treatment facility to admitting the proposed patient for care and treatment; and

(3) if applicable, a copy of any notice given pursuant to K.S.A. 59-29b51, and amendments thereto, in which the named person has sought discharge from a treatment facility into which they had previously entered voluntarily, or a statement from the treating physician or psychologist that the person was admitted as a voluntary patient but now lacks capacity to make an informed decision concerning treatment and is refusing reasonable treatment efforts, and including a description of the treatment efforts being refused.

(d) The petition may include a request that an ex parte emergency custody order be issued pursuant to K.S.A. 59-29b58, and amendments thereto. If such request is made the petition shall also include:

(1) A brief statement explaining why the person should be immediately detained or continue to be detained;

(2) the place where the petitioner requests that the person be detained or continue to be detained; and

(3) if applicable, because detention is requested in a facility other than the detox unit at ~~either Osawatomie state hospital or at Larned~~ *a* state hospital, a statement that the facility is willing to accept and detain such person.

(e) The petition may include a request that a temporary custody order be issued pursuant to K.S.A. 59-29b59, and amendments thereto.

Sec. 14. K.S.A. 2024 Supp. 59-3077 is hereby amended to read as follows: 59-3077. (a) At any time after the filing of the petition provided for in K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments thereto, any person may file in addition to that original petition, or as a part thereof, or at any time after the appointment of a temporary guardian as provided for in K.S.A. 59-3073, and amendments thereto, or a guardian as provided for in K.S.A. 59-3067, and amendments thereto, the temporary guardian or guardian may file a verified petition requesting that the court grant authority to the temporary guardian or guardian to admit the proposed ward or ward to a treatment facility, as defined in subsection (h), and to consent to the care and treatment of the proposed ward or ward therein. The petition shall include:

(1) The petitioner's name and address, and if the petitioner is the proposed ward's or ward's court appointed temporary guardian or guardian, that fact;

(2) the proposed ward's or ward's name, age, date of birth, address of permanent residence and present address or whereabouts, if different from the proposed ward's or ward's permanent residence;

(3) the name and address of the proposed ward's or ward's court appointed temporary guardian or guardian, if different from the petitioner;

(4) the factual basis upon which the petitioner alleges the need for the proposed ward or ward to be admitted to and treated at a treatment facility, or for the proposed ward or ward to continue to be treated at the treatment facility to which the proposed ward or ward has already been admitted, or for the guardian to have continuing authority to admit the ward for care and treatment at a treatment facility pursuant to K.S.A. 59-2949(b)(3) or K.S.A. 59-29b49(b)(3), and amendments thereto;

(5) the names and addresses of witnesses by whom the truth of this petition may be proved; and

(6) a request that the court find that the proposed ward or ward is in need of being admitted to and treated at a treatment facility, and that the court grant to the temporary guardian or guardian the authority to admit the proposed ward or ward to a treatment facility and to consent to the care and treatment of the proposed ward or ward therein.

(b) The petition may be accompanied by a report of an examination and evaluation of the proposed ward or ward conducted by an appropriately qualified professional that shows that the criteria set out in K.S.A. 39-1803, 59-2946(e), 59-29b46(i) or 76-12b03, and amendments thereto, are met.

(c) Upon the filing of such a petition, the court shall issue the following:

(1) An order fixing the date, time and place of a hearing on the petition. Such hearing, in the court's discretion, may be conducted in a courtroom, a treatment facility or at some other suitable place. The time fixed in the order shall in no event be earlier than seven days or later than 21 days after the date of the filing of the petition. The court may consolidate this hearing with the trial upon the original petition filed pursuant to K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments thereto, or with the trial provided for in the care and treatment act for mentally ill persons or the care and treatment act for persons with an alcohol or substance abuse problem, if the petition also incorporates the allegations required by, and is filed in compliance with, the provisions of either of those acts.

(2) An order requiring that the proposed ward or ward appear at the time and place of the hearing on the petition unless the court makes a finding prior to the hearing that the presence of the proposed ward or ward will be injurious to the person's health or welfare, that the proposed ward's or ward's impairment is such that the person could not meaningfully participate in the proceedings or that the proposed ward or ward has filed with the court a written waiver of such ward's right to appear in person. In any such case, the court shall enter in the record of the proceedings the facts upon which the court has found that the presence of the proposed ward or ward at the hearing should be excused. Notwithstanding the foregoing provisions of this subsection, if the proposed ward or ward files with the court at least one day prior to the date of the hearing a written notice stating the person's desire to be present at the hearing, the court shall order that the person must be present at the hearing.

(3) An order appointing an attorney to represent the proposed ward or ward. The court shall give preference, in the appointment of this attorney, to any attorney who has represented the proposed ward or ward in other matters, if the court has knowledge of that prior representation. The proposed ward, or the ward with the consent of the ward's conservator, if one has been appointed, shall have the right to engage an attorney of the proposed ward's or ward's choice and, in such case, the attorney appointed by the court shall be relieved of all duties by the court. Any appointment made by the court shall terminate upon a final determination of the petition and any appeal therefrom, unless the court continues the appointment by further order.

(4) An order fixing the date, time and a place that is in the best interest of the proposed ward or ward at which the proposed ward or ward shall have the opportunity to consult with such ward's attorney. This consultation shall be scheduled to occur prior to the time at which the examination and evaluation ordered pursuant to subsection (d)(1), if ordered, is scheduled to occur.

(5) A notice similar to that provided for in K.S.A. 59-3066, and amendments thereto.

(d) Upon the filing of such a petition, the court may issue the following:

(1) An order for a psychological or other examination and evaluation of the proposed ward or ward, as may be specified by the court. The court may order the proposed ward or ward to submit to such an examination and evaluation to be conducted through a general hospital, psychiatric hospital, community mental health center or community developmental disability organization or by a private physician, psychiatrist, psychologist or other person appointed by the court who is qualified to examine and evaluate the proposed ward or ward. The costs of this examination and evaluation shall be assessed as provided for in K.S.A. 59-3094, and amendments thereto.

(2) If the petition is accompanied by a report of an examination and evaluation of the proposed ward or ward as provided for in subsection (b), an order granting temporary authority to the temporary guardian or guardian to admit the proposed ward or ward to a treatment facility and to consent to the care and treatment of the proposed ward or ward therein. Any such order shall expire immediately after the hearing upon the petition, or as the court may otherwise specify, or upon the discharge of the proposed ward or ward by the head of the treatment facility, if the proposed ward or ward is discharged prior to the time at which the order would otherwise expire.

(3) For good cause shown, an order of continuance of the hearing.

(4) For good cause shown, an order of advancement of the hearing.

(5) For good cause shown, an order changing the place of the hearing.

(e) The hearing on the petition shall be held at the time and place specified in the court's order issued pursuant to subsection (c), unless an order of advancement, continuance or a change of place of the hearing has been issued pursuant to subsection (d). The petitioner and the proposed ward or ward shall each be afforded an opportunity to appear at the hearing, to testify and to present and cross-examine witnesses. If the hearing has been consolidated with a trial being held pursuant to either the care and treatment act for mentally ill persons or the care and treatment act for persons with an alcohol or substance abuse problem, persons not necessary for the conduct of the proceedings may be excluded as provided for in those acts. The hearing shall be conducted in as informal

a manner as may be consistent with orderly procedure. The court shall have the authority to receive all relevant and material evidence which may be offered, including the testimony or written report, findings or recommendations of any professional or other person who has examined or evaluated the proposed ward or ward pursuant to any order issued by the court pursuant to subsection (d). Such evidence shall not be privileged for the purpose of this hearing.

(f) Upon completion of the hearing, if the court finds by clear and convincing evidence that the criteria set out in K.S.A. 39-1803, 59-2946(e), 59-29b46(i) or 76-12b03, and amendments thereto, are met, and after a careful consideration of reasonable alternatives to admission of the proposed ward or ward to a treatment facility, the court may enter an order granting such authority to the temporary guardian or guardian as is appropriate, including continuing authority to the guardian to readmit the ward to an appropriate treatment facility as may later become necessary. Any such grant of continuing authority shall expire two years after the date of final discharge of the ward from such a treatment facility if the ward has not had to be readmitted to a treatment facility during that two-year period of time. Thereafter, any such grant of continuing authority may be renewed only after the filing of another petition seeking authority in compliance with the provision of this section.

(g) Nothing herein shall be construed so as to prohibit the head of a treatment facility from admitting a proposed ward or ward to that facility as a voluntary patient if the head of the treatment facility is satisfied that the proposed ward or ward at that time has the capacity to understand such ward's illness and need for treatment, and to consent to such ward's admission and treatment. Upon any such admission, the head of the treatment facility shall give notice to the temporary guardian or guardian as soon as possible of the ward's admission, and shall provide to the temporary guardian or guardian copies of any consents the proposed ward or ward has given. Thereafter, the temporary guardian or guardian shall timely either seek to obtain proper authority pursuant to this section to admit the proposed ward or ward to a treatment facility and to consent to further care and treatment, or shall otherwise assume responsibility for the care of the proposed ward or ward, consistent with the authority of the temporary guardian or guardian, and may arrange for the discharge from the facility of the proposed ward or ward, unless the head of the treatment facility shall file a petition requesting the involuntary commitment of the proposed ward or ward to that or some other facility.

(h) As used herein, "treatment facility" means the Kansas neurological institute, Larned state hospital, Osawatomie state hospital, *south central regional mental health hospital,* Parsons state hospital~~ and training center, the Rainbow mental health facility~~, any intermediate care facility for peo-

ple with intellectual disability, any psychiatric hospital licensed pursuant to K.S.A. 39-2001 et seq., and amendments thereto, and any other facility for mentally ill persons or people with intellectual or developmental disabilities licensed pursuant to K.S.A. 39-2001 et seq., and amendments thereto, if the proposed ward or ward is to be admitted as an inpatient or resident of that facility.

Sec. 15. K.S.A. 65-4921 is hereby amended to read as follows: 65-4921. As used in K.S.A. 65-4921 through 65-4930, and amendments thereto:

(a) "Appropriate licensing agency" means the agency that issued the license to the individual or ~~health care~~ *healthcare* provider who is the subject of a report under this act.

(b) "Department" means the department of health and environment.

(c) "~~Health care~~*Healthcare* provider" means:

(1) Those persons and entities defined as a ~~health care~~ *healthcare* provider under K.S.A. 40-3401, and amendments thereto; and

(2) a dentist licensed by the Kansas dental board, a dental hygienist licensed by the Kansas dental board, a professional nurse licensed by the board of nursing, a practical nurse licensed by the board of nursing, a mental health technician licensed by the board of nursing, a physical therapist licensed by the state board of healing arts, a physical therapist assistant certified by the state board of healing arts, an occupational therapist licensed by the state board of healing arts, an occupational therapy assistant licensed by the state board of healing arts and a respiratory therapist licensed by the state board of healing arts.

(d) "License," "licensee" and "licensing" include comparable terms that relate to regulation similar to licensure, such as registration.

(e) "Medical care facility" means:

(1) A medical care facility licensed under K.S.A. 65-425 et seq., and amendments thereto;

(2) a private psychiatric hospital licensed under K.S.A. 39-2001 et seq., and amendments thereto; and

(3) state psychiatric hospitals and state institutions for people with intellectual disability, as follows: Larned state hospital, Osawatomie state hospital, ~~Rainbow mental health facility,~~ Kansas neurological institute, *south central regional mental health hospital* and Parsons state hospital ~~and training center~~.

(f) "Reportable incident" means an act by a ~~health care~~ *healthcare* provider that:

(1) Is or may be below the applicable standard of care and has a reasonable probability of causing injury to a patient; or

(2) may be grounds for disciplinary action by the appropriate licensing agency.

(g) "Risk manager" means the individual designated by a medical care facility to administer its internal risk management program and to receive reports of reportable incidents within the facility.

(h) "Secretary" means the secretary of health and environment.

Sec. 16. K.S.A. 65-5601 is hereby amended to read as follows: 65-5601. As used in K.S.A. 65-5601 through 65-5605, and amendments thereto:

(a) "Patient" means a person who consults or is examined or interviewed by treatment personnel.

(b) "Treatment personnel" means any employee of a treatment facility who receives a confidential communication from a patient while engaged in the diagnosis or treatment of a mental, alcoholic, drug dependency or emotional condition, if such communication was not intended to be disclosed to third persons.

(c) "Ancillary personnel" means any employee of a treatment facility who is not included in the definition of treatment personnel.

(d) "Treatment facility" means a community mental health center, community service provider, psychiatric hospital and state institution for people with intellectual disability.

(e) "Head of the treatment facility" means the administrative director of a treatment facility or the designee of the administrative director.

(f) "Community mental health center" means the same as defined in K.S.A. 39-2002, and amendments thereto.

(g) "Psychiatric hospital" means Larned state hospital, Osawatomie state hospital, ~~Rainbow mental health facility, Topeka state hospital~~ *south central regional mental health hospital* and hospitals licensed under K.S.A. 39-2001 et seq., and amendments thereto.

(h) "State institution for people with intellectual disability" means ~~Winfield state hospital and training center,~~ Parsons state hospital ~~and training center~~ and the Kansas neurological institute.

(i) "Community service provider" means: (1) A community facility for people with intellectual disability organized pursuant to the provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto, and licensed in accordance with the provisions of K.S.A. 39-2001 et seq., and amendments thereto; (2) community service provider as provided in the developmental disabilities reform act; or (3) a nonprofit corporation that provides services for people with intellectual disability pursuant to a contract with an intellectual disability governing board.

Sec. 17. K.S.A. 2024 Supp. 74-3292 is hereby amended to read as follows: 74-3292. As used in this act:

(a) "Executive officer" means the chief executive officer of the state board of regents appointed under K.S.A. 74-3203a, and amendments thereto.

(b) "Mental health or treatment facility" means:

(1) Any private treatment facility as defined in K.S.A. 59-29b46, and amendments thereto;

(2) any public treatment facility as defined in K.S.A. 59-29b46, and amendments thereto;

(3) any community mental health center organized pursuant to 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 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, 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, *south central regional mental health hospital,* Parsons state hospital ~~and training center~~ or the Kansas neurological institute.

(c) "School of nursing" means a school within the state of Kansas 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 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.

(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, 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;

(3) a home health agency licensed under K.S.A. 65-5101 et seq., and amendments thereto;

(4) a local health department as defined in K.S.A. 65-241, and amendments thereto;

(5) a mental health or treatment facility; and

(6) a state agency that employs licensed practical nurses or licensed professional nurses.

Sec. 18. K.S.A. 75-3099 is hereby amended to read as follows: 75-3099. (a) The governing board of any educational institution may enter into agreements with any state agency for the provision of instruction at the educational institution or off the campus thereof. Credit for such instruction shall be awarded in accordance with the provisions of the agreement.

(b) Any state agency may enter into agreements with the governing board of any educational institution for the provision of instruction at the educational institution or off the campus thereof. The amount to be paid by the state agency for the provision of instruction under any such agreement shall be determined as provided in the agreement, in accordance with the provisions of this section and in any case within limitations of the appropriations of the state agency therefor. The amount to be paid under any such agreement shall be determined on the basis of a fixed dollar amount for each enrolled credit hour of instruction in lieu of tuition, except that (1) an additional dollar amount shall be paid for each credit hour value of a course which is not taught by personnel of the state agency, (2) the payment to be made under an agreement with a social welfare institution shall be on the basis of four credit hours for an entry level course of instruction for direct care staff, and (3) payments may be made to an educational institution for special training materials and mileage expenses where appropriate under the circumstances.

(c) (1) No credit hour state aid entitlement and no out-district state aid entitlement of an educational institution shall be based upon any subject, course or program which is taught under an agreement with a state agency, and no such subject, course or program shall be counted in determining the number of credit hours of out-district students for the purpose of determining the amount of out-district tuition to be charged by an educational institution.

(2) No tuition shall be charged to or collected from any person who enrolls in any subject, course or program which is taught under an agreement with a state agency.

(d) For the purpose of this section~~,~~*:*

(1) "Educational institution" means community college or municipal university;

(2) "social welfare institution" means ~~Topeka state hospital,~~ Osawatomie state hospital, ~~Rainbow mental health facility,~~ Larned state hospital, Parsons state hospital ~~and training center, Norton state hospital, Winfield state hospital and training center~~*, south central regional mental health hospital* and Kansas neurological institute; and

(3) "state agency" means any state office or officer, department, board, commission, institution, bureau, or any agency, division or unit within any office, department, board, commission or other authority of this state.

Sec. 19. K.S.A. 75-3373 is hereby amended to read as follows: 75-3373. (a) Notwithstanding any other provision of law, no state agency shall enter into any agreement or take any action to outsource or privatize any operations or facilities of the Larned state hospital, the Osawatomie state hospital, *the south central regional mental health hospital* or any facility that provides mental health services and that is operated by a state agency without prior specific authorization by an act of the legislature or an appropriation act of the legislature. The restriction imposed by this subsection applies to any action to outsource or privatize all or any part of any operation or facility of the Larned state hospital, the Osawatomie state hospital, *the south central regional mental health hospital* or any facility that provides mental health services and that is operated by a state agency, including, but not limited to, any action to transfer all or any part of the rated bed capacity at the Larned state hospital ~~or~~, the Osawatomie state hospital~~,~~ *or the south central regional mental health hospital*, in effect on the effective date of this act, to another facility.

(b) Nothing in this section shall prevent the Kansas department for aging and disability services from renewing, in substantially the same form as an existing agreement, any agreement in existence prior to March 4, 2016, for services at the Larned state hospital or the Osawatomie state hospital.

(c) Nothing in this section shall prevent the Kansas department for aging and disability services from entering into an agreement for services at the Larned state hospital or the Osawatomie state hospital with a different provider if such agreement is substantially similar to an agreement for services in existence prior to March 4, 2016.

Sec. 20. K.S.A. 76-384 is hereby amended to read as follows: 76-384. (a) Upon the selection of a service commitment area for the purposes of satisfying a service obligation under a medical student loan agreement entered into under this act, the person so selecting shall inform the university of Kansas school of medicine of the service commitment area selected.

(b) A person serving in a service commitment area pursuant to any agreement under this act may serve all or part of any commitment in the service commitment area initially selected by such person. If such person moves from one service commitment area to another service commitment area, such person shall notify the university of Kansas school of medicine of such person's change of service commitment area. Service in any such service commitment area shall be deemed to be continuous for the purpose of satisfying any agreement entered into under this act.

(c) A person receiving a medical student loan under this act, may satisfy the obligation to engage in the full-time practice of medicine and sur-

gery in a service commitment area if the person serves as a full-time faculty member of the university of Kansas school of medicine in general internal medicine, general pediatrics, family medicine, family practice, general psychiatry or child psychiatry and serves two years for each one year of such obligation, or the equivalent thereof on a two-for-one basis, except that, at the time any person commences satisfying such service obligation as a full-time faculty member pursuant to this subsection, the number of persons satisfying service commitments or service obligations, pursuant to agreements under the medical student loan act, as full-time faculty members pursuant to this subsection shall not exceed the number equal to 25% of the total number of full-time faculty members of the university of Kansas school of medicine in general internal medicine, general pediatrics, family medicine, family practice, general psychiatry or child psychiatry.

(d) A person may satisfy the obligation to engage in the full-time practice of medicine and surgery in a service commitment area by performing at least 100 hours per month of on-site primary care or mental health care at a medical facility operated by a local health department or nonprofit organization in this state serving medically indigent persons or at a community mental health center or at Larned state hospital, Osawatomie state hospital, *south central regional mental health hospital* or any facility that provides mental health services and that is operated by a state agency. As used in this subsection~~,~~*:*

(1) "Medically indigent" means a person *who is*:

~~(1)~~*(A)* ~~Who is~~ Unable to secure ~~health care~~ *healthcare* because of inability to pay for all or a part of the costs thereof due to inadequate personal resources, being uninsured, being underinsured, being ineligible for governmental health benefits; or

~~(2)~~*(B)* ~~who is~~ eligible for governmental benefits but is unable to obtain medical services; and

(2) "primary care" means general pediatrics, general internal medicine, family medicine and family practice.

Sec. 21. K.S.A. 76-12a01 is hereby amended to read as follows: 76-12a01. As used in this act, unless the context otherwise requires:

(a) "Secretary" means the secretary for aging and disability services.

(b) "Institution" means the following institutions: Osawatomie state hospital, ~~Rainbow mental health facility,~~ Larned state hospital, *south central regional mental health hospital,* Parsons state hospital ~~and training center,~~ and Kansas neurological institute.

(c) "Director" or "commissioner" means the commissioner of community services and programs.

Sec. 22. K.S.A. 76-12a31 is hereby amended to read as follows: 76-12a31. From and after October 1, 1996, no institution shall admit any individual for care or treatment of alcohol abuse or drug abuse with the

exception that Larned state hospital ~~and~~, Osawatomie state hospital *and south central regional mental health hospital* may admit an individual for detoxification services or alcohol abuse or drug abuse care and treatment provided to inmates in the custody of the secretary of corrections as clinically indicated. From and after October 1, 1996, public treatment facilities and other treatment facilities licensed under K.S.A. 65-4001 et seq., 65-4601 et seq. or 65-5201 et seq., and amendments thereto, as specified or directed by the secretary or a district court shall admit and give appropriate care and treatment to alcohol and drug abusers.

Sec. 23. K.S.A. 76-1407 is hereby amended to read as follows: 76-1407. Any reference in the laws of this state to "Parsons state training school," "state hospital for epileptics at Parsons" or words of similar import~~,~~ shall be deemed to mean the Parsons state hospital ~~and training center~~.

Sec. 24. K.S.A. 76-1409 is hereby amended to read as follows: 76-1409. The object of the Parsons state hospital ~~and training center~~ shall be to examine, treat, educate, train and rehabilitate the persons admitted and retained ~~so as~~ to make such persons more comfortable, happy~~,~~ and better fitted to care for and support themselves. ~~To this end~~ The secretary shall provide such examination, treatment, education ~~(~~, including academic and vocational~~)~~, training and rehabilitation facilities as ~~he or she~~ *the secretary* shall deem necessary and advisable.

Sec. 25. K.S.A. 76-1409a is hereby amended to read as follows: 76-1409a. The superintendent of Parsons state hospital ~~and training center~~ shall remit all moneys received by or for the superintendent from charges made under K.S.A. 59-2006, and amendments thereto, and other operations of such institution 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 Parsons state hospital ~~and training center~~ 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 such superintendent or by a person or persons designated by the superintendent.

Sec. 26. K.S.A. 2024 Supp. 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 office of veterans services, may transfer patients in the state hospitals at Osawatomie ~~and~~, Larned ~~and patients in the Rainbow mental health facility~~, *Wichita* 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 state hospitals, that because of such patient's illness such patient is likely to injure themselves or others, shall be transferred to such Kansas soldiers' home, and no such patient shall be 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~~ *adopted* thereunder. Persons 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 state hospitals and mental health facility specified in subsection (a) shall be applicable to such patients transferred under subsection (a). Any patient 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 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 state hospitals and the director of the Kansas office of veterans services, to the institution from whence the patient was originally transferred.

Sec. 27. K.S.A. 2024 Supp. 76-1958 is hereby amended to read as follows: 76-1958. (a) The commissioner of 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 office of veterans services, may transfer patients in the state hospitals in ~~Topeka,~~ Osawatomie ~~and~~, Larned ~~and patients in the Rainbow mental health facility~~, *Wichita and* 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 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~~ *adopted* thereunder. Persons transferred shall not be considered as members of the Kansas veterans' home but shall be considered as patients.

(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 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 office of veterans services, to the institution from which the patient was originally transferred.

Sec. 28. K.S.A. 21-5413, 39-1602, 39-1613, 40-3401, 41-1126, 65-4921, 65-5601, 75-3099, 75-3373, 76-384, 76-12a01, 76-12a31, 76-1407, 76-1409 and 76-1409a and K.S.A. 2024 Supp. 39-1401, 59-2006b, 59-2946, 59-29b46, 59-29b54, 59-29b57, 59-3077, 74-3292, 76-1936 and 76-1958 are hereby repealed.

Sec. 29. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 8, 2025.

CHAPTER 91

HOUSE BILL No. 2255

AN ACT concerning the Kansas department of agriculture; relating to weights and measures; consolidating chapter 83 definitions into a single section; defining device for weighing, measuring or both; increasing the minimum fee per invoice from $50 to $70; authorizing licensed service companies and city or county departments of weights and measures to remove rejection tags for test or repair purposes; requiring any such entity to replace the rejection tag with a substitute if the device or equipment cannot be repaired and notify the secretary; requiring persons desiring to operate as a service company to obtain a license; establishing fees and procedures for such licensure; requiring nonresident service companies to designate a resident agent; requiring technical representatives to be licensed, attend continuing education seminars and pass an examination; authorizing the secretary to charge a fee for continuing education seminars; prohibiting service companies from receiving or renewing a license until their weights or measures, or both, are tested and sealed; authorizing the secretary to accept a calibration certificate in lieu of a test; authorizing the secretary to revoke, suspend, decline to renew or decline to issue a service company or technical representative license after notice and hearing for certain violations; requiring weights or measurers, or both used commercially to be tested and inspected annually by a licensed technical representative, an authorized city or county representative or the secretary; requiring test weights or equipment used in grain elevators to be approved and sealed annually, or every three years for those with a nominal capacity of 250 pounds or greater; requiring reports of tests and inspections to be furnished to the owner or operator and the secretary within 10 days; relating to the Kansas conservation reserve enhancement program; increasing the acreage cap for CREPs from 40,000 to 60,000 acres; clarifying the county acreage cap for CREPs and that the last eligible offer for enrollment exceeding applicable acreage caps may be approved; removing the limitation on acres eligible for CREP enrollment based on expired federal contracts; adding a general ineligibility criterion based on federal ineligibility; allowing CREP contracts for dryland farming or limited irrigation for water quantity goals; removing the prohibition on participation in CREP for government-owned water rights; clarifying current CREP criteria related to water right usage, sanctions and reporting; allowing exceptions to eligibility criteria based on factors such as location in high-priority water conservation areas, high-flow capacity wells, circumstances like bankruptcy or probate and enrollment in other water conservation programs; modifying the reporting requirements to cover the preceding five years; amending K.S.A. 2-1933, 83-201, 83-202, 83-207, 83-208, 83-214, 83-215, 83-216, 83-217, 83-218, 83-219, 83-220, 83-221, 83-222, 83-224, 83-225, 83-304, 83-305, 83-404, 83-405 and 83-501 and repealing the existing sections; also repealing K.S.A. 83-149, 83-154, 83-155, 83-301, 83-302, 83-303, 83-308, 83-311, 83-326, 83-401, 83-402, 83-403, 83-407, 83-409, 83-410, 83-411 and 83-502.

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

Section 1. K.S.A. 2-1933 is hereby amended to read as follows: 2-1933. (a) As used in this section, "division" means the division of conservation established within the Kansas department of agriculture in K.S.A. 74-5,126, and amendments thereto.

(b) The division shall administer the conservation reserve enhancement program (CREP) on behalf of the state of Kansas pursuant to agreements with the United States department of agriculture for the purpose of implementing beneficial water quality and water quantity

projects concerning *agricultural lands within* targeted watersheds to be enrolled in CREP.

(c) There is hereby established in the state treasury the Kansas conservation reserve enhancement program fund, which shall be administered by the division. All expenditures from the Kansas conservation reserve enhancement program fund shall be for the implementation of CREP pursuant to agreements between the state of Kansas and the United States department of agriculture. 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 secretary of agriculture or by the secretary's designee.

(d) The division may request the assistance of other state agencies, Kansas state university, local governments and private entities in the implementation of CREP.

(e) The division may receive and expend moneys from the federal or state government or private sources for the purpose of carrying out the provisions of this section. All 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 Kansas conservation reserve enhancement program fund. The division shall carry over unexpended moneys in the Kansas conservation reserve enhancement program fund from one fiscal year to the next.

(f) The division may enter into cost-share contracts with landowners that will result in fulfilling specific objectives of projects approved in agreements between the United States department of agriculture and the state of Kansas.

(g) The division shall administer all CREPs in Kansas subject to the following criteria:

(1) The aggregate total number of acres enrolled in Kansas in all CREPs shall not exceed ~~40,000~~ *60,000* acres*, except that the last eligible offer for enrollment that will exceed the 60,000-acre cap may be approved*;

(2) ~~the number of acres eligible for enrollment in CREP in Kansas shall be limited to ½ of the number of acres represented by federal contracts in the federal conservation reserve program that have expired in the prior year in counties within the particular CREP area, except that if federal law permits the lands enrolled in the CREP program to be used for agricultural purposes, such as planting agricultural commodities, including, but not limited to, grains, cellulosic or biomass materials, alfalfa, grasses or legumes, but not including cover crops, then the number of acres eligible for enrollment shall be limited to the number of acres represented by contracts in the federal conservation reserve program that have expired in the prior year in counties within the specific CREP area;~~

~~(3) no more than 25% of the acreage in CREP may be in any one county, except that the last eligible offer to exceed the number of acres constituting a 25% acreage cap in any one county shall be approved~~*the aggregate total number of acres enrolled in all CREPs in any one Kansas county shall not exceed 20% of the statewide acreage cap set forth in paragraph (1), except that the last eligible offer to exceed such cap in any one county may be approved*;

~~(4)~~*(3)* no whole-field enrollments shall be accepted into a CREP established for water quality purposes;~~ and~~

~~(5) lands enrolled in the federal conservation reserve program as of January 1, 2008,~~

(4) an acreage shall not be eligible for enrollment in CREP *if it is otherwise ineligible for enrollment under federal law; and*

(5) not more than 1,600 acres may be enrolled in CREP in one county in the same calendar year unless the secretary of agriculture, in consultation with the chief engineer of the division of water resources, certifies that the chief engineer has determined:

(A) That the acreage is in an area where an impairment is occurring and enrolling the acreage in the conservation reserve enhancement program will be responsive to the impairment; or

(B) that the acreage is less than five miles from a portion of the aquifer with less than 10 years of usable life.

(h) ~~(1) For a CREP established with the purpose of meeting water quantity goals,~~ *If approved by the United States department of agriculture, the division may, in accordance with subsection (i), approve a CREP contract that allows for the establishment of native grasses, routine grazing, dryland farming or limited irrigation practices for the purpose of meeting water quantity goals.*

(i) The division shall administer ~~such~~ *each* CREP *established for the purpose of meeting water quantity goals* in accordance with the following additional criteria:~~(A) No water right that is owned by a governmental entity shall be purchased or retired by the state or federal government pursuant to CREP; and~~

~~(B) only water rights in good standing are eligible for inclusion under CREP.~~

~~(2) To be a water right in good standing:~~

~~(A) At least 50% of the maximum annual quantity authorized to be diverted under the water right that has been used in any three years within the most recent five-year period preceding the submission for which irrigation water use reports are approved and made available by the division of water resources of the Kansas department of agriculture;~~

~~(B) the water rights used for the acreage in CREP during the most recent five-year period preceding the submission for which irrigation water~~

~~use reports are approved and made available by the division of water resources shall not have: (i) Exceeded the maximum annual quantity authorized to be diverted; and (ii) been the subject of enforcement sanctions by the division of water resources; and~~

~~(C) the water right holder has submitted the required annual water use report required under K.S.A. 82a-732, and amendments thereto, for each of the most recent 10 years~~

(1) All acreage that is an authorized place of use of an irrigation water right and is proposed to be enrolled in CREP shall have been irrigated at a rate of not less than 1/2 acre-foot per acre per year for three out of the five years immediately preceding the year that the acreage is offered for enrollment, as determined by the division;

(2) the water right or water rights used for the acreage proposed to be enrolled in CREP shall not have been the subject of any sanctions or penalties by the division of water resources that are in effect or pending determination at the time that the acreage is offered for enrollment; and

(3) the owner of the water right or water rights for which the acreage that is proposed to be enrolled in CREP is an authorized place of use or the water use correspondent for such water right shall have submitted the annual water use report required pursuant to K.S.A. 82a-732, and amendments thereto, for each of the most recent 10 years.

~~(i) (1)~~*(j) The secretary, in consultation with the commission and the Kansas farm service agency office, may grant exceptions to the eligibility criteria outlined in subsections (g)(1) and (g)(2) if the acreage proposed to be enrolled in CREP satisfies one or more of the following conditions:*

(1) Is located in an area designated as a high-priority area for water conservation pursuant to K.S.A. 2024 Supp. 82a-1044, and amendments thereto;

(2) is an authorized place of use of a high flow capacity water well;

(3) is an authorized place of use of a water right that was not utilized in accordance with subsection (i)(1) within the timeframe referenced in subsection (i)(1) due to circumstances involving bankruptcy, probate or other legal matters, excluding those related to any enforcement sanctions or penalties by the division of water resources that are in effect or pending determination at the time that the acreage is offered for enrollment in CREP; or

(4) is an authorized place of use of a water right that is or has been enrolled in a water conservation program, including, but not limited to, the United States department of agriculture environmental quality incentives program or a water conservation area pursuant to K.S.A. 82a-745, and amendments thereto, or has been assigned a water quantity allocation pursuant to an intensive groundwater use control area designated in accordance with K.S.A. 82a-1036, and amendments thereto, or a local en-

hanced management area designated in accordance with K.S.A. 82a-1041, and amendments thereto.

(k) (1) The Kansas department of agriculture shall*, at the beginning of each annual regular session of the legislature,* submit a CREP report to the senate committee on agriculture and natural resources and the house committee on agriculture ~~at the beginning of each annual regular session of the legislature~~ *and natural resources, and any successor committees,* containing a description of program activities for each CREP administered in the state ~~and including~~*. Such report shall include*:

(A) The acreage enrolled in CREP during ~~fiscal year 2008 through the most current fiscal year to date~~ *the preceding five years*;

(B) the dollar amounts received and expended for CREP during ~~fiscal year 2008 through the most current fiscal year to date~~ *the preceding five years*; *and*

(C) an assessment of ~~meeting~~ *whether* each of the program objectives identified in the agreement with the farm services agency~~; and~~

~~(D) such other information specified by the Kansas department of agriculture~~ *has been met*.

(2) For ~~a~~ *each* CREP established with the purpose of meeting water quantity goals, the following *additional* information shall be included in such annual report:

(A) The total *amount of* water ~~rights~~, measured in acre-feet, ~~retired in CREP from fiscal year 2008 through the current fiscal year to date~~ *that was permanently retired in CREP during the preceding five years*;

(B) the change in groundwater water levels in the CREP area during ~~fiscal year 2008 through the most current fiscal year to date~~ *the preceding five years*;

(C) the *total* annual ~~amount of~~ water usage in the CREP area ~~from fiscal year 2008 through the most current fiscal year to date~~ *during the preceding five years*; and

(D) the average *annual* water use, measured in acre-feet, ~~for each of the five years preceding enrollment for each water right enrolled~~ *under each water right for which an authorized place of use is enrolled in CREP during the preceding five years*.

~~(j)~~*(l)* The Kansas department of agriculture shall submit a report on the economic impact of each specific CREP to the senate committee on agriculture and natural resources and the house ~~of representatives~~ committee on agriculture *and natural resources, and any successor committees,* every five years~~, beginning in 2017~~. The report shall include economic impacts to businesses located within each specific CREP region.

Sec. 2. K.S.A. 83-201 is hereby amended to read as follows: 83-201. As used in ~~article 2 of chapter 83 of the Kansas Statutes Annotated and K.S.A. 83-502, and amendments thereto:~~

~~(a) "Weights and measures" means all commercial weights or measures of every kind, instruments and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices and any point-of-sale system.~~

~~(b) "Weight" as used in connection with any commodity means net weight, except if the label declares that the product is sold by drained weight, the term means net drained weight.~~

~~(c) "Correct" as used in connection with weights and measures means conformance to all applicable tolerances, specifications and requirements as established by the secretary and those established within article 2 of chapter 83 of Kansas Statutes Annotated, and amendments thereto or any rules and regulations adopted thereunder.~~

~~(d) "Primary standards" means the physical standards of the state which serve as the legal reference from which all other standards and weights and measures are derived.~~

~~(e) "Secondary standards" means the physical standards which are traceable to the primary standards through comparisons, using acceptable laboratory procedures, and used in the enforcement of weights and measures laws and rules and regulations.~~

~~(f) "Person" means an individual, agent or employee of a service company, partnerships, corporations, companies, societies and associations.~~

~~(g) "Sale from bulk" means the sale of commodities when the quantity is determined at the time of sale.~~

~~(h) "Package" means any commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale.~~

~~(i) "Drained weight" means the weight of the solid or semisolid product representing the contents of a package or container obtained after a prescribed method for excluding the liquid has been employed.~~

~~(j) "Secretary" means the secretary of agriculture or the secretary's authorized representative.~~

~~(k) "Measuring device" includes all weights, scales, beams, measures of every kind, instruments and mechanical devices for weighing or measuring, and any appliances and accessories connected with any or all such instruments.~~

~~(l) "Point-of-sale system" means any combination of a cash register or other devices, or system, such as a scanner, capable of recovering stored information related to the price or computing the price of any individual item which is sold or offered for sale at retail. A point-of-sale system may also include or be attached or connected to a weighing or measuring device.~~

~~(m) "Scanner" means any electronic system that employs a laser bar code reader to retrieve product identity, price or other information stored in a computer memory.~~

~~(n) "Service company" means a company which is in the business of examining, calibrating, testing, repairing and adjusting weighing and measuring devices but such term does not include a technical representative unless the technical representative is the owner of such service company.~~

~~(o) "Technical representative" means an individual who installs, repairs, adjusts or calibrates the weighing and measuring devices and certifies the accuracy of the weighing and measuring devices.~~ *this chapter:*

(a) "Chapter" means chapter 83 of the Kansas statutes annotated, and amendments thereto, and rules and regulations adopted thereunder.

(b) "Correct," as used in connection with weights and measures, means conformance to all applicable tolerances, specifications and requirements as established by the secretary and those established within this chapter.

(c) "Device used for weighing, measuring or both" means any weight, scale, beam, liquefied petroleum gas meter, vehicle tank meter, measures of every kind, instruments and mechanical or electronic devices for commercial weighing or measuring, and any appliances and accessories connected with any or all such instruments. "Device used for weighing, measuring or both" does not include dispensing devices.

(d) "Dispensing device" means a motor-vehicle fuel or liquid fuel dispensing pump, meter or other similar measuring device and includes any device that dispenses refined or blended gasoline or diesel fuel product. "Dispensing device" does not include liquefied petroleum gas meters or vehicle tank meters.

(e) "Drained weight" means the weight of the solid or semisolid product representing the contents of a package or container obtained after a prescribed method for excluding the liquid has been employed.

(f) "Electric vehicle supply equipment" means a device with one or more charging ports and connectors for charging electric vehicles. "Electric vehicle supply equipment" includes all charging ports and supporting equipment necessary for the operation thereof and the area in the immediate vicinity of the same, including adjacent parking areas and lanes for vehicle ingress and egress.

(g) "Liquefied petroleum gas" means commercial propane and such commercial butane as is used for heating fuel.

(h) "Package" means any commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale.

(i) "Person" means an individual or a company, partnership, corporation, society association or governmental agency and any authorized agent thereof. "Person" does not include the secretary.

(j) "Place of business" means any location from which a testing service or company, or one or more representatives or employees thereof, sells and performs services for the purpose of testing, repairing, adjusting or

calibrating devices used for weighing, measuring or both, dispensing devices or electric vehicle supply equipment.

(k) "Point-of-sale system" means any combination of a cash register or other devices, electronic applications, software, online purchasing systems or other systems, such as a scanner, capable of recovering stored information related to the price or computing the price of any individual item that is sold or offered for sale at retail. A "point-of-sale system" may include or be attached or connected to a weighing or measuring device.

(l) "Primary standards" means the physical standards of the state that serve as the legal reference from which all other standards and weights and measures are derived.

(m) "Sale from bulk" means the sale of commodities when the quantity is determined at the time of sale.

(n) "Scanner" means any electronic system that employs a laser-bar code reader to retrieve product identity, price or other information stored in a computer memory.

(o) "Secondary standards" means the physical standards that are traceable to the primary standards through comparisons, using acceptable laboratory procedures, and used in the enforcement of weights and measures laws and rules and regulations.

(p) "Secretary" means the secretary of the Kansas department of agriculture or the secretary's designee.

(q) "Service company" means a company that is in the business of examining, calibrating, testing, repairing and adjusting devices used for weighing, measuring or both, dispensing devices or electric vehicle supply equipment. "Service company" does not include a technical representative unless the technical representative is the owner of such service company.

(r) "Technical representative" means an individual who performs the proper installation, repair, adjustment or calibration and certification of the accuracy of a device used for weighing, measuring or both, dispensing devices or electric vehicle supply equipment.

(s) "Vehicle tank meter" means those meters mounted on vehicle tanks used for the measurement and delivery of petroleum products.

(t) "Weight," as used in connection with any commodity means net weight, except that if the label declares that the product is sold by drained weight, then the term means net drained weight.

(u) "Weights and measures" means all commercial weights or measures of every kind.

Sec. 3. K.S.A. 83-202 is hereby amended to read as follows: 83-202. (a) Except as provided further:

(1) The system of weights and measures in customary use in the United States and the metric system of weights and measures are jointly

recognized, and either one or both of these systems shall be used for all commercial purposes in the state.

(2) The following standards and requirements shall apply to commercial *devices used for* weighing ~~and~~, measuring ~~devices~~ *or both*:

(A) "The standards of the national conference on weights and measures" published in the national institute of standards and technology handbook 44, entitled specifications, tolerances, and other technical requirements for weighing and measuring devices, as published ~~on~~ *in* October~~,~~ 1994, or later versions as established in rules and regulations adopted by the secretary, except *that* a mechanical vehicle scale used solely to sell aggregate products shall be allowed a minimum tolerance of +/- 100 pounds. Such scale shall not be sold or moved to another location for use in commercial applications unless it complies with all applicable tolerances of the national institute of standards and technology handbook 44, entitled specifications, tolerances, and other technical requirements for weighing and measuring devices, as published in October~~,~~ 1994, or later versions as established in rules and regulations adopted by the secretary;

(B) "the uniform laws and regulations of the national conference on weights and measures" published in the national institute of standards and technology handbook 130 regarding packaging and labeling, the method of sale of commodities, national type evaluation regulation, motor fuel inspection and motor fuel regulation, as published ~~on~~ *in* December~~,~~ 1994, or later versions as established in rules and regulations adopted by the secretary;

(C) "checking the net contents of packaged goods" published in the national institute of standards and technology handbook 133, third edition, as published ~~on~~ *in* September~~,~~ 1988, or later versions as established in rules and regulations adopted by the secretary;

(D) "checking the net contents of packaged goods" published in the national institute of standards and technology handbook 133, third edition, supplement 4, as published ~~on~~ *in* October~~,~~ 1994, or later versions as established in rules and regulations adopted by the secretary; and

(E) any other handbooks or sections thereof as adopted by the secretary by rules and regulations.

(b) Whenever there exists an inconsistency between the provisions of ~~chapter 83 of the Kansas Statutes Annotated, and amendments thereto,~~ *this chapter* and any of the handbooks adopted by reference, the requirements of ~~chapter 83 of the Kansas Statutes Annotated, and amendments thereto,~~ *this chapter* shall control.

Sec. 4. K.S.A. 83-207 is hereby amended to read as follows: 83-207. *(a)* The secretary of agriculture may adopt rules and regulations necessary for the administration and enforcement of the provisions of ~~chapter 83 of the Kansas Statutes Annotated, and amendments thereto~~ *this chapter*. As a part of such rules and regulations, the secretary of agriculture shall

adopt standards setting forth specifications, tolerances and other technical requirements for all weights, measures and weighing and measuring devices, and point-of-sale systems. These specifications, tolerances and other technical requirements shall conform, insofar as practicable, to the specifications, tolerances and other technical requirements for weights, measures and weighing and measuring devices established by the national institute of standards and technology. The secretary of agriculture shall prescribe by rules and regulations the appropriate term or unit of weight or measure to be used whenever the secretary determines in the case of a specific commodity that an existing practice of declaring the quantity by weight, measure~~,~~ *or* numerical count, or combination thereof, does not facilitate value comparisons by consumers~~,~~ or ~~that~~ such practice offers an opportunity for consumer confusion.

(b) The secretary may adopt rules and regulations concerning:

(1) Standards of workmanship for technical representatives and service companies;

(2) requirements for contractual responsibilities and fulfillment of agreements by service companies; and

(3) maintenance and furnishing of reports and information necessary for the secretary to carry out the provisions of this act.

Sec. 5. K.S.A. 83-208 is hereby amended to read as follows: 83-208. The secretary~~, or an authorized representative of the secretary,~~ may, *during normal business hours,* enter any premises or vehicle in or on which any weights, measures, balances ~~or~~*, devices used for weighing,* measuring ~~devices~~ *or both, dispensing devices or electric vehicle supply equipment, subject to the requirements of this chapter or any related records required pursuant thereto* may be located or used ~~for the purposes of trade,~~ for the purpose of inspecting, testing and sealing or rejecting the same *or as otherwise necessary for the administration of this chapter*. ~~Whoever hinders, obstructs, or in any way interferes with the secretary or an authorized representative of the secretary, while in the performance of the inspection, or whoever fails to produce, upon demand by such secretary or authorized representative, all weights, measures, balances or measuring devices in or upon the premises or vehicle of such person or in the possession of such person for use in manufacture or trade, shall be deemed guilty of a class A, nonperson misdemeanor.~~

Sec. 6. K.S.A. 83-214 is hereby amended to read as follows: 83-214. (a) The secretary may try and prove weights, measures, balances and other measuring devices on request for any person, corporation or institution, and when the same are found or made to conform to the state standards, and otherwise fulfill such reasonable requirements as the secretary may make, the secretary, or an authorized representative of the secretary, may seal the same with a seal ~~which~~ *that* is kept for that purpose.

(b) (1) Except as otherwise provided by statute, the secretary~~, or the authorized representative of the secretary,~~ may charge for services provided by the department and other necessary and incidental expenses, or both, incurred in conjunction with the testing and proving of weights, measures *or both* and other devices at rates prescribed pursuant to this section. ~~An in-state rate shall be charged to licensed service companies that have licensed technical representatives performing service work in Kansas. An additional fee for adjustment of any weight, measure or other device may be assessed.~~ The rates charged by the secretary shall be as follows:

Category	In-State rate	In-State rate for quantities of 10 or more	In-State rate for quantities of 100 or more	Standard rate	Standard rate for quantities of 10 or more	Adjustment fee per piece
Large Mass (≥ 250 lbs through ≥ 100 lbs, 500 kg through 50 ≥ kg)	$16	$8	$6	$20	$10	$5
Medium Mass (< 100 lbs through ≥ 20 lbs, < 50 kg through 10 ≥ kg)	$6	$4	$2	$10	$5	$5
Small Mass (< 20 lbs through ≥ 0.001 lbs, < 10 kg through 1 mg)	$6	$4	$2	$10	$5	$5
Small Mass Set (≤ 10 lbs through ≥ 0.001 lbs, ≤ 5 kg through ≥ 20 mg)	$35	$35		$45	$45	$5
Precision Mass (1,000 lbs through 0.001 lbs, 30 kg through 1 mg) ASTM 2, 3, 4, 5	$20	$20		$30	$30	$40
Precision Mass Echelon I (30 kg through 1 mg) ASTM 1 or ASTM 0	$40	$40		$60	$60	
Extra Large Headhouse Weights (3,000 lbs through > 1,250 lbs)	$40	$40		$50	$50	$5
Weight Carts (6,000 lbs through 2,000 lbs)	$80	$80		$100	$100	$25
Weight Carts (8,000 lbs)	$200	$200		$220	$220	$25
Large Volume (100 gal or less)	$85	$85		$100	$100	$25
Large Volume (greater than 100 gal and less than or equal to 200 gal)	$185	$185		$200	$200	$25
Large Volume (greater than 200 gal and less than or equal to 500 gal)	$285	$285		$300	$300	$25
Large Volume (greater than 500 gal)	$485	$485		$500	$500	$25
Small Volume (5 gal)	$50	$50		$70	$70	$10
Gravimetric Volume (5 gal)	$180	$180		$200	$200	
Thermometry (-35°C through 150°C)(Based on a per point calibration)	$90	$75		$110	$90	

(2) The secretary may charge the following additional fees for preparing items for shipment:

Category	Rate
Large Mass (≥ 1,250 lbs through ≥ 100 lbs, 500 kg through 50 ≥ kg)	$20
Medium Mass (< 100 lbs through ≥ 20 lbs, < 50 kg through ≥ 10 kg)	$30
Small Mass (< 20 lbs through ≥ 0.001 lbs, < 10 kg through 1 mg)	$20
Small Mass Set (≤ 10 lbs through ≥ 0.001 lbs, ≤ 5 kg through ≥ 1 mg)	$20
Precision Mass (1,000 lbs through 0.001 lbs, 30 kg through 1 mg)	$10
Precision Mass Set (1,000 lbs through 0.001 lbs, 30 kg through 1 mg)	$20
Extra Large Headhouse Weights (3,000 lbs through > 1,250 lbs)	$30

~~(2) The secretary may charge the following additional fees for preparing items for shipment:~~

~~Category Rate~~
~~Large Mass (≤ 1,250 lbs through ≥ 100 lbs, 500 kg through 50 ≥ kg)....$20~~
~~Medium Mass (< 100 lbs through ≥ 20 lbs, < 50 kg through ≥ 10 kg) ..$30~~
~~Small Mass (< 20 lbs through ≥ 0.001 lbs, < 10 kg through 1 mg).....$20~~
~~Small Mass Set (≤ 10 lbs through ≥ 0.001 lbs, ≤ 5 kg through ≥ 1 mg) .$20~~
~~Precision Mass (1,000 lbs through 0.001 lbs, 30 kg through 1 mg).....$10~~
~~Precision Mass Set (1,000 lbs through 0.001 lbs, 30 kg through 1 mg) $20~~
~~Extra Large Headhouse Weights (3,000 lbs through > 1,250 lbs) .....$40~~
~~Weight Carts (8,000 lbs through 2,000 lbs).....$100~~
~~Large Volume (1,000 gal through 20 gal).....$100~~
~~Large Volume LPC (1,000 gal through 20 gal).....$100~~
~~Small Volume (5 gal) .....$20~~
~~Gravimetric Volume (5 gal).....$20~~
~~Thermometry (35°C through 150°C)(Based on a 2 point calibration) $20~~

Calibration Types and Ranges		*Calibration Fee*	*Adjustment Fee*
Mass Echelon III (ASTM Class: 5, 6, 7)	*Weight Set, up to 10 lb, up to 5kg*	*$120.00/set*	*$20.00/pc in the set*
(NIST Class: F)	*up to 10 lb, up to 5 kg*	*$10.00/pc*	*$20.00/pc*
(OIML Class: M1, M1-2, M2, M2-3, M3)	*over 10 lb up to 50 lb, over 5 kg up to 30 kg*	*$25.00/pc*	*$50.00/pc*
	over 50 lb up to 1250 lb, over 30 kg up to 500 kg	*$35.00/pc*	*$70.00/pc*
	over 1250 lb up to 3000 lb	*$70.00/pc*	*$45.00/pc*
	Weight Cart, 2500 lb up to 6000 lb	*$250.00/pc*	*$170.00/pc*
	Weight Cart, over 6000 lb up to 8000 lb	*$350.00/pc*	*$225.00/pc*
Mass Echelon II (ASTM Class: 2, 3, 4) (OIML Class: F1, F2)	*up to 1000 lb, up to 500 kg*	*$40.00/pc*	*$80.00/pc*
Mass Echelon I (ASTM Class: 0, 1) (OIML Class: E1, E2)	*500 lb, up to 30 kg*	*$75.00/pc*	*$75.00/pc*
Volume Echelon II	*5 gal*	*$70.00/pc*	*Due to the*
	over 5 gal up to 100 gal	*$240.00/pc*	*calibration*
	over 100 gal up to 200 gal	*$300.00/pc*	*procedure,*
	over 200 gal up to 500 gal	*$500.00/pc*	*adjustment*
	over 500 gal up to 1000 gal	*$900.00/pc*	*is included*
	over 1000 gal up to 1500 gal	*$1200.00/pc*	*in the cost*
	LPG, 20 gal up to 100 gal	*$460.00/pc*	*of calibration.*
Volume Echelon I	*Up to 5 gal*	*$310.00/pc*	*$310.00/pc*
Thermometry Echelon IV	*-35 °C up to 150 °C*	*$90.00/point*	*$90.00/point*

~~(3)~~*(2) Service that is not part of a routine calibration, including, but*

not limited to, cleaning or repairing a standard or performing non-routine calibration procedures, shall be charged at a rate of $120 per hour. For any service provided pursuant to this subsection that is not listed in the fee schedules in ~~subsections~~ *subsection* (b)(1) ~~and (b)(2)~~, the secretary shall determine ~~that~~ *the* fee to be charged.

~~(4)~~*(3)* For any service provided pursuant to this subsection, the secretary may charge a minimum fee of ~~$50~~ *$70* per invoice. The secretary may charge for subsistence and transportation of personnel and equipment to such point and return. Such charges shall be set by rules and regulations adopted by the secretary of agriculture.

~~(5)~~*(4)* The secretary may fix the manner in which any charges made pursuant to this subsection are collected.

(c) The secretary shall remit all moneys received under subsection (b) 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 weights and measures fee fund which is hereby created. All expenditures from the weights and measures 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 or by a person designated by the secretary.

(d) Except as *otherwise* provided in ~~K.S.A. 83-301 through 83-311, and amendments thereto, nothing in article 2 of chapter 83 of the Kansas Statutes Annotated, and amendments thereto~~ *this chapter*, *nothing* shall prohibit the owner of a weighing or measuring device or the owner's employee or agent from servicing or repairing such device. ~~However,~~ If such device is found out of tolerance and is rejected by the ~~department of agriculture~~ *secretary*, the owner is responsible for repairing the device within the time specified on the rejection tag and notifying the ~~department~~ *secretary* when the device is repaired and in operation. The owner shall pay a fee commensurate with the expense incurred by the secretary in performing the follow-up inspections or tests.

Sec. 7. K.S.A. 83-215 is hereby amended to read as follows: 83-215. (a) The secretary is hereby authorized and empowered to reject *and take out of service* any *device used for* weighing ~~or~~, measuring ~~device which~~ *or both that* is found not to conform to state standards or ~~which~~ *that* is found not to weigh or measure within authorized tolerances.

(b) ~~Service companies~~*A service company and city or county department of weights and measures* or any agent or employee thereof~~,~~ shall be prohibited from condemning *or rejecting a device used to weighing, measuring or both* or taking ~~a weighing or measuring~~ *such* device out of service.

(c) Any weighing or measuring device that has been rejected *and taken out of service* under authority of the secretary shall remain subject to

the control of the secretary until such time ~~as~~ *that* suitable and acceptable repair has been made of the same~~,~~ or an authorized disposition of the same has been approved. An authorized repair period of use not longer than 30 days for purposes of obtaining a repair of the *device used for* weighing ~~or~~, measuring ~~device~~ *or both* by the owner, or a reasonable extension of that period, may be given by the secretary when it is determined that the immediate cessation of use of such ~~weighing or measuring~~ device will work an undue hardship on the person using such device or the patrons of such person. The owner of such rejected ~~weighing or measuring~~ device shall cause the same to be repaired and corrected to weigh or measure within authorized tolerances within 30 days after being rejected, or within such extension as may be authorized, or in lieu thereof, the owner of the same may dispose of or destroy such weighing or measuring device or any rejected weight or measure under specific authority from the secretary.

Sec. 8. K.S.A. 83-216 is hereby amended to read as follows: 83-216. (a) Any weight, measure or *device used for* weighing ~~or~~, measuring ~~device which~~ *or both that* has been rejected by the secretary and ~~which~~ has not been repaired or restored to weigh or measure within approved tolerances, during any authorized repair period, is hereby declared to be a common nuisance and a contraband device. The secretary may seal the beam or mechanism out of service on any *device used for* weighing ~~or~~, measuring ~~device,~~ *or both* or may take possession of any contraband weight or measure. The secretary shall deliver to the owner or person found in possession of any contraband weight, measure or *device used for* weighing ~~or~~, measuring ~~device~~ *or both* a statement giving the location and description of the weight, measure or *device used for* weighing ~~or~~, measuring ~~device~~ *or both* so sealed or taken.

(b) Any *device used for* weighing ~~or~~, measuring ~~device which~~ *or both that* has been sealed out of service by the secretary and ~~which~~ *that* has not been repaired or restored and made to weigh or measure within approved tolerances within 90 days following the date of sealing, or an authorized extension thereof, may be proceeded against by an action~~, instituted in Shawnee county district court or in the county where such weighing or measuring device is located,~~ *in a district court of competent jurisdiction* for an order for the disposal of such device.

(c) Procedure in regard to the prevention of the maintenance of a common nuisance and procedure for the disposal of any *device used for* weighing ~~or~~, measuring ~~device~~ *or both* may be ~~had~~ *conducted* in accordance with and in the manner provided for under K.S.A. 41-805 and 41-806, and amendments thereto, and as otherwise authorized by statute.

Sec. 9. K.S.A. 83-217 is hereby amended to read as follows: 83-217. Any person who is liable to an injured person by reason of any inaccurate, false or rejected *device used for* weighing ~~or~~, measuring ~~device~~ *or*

both shall be assessed and adjudged to pay damages in double the amount of *the* property wrongfully taken or not given~~,~~ and, in addition thereto, for punitive damages, the additional sum of $25, and reasonable attorney fees, to be recovered in any court of competent jurisdiction. The selling and delivery of a stated quantity of any commodity shall be prima facie evidence of representations on the part of the vendor that the quantity sold and delivered was the quantity bought by the vendee. A slight variation from the stated weight, measure or quantity, within authorized tolerances, is permissible for individually packaged commodities if such variation is as often over, as it is under, the correct weight, measure or quantity stated.

Sec. 10. K.S.A. 83-218 is hereby amended to read as follows: 83-218. For the purposes of this act, proof of the existence of a weight, measure or a *device used for* weighing ~~or~~, measuring ~~device~~ *or both*, in or about any building, enclosure, stand or vehicle in which or from which it is shown that buying or selling is commonly carried on, in the absence of conclusive evidence to the contrary, shall be presumptive proof of the regular use of such weight, measure or *device used for* weighing ~~or~~, measuring ~~device~~ *or both* for commercial purposes and of such use by the person in charge of such building, enclosure, stand or vehicle.

Sec. 11. K.S.A. 83-219 is hereby amended to read as follows: 83-219. (a) It shall be unlawful for any person *to*:

(1) ~~To~~ Offer or expose for sale~~,~~ or to sell any weight, measure or weighing or measuring device that does not meet the tolerances and specifications required by *this* chapter ~~83 of the Kansas Statutes Annotated, and amendments thereto,~~ or ~~which~~ *that* has been rejected without first obtaining the written authorization of the secretary;

(2) ~~to~~ use a weight, measure or weighing or measuring device for commercial purposes ~~which~~ *that* does not meet the tolerance and specifications required by *this* chapter ~~83 of the Kansas Statutes Annotated, and amendments thereto,~~ or that does not conform to the standard authorized by the secretary for determining the quantity of any commodity or article of merchandise, for the purpose of:

(A) Buying or selling any commodity or article of merchandise;

(B) computation of any charge for services rendered on the basis of weight or measure; *or*

(C) determining weight or measure, either when a charge is made for such determination or where no charge is made for use of such weight, measure, weighing or measuring device;

(3) except as allowed in K.S.A. 83-225, and amendments thereto, ~~to~~ break or remove any tag, mark or seal placed on any weighing or measuring device by the secretary or a county or city inspector of weights and measures~~,~~ without specific written authorization from the proper authority or to use a weighing or measuring device after the lapse of the

authorized period following the placing of a rejection tag thereon by the secretary, unless further extension of time for any repair purposes is first obtained from the secretary *to*;

(4) ~~to~~ sell, offer or expose for sale~~,~~ less than the represented quantity of any commodity, thing or service;

(5) ~~to~~ take or attempt to take more of the represented quantity of any commodity, thing or service when the buyer furnishes the weight, measure or weighing or measuring device by which the amount of any commodity, thing or service is determined;

(6) ~~to~~ keep for the purpose of sale, or to offer or expose for sale, or to sell any commodity in a manner contrary to the law or contrary to any rule and regulation;

(7) ~~to~~ use in retail trade, except in preparation of packages of merchandise put up in advance of sale, a weighing or measuring device that is not so positioned that its indications may be accurately read and the weighing or measuring operation observed from a reasonable customer position;

(8) ~~to~~ violate any of the provisions of *this* chapter~~ 83 of the Kansas Statutes Annotated, and amendments thereto, or rules and regulations adopted thereunder,~~ for which a specific penalty is not provided;

(9) ~~to~~ sell or offer for sale~~,~~ or use or possess for the purpose of selling or using any device or instrument to be used or calculated to falsify any weight or measure;

(10) ~~to~~ dispose of any rejected weight or measure in a manner contrary to law or rules and regulations;

(11) ~~to~~ expose for sale, offer for sale or sell any commodity in package form, without ~~it~~ *such commodity* being so wrapped, or the container so made, formed or filled, that it will not mislead the purchaser as to the quantity of the contents of the package;

(12) ~~to~~ expose for sale, offer for sale or sell any commodity in any container ~~where~~ *in which* the contents of the container fall below such reasonable standard of fill as may have been prescribed for the commodity in question by the secretary;

(13) ~~to~~ misrepresent the price of any commodity or service sold, offered, exposed or advertised for sale by weight, measure or count, ~~nor~~ *or* represent the price in any manner calculated or tending to mislead or in any way deceive any person;

(14) ~~to~~ misrepresent, or represent in a manner calculated or tending to mislead or deceive an actual or prospective purchaser, the price of an item offered, exposed or advertised for sale at retail;

(15) ~~to~~ *limit, exclude or otherwise fail to provide access to generic, store brand or less costly versions of products on electronic and online ordering applications or similar systems unless such items are out of stock or unavailable for in-store purchase;*

(16) compute or attempt to compute at the time of sale of an item, a value ~~which~~ *that* is not a true extension of a price per unit ~~which~~ *that* is then advertised, posted or quoted;

~~(16)~~*(17)* ~~to~~ charge or attempt to charge, at the time of the sale of an item or commodity, a value ~~which~~ *that* is more than the price ~~which~~ *that* is advertised, posted or quoted;

~~(17)~~*(18)* ~~to~~ alter a weight certificate, use or attempt to use any such certificate for any load or part of a load or for articles or things other than for which the certificate is given, or, after weighing and before the delivery of any articles or things so weighted, alter or diminish the quantity thereof;

~~(18)~~*(19)* ~~to~~ hinder or obstruct *the secretary* in any way ~~the secretary or any of the secretary's authorized agents~~ in the performance of the secretary's official duties under *this* chapter ~~83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder~~ *or to fail to produce, upon demand by the secretary, all weights, measures, balances, devices used for weighing, measuring or both, dispensing devices or electric vehicle supply equipment that are subject to the provisions of this chapter*;

~~(19)~~*(20)* ~~to~~ fail to follow the standards and requirements established in K.S.A. 83-202, and amendments thereto, or any rules and regulations adopted thereunder;

~~(20)~~*(21)* ~~to~~ fail to pay all fees and penalties as prescribed by *this* chapter ~~83 of the Kansas Statutes Annotated, and amendments thereto, and the rules and regulations adopted thereunder~~;

~~(21)~~*(22)* ~~to~~ fail to keep or make available for examination or provide to the secretary all inspection reports, test reports and any other service reports or other information on any device owned or operated by the owner or any agent or employee of the owner and other information necessary for the enforcement of *this* chapter ~~83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder,~~ and as required by the secretary;

~~(22)~~*(23)* ~~to~~ fail to have any commercial weight~~, measure~~ or *device used for* weighing ~~and~~, measuring ~~device~~ *or both* tested as required by *this* chapter ~~83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder~~;

~~(23)~~*(24)* ~~to~~ sell or offer or expose for sale liquefied petroleum gas in packages or containers ~~which~~ *that* do not bear a statement as to tare and net weight as required by *this* chapter ~~83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder,~~ or packages or containers ~~which~~ *that* bear a false statement as to weights;

~~(24)~~*(25)* ~~to~~ sell, use, remove, or otherwise dispose of, or fail to remove from the premises specified, any weighing or measuring device or package or commodity contrary to the terms of any order issued by the secretary;

~~(25)~~*(26)* ~~to~~ violate any order issued by the secretary pursuant to *this* chapter ~~83 of the Kansas Statutes Annotated, and amendments thereto~~; ~~and~~

~~(26)~~*(27)* ~~to~~ prohibit a buyer or seller from observing the weighing or operation of any transaction to which such buyer or seller is a party*;*

(28) falsely make or alter or cause or procure to be falsely made or altered with intent to defraud, any scale ticket or other written record evidencing or relating to the weight of any personal property or any entry or item thereon; and

(29) for hire, weigh any vehicle at an attended public scale or issue any scale ticket or other written record evidencing or relating to the weight of such vehicle or the load thereon, unless such scale ticket or written record shows the date, time and place of the weighing and the signature of the weigher.

(b) It shall be unlawful for any service company or technical representative to knowingly:

(1) Act as or represent such person's self to be a technical representative without having a valid license issued by the Kansas department of agriculture;

(2) certify a device as correct unless the device meets the tolerances and specifications as required by *this* chapter ~~83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder~~;

(3) hinder or obstruct in any way the secretary in the performance of the secretary's official duties under *this* chapter ~~83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder~~;

(4) fail to follow the standards and requirements set forth in K.S.A. 83-202, and amendments thereto, or any rules and regulations adopted thereunder;

(5) fail to complete the testing or placing-in-service report in its entirety and to report the accurate description of the parts replaced, adjusted, reconditioned or work performed;

(6) file a false or fraudulent service company or technical representative application or reports to the secretary;

(7) fail to pay all fees and penalties as prescribed by *this* chapter ~~83 of the Kansas Statutes Annotated, and amendments thereto, and the rules and regulations adopted thereunder~~;

(8) fail to keep or make available for examination in an accessible and legible manner or provide to the secretary in a legible manner all inspection reports, test reports~~,~~ and any other service or report work information on any device ~~which~~ *that* the service company or an agent or employee performed work on and other information necessary for the enforcement

of *this* chapter ~~83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder~~; or

(9) sell, offer or expose for sale a *device used for* weighing ~~or~~, measuring ~~device~~ *or both* intended to be used commercially~~, which~~ *that* is not traceable to a national type evaluation program certificate of conformance.

(c) For the purpose of subsection (a)(4), the selling and delivery of a stated quantity of any commodity shall be prima facie evidence of representations on the part of the seller that the quantity sold and delivered was the quantity bought by the purchaser.

(d) Violation of this section shall be deemed a deceptive act and practice as defined by K.S.A. 50-626, and amendments thereto. Violations of the provisions of K.S.A. 83-219, and amendments thereto, may be enforced by the secretary under the administrative provisions of *this* chapter ~~83 of the Kansas Statutes Annotated, and amendments thereto,~~ or by the attorney general or a county or district attorney under the Kansas consumer protection act.

Sec. 12. K.S.A. 83-220 is hereby amended to read as follows: 83-220. Any person violating any of the provisions of ~~article 2 of~~ *this* chapter ~~83 of the Kansas Statutes Annotated, and amendments thereto, or violating any rules and regulations adopted thereunder~~ shall be guilty of a class A, a nonperson misdemeanor. *Each separate violation shall be a separate misdemeanor.*

Sec. 13. K.S.A. 83-221 is hereby amended to read as follows: 83-221. All inspections and tests to inspect, test and seal, certify or reject any dispensing device~~, as defined in K.S.A. 83-401, and amendments thereto,~~ or the capacity of any vehicle tank used in the transportation of liquefied petroleum gas, motor-vehicle fuels or liquid fuels shall be made in compliance with the provisions of *this* chapter ~~83 of the Kansas Statutes Annotated, and amendments thereto, and the rules and regulations promulgated thereunder~~.

Sec. 14. K.S.A. 83-222 is hereby amended to read as follows: 83-222. Except as otherwise provided in ~~article 2 of~~ *this* chapter ~~83 of the Kansas Statutes Annotated, and amendments thereto~~, all rules and regulations adopted under the provisions of ~~article 1 of~~ *this* chapter ~~83 of the Kansas Statutes Annotated~~ in existence immediately prior to July 1, 1985, shall continue to be effective and shall be deemed to be the rules and regulations of the secretary of agriculture until revised, amended, repealed or nullified pursuant to law.

Sec. 15. K.S.A. 83-224 is hereby amended to read as follows: 83-224. If any part or parts of this ~~act~~ *chapter* are held to be invalid or unconstitutional by any court, it shall be conclusively presumed that the legislature

would have enacted the remainder of this act without such invalid or unconstitutional part or parts.

Sec. 16. K.S.A. 83-225 is hereby amended to read as follows: 83-225. (a) A licensed service company *or a city or county department of weights and measures* shall be authorized to remove an official rejection tag or other mark placed on a ~~scale~~ *device used for weighing, measuring or both, a dispensing device or electric vehicle supply equipment* by authority of the secretary for the purpose of testing or repairing any ~~scale~~ *such device or equipment*.

(b) After the test is conducted and necessary repairs are completed, the service company *or city or county department of weights and measures* shall place the ~~weighing and measuring~~ device *or equipment* in service and shall notify the secretary of such within the time periods established by the secretary pursuant to rules and regulations adopted hereunder.

(c) When a ~~scale~~ *device or equipment* cannot be repaired properly, the service company *or city or county department of weights and measures* shall replace the rejection tag or other mark with a substitute rejection tag or other mark supplied by the ~~department~~ *secretary* and shall notify the secretary within the time period as established by the secretary pursuant to rules and regulations adopted hereunder.

(d) This section shall apply to new and used ~~scales~~ *devices used for weighing, measuring or both, dispensing devices and electric vehicle supply equipment*.

(e) ~~This section shall be supplemental to and part of the act appearing in article 2 of chapter 83 of Kansas Statutes Annotated.~~ Administrative or civil penalties specified in K.S.A. 83-220, and amendments thereto, shall apply to violations of this section.

New Sec. 17. (a) Each person, other than an authorized representative of the secretary or an authorized representative of a city or county department of public inspection of weights and measures established pursuant to K.S.A. 83-210, and amendments thereto, desiring to operate and perform testing and other services as a service company in Kansas shall apply to the secretary for a service company license on a form to be supplied by the secretary and shall obtain such license from the secretary before operating and performing testing or other services as a service company.

(b) Each service company shall obtain a separate license for each place of business maintained in Kansas by paying a license application fee not to exceed $200 for each license sought. The secretary may set the application fee by order. Each service company license shall expire on June 30 following issuance, shall be void unless renewed prior to the expiration and shall not be transferable. The license renewal fee for each place of business shall be equal to the license application fee as provided in this section.

(c) If any service company maintains any out-of-state places of business that the company operates in serving Kansas patrons, the service company seeking to obtain or renew a license under this section shall list in the application such places of business and the firm names under which the company operates at each such place of business. If any out-of-state place of business is established by a service company after being licensed under this section, the licensee shall supply such information to the secretary before any work is performed in Kansas from such out-of-state location. Each nonresident service company shall designate a resident agent upon whom service of notice or process may be made to enforce the provisions of this chapter or any liabilities arising from operations thereunder. Each nonresident service company that does not maintain an established place of business in Kansas shall obtain a license under this section for each out-of-state place of business and list on the application the firm name or names for each place of business from which the service company intends to operate.

(d) Each technical representative shall be licensed annually by the secretary. Except as provided in subsection (e), each technical representative shall be required to attend continuing education seminars on an annual basis as required by rules and regulations adopted by the secretary and pass a reasonable examination prescribed by the secretary each year prior to being licensed. Each technical representative's license shall expire on June 30 following the issuance of the license and shall be void unless renewed prior to the expiration.

(e) Each technical representative who has had 10 years of continuous licensure with no administrative enforcement action adjudicated against such technical representative during such 10-year period shall be eligible to obtain a five-year license. The secretary shall implement, by order, the fee for such five-year license. Such license fee shall be an amount of not to exceed $500. Each technical representative holding a five-year license shall be required to complete continuing education as described in subsection (d) at a frequency of not to exceed once per five-year period. The secretary may promulgate rules and regulations to require any technical representative who has been adjudicated in violation of this act or any rules and regulations promulgated by the secretary to seek renewal of a license on an annual basis, and the secretary may establish criteria for the reinstatement of eligibility for a five-year license.

(f) The secretary is authorized to charge a fee to the attendees of continuing education seminars sponsored by the Kansas department of agriculture. The amount of such fee shall be not more than is necessary to cover the expenses incurred in providing the seminar.

(g) No service company license may be issued or renewed under this section until the applicant's weights or measures, or both, have been test-

ed for accuracy and sealed by the secretary. The secretary is authorized to accept a calibration certificate for the applicant's weights or measures issued by the national institute of standards and technology or by a metrology laboratory certified by the national institute of standards and technology in lieu of a test by the secretary, if such certificate shows that the weights or measures have been tested within the last 365 days preceding the license application.

(h) The secretary shall remit all moneys received under this section to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the weights and measures fee fund.

New Sec. 18. (a) At any time after notice and opportunity for a hearing are given accordance with the provisions of the Kansas administrative procedure act, the secretary may revoke, suspend, decline to renew or decline to issue a service company license or technical representative's license, when the service company or technical representative has:

(1) Refused to provide the secretary with reasonably complete and accurate information regarding methods used, materials used or work performed as required by the secretary;

(2) failed to comply with any provision or requirement of this chapter;

(3) failed to perform work in a manner consistent with the standards set forth in this chapter; or

(4) committed an unlawful act as established in K.S.A. 83-219, and amendments thereto, or any other provision of this chapter.

Sec. 19. K.S.A. 83-304 is hereby amended to read as follows: 83-304. (a) Except as provided by subsection (e), the owner or operator of a *device used for* weighing ~~and~~, measuring ~~device which~~ *or both that* is used commercially shall have such ~~weighing and measuring~~ device tested and inspected at least annually for accuracy. The test *and inspection* shall be conducted by either a licensed technical representative employed by a licensed service company or by an authorized representative of any city or county ~~which~~ *that* has established a department of public inspection of weights and measures pursuant to K.S.A. 83-210, and amendments thereto, or by the secretary~~, which inspects such weighing and measuring device~~. *Such tests and inspections shall be conducted* in accordance with *the* rules and regulations adopted by the secretary. If, upon *such testing and* inspection ~~by the secretary or an authorized representative of the secretary~~, it is found that the ~~weighing and measuring~~ device has not been tested and inspected for accuracy and approved within the preceding 365 days, the secretary ~~or the authorized representative of the secretary~~ shall take the weighing and measuring device out of service pursuant to the provisions of K.S.A. 83-215, and amendments thereto. Except as provided

further, the test weights or equipment used by the service company shall have been approved and sealed by the secretary pursuant to K.S.A. 83-214, and amendments thereto, within 365 days preceding the date of the tests. Test weights or equipment ~~which has~~ *that have* the nominal capacity of 250 pounds or greater, are housed in a grain elevator or similar structure and are used to test scales in grain elevators or similar facilities shall have been approved and sealed by the secretary pursuant to K.S.A. 83-214, and amendments thereto, within three calendar years preceding the date of the test. Except at the option of ~~the~~ *a* city or county ~~which~~ *that* has an established department of public inspection of weights and measures, tests and inspections shall be at the expense of the owner or operator of the *device used for* weighing ~~and~~, measuring ~~device~~ *or both*. In any city or county ~~which~~ *that* has a department of public inspection ~~which~~ *that* inspects such *device used for* weighing ~~and~~, measuring ~~device~~ *or both*, the test may be conducted by an authorized representative of the city or county weights and measures department. Farmers or ranchers who own and operate a weighing and measuring device used in private treaty transactions are exempt from the annual testing requirements. Volumetric provers ~~which~~ *that* are stationary or ~~which~~ exceed the testing capacity of the state metrology ~~lab~~ *labratory* due to engineering design or the capacity of the prover are exempt from the annual testing requirement.

(b) ~~A service company or the city or county department of public inspection of weights and measures or an authorized representative of the secretary which conducts tests pursuant to this section shall, at the time of testing and inspection, promptly furnish to the owner or operator of the weighing and measuring device a report showing the results of the tests and inspection. The city or county department of public inspection of weights and measures and service company reports shall also be sent to the secretary, as required by rules and regulations adopted by the secretary. No report shall be furnished later than 10 days after the test or inspection of the device has occurred~~*When tests or inspections are conducted pursuant to this section, a report showing the results of the tests or inspections shall be promptly furnished to the owner or operator. If the tests or inspections were not performed by the secretary, such reports shall also be sent to the secretary as required by rules and regulations adopted by the secretary and not later than 10 days after the test or inspection of such device has occurred.*

(c) Subject to the provisions of K.S.A. 83-215, and amendments thereto, the owner or operator of a *device used for* weighing ~~and~~, measuring ~~device which~~ *or both that* is found to be ~~out of~~ *noncompliant with* the tolerances or specifications required by *this* chapter ~~83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder~~ *shall*, *immediately* at the time of testing ~~shall~~,

withdraw ~~immediately~~ the ~~weighing and measuring~~ device from further use until the necessary corrections, adjustments or repairs are made and the ~~weighing and measuring~~ device is determined to be accurate by a service company ~~or the~~, *a* city or county department of public inspection of weights and measures or ~~an authorized representative of~~ the secretary. Weighing and measuring devices ~~which~~ *that* have been repaired or serviced shall meet the tolerances and specifications established in *this* chapter ~~83 of the Kansas Statutes Annotated, and amendments thereto, and those rules and regulations adopted by the secretary~~ prior to being placed or returned to service. The service company or the city or county department of public inspection of weights and measures shall notify the secretary of any weighing and measuring devices ~~which~~ *that* are found not to comply with such tolerances and specifications and are thus inaccurate and cannot be adjusted, repaired or serviced so as to comply with the standards and tolerances established in *this* chapter ~~83 of the Kansas Statutes Annotated, and amendments thereto~~. Such notification shall be as required by the secretary, pursuant to rules and regulations. Such notification shall be furnished to the department ~~no~~ *not* later than 10 days after the service company or city or county department of public inspection of weights and measures has found the weighing and measuring device to be in noncompliance with the tolerance and specifications required for such weighing and measuring device. A copy of the report prepared by the service company or city or county department of public inspection of weights and measures or the secretary showing the results of the weighing and measuring device test and the work done to correct any deficiencies shall be filed with the secretary by the ~~service company~~ *party who prepared the report*.

(d) Each service company shall be required to keep at such company's corporate headquarters or at such company's resident agent's office a copy of all reports regarding the installation, repair, calibration and other work *that* the service company or the technical representatives employed by the service company performed on ~~the~~ commercial weighing ~~and~~ *or* measuring devices. Such reports shall be legible and maintained in an accessible manner and for a period of time as established by the secretary pursuant to rules and regulations. The owner or operator of a *device used for* weighing ~~and~~, measuring ~~device~~ *or both* shall also be required to retain copies of all reports regarding the installation, repair or adjustment or any of the aforementioned done to the ~~weighing and measuring~~ device at the site where the measuring and weighing device is used. Such reports shall be legible and maintained in an accessible manner and for a period of time as established by the secretary pursuant to rules and regulations.

(e) The secretary may adopt rules and regulations providing for inspection of vapor meters at intervals less frequently than annually if the

secretary determines that annual inspections are not necessary to protect the public interest. In adopting any such rules and regulations, the secretary shall take into consideration the standard for inspections of vapor meters adopted by the national institute of standards and technology of the United States department of commerce.

Sec. 20. K.S.A. 83-305 is hereby amended to read as follows: 83-305. When the secretary ~~has been~~ *finds or is* notified by a licensed service company~~, by an authorized representative of the secretary~~ or ~~by~~ a city or county department of public inspection of weights and measures established pursuant to K.S.A. 83-210, and amendments thereto, that a *device used for* weighing ~~and~~, measuring ~~device~~ *or both* does not comply with tolerances and specifications adopted by the secretary, by rule and regulation, then the secretary may test the ~~weighing and measuring~~ device for accuracy after repairs have been made.

Sec. 21. K.S.A. 83-404 is hereby amended to read as follows: 83-404. (a) The owner or operator of a dispensing device ~~which~~ *that* is used for commercial purposes shall have such device tested and inspected at least once within every 18-month period. The test shall be conducted by ~~either~~ an authorized representative of any city or county ~~which~~ *that* has established a department of public inspection of weights and measures pursuant to K.S.A. 83-210, and amendments thereto, or by the secretary~~, which inspects such dispensing devices~~. *Such inspections shall be conducted* in accordance with rules and regulations adopted by the secretary. If, upon inspection ~~by the secretary~~, it is found that the dispensing device has not been tested and inspected for accuracy and approved within the preceding 18 months, the secretary shall take the dispensing device out of service pursuant to the provisions of K.S.A. 83-215, and amendments thereto. The test weights and measures used by the service company shall have been approved and sealed by the secretary pursuant to K.S.A. 83-214, and amendments thereto, every 365 days. Except at the option of the city or county ~~which~~ *that* has an established department of public inspection of weights and measures, annual tests and inspections shall be at the expense of the owner or operator. In any city or county ~~which~~ *that* has a department of public inspection of weights and measures ~~which~~ *that* annually inspects such dispensing devices, the tests may be conducted by an authorized representative of such city or county weights and measures department. Farmers or ranchers who own and operate a dispensing device used in private treaty transactions are exempt from the annual testing requirements.

(b) ~~The city or county department of public inspection of weights and measures or the secretary which conducts tests pursuant to this section, at the time of testing and inspection, shall promptly furnish to the owner or operator a report showing the results of the tests and inspection. Such~~

~~reports shall also be sent to the secretary, as required by rules and regulations adopted by the secretary, however, no report shall be furnished later than 10 days after the test or inspection of such device has occurred.~~ *When tests or inspections are conducted pursuant to this section, a report showing the results of the tests or inspections shall be promptly furnished to the owner or operator. If the tests or inspections were not performed by the secretary, such reports shall also be sent to the secretary as required by rules and regulations adopted by the secretary and not later than 10 days after the test or inspection of such device has occurred.*

(c) Subject to the provisions of K.S.A. 83-215, and amendments thereto, the owner ~~and~~ *or* operator of a dispensing device ~~which~~ *that* is found to be inaccurate at the time of testing shall *immediately* withdraw ~~immediately~~ the device from further use until the necessary corrections, adjustments or repairs are made and the device is determined to be accurate by a service company ~~or the~~, *a* city or county weights and measures department or ~~an authorized representative of~~ the secretary. ~~The devices which~~ *Dispensing devices that* have been repaired or serviced shall meet the tolerances and specifications adopted by the secretary by rules and regulations. ~~The~~ *A* service company or ~~the~~ city or county shall notify the secretary of any devices ~~which~~ *that* are found not to comply with such tolerances and specifications and those ~~which~~ *that* are not able to be serviced or repaired so as to comply with such tolerances and specifications. ~~The service company shall~~ *and* report to the secretary within the time frames and in a manner established in rules and regulations adopted by the secretary of any dispensing device ~~which~~ *that* has been installed, repaired, calibrated or fails to comply with the required tolerances and specifications.

(d) Each service company shall be required to keep at such company's corporate headquarters or at such company's resident agent's office a copy of all reports regarding the installation, repair, calibration and other work *that* the service company or the technical representatives employed by the service company performed on the commercial dispensing devices. Such reports shall be legible and maintained in an accessible manner and for a period of time as established by the secretary pursuant to rules and regulations. The owner or operator of a dispensing device shall also be required to retain copies of all reports regarding installation, repair or adjustment or any of the aforementioned done to the dispensing device at the site where the dispensing device is used. Such reports shall be legible and maintained in an accessible manner and for a period of time as established by the secretary pursuant to rules and regulations.

Sec. 22. K.S.A. 83-405 is hereby amended to read as follows: 83-405. When the secretary *finds or* is notified by a licensed service company~~, an authorized representative of the secretary~~ or ~~by~~ a city or county department of public inspection of weights and measures established pursuant

to K.S.A. 83-210, and amendments thereto, that a dispensing device does not comply with tolerances and specifications adopted by the secretary, by rules and regulations, the secretary may test *the dispensing device* for accuracy after repairs have been made.

Sec. 23. K.S.A. 83-501 is hereby amended to read as follows: 83-501. (a) In addition to any other penalty provided by law, any person who violates any provision of ~~chapter 83 of the Kansas Statutes Annotated, and amendments thereto, or any rules and regulations adopted thereunder,~~ *this chapter* may incur a civil penalty imposed under subsection (b) in the amount, fixed by rules and regulations of the secretary of agriculture, of not less than $100 nor more than $5,000 for each such violation, and~~,~~ in the case of a continuing violation, every day *that* such violation continues shall be deemed a separate violation.

(b) In determining the amount of the civil penalty, the following shall be taken into consideration: (1) The extent of harm caused by the violation; (2) the nature and persistence of the violation; (3) the length of time over which the violation occurs; (4) any corrective actions taken; and (5) any and all relevant circumstances.

(c) All civil penalties assessed shall be due and payable within 10 days after written notice of assessment is served on the person, unless a longer period of time is granted by the secretary. If a civil penalty is not paid within the applicable time period, the secretary may file a certified copy of the notice of assessment with the clerk of the district court in the county where the weighing and measuring device or dispensing device is located. The notice of assessment shall be enforced in the same manner as a judgment of the district court.

(d) No civil penalty shall be imposed pursuant to this section except upon the written order of the ~~duly authorized agent of the~~ secretary to the person who committed the violation or to the person whose agent or employee committed the violation. Such order shall ~~state the violation, the penalty to be imposed and the right of the person to appeal to the secretary. Any such person, within 20 days after notification, may make written request to the secretary for a~~ *be subject to notice and a* hearing in accordance with the provisions of the Kansas administrative procedure act. ~~The secretary shall affirm, reverse or modify the order and shall specify the reasons therefor.~~

~~(e) Any person aggrieved by an order of the secretary made under this section may appeal such order to the district court in the manner provided by the Kansas judicial review act.~~

~~(f) An appeal to the district court or to an appellate court shall not stay the payment of the civil penalty.~~

~~(g)~~ Any civil penalty recovered pursuant to the provisions of this section or recovered under the consumer protection act for violations of any

provision of K.S.A. 83-219, and amendments thereto, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the weights and measures fee fund.

Sec. 24. K.S.A. 2-1933, 83-149, 83-154, 83-155, 83-201, 83-202, 83-207, 83-208, 83-214, 83-215, 83-216, 83-217, 83-218, 83-219, 83-220, 83-221, 83-222, 83-224, 83-225, 83-301, 83-302, 83-303, 83-304, 83-305, 83-308, 83-311, 83-326, 83-401, 83-402, 83-403, 83-404, 83-405, 83-407, 83-409, 83-410, 83-411, 83-501 and 83-502 are hereby repealed.

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

Approved April 8, 2025.

CHAPTER 92

SENATE BILL No. 21

AN ACT concerning parimutuel wagering; relating to the Kansas parimutuel racing act; modifying the qualifications for an organization license; redefining horesemen's associations and horsemen's nonprofit organizations; changing the distribution of certain tax revenues; amending K.S.A. 74-8815, 74-8826, 74-8829 and 74-8838 and K.S.A. 2024 Supp. 74-8802 and 74-8814 and repealing the existing sections.

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

Section 1. K.S.A. 2024 Supp. 74-8802 is hereby amended to read as follows: 74-8802. As used in the Kansas parimutuel racing act unless the context otherwise requires:

(a) "Breakage" means the odd cents by which the amount payable on each dollar wagered exceeds:

(1) A multiple of $.10, for parimutuel pools from races conducted in this state; and

(2) a multiple of such other number of cents as provided by law of the host jurisdiction, for interstate combined wagering pools.

(b) "Commission" means the Kansas racing and gaming commission created by this act.

(c) "Concessionaire licensee" means a person, partnership, corporation or association licensed by the commission to utilize a space or privilege within a racetrack facility to sell goods or services.

(d) "Contract" means an agreement, written or oral, between two or more persons, partnerships, corporations or associations, or any combination thereof that creates an obligation between the parties.

(e) "Crossover employment" means a situation in which an occupational licensee is concurrently employed at the same racing facility by an organization licensee and a facility owner licensee or facility manager licensee.

(f) "Dual racetrack facility" means a racetrack facility for the racing of both horses and greyhounds or two immediately adjacent racetrack facilities, owned by the same licensee, one for racing horses and one for racing greyhounds.

(g) "Employee" means a person who has applied for a position of employment or is currently employed by the commission.

(h) "Executive director" means the executive director of the commission.

(i) "Facility manager licensee" means a person, partnership, corporation or association licensed by the commission and having a contract with an organization licensee to manage a racetrack facility located in Sedgwick county.

(j) "Facility owner licensee" means a person, partnership, corporation or association, or the state of Kansas or any political subdivision thereof,

licensed by the commission to construct or own a racetrack facility located in Sedgwick county. "Facility owner licensee" does not mean an organization licensee that owns the racetrack facility in which it conducts horse or greyhound racing.

(k) "Fair association" means an association organized pursuant to K.S.A. 2-125 et seq., and amendments thereto or a nonprofit association determined by the commission to be otherwise organized to conduct fair activities pursuant to findings of fact entered by the commission in a license order.

(l) "Financial interest" means an interest that could result directly or indirectly in receiving a pecuniary gain or sustaining a pecuniary loss as a result of ownership or interest in a business entity or activity or as a result of a salary, gratuity or other compensation or remuneration from any person.

(m) "Greyhound" means any greyhound breed of dog properly registered with the national greyhound association of Abilene, Kansas.

(n) "Historical horse race machine" means any electronic, electromechanical, video or computerized device, contrivance or machine authorized by the commission that, upon insertion of cash, tokens, electronic cards or any consideration, is available to accept wagers on and simulate the running of historical horse races, and that may deliver or entitle the patron operating the machine to receive cash, tokens, merchandise or credits that may be redeemed for cash. Historical horse race machines shall use historically accurate information of the horse race selected to determine the place of finish of each horse. No random number generator or other algorithm shall be used for determining the results of an historical horse race. Historical horse race machines shall be directly linked to a central computer at a location determined by the commission for purposes of security, monitoring and auditing.

(o) "Horsemen's association" means any association or corporation:

(1) All officers, directors, members and shareholders of which are licensed owners of horses or licensed trainers of horses, or both;

(2) applying for or has been issued a facility owner license authorizing ownership of ~~Eureka Downs, Anthony Downs or~~ a racetrack facility ~~on or adjacent to premises used by a fair association to conduct fair activities~~; and

(3) none of the officers, directors, members or shareholders of which holds another facility owner license or is an officer, director, member or shareholder of another facility owner licensee.

(p) "Horsemen's nonprofit organization" means any nonprofit organization:

(1) All officers, directors, members or shareholders of which are licensed owners of horses or licensed trainers of horses, or both; and

(2) applying for or has been issued an organization license authorizing the conduct of horse races at ~~Eureka Downs, Anthony Downs or~~ a racetrack facility ~~on or adjacent to premises used by a fair association to conduct fair activities~~.

(q) "Host facility" means the racetrack at which the race is run or, if the race is run in a jurisdiction that is not participating in the interstate combined wagering pool, the racetrack or other facility that is designated as the host facility.

(r) "Host jurisdiction" means the jurisdiction where the host facility is located.

(s) "Interstate combined wagering pool" means a parimutuel pool established in one jurisdiction that is combined with comparable parimutuel pools from one or more racing jurisdictions for the purpose of establishing the amount of money returned on a successful wager in the participating jurisdictions.

(t) "Intertrack wagering" means wagering on a simulcast race at a licensed racetrack facility or at a facility that is licensed in its racing jurisdiction to conduct live races.

(u) "Intrastate combined wagering pool" means a parimutuel pool that is combined with comparable parimutuel pools from one or more racetrack facilities for the purpose of establishing the amount of money returned on a successful wager at the participating racetrack facilities.

(v) "Kansas-whelped greyhound" means a greyhound whelped and raised in Kansas for the first six months of its life.

(w) "Licensee" means a person who has submitted an application for licesure or currently holds a license issued by the commission.

(x) "Minus pool" means a parimutuel pool in which, after deducting the takeout, not enough money remains in the pool to pay the legally prescribed minimum return to those placing winning wagers, and in which the organization licensee would be required to pay the remaining amount due.

(y) "Nonprofit organization" means:

(1) A corporation that is incorporated in Kansas as a not-for-profit corporation pursuant to the Kansas general corporation code and the net earnings of which do not inure to the benefit of any shareholder, individual member or person; or

(2) a fair association.

(z) "Occupation licensee" means a person licensed by the commission to perform an occupation or provide services that the commission has identified as requiring a license pursuant to this act.

(aa) "Off-track wagering" means wagering on a simulcast race at a facility that is not licensed in its jurisdiction to conduct live races.

(bb) "Organization licensee" means a nonprofit organization licensed

by the commission to conduct races pursuant to this act and, if the license so provides, to construct or own a racetrack facility.

(cc) "Parimutuel pool" means the total money wagered by individuals on one or more horses or greyhounds in a particular horse or greyhound race to win, place or show, or combinations thereof, as established by the commission, and, except in the case of an interstate or intrastate combined wagering pool, held by the organization licensee pursuant to the parimutuel system of wagering. There is a separate parimutuel pool for win, for place, for show and for each of the other forms of betting provided for by the rules and regulations of the commission.

(dd) "Parimutuel wagering" means a form of wagering on the outcome of horse and greyhound races, including historical horse races conducted by an historical horse race machine, in which those who wager purchase tickets of various denominations on one or more horses or greyhounds and all wagers for each race are pooled and the winning ticket holders are paid prizes from such pool in amounts proportional to the total receipts in the pool.

(ee) "Race meeting" means one or more periods of racing days during a calendar year designated by the commission for which an organization licensee has been approved by the commission to hold live horse or greyhound races or simulcast horse races at which parimutuel wagering is conducted, including such additional time as designated by the commission for the conduct of official business before and after the races.

(ff) "Racetrack facility" means a racetrack within Kansas used for the racing of horses or greyhounds, or both, including the track surface, grandstands, clubhouse, all animal housing and handling areas, other areas in which a person may enter only upon payment of an admission fee or upon presentation of authorized credentials and such additional areas as designated by the commission. The term "racetrack facility" includes a facility used for the display of and wagering on simulcast races and the operation of historical horse race machines without any live horse or greyhound races being conducted.

(gg) "Racing jurisdiction" or "jurisdiction" means a governmental authority that is responsible for the regulation of live or simulcast racing in its jurisdiction.

(hh) "Racing or wagering equipment or services licensee" means any person, partnership, corporation or association licensed by the commission to provide integral racing or wagering equipment or services, as designated by the commission, to an organization licensee.

(ii) "Recognized greyhound owners' group" means the duly recognized group elected in accordance with rules and regulations of the commission by a majority of the Kansas licensed greyhound owners at the racetrack facility voting in the election. The commission may designate

an organization such as the national greyhound association of Abilene, Kansas, to conduct the election.

(jj) "Recognized horsemen's group" means the duly recognized group, representing the breeds of horses running at a racetrack facility, elected in accordance with rules and regulations of the commission by a majority of the licensed owners and trainers at the racetrack facility voting in the election. If the licensee does not have a recognized horsemen's group, the commission shall designate as the recognized horsemen's group one that serves another organization licensee, but not one that serves a fair association organization licensee.

(kk) "Simulcast" means a live audio-visual broadcast of an actual horse race at the time it is run.

(ll) "Takeout" means the total amount of money withheld from each parimutuel pool for the payment of purses, taxes and the share to be kept by the organization licensee. Takeout does not include the breakage. The balance of each pool less the breakage is distributed to the holders of winning parimutuel tickets.

Sec. 2. K.S.A. 2024 Supp. 74-8814 is hereby amended to read as follows: 74-8814. (a) (1) Subject to the provisions of subsection (b), the commission shall establish by rules and regulations an application fee not exceeding $50 for an organization license and a license fee of $25 for each day of racing approved by the commission for any organization granted an organization license.

(2) *Subject to paragraphs (3) and (4),* any fair association, horsemen's nonprofit organization or the national greyhound association of Abilene, Kansas, may apply for an organization license if:

(A) Such organization conducts not more than two race meetings each year; *and*

(B) ~~such race meets are held within the boundaries of the county where the applicant is located; and~~

~~(C)~~ such race meetings are held for a total of not more than 40 days per year.

(3) If the applicant is a fair association intending to conduct live horse racing, then, along with an application for an organization license, such applicant shall submit documentation demonstrating such applicant is approved for such license by:

(A) The Kansas quarter horse racing association and the Kansas thoroughbred association; or

(B) a horsemen's nonprofit organization.

(4) If the applicant is a horsemen's nonprofit organization and:

(A) Intending to conduct live horse racing, such applicant shall not conduct live horse racing prior to March 1, 2028, unless such licensee intends to conduct such races at Eureka downs; and

(B) such applicant shall not operate historical horse race machines.

(b) The commission shall adopt rules and regulations providing for simplified and less costly procedures and requirements for fair associations and horsemen's nonprofit organizations applying for or holding a license to conduct race meetings.

(c) The Kansas racing and gaming commission shall investigate:

(1) The president, ~~vice president~~ *vice president*, secretary and treasurer of a fair association, and such other members as the commission considers necessary, to determine eligibility for an organization license;

(2) each officer and each director of a ~~nonprofit~~ horsemen's *nonprofit* organization, and such other members or shareholders as the commission considers necessary to determine eligibility for an organization license.

(d) Except as otherwise provided by this section, all applicants for organization licenses for the conduct of race meetings pursuant to the provisions of this section shall be required to comply with all the provisions of K.S.A. 74-8813, and amendments thereto.

Sec. 3. K.S.A. 74-8815 is hereby amended to read as follows: 74-8815. (a) Any person, partnership, corporation or association, or the state of Kansas or any political subdivision thereof, may apply to the commission for a facility owner license to construct or own, or both, a racetrack facility ~~which~~ *that* includes a racetrack and other areas designed for horse racing or greyhound racing, or both.

(b) Any person, partnership, corporation or association may apply to the commission for a facility manager license to manage a racetrack facility.

(c) A facility owner license or a facility manager license shall be issued for a period established by the commission but not to exceed 25 years. The application for a facility owner license shall be accompanied by a nonrefundable fee of $5,000. An application for a facility manager license shall be accompanied by a nonrefundable fee of $5,000. If the application fee is insufficient to pay the reasonable expenses of processing the application and investigating the applicant's qualifications for licensure, the commission shall require the applicant to pay to the commission, at such times and in such form as required by the commission, any additional amounts necessary to pay such expenses. No license shall be issued to an applicant until the applicant has paid such additional amounts in full, and such amounts shall not be refundable except to the extent that they exceed the actual expenses of processing the application and investigating the applicant's qualifications for licensure.

(d) If an applicant for a facility owner license is proposing to construct a racetrack facility, such applicant, at the time of submitting the application, shall deposit with the commission, in such form as prescribed by rules and regulations of the commission, the sum of: (1) $500,000, if the number of racing days applied for by organization licensee applicants proposing to race

at the facility is 150 days or more in a racing season; (2) $250,000, if such number of racing days applied for is less than 150 days; or (3) a lesser sum established by the commission, if the applicant is the state or a political subdivision of the state. Only one such deposit shall be required for a dual racetrack facility. The executive director shall remit any deposit received pursuant to this subsection 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 racing applicant deposit fund created by K.S.A. 74-8828, and amendments thereto. If the application is denied by the commission, the deposit, and any interest accrued thereon, shall be refunded to the applicant. If the license is granted by the commission in accordance with the terms of the application or other terms satisfactory to the applicant, the deposit, and any interest accrued thereon, shall be refunded to the licensee upon completion of the racetrack facility in accordance with the terms of the license. If the licensee fails to complete the racetrack facility in accordance with the terms of the license, the deposit, and any interest accrued thereon, shall be forfeited by the applicant.

(e) A facility owner license shall be granted only to an applicant that already owns an existing racetrack facility or has submitted with its application detailed plans for the construction of such facility, including the means and source of financing such construction and operation sufficient to convince the commission that such plans are feasible. A facility manager license shall be granted only to an applicant that has a facility management contract with an organization licensed pursuant to K.S.A. 74-8813, and amendments thereto.

(f) An applicant for a facility owner license or facility manager license, or both, shall not be granted a license if there is substantial evidence that the applicant for the license, or any officer or director, stockholder, member or owner of or other person having a financial interest in the applicant:

(1) Has been suspended or ordered to cease operation of a parimutuel racing facility in another jurisdiction by the appropriate authorities in that jurisdiction, has been ordered to cease association or affiliation with such a racing facility or has been banned from such a racing facility;

(2) has been convicted by a court of any state or of the United States of any criminal act involving fixing or manipulation of parimutuel races, violation of any law involving gambling or controlled substances or drug violations involving horses or greyhounds, or has been adjudicated in the last five years in any such court of committing as a juvenile an act which, if committed by an adult, would constitute such a criminal act, or if any employee or agent assisting the applicant in activities relating to ownership or management of a racetrack facility or to the conduct of races has been so convicted or adjudicated;

(3) has been convicted by a court of any state or of the United States of any felony involving dishonesty, fraud, theft, counterfeiting, alcohol violations or embezzlement, or has been adjudicated in the last five years in any such court of committing as a juvenile an act which, if committed by an adult, would constitute such a felony, or if any employee or agent assisting the applicant in activities relating to ownership or management of a racetrack facility or to the conduct of races has been so convicted or adjudicated;

(4) has not demonstrated financial responsibility sufficient to meet the obligations being undertaken pursuant to its contract with the organization licensee;

(5) is not in fact the person or entity authorized to or engaged in the licensed activity;

(6) is or becomes subject to a contract or option to purchase under which 10% or more of the ownership or other financial interest or membership interest are subject to purchase or transfer, unless the contract or option has been disclosed to the commission and the commission has approved the sale or transfer during the license period;

(7) has made a statement of a material fact in the application or otherwise in response to official inquiry by the commission knowing such statement to be false; or

(8) has failed to meet any monetary or tax obligation to the federal government or to any state or local government, whether or not relating to the conduct or operation of a race meet held in this state or any other jurisdiction.

(g) No person or entity shall be qualified to hold a facility manager license if such person or entity, or any director, officer, employee or agent thereof, is addicted to, and a user of, alcohol or a controlled substance.

(h) *If the applicant for a facility owner license or facility manager license is a horsemen's association, such applicant shall not operate historical horse race machines at such racetrack facility.*

(i) All facility owner licenses and facility manager licenses shall be reviewed annually by the commission to determine if the licensee is complying with the provisions of this act and rules and regulations of the commission and following such proposed plans and operating procedures as were approved by the commission. The commission may review a facility owner license or facility manager license more often than annually upon its own initiative or upon the request of any interested party. The commission shall require each facility owner licensee and each facility manager licensee to file annually with the commission a certified financial audit of the licensee by an independent certified public accountant, which audit shall be open to inspection by the public, and may require any such licensee to provide any other information necessary for the commission to conduct the annual or periodic review.

~~(i)~~*(j)* Subject to the provisions of subsection ~~(j)~~*(k)*, the commission, in accordance with the Kansas administrative procedure act, may suspend or revoke a facility owner or facility manager license or may impose a civil fine not exceeding $10,000 per failure or violation, or may both suspend such license and impose such fine, if the commission finds probable cause to believe that:

(1) In the case of a facility owner licensee, the licensee has failed to follow one or more provisions of the licensee's plans for the financing, construction or operation of a racetrack facility as submitted to and approved by the commission; or

(2) in the case of either a facility owner licensee or facility manager licensee, the licensee has violated any of the terms and conditions of licensure provided by this section or any other provision of this act or any rule and regulation of the commission.

~~(j)~~*(k)* Prior to suspension or revocation of a license pursuant to subsection ~~(i)~~*(j)*, the commission shall give written notice of the reason therefor to the licensee and all other interested parties. The licensee shall have 30 days from receipt of the notice to cure the alleged failure or violation, if it can be cured. If the commission finds that the failure or violation has not been cured upon expiration of the 30 days or upon a later deadline granted by the commission, or if the alleged violation is of such a nature that it cannot be cured, the commission may proceed to suspend or revoke the licensee's license pursuant to subsection ~~(i)~~*(j)*. Nothing in this subsection shall be construed to preclude the commission from imposing a fine pursuant to subsection ~~(i)~~*(j)* even if the violation is cured within 30 days or such other period as provided by the commission.

~~(k)~~*(l)* If an applicant for a facility owner license proposes to construct a racetrack facility and the commission determines that such license should be issued to the applicant, the commission shall issue to the applicant a facility owner license conditioned on the submission by the licensee to the commission, within a period of time prescribed by the commission, of a commitment for financing the construction of the racetrack facility by a financial institution or other source, subject to approval by the commission. If such commitment is not submitted within the period of time originally prescribed by the commission or such additional time as authorized by the commission, the license shall expire at the end of such period.

~~(l)~~*(m)* If a facility owner licensee's license authorizes the construction of a dual racetrack facility, such license shall be conditioned on the completion of such facility within a time specified by the commission. If, within the time specified by the commission, the licensee has not constructed a dual racetrack facility in accordance with the plans submitted to the commission pursuant to subsection (e), the commission, in accordance with the Kansas administrative procedure act, shall:

(1) Impose upon the licensee a civil fine equal to 5% of the total parimutuel pools for all races held at the licensee's facility on and after the date that racing with parimutuel wagering is first conducted at such facility and until the date that construction of the dual racetrack facility is completed and horse racing has begun; and

(2) revoke the licensee's license unless the licensee demonstrates reasonable cause for the failure to complete the facility.

~~(m)~~*(n)* The refusal to renew a facility owner license or a facility manager license shall be in accordance with the Kansas administrative procedure act and shall be subject to review under the Kansas judicial review act.

~~(n)~~*(o)* The grant or denial of an original facility owner license or facility manager license shall not be subject to the Kansas administrative procedure act. Such grant or denial shall be a matter to be determined in the sole discretion of the commission, whose decision shall be final upon the grant of a license to one of two or more competing applicants without the necessity of a hearing on the denial of a license to each other competing applicant. Any action for judicial review of such decision shall be by appeal to the supreme court in accordance with the Kansas judicial review act, except that the scope of review shall be limited to whether the action of the commission was arbitrary or capricious or constituted an abuse of discretion. All competing applicants for the facility owner license or facility manager license shall be parties to such appeal. Any such appeal shall have priority over other cases except those having statutory priority.

~~(o)~~*(p)* The commission may adopt rules and regulations regulating crossover employment between facility manager licensees and facility owner licensees and organization licensees.

Sec. 4. K.S.A. 74-8826 is hereby amended to read as follows: 74-8826. (a) There is hereby created the state racing fund in the state treasury.

(b) Except as otherwise provided by K.S.A. 74-8824 and 74-8835, and amendments thereto, all taxes on parimutuel wagering, admissions tax, application fees, license fees and fines ~~which~~ *that* are collected by the commission 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 racing fund. All moneys credited to such fund shall be expended or transferred only for the purposes and in the manner provided by this act. 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 chairperson of the commission or a person designated by the chairperson.

(c) Except as otherwise provided by this act, all operating expenses of the commission and moneys for the promotion of horse and greyhound racing appropriated by the legislature shall be paid from the state racing fund.

On January 15, 1990, and on the 15th day of each month thereafter, and at such other times as provided by law, the director of accounts and reports shall transfer to the state gaming revenues fund created by K.S.A. 79-4801, and amendments thereto, any moneys in the state racing fund on each such date in excess of the amount required for operating expenditures, *transfers made pursuant to subsection (d)* and an adequate fund balance, taking into consideration encumbrances, anticipated revenues, revenue and expenditure experience to date and other relevant factors, as determined by the executive director and the director of accounts and reports.

(d) *(1) On or before July 15, 2025, and on the 15th day of each month thereafter, of the moneys in the state racing fund in excess of the amount required for operating expenditures of the commission, 30% of such moneys credited to the state racing fund from tax revenues collected on wagers on historical horse races pursuant to K.S.A. 74-8823(a)(5), and amendments thereto, shall be transferred by the director of accounts and reports from the state racing fund to the Kansas horse breeding development fund established in K.S.A. 74-8829, and amendments thereto.*

(2) On or before July 15, 2025, and on the 15th day of each month thereafter, of the moneys in the state racing fund in excess of the amount required for operating expenditures of the commission, 70% of such moneys credited to the state racing fund from tax revenues collected on wagers on historical horse races pursuant to K.S.A. 74-8823(a)(5), and amendments thereto, shall be transferred by the director of accounts and reports from the state racing fund to the horse fair racing benefit fund established in K.S.A. 74-8838, and amendments thereto.

(e) Any appropriation or transfer of state general fund moneys for the operation of the commission or the office of the executive director and any other expenses incurred in connection with the administration and enforcement of this act shall be considered a loan and shall be repaid with interest to the state general fund in accordance with appropriation acts. Such loan shall not be considered an indebtedness or debt of the state within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Such loan shall bear interest at a rate equal to the rate prescribed by K.S.A. 75-4210, and amendments thereto, for inactive accounts of the state effective on the first day of the month during which the appropriation or transfer takes effect.

~~(e)~~*(f)* At the time of repayment of a loan pursuant to subsection (d), the executive director shall certify to the director of accounts and reports the amount to be repaid and any interest due thereon. Upon receipt of such certification, the director of accounts and reports shall promptly transfer the amount certified from the state racing fund to the state general fund.

Sec. 5. K.S.A. 74-8829 is hereby amended to read as follows: 74-8829. (a) There is hereby created in the state treasury the Kansas horse breed-

ing development fund to which moneys shall be credited as provided by this act. 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 chairperson of the commission or a person designated by the chairperson.

(b) Moneys credited to the Kansas horse breeding development fund, including any moneys in the fund on March 24, 1994, and any moneys credited to the fund on or after that date, shall be apportioned into categories corresponding with the various breeds of horses ~~which~~ *that* are participating in live races with parimutuel wagering conducted by organization licensees in direct proportion to the number of horses in each category participating in such live races and shall be used in each category to provide:

(1) Purse supplements to owners of Kansas-bred horses;

(2) stakes and awards to be paid to the owners of the winning Kansas-bred horses in certain races as determined by the commission;

(3) a stallion award to each owner of a Kansas-registered stallion ~~which~~ *that* is the sire of a Kansas-bred horse if such horse ~~wins or wins, places or shows~~ *competes* in any *recognized parimutuel* race ~~conducted at a Kansas race meeting, but~~ *and finishes at a level determined by the commission for such award.* No such award shall be paid to the owner of a ~~Kansas~~ *Kansas-registered* stallion that served outside Kansas at any time during the calendar year in which the ~~winning~~ Kansas-bred horse was conceived;

(4) a breeder's award to each owner of a Kansas-registered mare which is the dam of a Kansas-bred horse if such horse ~~wins or wins, places or shows~~ *competes* in any *recognized parimutuel* race ~~conducted at a Kansas race meeting~~ *and finishes at a level determined by the commission for such award*; and

(5) moneys for equine research through institutions of higher education under the state board of regents.

Sec. 6. K.S.A. 74-8838 is hereby amended to read as follows: 74-8838. (a) The state treasurer shall credit 1/3 of the taxes on the takeout from parimutuel pools for simulcast races, as certified by the executive director, to the horse fair racing benefit fund, which is hereby created in the state treasury.

(b) Twenty-five percent of all moneys credited to the horse fair racing benefit fund may be expended, upon application to the commission, for capital improvements to racetrack facilities ~~on or adjacent to premises used by a fair association to conduct fair racing activities~~.

(c) *Fifteen percent of all moneys credited to the horse fair racing benefit fund may be expended, upon application to the commission, by a nonprofit horsemen's organization for the promotion of the parimutuel racing industry in this state.*

(d) The remaining moneys in the horse fair racing benefit fund shall be expended only for:

(1) Reimbursement of the commission for the commission's administrative costs, as established by rules and regulations of the commission, related to race meetings conducted by a fair association or a horsemen's nonprofit organization, including the cost of stewards, racing judges and assistant animal health officers performing services at such race meetings;

(2) paying the costs of totalisator expenses incurred by an organization licensee that is a fair association or horsemen's nonprofit organization;

(3) paying the costs of background investigations required under the Kansas parimutuel racing act for members of a fair association or horsemen's nonprofit organization;

(4) *paying the costs related to any lease agreement for land, equipment or other materials necessary to conduct a race meeting;*

(5) purse supplements at race meetings conducted by a fair association or horsemen's nonprofit organization;

~~(5)~~*(6)* basic operating assistance grants to an organization licensee that is a fair association or horsemen's nonprofit organization; and

~~(6)~~*(7)* costs for employment of key racing officials, as determined by the commission, incurred by an organization licensee that is a fair association or horsemen's nonprofit organization.

~~(d)~~*(e)* The commission shall adopt rules and regulations establishing procedures for distributing moneys in the horse fair racing benefit fund to fair associations and nonprofit horsemen's organizations for the purposes provided by this section.

~~(e)~~*(f)* Expenditures from the horse fair racing benefit fund related to the conduct of a race meeting shall not be allocated to any organization licensee for a period exceeding 40 days.

~~(f)~~*(g)* Expenditures from the horse fair racing benefit fund shall not be allocated to any organization licensee to support the conduct of parimutuel greyhound races unless the organization licensee conducts an equal or greater number of parimutuel horse races during the race meeting.

~~(g)~~*(h)* Expenditures from the horse fair racing benefit 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 commission or a person designated by the chairperson.

Sec. 7. K.S.A. 74-8815, 74-8826, 74-8829 and 74-8838 and K.S.A. 2024 Supp. 74-8802 and 74-8814 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 8, 2025.

CHAPTER 93

House Substitute for SENATE BILL No. 126

AN ACT concerning health and healthcare; relating to the Kansas department of health and environment; establishing an advance universal newborn screening program; providing for the reimbursement of certain treatment services; authorizing the secretary of health and environment to specify conditions included in newborn screenings; extending the transfer of moneys to the Kansas newborn screening fund; increasing state financial assistance to local health departments under certain circumstances; increasing the annual assessment on services rate on inpatient and outpatient revenue and expanding exemptions for such assessment; amending K.S.A. 65-181, 65-183, 65-242 and 65-6210 and K.S.A. 2024 Supp. 65-180, 65-6208 and 65-6209 and repealing the existing sections.

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

Section 1. K.S.A. 2024 Supp. 65-180 is hereby amended to read as follows: 65-180. *There is hereby established an advance universal newborn screening program to be administered by the secretary of health and environment.* The secretary of health and environment shall:

(a) Institute and carry on an intensive educational program among physicians, *mid-level practitioners, as defined in K.S.A. 65-1626, and amendments thereto,* hospitals, public health nurses and the public concerning ~~congenital hypothyroidism, galactosemia, phenylketonuria and other genetic diseases detectable with the same specimen~~ *conditions identified by the secretary in accordance with subsection (i)*. 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, *physical 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~~ *conditions identified by the secretary in accordance with subsection (i)*. 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 *or mid-level practitioners as defined in K.S.A. 65-1626, and amendments thereto*; 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;~~ *conditions identified by the secretary in*

accordance with subsection (i) 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~~ *such conditions*.

(d) Maintain a registry of cases including information of importance for the purpose of follow-up services to ~~prevent intellectual~~ *support early diagnosis, treatment and services for healthy development and the prevention of* disability or morbidity.

(e) Provide, within the limits of appropriations available therefor, the necessary treatment product for diagnosed ~~cases~~ *conditions identified by the secretary in accordance with subsection (i)* for as long as medically indicated~~, when~~ *and* 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~~ *If* the applicable income of the person or persons who have legal responsibility for the diagnosed individual meets medicaid eligibility, such ~~individuals'~~ *individual's* needs shall be covered under the medicaid state plan. ~~Where~~ *If* 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~~ *If* 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 *secretary of health and environment shall adopt rules and regulations as needed to determine eligibility for reimbursement to individuals*

for the purchase of 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~~ *conditions identified by the secretary in accordance with subsection (i).*

(2) As an option to reimbursement authorized under ~~subsection (g)(1)~~ *paragraph (1)*, the department of health and environment may purchase *medically necessary* 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~~ *individuals diagnosed with conditions identified by the secretary in accordance with subsection (i).*

~~(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 *medically* necessary treatment products and *medically* necessary food treatment products, purchase such products~~,~~ and ~~shall~~ deliver ~~the~~ *such* products 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~~ *individual* 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~~ *conditions. The secretary shall determine and identify the conditions to be included in the newborn screening tests, which may include, but not be limited to, conditions* listed in the ~~core~~ *recommended* uniform *screening* 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"~~ *issued by the United States secretary of health and human services* or another report determined by the depart-

ment of health and environment to provide more appropriate newborn screening guidelines to protect the health and welfare of newborns for treatable ~~disorders~~ *conditions*.

(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~~, *which* 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 2024, 2025 and 2026~~.

Sec. 2. K.S.A. 65-181 is hereby amended to read as follows: 65-181. *(a)* The administrative officer or other person in charge of each institution or the attending physician *or mid-level practitioner*, caring for infants 28 days of age or younger shall have administered to every such infant or child in its or such *institution's, mid-level practitioner's or* physician's care, tests for ~~congenital hypothyroidism, galactosemia, phenylketonuria and other genetic diseases which may be detected with the same specimen~~ *conditions identified by the secretary of health and environment under K.S.A. 65-180(i), and amendments thereto,* in accordance with rules and regulations adopted by the secretary of health and environment.

(b) As used in this section, "mid-level practitioner" means the same as defined in K.S.A. 65-1626, and amendments thereto.

Sec. 3. K.S.A. 65-183 is hereby amended to read as follows: 65-183. *(a)* Every physician *or mid-level practitioner* having knowledge of a case of ~~congenital hypothyroidism, galactosemia or phenylketonuria and other genetic diseases as may be detected with tests given pursuant to this act~~

a condition identified by the secretary of health and environment under K.S.A. 65-180(i), and amendments thereto, in one of such physician's *or mid-level practitioner's* own patients shall report the case to the secretary of health and environment on forms provided by the secretary.

(b) As used in this section, "mid-level practitioner" means the same as defined in K.S.A. 65-1626, and amendments thereto.

Sec. 4. K.S.A. 65-242 is hereby amended to read as follows: 65-242. For the purpose of ~~insuring~~ *ensuring* that adequate public health services are available to all inhabitants of the state of Kansas, the state shall assist in the financing of the operation of local health departments. Subject to appropriations therefor, state financial assistance shall be distributed to local health departments as follows:

(a) First, each local health department shall, upon application therefor, receive ~~$7,000~~ *$12,000*. If sufficient funds are not available to make this distribution, then the funds ~~which~~ *that* are available shall be divided equally among those local health departments making application therefor.

(b) Second, if any funds are available after the distribution required in subsection (a), the secretary shall distribute such funds as follows:

(1) A figure equal to the total amount of state financial assistance available for distribution, before deduction for the distribution in subsection (a), shall be determined.

(2) The figure determined in paragraph (1) ~~of this subsection~~ shall be allocated to local health departments making application for assistance based on the proportion that the population of the county or counties comprising the local health department applying for such assistance bears to the total population of all counties comprising local health departments ~~which~~ *that* have applied for such financial assistance.

(3) If any local health department making application for assistance ~~would receive~~ *receives* an amount equal to or less than ~~$7,000~~ *$12,000* using the formula in paragraph (2) ~~of this subsection~~, then such department shall be paid in accordance with subsection (a) ~~only~~. If any local health department making application for assistance ~~would receive~~ *receives* more than ~~$7,000~~ *$12,000* using the formula in paragraph (2) ~~of this subsection~~, then such department shall be paid based on the proportion that the population served by the county or counties comprising such local health department bears to the total population of all counties comprising local health departments ~~which~~ *that* have made application for assistance, except for departments receiving funds under subsection (a), except that in no case shall the assistance distributed under this subsection ~~(b)~~ to a local health department exceed the amount that the local health department receives from local tax revenues for the county fiscal year in which the state financial assistance is paid.

(c) If local tax revenues allotted to a local health department for a fiscal year fall below the level of local tax revenues allotted to the local health department for the preceding fiscal year, the amount of state financial assistance under this act for which such local health department is eligible for the fiscal year shall be reduced by a percentage equal to the percentage of reduction in local tax revenue for that fiscal year.

Sec. 5. K.S.A. 2024 Supp. 65-6208 is hereby amended to read as follows: 65-6208. (a) Subject to the provisions of K.S.A. 65-6209, and amendments thereto, an annual assessment on services is imposed on each hospital provider in an amount ~~not less than 1.83% of each hospital's net inpatient operating revenue and~~ not greater than ~~3%~~ *6%* of each hospital's net inpatient and outpatient operating revenue, as determined by the healthcare access improvement panel in consultation with the department of health and environment, for the hospital's fiscal year three years prior to the assessment year. In the event that a hospital does not have a complete 12-month fiscal year in such third prior fiscal year, the assessment under this section shall be $200,000 until such date that such hospital has completed the hospital's first 12-month fiscal year. Upon completing such first 12-month fiscal year, such hospital's assessment under this section shall be the amount ~~not less than 1.83% of each hospital's net inpatient operating revenue and~~ not greater than ~~3%~~ *6%* of such hospital's net inpatient and outpatient operating revenue, as determined by the healthcare access improvement panel in consultation with the department of health and environment, for such first completed 12-month fiscal year.

(b) Nothing in this act shall be construed to authorize any home rule unit or other unit of local government to license for revenue or impose a tax or assessment upon hospital providers or a tax or assessment measured by the income or earnings of a hospital provider.

~~(c) (1) The department of health and environment shall submit to the United States centers for medicare and medicaid services any approval request necessary to implement the amendments made to subsection (a) by section 1 of chapter 7 of the 2020 Session Laws of Kansas and this act. If the department has submitted such a request pursuant to section 80(l) of chapter 68 of the 2019 Session Laws of Kansas or section 1 of chapter 7 of the 2020 Session Laws of Kansas, then the department may continue such request, or modify such request to conform to the amendments made to subsection (a) by section 1 of chapter 7 of the 2020 Session Laws of Kansas and this act, to fulfill the requirements of this paragraph.~~

~~(2) The secretary of health and environment shall certify to the secretary of state the receipt of such approval and cause notice of such approval to be published in the Kansas register.~~

~~(3) The amendments made to subsection (a) by section 1 of chapter 7 of the 2020 Session Laws of Kansas and this act shall take effect on~~

~~and after January 1 or July 1 immediately following such publication of such approval.~~

Sec. 6. K.S.A. 2024 Supp. 65-6209 is hereby amended to read as follows: 65-6209. (a) A hospital provider that is a state agency, the authority, as defined in K.S.A. 76-3304, and amendments thereto, a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, a critical access hospital, as defined in K.S.A. 65-468, and amendments thereto, *with revenues below the threshold determined by the healthcare access improvement panel,* or a rural emergency hospital licensed under the rural emergency hospital act, K.S.A. 2024 Supp. 65-481 et seq., and amendments thereto, *with revenues below the threshold determined by the healthcare access improvement panel,* is exempt from the assessment imposed by K.S.A. 65-6208, and amendments thereto.

(b) A hospital operated by the department in the course of performing its mental health or developmental disabilities functions is exempt from the assessment imposed by K.S.A. 65-6208, and amendments thereto.

Sec. 7. K.S.A. 65-6210 is hereby amended to read as follows: 65-6210. (a) The assessment imposed by K.S.A. 65-6208, and amendments thereto, for any state fiscal year to which this statute applies shall be due and payable in equal installments on or before ~~June~~ *May* 30 and ~~December 31~~ *November 30*, commencing with whichever date first occurs after the hospital has received payments for 150 days after the effective date of the payment methodology approved by the centers for medicare and medicaid services. No installment payment of an assessment under this act shall be due and payable, ~~however,~~ until after:

(1) The hospital provider receives written notice from the department that the payment methodologies to hospitals required under this act have been approved by the centers for medicare and medicaid services of the United States department of health and human services under 42 C.F.R. § 433.68 for the assessment imposed by K.S.A. 65-6208, and amendments thereto, has been granted by the centers for medicare and medicaid services of the United States department of health and human services; and

(2) in the case of a hospital provider, the hospital has received payments for 150 days after the effective date of the payment methodology approved by the centers for medicare and medicaid services.

(b) The department is authorized to establish delayed payment schedules for hospital providers that are unable to make installment payments when due under this section due to financial difficulties, as determined by the department.

(c) If a hospital provider fails to pay the full amount of an installment when due, including any extensions granted under this section, there shall be added to the assessment imposed by K.S.A. 65-6208, and amendments

thereto, unless waived by the department for reasonable cause, a penalty assessment equal to the lesser of:

(1) An amount equal to 5% of the installment amount not paid on or before the due date plus 5% of the portion thereof remaining unpaid on the last day of each month thereafter; or

(2) an amount equal to 100% of the installment amount not paid on or before the due date.

For purposes of *this* subsection ~~(e)~~, payments ~~will~~ *shall* be credited first to unpaid installment amounts, rather than to penalty or interest amounts, beginning with the most delinquent installment.

(d) *The department is authorized to take legal action against any hospital that fails to pay the amount due, including penalties, upon recommendation of the healthcare access improvement program panel, unless such hospital has established and is compliant with a payment schedule approved by the department.*

(e) The effective date for the payment methodology applicable to hospital providers approved by the centers for medicare and medicaid services shall be the date of July 1 or January 1, whichever date is designated in the state plan submitted by the department of health and environment for approval by the centers for medicare and medicaid services.

Sec. 8. K.S.A. 65-181, 65-183, 65-242 and 65-6210 and K.S.A. 2024 Supp. 65-180, 65-6208 and 65-6209 are hereby repealed.

Sec. 9. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 8, 2025.

CHAPTER 94

SENATE BILL No. 42

AN ACT concerning insurance; relating to the regulation and oversight thereof; providing for the establishment of a web-based online insurance verification system for the verification of evidence of motor vehicle liability insurance; eliminating the requirement that the commissioner of insurance submit certain reports to the governor; requiring that certain reports be available on the insurance department's website; removing certain entities from the definition of person for the purpose of enforcing insurance law; requiring that third-party administrators maintain separate fiduciary accounts for individual payors and prohibiting the commingling of the funds held on behalf of multiple payors; requiring the disclosure to the commissioner of insurance of any bankruptcy petition filed by or on behalf of such administrator pursuant to the United States bankruptcy code; requiring title agents to make their reports available for inspection upon request of the commissioner of insurance instead of submitting such reports annually; standardizing the amount of surety bonds filed with the commissioner of insurance at $100,000; eliminating the small business exemption in certain counties; amending K.S.A. 8-173, 40-108, 40-1139, 40-2253, 40-3807 and 40-3809 and K.S.A. 2024 Supp. 40-2,125, 40-1137 and 40-2404 and repealing the existing sections.

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

New Section 1. (a) Sections 1 through 10, and amendments thereto, shall be known and may be cited as the Kansas real time motor vehicle insurance verification act.

(b) As used in this act:

(1) "Act" means the Kansas real time motor vehicle insurance verification act.

(2) "Commercial vehicle coverage" means any coverage provided to an insured, regardless of number of vehicles covered, under a commercial coverage form and rated from a commercial manual approved by the department.

(3) "Commissioner" means the commissioner of insurance.

(4) "Department" means the Kansas insurance department.

(5) "Insurance verification system" means the web-based system for online verification of motor vehicle liability insurance.

(6) "KDOR" means the Kansas department of revenue.

New Sec. 2. (a) The commissioner shall establish a web-based system for online verification of motor vehicle insurance and require motor vehicle insurers to establish functionality for such system, as specified in this act. Implementation of the insurance verification system, including any exceptions as provided for in this act, supersedes any existing motor vehicle liability insurance verification system requirements and shall be the sole electronic system used for the purpose of verifying motor vehicle liability insurance as required by the laws of Kansas.

(b) The commissioner shall adopt such reasonable rules and regulations as are necessary to effectuate the provisions of this act.

New Sec. 3. The insurance verification system shall:

(a) (1) Transmit requests to insurers for verification of motor vehicle liability insurance via web services established by the insurers in compliance with specifications and standards prescribed by the commissioner in rules and regulations; and

(2) insurance company systems shall respond to each request for verification of motor vehicle liability insurance with a prescribed response upon evaluation of the data provided in such request;

(b) include appropriate provisions to secure its data against unauthorized access in accordance with applicable data privacy protection laws;

(c) be used for verification of motor vehicle liability insurance as prescribed by the laws of Kansas and shall be accessible to authorized personnel of the department, KDOR division of vehicles, the courts, law enforcement agencies and other entities authorized by state or federal privacy laws;

(d) be interfaced, wherever appropriate, with existing state systems; and

(e) include information that shall enable authorized personnel to make inquiries of insurers of motor vehicle liability insurance by using multiple data elements for greater matching accuracy. Such information shall be limited to:

(1) Insurer national association of insurance commissioners company code number;

(2) vehicle identification number;

(3) policy number;

(4) verification date; or

(5) any other information required by the commissioner or KDOR to operate the insurance verification system.

New Sec. 4. The commissioner may conduct a competitive bid and contract with a private service provider that has successfully implemented similar systems in other states to assist in establishing, implementing and maintaining the insurance verification system.

New Sec. 5. The department shall provide funding for the implementation, ongoing maintenance and enhancement of the insurance verification system created by this act from the insurance department regulation service fund, established under K.S.A. 40-112, and amendments thereto.

New Sec. 6. (a) Insurers shall cooperate with the commissioner and KDOR in establishing and maintaining the insurance verification system and provide motor vehicle insurance policy status information as provided in rules and regulations established by the commissioner.

(b) Insurer systems shall be permitted reasonable system downtime for maintenance and other work with advance notice to KDOR. Insurers

shall not be subject to enforcement fees or other penalties under such circumstances or when systems are unavailable because of emergency, outside attack or other unexpected outages not planned by the insurer and that are reasonably outside its control as determined by KDOR.

(c) Each property and casualty insurance company that is licensed to issue motor vehicle liability insurance or is authorized to do business in Kansas shall provide verification of liability insurance for every motor vehicle insured in Kansas by such company as required by this act.

(d) This act shall not apply to vehicles insured under commercial motor vehicle coverage, except that insurers of such vehicles may participate on a voluntary basis.

(e) Insurers shall not be required to verify evidence of insurance for vehicles registered in other jurisdictions.

(f) Insurers shall be immune from civil and administrative liability for good faith efforts to comply with the terms of this act.

(g) Nothing in this section shall prohibit an insurer from using the services of a third-party vendor to facilitate the insurance verification program required by this act.

New Sec. 7. The commissioner may establish, through rules and regulations, an alternative method for verifying motor vehicle liability insurance for insurers that insure 1,000 or fewer vehicles within Kansas.

New Sec. 8. All information and data provided by insurance companies to the insurance verification system, and all reports, responses or other information generated for the purposes of the insurance verification system shall be confidential by law and privileged, shall not be subject to the open records act, K.S.A. 45-215, and amendments thereto, and shall not be subject to discovery or admissible as evidence in any private civil action.

New Sec. 9. The insurance verification system shall be fully operational not later than July 1, 2026, following an appropriate testing period of not less than nine months. No enforcement action shall be taken based on information obtained from the insurance verification system until such system has successfully completed the testing period.

New Sec. 10. Establishing compliance with the provisions of K.S.A. 40-3104, and amendments thereto, through the insurance verification system shall not be the primary cause for law enforcement to stop a vehicle.

Sec. 11. K.S.A. 8-173 is hereby amended to read as follows: 8-173. (a) An application for registration of a vehicle as provided in article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, shall not be accepted unless the person making such application shall exhibit:

(1) A receipt showing that such person has paid all personal property taxes levied against such person for the preceding year, including taxes

upon such vehicle, except that if such application is made before May 11, such receipt need show payment of only ~~one-half~~ ½ the preceding year's tax; or

(2) evidence that such vehicle was assessed for taxation purposes by a state agency, ~~or~~ was assessed as stock in trade of a merchant or manufacturer or was exempt from taxation under the laws of this state.

(b) An application for registration of a vehicle as provided in article 1 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, shall not be accepted if the records of the county treasurer show that the applicant is delinquent and owes personal property taxes levied against the applicant for any preceding year.

(c) An original application for registration of a motor vehicle shall not be accepted until the applicant signs a certification, provided by the director of motor vehicles, certifying that the applicant has and will maintain, during the period of registration, the required insurance, self-insurance or other financial security required pursuant to K.S.A. 40-3104, and amendments thereto.

(d) An application for registration or renewal of registration of a vehicle shall not be accepted if the applicant is unable to provide proof of the insurance, self-insurance or other financial security required by article 31 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto. Proof of insurance shall be verified by examination of the insurance card or other documentation issued by an insurance company, a certificate of self-insurance issued by the commissioner, a binder of insurance, a certificate of insurance, a motor carrier identification number issued by the state corporation commission, proof of insurance for vehicles covered under a fleet policy, a commercial policy covering more than one vehicle or a policy of insurance required by K.S.A. 40-3104, and amendments thereto, and for vehicles used as part of a drivers education program, a dealership contract and a copy of a motor vehicle liability insurance policy issued to a school district or accredited nonpublic school. Examination of a photocopy, facsimile or an image displayed on a cellular phone or any other type of portable electronic device of any of these documents shall suffice for verification of registration or renewal. Any person to whom such image of proof of insurance, self-insurance or other financial security required by article 31 of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, is displayed, shall view only such image displayed on such cellular phone or other portable electronic device. Such person shall be prohibited from viewing any other content or information stored on such cellular phone or other portable electronic device. Proof of insurance may also be verified ~~on-line~~ *online* or electronically, *in accordance with the provisions of the Kansas real time insurance verification act and sections 1 through 9, and amendments thereto,* and the commissioner of

insurance may require, by duly adopted rules and regulations, any motor vehicle liability insurance company authorized to do business in this state to provide verification of insurance in that manner. ~~Any motor vehicle liability insurance company which is providing verification of insurance on-line or electronically on the day preceding the effective date of this act may continue to do so in the same manner and shall be deemed to be in compliance with this section.~~

(e) ~~On and after January 1, 2018,~~ An application for registration or renewal of registration of a vehicle shall not be accepted, if the records of the division show that after three attempts by the Kansas turnpike authority to contact the registered owner, including at least one registered letter, the registered owner of such vehicle has unpaid tolls and ~~that~~ the director of the Kansas turnpike authority or the director's designee has instructed the division to refuse to accept the registration or renewal of registration, pursuant to K.S.A. 68-2020a, and amendments thereto, unless the owner or registered owner makes payment to the county treasurer at the time of registration or renewal of registration. Of such moneys collected, 15% shall be retained by the county treasurer and the remainder shall be remitted to the Kansas turnpike authority.

Sec. 12. K.S.A. 40-108 is hereby amended to read as follows: 40-108. ~~The commissioner of insurance shall make an annual report to the governor of the general conduct and condition of the insurance companies, including fraternal benefit societies, doing business in this state.~~ *The commissioner of insurance shall make an annual report of the general conduct and condition of the insurance companies, including fraternal benefit societies, doing business in this state and shall publish such report on the department's website.* The commissioner of insurance shall keep and preserve in a permanent form a full record of the commissioner's proceedings, including a concise statement of the condition of each company reported, visited or examined by the commissioner.

Sec. 13. K.S.A. 2024 Supp. 40-2,125 is hereby amended to read as follows: 40-2,125. (a) If the commissioner determines after notice and opportunity for a hearing that any person has engaged or is engaging in any act or practice constituting a violation of any provision of Kansas insurance statutes or any rule and regulation or order thereunder, the commissioner may, in the exercise of discretion, order any one or more of the following:

(1) Payment of a monetary penalty of not more than $1,000 for each and every act or violation, unless the person knew or reasonably should have known *that* such person was in violation of the Kansas insurance statutes or any rule and regulation or order thereunder, in which case the penalty shall be not more than $2,000 for each and every act or violation;

(2) suspension or revocation of the person's license or certificate if such person knew or reasonably should have known that such person was

in violation of the Kansas insurance statutes or any rule and regulation or order thereunder; or

(3) that such person cease and desist from the unlawful act or practice and take such affirmative action ~~as~~ *that*, in the judgment of the commissioner, will carry out the purposes of the violated or potentially violated provision.

(b) If any person fails to file any report or other information with the commissioner as required by statute or fails to respond to any proper inquiry of the commissioner, the commissioner, after notice and opportunity for hearing, may impose a civil penalty of up to $1,000, for each violation or act, along with an additional penalty of up to $500 for each week thereafter that such report or other information is not provided to the commissioner.

(c) If the commissioner makes written findings of fact that there is a situation involving an immediate danger to the public health, safety or welfare or the public interest will be irreparably harmed by delay in issuing an order under subsection (a)(3), the commissioner may issue an emergency temporary cease and desist order. Such order, even when not an order within the meaning of K.S.A. 77-502, and amendments thereto, shall be subject to the same procedures as an emergency order issued under K.S.A. 77-536, and amendments thereto. Upon the entry of such an order, the commissioner shall promptly notify the person subject to the order that: (1) ~~It~~ *Such order* has been entered; (2) the reasons therefor; and (3) that upon written request within 15 days after service of the order, the matter will be set for a hearing, which shall be conducted in accordance with the provisions of the Kansas administrative procedure act. If no hearing is requested and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice of and opportunity for hearing to the person subject to the order, shall, by written findings of fact and conclusions of law vacate, modify or make permanent the order.

(d) For purposes of this section:

(1) "Person" means any individual, corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyd's insurer, fraternal benefit society ~~and any other legal entity engaged in the business of insurance, rating organization, third party administrator, nonprofit dental service corporation, nonprofit medical and hospital service corporation, automobile club, premium financing company, health maintenance organization, insurance holding company, mortgage guaranty insurance company, risk retention or purchasing group, prepaid legal and dental service plan, captive insurance company, automobile self-insurer or reinsurance intermediary~~ and any other legal entity under the jurisdiction of the commis-

sioner. The term "person" does not include insurance agents and brokers as such terms are defined in K.S.A. 40-4902, and amendments thereto.

(2) "Commissioner" means the commissioner of insurance of this state.

Sec. 14. On and after January 1, 2026, K.S.A. 2024 Supp. 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;

(5) other negotiable instruments 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~~ *upon request*. 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. 15. On and after January 1, 2026, K.S.A. 40-1139 is hereby amended to read as follows: 40-1139. (a) ~~The~~ *A* title insurance agent ~~who~~ *that* handles escrow, settlement or closing accounts shall file with the commissioner a *$100,000* surety bond or irrevocable letter of credit in a form acceptable to the commissioner~~.~~ *. Such surety bond or irrevocable letter of credit shall be* issued by an insurance company or financial institution *that is* authorized to conduct business in this state~~,~~ securing the applicant's or the title insurance agent's faithful performance of all duties and obligations set out in K.S.A. 40-1135 through 40-1141, and amendments thereto.

(b) ~~The terms of the bond or irrevocable letter of credit shall be:~~

~~(1)~~ The surety bond shall provide that such bond may not be terminated without 30 days prior written notice to the commissioner.

~~(2) An~~*(c) The* irrevocable letter of credit shall*:*

(1) Be issued by a bank ~~which~~ *that* is insured by the federal deposit insurance corporation or its successor ~~if such letter of credit is~~*; and*

(2) initially *be* issued for a term of at least one year and by its terms is automatically renewed at each expiration date for at least an additional one-year term unless at least 30 days prior written notice of intention not to renew is ~~given~~ *provided* to the commissioner of insurance.

~~(c) The amount of the surety bond or irrevocable letter of credit for those agents servicing real estate transactions on property located in counties having a certain population shall be required as follows:~~

~~(1) $100,000 surety bond or irrevocable letter of credit in counties having a population of 40,001 and over;~~

~~(2) $50,000 surety bond or irrevocable letter of credit in counties having a population of 20,001 to 40,000; and~~

~~(3) $25,000 surety bond or irrevocable letter of credit in counties having a population of 20,000 or under.~~

(d) The surety bond or irrevocable letter of credit shall be for the benefit of any person suffering a loss if the title insurance agent converts or misappropriates money received or held in escrow, deposit or trust accounts while acting as a title insurance agent providing any escrow or settlement services.

Sec. 16. K.S.A. 2024 Supp. 40-2404 is hereby amended to read as follows: 40-2404. The following are hereby defined as unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

(1) *Misrepresentations and false advertising of insurance policies.* Making, issuing, circulating or causing to be made, issued or circulated, any estimate, illustration, circular, statement, sales presentation, omission or comparison that:

(a) Misrepresents the benefits, advantages, conditions or terms of any insurance policy;

(b) misrepresents the dividends or share of the surplus to be received on any insurance policy;

(c) makes any false or misleading statements as to the dividends or share of surplus previously paid on any insurance policy;

(d) is misleading or is a misrepresentation as to the financial condition of any person, or as to the legal reserve system upon which any life insurer operates;

(e) uses any name or title of any insurance policy or class of insurance policies misrepresenting the true nature thereof;

(f) is a misrepresentation for the purpose of inducing or tending to induce the lapse, forfeiture, exchange, conversion or surrender of any insurance policy;

(g) is a misrepresentation for the purpose of effecting a pledge or assignment of or effecting a loan against any insurance policy; or

(h) misrepresents any insurance policy as being shares of stock.

(2) *False information and advertising generally.* Making, publishing, disseminating, circulating or placing before the public, or causing, directly or indirectly, to be made, published, disseminated, circulated or placed before the public, in a newspaper, magazine or other publication, or in the form of a notice, circular, pamphlet, letter or poster, or over any radio or television station, or in any other way, an advertisement, announcement or statement containing any assertion, misrepresentation or statement with respect to the business of insurance or with respect to any person in the conduct of such person's insurance business, that is untrue, deceptive or misleading.

(3) *Defamation.* Making, publishing, disseminating or circulating, directly or indirectly, or aiding, abetting or encouraging the making, publishing, disseminating or circulating of any oral or written statement or any pamphlet, circular, article or literature that is false, or maliciously critical of or derogatory to the financial condition of any person, and that is calculated to injure such person.

(4) *Boycott, coercion and intimidation.* Entering into any agreement to commit, or by any concerted action committing, any act of boycott, coercion or intimidation resulting in or tending to result in unreasonable restraint of the business of insurance, or by any act of boycott, coercion or intimidation monopolizing or attempting to monopolize any part of the business of insurance.

(5) *False statements and entries.* (a) Knowingly filing with any supervisory or other public official, or knowingly making, publishing, disseminating, circulating or delivering to any person, or placing before the public, or knowingly causing directly or indirectly, to be made, published, disseminated, circulated, delivered to any person, or placed before the public, any false material statement of fact as to the financial condition of a person.

(b) Knowingly making any false entry of a material fact in any book, report or statement of any person or knowingly omitting to make a true entry of any material fact pertaining to the business of such person in any book, report or statement of such person.

(6) *Stock operations and advisory board contracts.* Issuing or delivering or permitting agents, officers or employees to issue or deliver, agency company stock or other capital stock, or benefit certificates or shares in any common-law corporation, or securities or any special or advisory

board contracts or other contracts of any kind promising returns and profits as an inducement to insurance. Nothing herein shall prohibit the acts permitted by K.S.A. 40-232, and amendments thereto.

(7) *Unfair discrimination.* (a) Making or permitting any unfair discrimination between individuals of the same class and equal expectation of life in the rates charged for any contract of life insurance or life annuity or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of such contract.

(b) Making or permitting any unfair discrimination between individuals of the same class and of essentially the same hazard in the amount of premium, policy fees or rates charged for any policy or contract of accident or health insurance or in the benefits payable thereunder, ~~or~~ in any of the terms or conditions of such contract, ~~,~~ or in any other manner whatever.

(c) Refusing to insure, ~~or~~ refusing to continue to insure, ~~or~~ limiting the amount, extent or kind of coverage available to an individual, ~~,~~ or charging an individual a different rate for the same coverage solely because of blindness or partial blindness. With respect to all other conditions, including the underlying cause of the blindness or partial blindness, persons who are blind or partially blind shall be subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are sighted persons. Refusal to insure includes denial by an insurer of disability insurance coverage on the grounds that the policy defines "disability" as being presumed in the event that the insured loses such person's eyesight. However, an insurer may exclude from coverage disabilities consisting solely of blindness or partial blindness when such condition existed at the time the policy was issued.

(d) Refusing to insure, ~~or~~ refusing to continue to insure, ~~,~~ or limiting the amount, extent or kind of coverage available for accident and health and life insurance to an applicant who is the proposed insured ~~or charge~~, *charging* a different rate for the same coverage ~~or~~, excluding or limiting coverage for losses or denying a claim incurred by an insured as a result of abuse based on the fact that the applicant who, is the proposed insured, is, has been, or may be the subject of domestic abuse, except as provided in subsection (7)(d)(v). ~~"Abuse"~~ As used in this paragraph, *"abuse"* means one or more acts defined in K.S.A. 60-3102, and amendments thereto, between family members, current or former household members, ~~,~~ or current or former intimate partners.

(i) An insurer ~~may~~ *shall* not ask an applicant for life or accident and health insurance who is the proposed insured if the individual is, has been or may be the subject of domestic abuse, or seeks, has sought or had reason to seek medical or psychological treatment or counseling specifically for abuse, protection from abuse or shelter from abuse.

(ii) Nothing in this section shall be construed to prohibit a person from declining to issue an insurance policy insuring the life of an individual who is, has been or has the potential to be the subject of abuse if the perpetrator of the abuse is the applicant or would be the owner of the insurance policy.

(iii) No insurer that issues a life or accident and health policy to an individual who is, has been or may be the subject of domestic abuse shall be subject to civil or criminal liability for the death or any injuries suffered by that individual as a result of domestic abuse.

(iv) No person shall refuse to insure, refuse to continue to insure, limit the amount, extent or kind of coverage available to an individual or charge a different rate for the same coverage solely because of physical or mental condition, except where the refusal, limitation or rate differential is based on sound actuarial principles.

(v) Nothing in this section shall be construed to prohibit a person from underwriting or rating a risk on the basis of a preexisting physical or mental condition, even if such condition has been caused by abuse, provided that:

(A) The person routinely underwrites or rates such condition in the same manner with respect to an insured or an applicant who is not a victim of abuse;

(B) the fact that an individual is, has been or may be the subject of abuse may not be considered a physical or mental condition; and

(C) such underwriting or rating is not used to evade the intent of this section or any other provision of the Kansas insurance code.

(vi) Any person who underwrites or rates a risk on the basis of preexisting physical or mental condition as set forth in subsection (7)(d)(v), shall treat such underwriting or rating as an adverse underwriting decision pursuant to K.S.A. 40-2,112, and amendments thereto.

(vii) The provisions of this paragraph shall apply to all policies of life and accident and health insurance issued in this state after the effective date of this act and all existing contracts that are renewed on or after the effective date of this act.

(e) Refusing to insure, or refusing to continue to insure, or limiting the amount, extent or kind of coverage available for life insurance to an individual, or charging an individual a different rate for the same coverage, solely because of such individual's status as a living organ donor. With respect to all other conditions, persons who are living organ donors shall be subject to the same standards of sound actuarial principles or actual or reasonably anticipated experience as are persons who are not organ donors.

(8) *Rebates.* (a) Except as otherwise expressly provided by law, knowingly permitting, offering to make or making any contract of life insurance, life annuity or accident and health insurance, or agreement as to

such contract other than as plainly expressed in the insurance contract issued thereon; paying, allowing, giving or offering to pay, allow or give, directly or indirectly, as inducement to such insurance, or annuity, any rebate of premiums payable on the contract, any special favor or advantage in the dividends or other benefits thereon, or any valuable consideration or inducement whatever not specified in the contract; or giving, selling, purchasing or offering to give, sell or purchase as inducement to such insurance contract or annuity or in connection therewith, any stocks, bonds or other securities of any insurance company or other corporation, association or partnership, or any dividends or profits accrued thereon, or anything of value whatsoever not specified in the contract.

(b) Nothing in subsection (7)*(a)* or (8)(a) shall be construed as including within the definition of discrimination or rebates any of the following practices:

(i) In the case of any contract of life insurance or life annuity, paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance. Any such bonuses or abatement of premiums shall be fair and equitable to policyholders and for the best interests of the company and its policyholders;

(ii) in the case of life insurance policies issued on the industrial debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount that fairly represents the saving in collection expenses;

(iii) readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of the first or any subsequent policy year of insurance thereunder, which may be made retroactive only for such policy year;

(iv) engaging in an arrangement that would not violate section 106 of the bank holding company act amendments of 1972, as interpreted by the board of governors of the federal reserve system or section 5(q) of the home owners' loan act;

(v) the offer or provision by insurers or producers, by or through employees, affiliates or third-party representatives, of value-added products or services at no or reduced cost when such products or services are not specified in the policy of insurance if the product or service:

(A) Relates to the insurance coverage; and

(B) is primarily designed to satisfy one or more of the following:

(1) Provide loss mitigation or loss control;

(2) reduce claim costs or claim settlement costs;

(3) provide education about liability risks or risk of loss to persons or property;

(4) monitor or assess risk, identify sources of risk or develop strategies for eliminating or reducing risk;

(5) enhance health;

(6) enhance financial wellness through items such as education or financial planning services;

(7) provide post-loss services;

(8) (a) incentivize behavioral changes to improve the health or reduce the risk of death or disability of a customer;

(b) as used in this section, "customer" means a policyholder, potential policyholder, certificate holder, potential certificate holder, insured, potential insured or applicant; or

(9) assist in the administration of the employee or retiree benefit insurance coverage.

(C) The cost to the insurer or producer offering the product or service to any given customer shall be reasonable in comparison to such customer's premiums or insurance coverage for the policy class.

(D) If the insurer or producer is providing the product or service offered, the insurer or producer shall ensure that the customer is provided with contact information, upon request, to assist the customer with questions regarding the product or service.

(E) The commissioner may adopt rules and regulations when implementing the permitted practices set forth in this section to ensure consumer protection. Such rules and regulations, consistent with applicable law, may address, among other issues, consumer data protections and privacy, consumer disclosure and unfair discrimination.

(F) The availability of the value-added product or service shall be based on documented objective criteria and offered in a manner that is not unfairly discriminatory. The documented criteria shall be maintained by the insurer or producer and produced upon request by the commissioner.

(G) *(1)* If an insurer or producer does not have sufficient evidence but has a good-faith belief that the product or service meets the criteria in subsection (8)(b)(v)(B), the insurer or producer may provide the product or service in a manner that is not unfairly discriminatory as part of a pilot or testing program for not more than one year. An insurer or producer shall notify the commissioner of such a pilot or testing program offered to consumers in this state prior to launching and may proceed with the program unless the commissioner objects within 21 days of notice.

(2) If the insurer or producer is unable to determine sufficient evidence within the one-year pilot or testing period, the insurer or producer may request that such pilot or testing period be extended for such additional time as necessary to determine if the product or service meets the criteria described in subsection (8)(b)(v)(B). Upon such a request, the commissioner may grant an extension of a specified time.

(vi) An insurer or a producer may:

(A) Offer or give non-cash gifts, items or services, including meals to or charitable donations on behalf of a customer, in connection with the marketing, sale, purchase or retention of contracts of insurance, as long as the cost does not exceed an amount determined to be reasonable by the commissioner per policy year per term. The offer shall be made in a manner that is not unfairly discriminatory. The customer shall not be required to purchase, continue to purchase or renew a policy in exchange for the gift, item or service.

(B) Conduct raffles or drawings to the extent permitted by state law, as long as there is no financial cost to entrants to participate, the drawing or raffle does not obligate participants to purchase insurance, the prizes are not valued in excess of a reasonable amount determined by the commissioner and the drawing or raffle is open to the public. The raffle or drawing shall be offered in a manner that is not unfairly discriminatory. The customer shall not be required to purchase, continue to purchase or renew a policy in exchange for the gift, item or service.

(c) An insurer, producer or representative of an insurer or producer shall not offer or provide insurance as an inducement to the purchase of another policy.

(9) *Unfair claim settlement practices.* It is an unfair claim settlement practice if any of the following or any rules and regulations pertaining thereto are either committed flagrantly and in conscious disregard of such provisions, or committed with such frequency as to indicate a general business practice:

(a) Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue;

(b) failing to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies;

(c) failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies;

(d) refusing to pay claims without conducting a reasonable investigation based upon all available information;

(e) failing to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed;

(f) not attempting in good faith to effectuate prompt, fair and equitable settlements of claims in which liability has become reasonably clear;

(g) compelling insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in actions brought by such insureds;

(h) attempting to settle a claim for less than the amount to which a reasonable person would have believed that such person was entitled by reference to written or printed advertising material accompanying or made part of an application;

(i) attempting to settle claims on the basis of an application that was altered without notice to, or knowledge or consent of the insured;

(j) making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which payments are being made;

(k) making known to insureds or claimants a policy of appealing from arbitration awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration;

(l) delaying the investigation or payment of claims by requiring an insured, claimant or the physician of either to submit a preliminary claim report and then requiring the subsequent submission of formal proof of loss forms, both of which submissions contain substantially the same information;

(m) failing to promptly settle claims, where liability has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage; or

(n) failing to promptly provide a reasonable explanation of the basis in the insurance policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement.

(10) Failure to respond to an inquiry. An insurer's failing, upon receipt of any inquiry from the insurance department concerning a complaint or inquiry related to a particular matter, within 14 calendar days of receipt of such inquiry to furnish the department with an adequate response to such inquiry.

~~(10)~~*(11) Failure to maintain complaint handling procedures.* Failure of any person, who is an insurer on an insurance policy, to maintain a complete record of all the complaints that it has received since the date of its last examination under K.S.A. 40-222, and amendments thereto~~; but~~, *except that* no such records shall be required for complaints received prior to the effective date of this act. The record shall indicate the total number of complaints, their classification by line of insurance, the nature of each complaint, the disposition of the complaints, the date each complaint was originally received by the insurer and the date of final disposition of each complaint. For purposes of this ~~subsection~~ *section*, "complaint" means any written communication primarily expressing a grievance related to the acts and practices set out in this section.

~~(11)~~*(12) Misrepresentation in insurance applications.* Making false or fraudulent statements or representations on or relative to an application for an insurance policy, for the purpose of obtaining a fee, commission, money or other benefit from any insurer, agent, broker or individual.

~~(12)~~*(13) Statutory violations.* Any violation of any of the provisions of K.S.A. 40-216, 40-276a, 40-2,155 or 40-1515, and amendments thereto.

~~(13)~~*(14) Disclosure of information relating to adverse underwriting decisions and refund of premiums.* Failing to comply with the provisions of K.S.A. 40-2,112, and amendments thereto, within the time prescribed in such section.

~~(14)~~*(15) Rebates and other inducements in title insurance.* (a) No title insurance company or title insurance agent, or any officer, employee, attorney, agent or solicitor thereof, may pay, allow or give, or offer to pay, allow or give, directly or indirectly, as an inducement to obtaining any title insurance business, any rebate, reduction or abatement of any rate or charge made incident to the issuance of such insurance, any special favor or advantage not generally available to others of the same classification, or any money, thing of value or other consideration or material inducement. ~~The words~~ "Charge made incident to the issuance of such insurance" includes, without limitations, escrow, settlement and closing charges.

(b) No insured named in a title insurance policy or contract nor any other person directly or indirectly connected with the transaction involving the issuance of the policy or contract, including, but not limited to, mortgage lender, real estate broker, builder, attorney or any officer, employee, agent representative or solicitor thereof, or any other person may knowingly receive or accept, directly or indirectly, any rebate, reduction or abatement of any charge, or any special favor or advantage or any monetary consideration or inducement referred to in subsection ~~(14)(a)~~ *(15)(a)*.

(c) Nothing in this section shall be construed as prohibiting:

(i) The payment of reasonable fees for services actually rendered to a title insurance agent in connection with a title insurance transaction;

(ii) the payment of an earned commission to a duly appointed title insurance agent for services actually performed in the issuance of the policy of title insurance; or

(iii) the payment of reasonable entertainment and advertising expenses.

(d) Nothing in this section prohibits the division of rates and charges between or among a title insurance company and its agent, or one or more title insurance companies and one or more title insurance agents, if such division of rates and charges does not constitute an unlawful rebate under the provisions of this section and is not in payment of a forwarding fee or a finder's fee.

(e) As used in subsections ~~(14)(e)~~ *(15)(e)* through ~~(14)(i)~~ *(15)(i)*, unless the context otherwise requires:

(i) "Associate" means any firm, association, organization, partnership, business trust, corporation or other legal entity organized for profit in which a producer of title business is a director, officer or partner thereof, or owner of a financial interest~~;~~*,* the spouse or any relative within the second degree by blood or marriage of a producer of title business who is a natural person~~;~~*,* any director, officer or employee of a producer of title

business or associate~~;~~, any legal entity that controls, is controlled by, or is under common control with a producer of title business or associate~~;~~ and any natural person or legal entity with whom a producer of title business or associate has any agreement, arrangement or understanding or pursues any course of conduct, the purpose or effect of which is to evade the provisions of this section.

(ii) "Financial interest" means any direct or indirect interest, legal or beneficial, where the holder thereof is or will be entitled to 1% or more of the net profits or net worth of the entity in which such interest is held. Notwithstanding the foregoing, an interest of less than 1% or any other type of interest shall constitute a "financial interest" if the primary purpose of the acquisition or retention of that interest is the financial benefit to be obtained as a consequence of that interest from the referral of title business.

(iii) "Person" means any natural person, partnership, association, cooperative, corporation, trust or other legal entity.

(iv) "Producer of title business" or "producer" means any person, including any officer, director or owner of 5% or more of the equity or capital or both of any person, engaged in this state in the trade, business, occupation or profession of:

(A) Buying or selling interests in real property;

(B) making loans secured by interests in real property; or

(C) acting as broker, agent, representative or attorney for a person who buys or sells any interest in real property or who lends or borrows money with such interest as security.

(v) "Refer" means to direct or cause to be directed or to exercise any power or influence over the direction of title insurance business, whether or not the consent or approval of any other person is sought or obtained with respect to the referral.

(f) No title insurer or title agent may accept any order for, issue a title insurance policy to, or provide services to, an applicant if it knows or has reason to believe that the applicant was referred to it by any producer of title business or by any associate of such producer, where the producer, the associate, or both, have a financial interest in the title insurer or title agent to which business is referred unless the producer has disclosed to the buyer, seller and lender the financial interest of the producer of title business or associate referring the title insurance business.

(g) *(i)* No title insurer or title agent may accept an order for title insurance business, issue a title insurance policy, or receive or retain any premium, or charge in connection with any transaction if:~~(i)~~ *(A)* The title insurer or title agent knows or has reason to believe that the transaction will constitute controlled business for that title insurer or title agent; and ~~(ii)~~ *(B)* 70% or more of the closed title orders of that title insurer or title agent during the 12 full calendar months immediately preceding the

month in which the transaction takes place is derived from controlled business. ~~The prohibitions contained in this paragraph shall not apply to transactions involving real estate located in a county that has a population, as shown by the last preceding decennial census, of 10,000 or less.~~

(ii) Paragraph (g) shall become effective on and after January 1, 2026.

(h) Within 90 days following the end of each business year, as established by the title insurer or title agent, each title insurer or title agent shall file with the department of insurance and any title insurer with which the title agent maintains an underwriting agreement, a report executed by the title insurer's or title agent's chief executive officer or designee, under penalty of perjury, stating the percent of closed title orders originating from controlled business. The failure of a title insurer or title agent to comply with the requirements of this section, at the discretion of the commissioner, shall be grounds for the suspension or revocation of a license or other disciplinary action, with the commissioner able to mitigate any such disciplinary action if the title insurer or title agent is found to be in substantial compliance with competitive behavior as defined by federal housing and urban development statement of policy 1996-2.

(i) (1) No title insurer or title agent may accept any title insurance order or issue a title insurance policy to any person if it knows or has reason to believe that such person was referred to it by any producer of title business or by any associate of such producer, where the producer, the associate, or both, have a financial interest in the title insurer or title agent to which business is referred unless the producer has disclosed in writing to the person so referred the fact that such producer or associate has a financial interest in the title insurer or title agent, the nature of the financial interest and a written estimate of the charge or range of charges generally made by the title insurer or agent for the title services. Such disclosure shall include language stating that the consumer is not obligated to use the title insurer or agent in which the referring producer or associate has a financial interest and shall include the names and telephone numbers of not less than three other title insurers or agents that operate in the county in which the property is located. If fewer than three insurers or agents operate in that county, the disclosure shall include all title insurers or agents operating in that county. Such written disclosure shall be signed by the person so referred and must have occurred prior to any commitment having been made to such title insurer or agent.

(2) No producer of title business or associate of such producer shall require, directly or indirectly, as a condition to selling or furnishing any other person any loan or extension thereof, credit, sale, property, contract, lease or service, that such other person shall purchase title insurance of any kind through any title agent or title insurer if such producer has a financial interest in such title agent or title insurer.

(3) No title insurer or title agent may accept any title insurance order or issue a title insurance policy to any person it knows or has reason to believe that the name of the title company was pre-printed in the sales contract, prior to the buyer or seller selecting that title company.

(4) Nothing in this paragraph shall prohibit any producer of title business or associate of such producer from referring title business to any title insurer or title agent of such producer's or associate's choice, and, if such producer or associate of such producer has any financial interest in the title insurer, from receiving income, profits or dividends produced or realized from such financial interest, ~~so long as~~ *if*:

(a) Such financial interest is disclosed to the purchaser of the title insurance in accordance with paragraphs (i)(1) through (i)(4);

(b) the payment of income, profits or dividends is not in exchange for the referral of business; and

(c) the receipt of income, profits or dividends constitutes only a return on the investment of the producer or associate.

(5) Any producer of title business or associate of such producer who violates the provisions of paragraphs (i)(2) through (i)(4), or any title insurer or title agent who accepts an order for title insurance knowing that it is in violation of paragraphs (i)(2) through (i)(4), in addition to any other action that may be taken by the commissioner of insurance, shall be subject to a fine by the commissioner in an amount equal to five times the premium for the title insurance and, if licensed pursuant to K.S.A. 58-3034 et seq., and amendments thereto, shall be deemed to have committed a prohibited act pursuant to K.S.A. 58-3602, and amendments thereto, and shall be liable to the purchaser of such title insurance in an amount equal to the premium for the title insurance.

(6) Any title insurer or title agent that is a competitor of any title insurer or title agent that, subsequent to the effective date of this act, has violated or is violating the provisions of this paragraph, shall have a cause of action against such title insurer or title agent and, upon establishing the existence of a violation of any such provision, shall be entitled, in addition to any other damages or remedies provided by law, to such equitable or injunctive relief as the court deems proper. In any such action under this subsection, the court may award to the successful party the court costs of the action together with reasonable attorney fees.

(7) The commissioner shall also require each title agent to provide core title services as required by the real estate settlement procedures act.

(j) The commissioner shall adopt any rules and regulations necessary to carry out the provisions of this act.

~~(15)~~*(16) Disclosure of nonpublic personal information.* (a) No person shall disclose any nonpublic personal information contrary to the provisions of title V of the Gramm-Leach-Bliley act of 1999~~(~~, public law

106-102~~)~~. The commissioner may adopt rules and regulations necessary to carry out this subsection. Such rules and regulations shall be consistent with and not more restrictive than the model regulation adopted on September 26, 2000, by the national association of insurance commissioners entitled "Privacy of consumer financial and health information regulation~~"~~."

(b) Nothing in this subsection shall be deemed or construed to authorize the promulgation or adoption of any regulation that preempts, supersedes or is inconsistent with any provision of Kansas law concerning requirements for notification of, or obtaining consent from, a parent, guardian or other legal custodian of a minor relating to any matter pertaining to the health and medical treatment for such minor.

Sec. 17. K.S.A. 40-2253 is hereby amended to read as follows: 40-2253. (a) The commissioner of insurance shall devise universal forms to be utilized by every insurance company, including health maintenance organizations where applicable, offering any type of accident and sickness policy covering individuals residing in this state for the purpose of receiving every claim under such policy by persons covered thereunder. In the preparation of such forms, the commissioner may confer with representatives of insurance companies, health maintenance organizations, trade associations and other interested parties. Upon completion and final adoption of such forms by the commissioner, the commissioner shall notify those companies affected by sending them a copy of such forms and an explanation of the requirements of this section. Every such company shall implement utilization of such forms not later than six months following the date of the commissioner's notification.

(b) An accident and sickness insurer may not refuse to accept a claim submitted on duly promulgated uniform claim forms. An insurer may accept claims submitted on any other form.

(c) An accident and sickness insurer does not violate subsection (a) by using a document that the accident and sickness insurer has been required to use by the federal government or the state.

~~(d) The commissioner of insurance shall report to the governor and to the legislature, no later than the commencement of the 1993 regular session of the Kansas legislature, regarding the development of uniform electronic data interchange formats and standards, along with a proposed plan, including an analysis of the cost impact thereof.~~

Sec. 18. K.S.A. 40-3807 is hereby amended to read as follows: 40-3807. (a) All insurance charges, premiums, collateral and loss reimbursements collected by an administrator on behalf of or for a payor, and the return of premiums or collateral received from that payor, shall be held by the administrator in a fiduciary capacity. Such funds shall be immediately remitted to the person or persons entitled thereto, or shall be deposited

promptly in a fiduciary account established and maintained by the administrator in a federally or state-insured financial institution. *A separate fiduciary account shall be maintained by the administrator for each payor and shall not contain funds collected or held by the administrator on behalf of multiple payors.* The written agreement between the administrator and the payor shall provide for the administrator to periodically render an accounting to the payor detailing all transactions performed by the administrator pertaining to the business of the payor, and the written agreement between the payor and the administrator shall include specifications of this reporting.

(b) The administrator shall keep copies of all records of any fiduciary account maintained or controlled by the administrator, and, upon request of a payor, shall furnish the payor with copies of such records pertaining to deposits and withdrawals on behalf of the payor. If charges or premiums so deposited have been collected on behalf of or for more than one payor, or for the payment of claims associated with more than one policy, the administrator shall keep records clearly recording the deposits in and withdrawals from the account on behalf of each payor and relating to each policyholder.

(c) The administrator shall not pay any claim by withdrawals from a fiduciary account in which premiums or charges are deposited. Withdrawals from a fiduciary account shall be made as provided in the written agreement between the administrator and the payor, and only for the following purposes: (1) Remittance to an insurer entitled thereto; (2) deposit in an account maintained in the name of the payor; (3) transfer to and deposit in a claims paying account, with claims to be paid as provided in subsection (d); (4) payment to a group policyholder for remittance to the payor entitled thereto; (5) payment to the administrator of its earned commissions, fees or charges; (6) remittance of return premiums to the person or persons entitled thereto; or (7) payment to other service providers as authorized by the payor.

(d) All claims paid by the administrator from funds collected on behalf of or for a payor shall be paid only as authorized by the payor. Payments from an account maintained or controlled by the administrator may be made for the following purposes including the payment of claims: (1) Payment of valid claims; (2) payment of expenses associated with the handling of claims to the administrator or to other service providers approved by the payor; (3) remittance to the payor, or transfer to a successor administrator as directed by the payor, for the purpose of paying claims and associated expenses; and (4) return of funds held as collateral or prepayment, to the person entitled to those funds, upon a determination by the payor that those funds are no longer necessary to secure or facilitate the payment of claims and associated expenses.

Sec. 19. K.S.A. 40-3809 is hereby amended to read as follows: 40-3809. (a) Where the services of an administrator are utilized, the administrator shall provide a written notice, approved by the payor, to covered individuals advising them of the identity of and relationship among the administrator, the policyholder and the payor.

(b) When an administrator collects funds, the reason for collection of each item shall be identified to the insured party and each item shall be shown separately from any premium. Additional charges may not be made for services to the extent the services have already been paid for by the payor.

(c) The administrator shall disclose to the payor all charges, fees and commissions that the administrator receives arising from services it provides for the payor, including any fees or commissions paid by payors providing reinsurance or stop-loss insurance.

(d) An administrator shall disclose to the commissioner any bankruptcy petition filed by or on behalf of such administrator pursuant to chapter 9 or chapter 11 of the United States bankruptcy code at the time such filing is made.

Sec. 20. K.S.A. 8-173, 40-108, 40-2253, 40-3807 and 40-3809 and K.S.A. 2024 Supp. 40-2,125 and 40-2404 are hereby repealed.

Sec. 21. On and after January 1, 2026, K.S.A. 40-1139 and K.S.A. 2024 Supp. 40-1137 are hereby repealed.

Sec. 22. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 8, 2025.

CHAPTER 95

HOUSE BILL No. 2371
(Amended by Chapter 125)

AN ACT concerning business entities; relating to the Kansas revised limited liability company act; providing for document form, signature and delivery options; specifying that a subscription for a limited liability company interest is irrevocable under certain circumstances; modifying requirements related to domestic limited liability company division, certificates of division and certificates of amendment of certificate of division and certificates of merger or consolidation of series; relating to series limited liability companies; authorizing a limited liability company and any of its series to elect to consolidate its operations as a single taxpayer and elect to be treated as a single business for certain purposes; permitting operating agreements to impose restrictions, duties and obligations on members; specifying that wrongful transfer of property with intent to hinder, delay or defraud creditors or to defraud shall be deemed void; relating to the business entity transactions act; modifying requirements related to certificates of merger, certificates of interest exchange, certificates of conversion and certificates of domestication; relating to the business entity standard treatment act; including certificates of amendment to certificate of designation and certificates of merger or consolidation of series as documents related to limited liability companies to be filed with the secretary of state; specifying circumstances under which changes related to a resident agent shall be deemed a change of name of the person or entity acting as a resident agent; amending K.S.A. 17-7662, 17-7663, 17-7668, 17-7670, 17-7681, 17-7682, 17-7685a, 17-7686, 17-7687, 17-7690, 17-7695, 17-7698, 17-76,143, 17-76,143a, 17-76,145, 17-76,146, 17-76,148, 17-76,149, 17-76,151, 17-76,152, 17-78-205, 17-78-206, 17-78-305, 17-78-306, 17-78-405, 17-78-505, 17-7904, 17-7925, 17-7927 and 17-7929 and K.S.A. 2024 Supp. 17-76,136 and repealing the existing sections; also repealing K.S.A. 17-76,150.

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

New Section 1. (a) (1) Except as provided in subsection (b), without limiting the manner in which any act or transaction may be documented or the manner in which a document may be signed or delivered:

(A) Any act or transaction contemplated or governed by the Kansas revised limited liability company act or the operating agreement may be provided for in a document, and an electronic transmission is the equivalent of a written document.

(B) Whenever the Kansas revised limited liability company act or the operating agreement requires or permits a signature, the signature may be a manual, facsimile, conformed or electronic signature. "Electronic signature" means an electronic symbol or process that is attached to, or logically associated with, a document and executed or adopted by a person with an intent to execute, authenticate or adopt the document. A person may execute a document with such person's signature.

(C) Unless otherwise provided in the operating agreement or agreed between the sender and recipient, an electronic transmission is delivered to a person for purposes of the Kansas revised limited liability company act and the operating agreement when it enters an information

processing system that the person has designated for the purpose of receiving electronic transmissions of the type delivered if the electronic transmission is in a form capable of being processed by that system and such person is able to retrieve the electronic transmission. Whether a person has so designated an information processing system is determined by the operating agreement or from the context and surrounding circumstances, including the parties' conduct. An electronic transmission is delivered under this section even if no person is aware of its receipt. Receipt of an electronic acknowledgement from an information processing system establishes that an electronic transmission was received but, by itself, does not establish that the content sent corresponds to the content received.

(2) The Kansas revised limited liability company act shall not prohibit one or more persons from conducting a transaction in accordance with the uniform electronic transactions act, K.S.A. 16-601 et seq., and amendments thereto, if the part or parts of the transaction that are governed by the Kansas revised limited liability company act are documented, signed and delivered in accordance with this subsection or otherwise in accordance with the Kansas revised limited liability company act. This subsection shall apply solely for purposes of determining whether an act or transaction has been documented, and the document has been signed and delivered, in accordance with the Kansas revised limited liability company act and the operating agreement.

(b) (1) Subsection (a) shall not apply to:

(A) A document filed with or submitted to the secretary of state or a court or other judicial or governmental body of this state;

(B) a certificate of limited liability company interest, except that a signature on a certificate of limited liability company interest may be manual, facsimile or electronic signature; and

(C) an act or transaction effected pursuant to article 79 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto, or K.S.A. 17-7667, 17-76,130, 17-76,131, 17-76,132 and 17-76,133, and amendments thereto.

(2) The provisions of paragraph (1) shall not create any presumption about the lawful means to document a matter addressed by this subsection or the lawful means to sign or deliver a document addressed by this subsection. A provision of the operating agreement shall not limit the application of subsection (a) unless the provision expressly restricts one or more of the means of documenting an act or transaction, or of signing or delivering a document, permitted by subsection (a).

(c) In the event that any provision of the Kansas revised limited liability company act is deemed to modify, limit or supersede the federal electronic signatures in global and national commerce act, 15 U.S.C. § 7001

et. seq., the provisions of the Kansas revised limited liability company act shall control to the fullest extent permitted by 15 U.S.C. § 7002(a)(2).

(d) This section shall be a part of and supplemental to article 76 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto.

New Sec. 2. (a) For all purposes of the laws of the state of Kansas, a subscription for a limited liability company interest, whether submitted in writing, by means of electronic transmission or as otherwise permitted by applicable law, is irrevocable if the subscription states that such subscription is irrevocable to the extent provided by the terms of the subscription.

(b) This section shall be a part of and supplemental to article 76 of chapter 17 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 3. K.S.A. 17-7662 is hereby amended to read as follows: 17-7662. K.S.A. 17-7662 through ~~17-76,142, and amendments thereto, and K.S.A. 17-76,143 through 17-76,146, 17-7676a, 17-7685a, 17-76,143a and 17-76,147 through~~ 17-76,155, and amendments thereto, *and sections 1 and 2, and amendments thereto,* shall be known and may be cited as the Kansas revised limited liability company act.

Sec. 4. K.S.A. 17-7663 is hereby amended to read as follows: 17-7663. As used in the Kansas revised limited liability company act unless the context otherwise requires:

(a) "Articles of organization" means the articles of organization referred to in K.S.A. 17-7673, and amendments thereto, and the articles of organization as amended.

(b) "Bankruptcy" means an event that causes a person to cease to be a member as provided in K.S.A. 17-7689, and amendments thereto.

(c) "Contribution" means any cash, property, services rendered or a promissory note or other obligation to contribute cash or property or to perform services~~, which~~ *that* a person contributes to a limited liability company in such person's capacity as a member.

(d) *"Document" means:*

(1) Any tangible medium on which information is inscribed. "Document" includes handwritten, typed, printed or similar instruments and copies of such instruments; and

(2) an electronic transmission.

(e) "Electronic transmission" means any form of communication not directly involving the physical transmission of paper, including the use of, or participation in, one or more electronic networks or databases, including one or more distributed electronic networks or databases, that creates a record that may be retained, retrieved and reviewed by a recipient thereof and directly reproduced in paper form by such a recipient through an automated process.

(f) "Foreign limited liability company" means a limited liability company formed under the laws of any state or under the laws of any foreign country or other foreign jurisdiction. When used in the Kansas revised limited liability company act in reference to a foreign limited liability company, the terms "operating agreement," "limited liability company interest," "manager" or "member" shall mean an operating agreement, limited liability company interest, manager or member, respectively, under the laws of the state or foreign country or other foreign jurisdiction under which the foreign limited liability company is formed.

~~(e)~~*(g)* "Knowledge" means a person's actual knowledge of a fact, rather than the person's constructive knowledge of the fact.

~~(f)~~*(h)* "Limited liability company" and "domestic limited liability company" ~~means~~ *mean* a limited liability company formed under the laws of the state of Kansas and having one or more members.

~~(g)~~*(i)* "Limited liability company interest" means a member's share of the profits and losses of a limited liability company and a member's right to receive distributions of the limited liability company's assets.

~~(h)~~*(j)* "Liquidating trustee" means a person carrying out the winding up of a limited liability company.

~~(i)~~*(k)* "Manager" means a person who is named as a manager of a limited liability company in, or designated as a manager of a limited liability company pursuant to, an operating agreement or similar instrument under which the limited liability company is formed. *"Manager" includes a manager of the limited liability company generally and a manager associated with a series of the limited liability company. Unless the context otherwise requires, references in the Kansas revised limited liability company act to a manager, including references in the Kansas revised limited liability company act to a manager of a limited liability company, shall be deemed to be references to a manager of the limited liability company generally and to a manager associated with a series with respect to such series.*

~~(j)~~*(l)* "Member" means a person who is admitted to a limited liability company as a member as provided in K.S.A. 17-7686, and amendments thereto. *"Member" includes a member of the limited liability company generally and a member associated with a series of the limited liability company. Unless the context otherwise requires, references in the Kansas revised limited liability company act to a member, including references in the Kansas revised limited liability company act to a member of a limited liability company, shall be deemed to be references to a member of the limited liability company generally and to a member associated with a series with respect to such series.*

~~(k)~~*(m)* "Operating agreement" means any agreement, whether referred to as an operating agreement, limited liability company agreement or otherwise, written, oral, or implied, of the member or members as to

the affairs of a limited liability company and the conduct of its business. A member or manager of a limited liability company or an assignee of a limited liability company interest is bound by the operating agreement whether or not the member or manager or assignee executes the operating agreement. A limited liability company, *including any series thereof,* is not required to execute its operating agreement. A limited liability company, *including any series thereof,* is bound by its operating agreement whether or not the limited liability company, *or any series thereof,* executes the operating agreement. An operating agreement of a limited liability company having only one member shall not be unenforceable by reason of there being only one person who is a party to the operating agreement. An operating agreement is not subject to any statute of frauds, including K.S.A. 33-106, and amendments thereto. An operating agreement may provide rights to any person, including a person who is not a party to the operating agreement, to the extent set forth therein. A written operating agreement or another written agreement or writing:

(1) May provide that a person shall be admitted as a member of a limited liability company, or shall become an assignee of a limited liability company interest or other rights or powers of a member to the extent assigned:

(A) If such person, or a representative authorized by such person orally, in writing or by other action such as payment for a limited liability company interest, executes the operating agreement or any other writing evidencing the intent of such person to become a member or assignee; or

(B) without such execution, if such person, or a representative authorized by such person orally, in writing or by other action such as payment for a limited liability company interest, complies with the conditions for becoming a member or assignee as set forth in the operating agreement or any other writing; ~~and~~

(2) shall not be unenforceable by reason of its not having been signed by a person being admitted as a member or becoming an assignee as provided in subsection (k)(1), or by reason of its having been signed by a representative as provided in the Kansas revised limited liability company act*; and*

(3) may consist of one or more agreements, instruments or other writings and include or incorporate one or more schedules, supplements or other writings containing provisions as to the conduct of the business and affairs of the limited liability company or any series thereof.

~~(l)~~*(n)* "Person" means a natural person, partnership, whether general or limited, limited liability company, trust, including a common law trust, business trust, statutory trust, voting trust or any other form of trust, estate, association, including any group, organization, ~~co-tenancy~~ *cotenancy*, plan, board, council or committee, corporation, government,

including a country, state, county or any other governmental subdivision, agency or instrumentality, custodian, nominee or any other individual or entity, or series thereof, in its own or any representative capacity, in each case, whether domestic or foreign.

~~(m)~~*(o)* "Personal representative" means, as to a natural person, the executor, administrator, guardian, conservator or other legal representative thereof and, as to a person other than a natural person, the legal representative or successor thereof.

~~(n)~~*(p)* "Series" means a designated series of members, managers, limited liability company interests or assets that is established in accordance with K.S.A. 17-76,143, and amendments thereto.

~~(o)~~*(q)* "State" means the District of Columbia or the commonwealth of Puerto Rico or any state, territory, possession or other jurisdiction of the United States other than the state of Kansas.

Sec. 5. K.S.A. 17-7668 is hereby amended to read as follows: 17-7668. (a) Unless otherwise specifically prohibited by law, a limited liability company may carry on any lawful business, purpose or activity, whether or not for profit with the exception of the business of granting policies of insurance, or assuming insurance risks or banking as defined in K.S.A. 9-702, and amendments thereto.

(b) A limited liability company shall possess and may exercise all the powers and privileges granted by this act or by any other law or by its operating agreement, together with any powers incidental thereto, including such powers and privileges as are necessary or convenient to the conduct, promotion or attainment of the business, purposes or activities of the limited liability company.

(c) A limited liability company organized and existing under the Kansas revised limited liability company act or otherwise qualified to do business in Kansas may have and exercise all powers that may be exercised by a Kansas professional association or professional corporation under the professional corporation law of Kansas, including employment of professionals to practice a profession, which shall be limited to the practice of one profession, except as provided in K.S.A. 17-2710, and amendments thereto.

(d) Only a qualified person may be a member of a limited liability company organized to exercise powers of a professional association or professional corporation. No membership may be transferred to another person until there is presented to such limited liability company a certificate by the licensing body, as defined in K.S.A. 74-146, and amendments thereto, stating that the person to whom the transfer is made or the membership issued is duly licensed to render the same type of professional services as that for which the limited liability company was organized.

(e) As used in the section, "qualified person" means:

(1) Any natural person licensed to practice the same type of profession that any professional association or professional corporation is authorized to practice;

(2) the trustee of a trust that is a qualified trust under section 401(a) of the federal internal revenue code of 1986, as in effect, on July 1, 1999, or of a contribution plan that is a qualified employee stock ownership plan under section 409A(a) of the federal internal revenue code of 1986, as in effect, on July 1, 1999;

(3) the trustee of a revocable living trust established by a natural person who is licensed to practice the type of profession that any professional association or professional corporation is authorized to practice, if the terms of such trust provide that such natural person is the principal beneficiary and sole trustee of such trust and such trust does not continue to hold title to membership in the limited liability company following such natural person's death for more than a reasonable period of time necessary to dispose of such membership;

(4) a Kansas professional corporation or foreign professional corporation in which at least one member or shareholder is authorized by a licensing body, as defined in K.S.A. 74-146, and amendments thereto, to render in this state a professional service permitted by the articles of organization;

(5) a general partnership or limited liability company, if all partners or members thereof are authorized to render the professional services permitted by the articles of organization of the limited liability company formed pursuant to this section and in which at least one partner or member is authorized by a licensing authority of this state to render in this state the professional services permitted by the articles of organization of the limited liability company; or

(6) a healing arts school clinic authorized to perform professional services in accordance with K.S.A. 65-2877a, and amendments thereto.

(f) Nothing in this act shall restrict or limit in any manner the authority and duty of any licensing body, as defined in K.S.A. 74-146, and amendments thereto, for the licensing of individual persons rendering a professional service or the practice of the profession that is within the jurisdiction of the licensing body, notwithstanding that the person is an officer, manager, member or employee of a limited liability company organized to exercise powers of a professional association or professional corporation. Each licensing body may adopt rules and regulations governing the practice of each profession as are necessary to enforce and comply with this act and the law applicable to each profession.

(g) A licensing body, as defined in K.S.A. 74-146, and amendments thereto, the attorney general or district or county attorney may bring an action in the name of the state of Kansas in quo warranto or injunction

against a limited liability company engaging in the practice of a profession without complying with the provisions of this act.

(h) Notwithstanding any provision of this act to the contrary, without limiting the general powers enumerated in subsection (b), a limited liability company shall, subject to such standards and restrictions, if any, as are set forth in its operating agreement, have the power and authority to make contracts of guaranty and suretyship and enter into interest rate, basis, currency, hedge or other swap agreements or cap, floor, put, call, option, exchange or collar agreements, derivative agreements, or other agreements similar to any of the foregoing.

(i) Unless otherwise provided in an operating agreement, a limited liability company has the power and authority to grant, hold or exercise a power of attorney, including an irrevocable power of attorney.

(j) (1) (A) Except as provided in subparagraph (B), any act or transaction that may be taken by or in respect of a limited liability company under the Kansas revised limited liability company act or an operating agreement, but that is void or voidable when taken, may be ratified, or the failure to comply with any requirements of the operating agreement making such act or transaction void or voidable may be waived, by the members, managers or other persons whose approval would be required under the operating agreement (i) for such act or transaction to be validly taken, or (ii) to amend the operating agreement in a manner that would permit such act or transaction to be validly taken, in each case at the time of such ratification or waiver.

(B) If the void or voidable act or transaction was the issuance or assignment of any limited liability company interests, the limited liability company interests purportedly issued or assigned shall be deemed not to have been issued or assigned for purposes of determining whether the void or voidable act or transaction was ratified or waived pursuant to this subsection.

(2) Any act or transaction that is ratified, or with respect to which the failure to comply with any requirements of the operating agreement is waived, pursuant to this subsection shall be deemed validly taken at the time of such act or transaction.

(3) If an amendment to the operating agreement to permit any such act or transaction to be validly taken would require notice to any members, managers or other persons under the operating agreement and the ratification or waiver of such act or transaction is effectuated pursuant to this subsection by the members, managers or other persons whose approval would be required to amend the operating agreement, notice of such ratification or waiver shall be given following such ratification or waiver to the members, managers or other persons who would have been entitled to notice of such an amendment and who have not otherwise received notice of, or participated in, such ratification or waiver.

(4) The provisions of this subsection shall not be construed to limit the accomplishment of a ratification or waiver of a void or voidable act by other means permitted by law.

(5) Upon application of the limited liability company, any member, manager or person claiming to be substantially and adversely affected by a ratification or waiver pursuant to this subsection, excluding any harm that would have resulted if such act or transaction had been valid when taken, the district court may hear and determine the validity and effectiveness of the ratification of, or waiver with respect to, any void or voidable act or transaction effectuated pursuant to this subsection. In any such application, the limited liability company shall be named as a party and service of the application upon the resident agent of the limited liability company shall be deemed to be service upon the limited liability company, and no other party need be joined in order for the court to adjudicate the validity and effectiveness of the ratification or waiver. The court may make such order respecting further or other notice of such application as it deems proper under these circumstances. Nothing in this paragraph limits or affects the right to serve process in any other manner now or hereafter provided by law, and this provision is an extension of and not a limitation upon the right otherwise existing of service of legal process upon nonresidents.

Sec. 6. K.S.A. 17-7670 is hereby amended to read as follows: 17-7670. (a) Subject to such standards and restrictions, if any, as are set forth in its operating agreement, a limited liability company may, and shall have the power to, indemnify and hold harmless any member or manager or other person from and against any and all claims and demands whatsoever.

(b) *(1) Except as provided in the operating agreement,* to the extent that a present or former member, manager~~,~~ *or* officer~~, employee or agent~~ of a limited liability company has been successful on the merits or otherwise ~~as a plaintiff in an action to determine that the plaintiff is a member of a limited liability company or~~ in defense of any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that such person is or was a member, manager, officer, employee or agent of the limited liability company, or is or was serving at the request of the limited liability company as a member, manager, director, officer, employee or agent of another limited liability company, corporation, partnership, joint venture, trust or other enterprise, or in defense of any claim, issue or matter therein, such member, manager, officer, employee or agent shall be indemnified by the limited liability company against expenses actually and reasonably incurred by such person in connection therewith, including attorney fees.

(2) For indemnification with respect to any act or omission occurring after June 30, 2025, references to "officer" for purposes of this subsection only means an officer of the limited liability company who:

(A) Is or was the president, chief executive officer, chief operating officer, chief financial officer, chief legal officer, controller, treasurer or chief accounting officer of the limited liability company; or

(B) is or was identified in the limited liability company's public filings with the United States securities and exchange commission, because such person is or was one of the most highly compensated executive officers of the limited liability company.

Sec. 7. K.S.A. 17-7681 is hereby amended to read as follows: 17-7681. (a) Pursuant to an agreement of merger or consolidation, one or more domestic limited liability companies may merge or consolidate with or into one or more limited liability companies formed under the laws of the state of Kansas or any other state or any foreign country or other foreign jurisdiction, or any combination thereof, with such limited liability company as the agreement shall provide being the surviving or resulting limited liability company.

(1) (A) Unless otherwise provided in the operating agreement, an agreement of merger or consolidation shall be consented to or approved by each domestic limited liability company ~~which~~ *that* is to merge or consolidate by members who own more than 50% of the then-current percentage or other interest in the profits of the domestic limited liability company owned by all of the members;

(B) unless otherwise provided in the operating agreement, a limited liability company whose original articles of organization were filed with the secretary of state and effective on or prior to June 30, 2019, shall not be governed by subsection (a)(1)(A)~~,~~ but shall be governed by this subparagraph. Unless otherwise provided in the operating agreement, an agreement of merger or consolidation shall be consented to or approved by each domestic limited liability company ~~which~~ *that* is to merge or consolidate by the members, or if there is more than one class or group of members, then by each class or group of members, in either case, by members who own more than 50% of the then current percentage or other interest in the profits of the domestic limited liability company owned by all of the members or by the members in each class or group, as appropriate.

(2) In connection with a merger or consolidation hereunder, rights or securities of, or interests in, a domestic limited liability company ~~which~~ *that* is a constituent party to the merger or consolidation may be exchanged for or converted into cash, property, rights or securities of, or interests in, the surviving or resulting limited liability company or, in addition to or in lieu thereof, may be exchanged for or converted into cash, property, rights or securities of, or interests in, an entity as defined in K.S.A. 17-78-102, and amendments thereto, that is not the surviving or resulting limited liability company in the merger or consolidation, may remain outstanding, or may be canceled.

(3) Notwithstanding prior consent or approval, an agreement of merger or consolidation may be terminated or amended pursuant to a provision for such termination or amendment contained in the agreement of merger or consolidation.

(b) The limited liability company surviving or resulting in or from the merger or consolidation shall file a certificate of merger or consolidation executed by one or more authorized persons on behalf of the domestic limited liability company when it is the surviving or resulting entity with the secretary of state. The certificate of merger or consolidation shall state:

(1) The name and jurisdiction of formation or organization of each of the limited liability companies ~~which~~ *that* is to merge or consolidate;

(2) that an agreement of merger or consolidation has been consented to or approved and executed by each of the limited liability companies ~~which~~ *that* is to merge or consolidate;

(3) the name of the surviving or resulting limited liability company;

(4) in the case of a merger in which a domestic limited liability company is the surviving entity, such amendments, if any, to the articles of organization of the surviving domestic limited liability company ~~to change its name, registered office or resident agent~~ as are desired to be effected by the merger, *and such amendments may amend and restate the articles of organization of the surviving domestic limited liability company in its entirety*;

(5) the future effective date or time, which shall be a date certain, of the merger or consolidation if it is not to be effective upon the filing of the certificate of merger or consolidation;

(6) that the agreement of merger or consolidation is on file at a place of business of the surviving or resulting limited liability company, and shall state the address thereof;

(7) that a copy of the agreement of merger or consolidation will be furnished by the surviving or resulting limited liability company, on request and without cost, to any member of any limited liability company ~~which~~ *that* is to merge or consolidate; and

(8) if the surviving or resulting limited liability company is not a domestic limited liability company, a statement that such surviving or resulting limited liability company agrees that it may be served with process in the state of Kansas in any action, suit or proceeding for the enforcement of any obligation of any domestic limited liability company ~~which~~ *that* is to merge or consolidate, irrevocably appointing the secretary of state as its agent to accept service of process in any such action, suit or proceeding and specifying the address to which a copy of such process shall be mailed to it by the secretary of state.

(c) A certificate of merger or consolidation shall act as a certificate of cancellation for a domestic limited liability company ~~which~~ *that* is not the

surviving or resulting limited liability company in the merger or consolidation. A certificate of merger that sets forth any amendment in accordance with subsection (b)(4) shall be deemed to be an amendment to the articles of organization of the limited liability company, and the limited liability company shall not be required to take any further action to amend its articles of organization under K.S.A. 17-7674 *or 17-7680*, and amendments thereto, with respect to such amendments set forth in the certificate of merger. Whenever this section requires the filing of a certificate of merger or consolidation, such requirement shall be deemed satisfied by the filing of an agreement of merger or consolidation containing the information required by this section to be set forth in the certificate of merger or consolidation.

(d) *(1) For a limited liability company if it is the surviving or resulting limited liability company in the merger or consolidation,* an agreement of merger or consolidation consented to or approved in accordance with subsection (a) may:

~~(1)~~*(A)* Effect any amendment to the operating agreement; or

~~(2)~~*(B)* effect the adoption of a new operating agreement~~, for a limited liability company if it is the surviving or resulting limited liability company in the merger or consolidation~~.

(2) Any amendment to an operating agreement or adoption of a new operating agreement made pursuant to ~~the foregoing sentence~~ *paragraph (1)* shall be effective at the effective time or date of the merger or consolidation and shall be effective notwithstanding any provision of the operating agreement relating to amendment or adoption of a new operating agreement, other than a provision that by its terms applies to an amendment to the operating agreement or the adoption of a new operating agreement, in either case, in connection with a merger or consolidation. The provisions of this subsection shall not be construed to limit the accomplishment of a merger or of any of the matters referred to herein by any other means provided for in an operating agreement or other agreement or as otherwise permitted by law, including that the operating agreement of any constituent limited liability company to the merger or consolidation, including a limited liability company formed for the purpose of consummating a merger or consolidation, shall be the operating agreement of the surviving or resulting limited liability company.

(e) When any merger or consolidation shall have become effective under this section, for all purposes of the laws of the state of Kansas, all of the rights, privileges and powers of each of the limited liability companies that have merged or consolidated, and all property, real, personal and mixed, and all debts due to any of the limited liability companies, as well as all other things and causes of action belonging to each of such limited liability companies, shall be vested in the surviving or resulting limited

liability company, and shall thereafter be the property of the surviving or resulting limited liability company as they were of each of the limited liability companies that have merged or consolidated, and the title to any real property vested by deed or otherwise, under the laws of the state of Kansas, in any of such limited liability companies, shall not revert or be in any way impaired by reason of this act, but all rights of creditors and all liens upon any property of any of the limited liability companies shall be preserved unimpaired, and all debts, liabilities and duties of each of the limited liability companies that have merged or consolidated shall thenceforth attach to the surviving or resulting limited liability company, and may be enforced against it to the same extent as if the debts, liabilities and duties had been incurred or contracted by it. Unless otherwise agreed, a merger or consolidation of a domestic limited liability company, including a domestic limited liability company ~~which~~ *that* is not the surviving or resulting entity in the merger or consolidation, shall not require such domestic limited liability company to wind up its affairs under K.S.A. 17-76,118, and amendments thereto, or pay its liabilities and distribute its assets under K.S.A. 17-76,119, and amendments thereto, and the merger or consolidation shall not constitute a dissolution of such limited liability company.

(f) A limited liability company may merge or consolidate with or into any other entity in accordance with the business entity transactions act, K.S.A. 17-78-101 et seq., and amendments thereto.

(g) An operating agreement may provide that a domestic limited liability company shall not have the power to merge or consolidate as set forth in this section.

Sec. 8. K.S.A. 17-7682 is hereby amended to read as follows: 17-7682. *Unless otherwise provided in* an operating agreement or an agreement of merger or consolidation ~~may provide that contractual~~ *or a plan of division, no* appraisal rights *shall be available* with respect to a limited liability company interest or another interest in a limited liability company ~~shall be available for any class, group or series of members or limited liability company interests~~*, including* in connection with any amendment of an operating agreement, any merger or consolidation in which the limited liability company *or a series of the limited liability company* is a constituent party to the merger or consolidation, *any division of the limited liability company,* or the sale of all or substantially all of the limited liability company's assets. The district court shall have jurisdiction to hear and determine any matter relating to any ~~such~~ appraisal rights *provided in an operating agreement or an agreement of merger or consolidation or a plan of division*.

Sec. 9. K.S.A. 17-7685a is hereby amended to read as follows: 17-7685a. (a) As used in this section~~, and K.S.A. 17-76,150, and amendments thereto,~~ and K.S.A. 17-7675 *and 17-7686*, and amendments thereto:

(1) "Dividing company" means the domestic limited liability company that is effecting a division in the manner provided in this section.

(2) "Division" means the division of a dividing company into two or more domestic limited liability companies in accordance with this section.

(3) "Division company" means a surviving company, if any, and each resulting company.

(4) "Division contact" means, in connection with any division, a natural person who is a Kansas resident, any division company in such division or any other domestic limited liability company or other domestic entity as defined in K.S.A. 17-78-102, and amendments thereto, which division contact shall maintain a copy of the plan of division for a period of six years from the effective date of the division and shall comply with subsection (g)(3).

(5) "Organizational documents" means the articles of organization and operating agreement of a domestic limited liability company.

(6) "Resulting company" means a domestic limited liability company formed as a consequence of a division.

(7) "Surviving company" means a dividing company that survives the division.

(b) Pursuant to a plan of division, any domestic limited liability company may, in the manner provided in this section, be divided into two or more domestic limited liability companies. The division of a domestic limited liability company in accordance with this section and, if applicable, the resulting cessation of the existence of the dividing company pursuant to a certificate of division shall not be deemed to affect the personal liability of any person incurred prior to such division with respect to matters arising prior to such division, nor shall it be deemed to affect the validity or enforceability of any obligations or liabilities of the dividing company incurred prior to such division~~,~~, except that ~~such~~ *the* obligations and liabilities *of the dividing company* shall be allocated to and vested in, and valid and enforceable obligations of, such division company or companies to which such obligations and liabilities have been allocated pursuant to the plan of division, as provided in subsection (l). Each resulting company in a division shall be formed in compliance with the requirements of the Kansas revised limited liability company act and subsection (i).

(c) If the operating agreement of the dividing company specifies the manner of adopting a plan of division, the plan of division shall be adopted as specified in the operating agreement. If the operating agreement of the dividing company does not specify the manner of adopting a plan of division and does not prohibit a division of the limited liability company, the plan of division shall be adopted in the same manner as is specified in the operating agreement for authorizing a merger or consolidation that involves the limited liability company as a constituent party to the merg-

er or consolidation. If the operating agreement of the dividing company does not specify the manner of adopting a plan of division or authorizing a merger or consolidation that involves the limited liability company as a constituent party and does not prohibit a division of the limited liability company, the adoption of a plan of division shall be authorized by the consent or approval of members who own more than 50% of the then-current percentage or other interest in the profits of the dividing company owned by all of the members. Notwithstanding prior consent or approval, a plan of division may be terminated or amended pursuant to a provision for such termination or amendment contained in the plan of division.

(d) Unless otherwise provided in a plan of division, the division of a domestic limited liability company pursuant to this section shall not require such limited liability company to wind up its affairs under K.S.A. 17-76,118, and amendments thereto, or pay its liabilities and distribute its assets under K.S.A. 17-76,119, and amendments thereto, and the division shall not constitute a dissolution of such limited liability company.

(e) In connection with a division under this section, rights or securities of, or interests in, the dividing company may be exchanged for or converted into cash, property, rights or securities of, or interests in, the surviving company or any resulting company or, in addition to or in lieu thereof, may be exchanged for or converted into cash, property, rights or securities of, or interests in, an entity as defined in K.S.A. 17-78-102, and amendments thereto, that is not a division company, or may be canceled or remain outstanding, if the dividing company is a surviving company.

(f) (1) A plan of division adopted in accordance with subsection (c):

(A) May effect: (i) Any amendment to the operating agreement of the dividing company if it is a surviving company in the division; or (ii) the adoption of a new operating agreement for the dividing company if it is a surviving company in the division; and

(B) shall effect the adoption of ~~a new~~ *an* operating agreement for each resulting company.

(2) Any amendment to an operating agreement or adoption of a new operating agreement for the dividing company, if it is a surviving company in the division, or adoption of ~~a new~~ *an* operating agreement for each resulting company made pursuant to this subsection shall be effective at the effective time or date of the division. Any amendment to an operating agreement or adoption of an operating agreement for the dividing company, if it is a surviving company in the division, shall be effective notwithstanding any provision in the operating agreement of the dividing company relating to amendment or adoption of a new operating agreement, other than a provision that by its terms applies to an amendment to the operating agreement or the adoption of a new operating agreement, in either case, in connection with a division, merger or consolidation.

(g) If a domestic limited liability company is dividing under this section, the dividing company shall adopt a plan of division that shall set forth:

(1) The terms and conditions of the division, including:

(A) Any conversion or exchange of the limited liability company interests of the dividing company into or for limited liability company interests or other securities or obligations of any division company or cash, property, or rights or securities or obligations of or interests in an entity as defined in K.S.A. 17-78-102, and amendments thereto, that is not a division company, or that the limited liability company interests of the dividing company shall remain outstanding or be canceled, or any combination of the foregoing; and

(B) the allocation of assets, property, rights, series, debts, liabilities, and duties of the dividing company among the division companies;

(2) the name of each resulting company and, if the dividing company will survive the division, the name of the surviving company;

(3) the name and business address of a division contact, which shall have custody of a copy of the plan of division. The division contact, or any successor division contact, shall serve for a period of six years following the effective date of the division. During such six-year period, the division contact shall provide, without cost, to any creditor of the dividing company, within 30 days following the division contact's receipt of a written request from any creditor of the dividing company, the name and business address of the division company to which the claim of such creditor was allocated pursuant to the plan of division; and

(4) any other matters that the dividing company determines to include therein.

(h) *(1)* If a domestic limited liability company divides under this section, the ~~surviving~~ *dividing* company~~, if any, or any other division company~~ shall file a certificate of division executed by one or more authorized persons on behalf of such ~~division~~ *dividing* company in the office of the secretary of state in accordance with K.S.A. 17-7910, and amendments thereto, and articles of organization that comply with K.S.A. 17-7673, and amendments thereto, for each resulting company executed by one or more authorized persons in accordance with K.S.A. 17-7908(b), and amendments thereto.

(2) The certificate of division shall state:

~~(1)~~*(A)* The name of the dividing company and, if it has been changed, the name under which its articles of organization were originally filed and whether the dividing company is a surviving company;

~~(2)~~*(B)* the name of each division company;

~~(3)~~*(C)* the name and business address of the division contact required by subsection (g)(3);

~~(4)~~*(D)* the future effective date or time, which shall be a date or time certain, of the division if it is not to be effective upon the filing of the certificate of division;

~~(5)~~*(E)* that the division has been consented to or approved in accordance with this section;

~~(6)~~*(F)* that the plan of division is on file at a place of business of such division company as is specified therein, and shall state the address thereof; ~~and~~

~~(7)~~*(G)* that a copy of the plan of division will be furnished by such division company as is specified therein, on request and without cost, to any member of the dividing company; *and*

(H) any other information that the dividing company determines to include therein.

(3) A certificate of division may be amended to change the name or business address of the division contact in a certificate of division or to change information in the certificate of division required by subsection (h)(2)(F). A certificate of division is amended by filing a certificate of amendment of certificate of division for each division company that exists as a limited liability company in the office of the secretary of state. Each certificate of amendment of certificate of division shall include all of the following:

(A) The name of the dividing company and, if the name has been changed, the name under which the dividing company's articles of organization were originally filed;

(B) the name of the division company to which the amendment to the certificate of division relates; and

(C) the amendment to the certificate of division.

(4) If the dividing company is a surviving company, a manager of the dividing company or, if there is no manager of the dividing company, any member of the dividing company who becomes aware that the name or business address of the division contact, or information in the certificate of division required by subsection (h)(2)(F), in a certificate of division was false when made or that the name or business address of the division contact, or information in the certificate of division required by subsection (h)(2)(F), in a certificate of division has changed, shall promptly amend the certificate of division. If the dividing company is not a surviving company or no longer exists as a limited liability company, a manager of any resulting company or, if there is no manager of any resulting company, then any member of any resulting company who becomes aware that the name or business address of the division contact, or information in the certificate of division required by subsection (h)(2)(F), in a certificate of division was false when made or that the name or business address of the division contact, or information in the certificate of division required by subsection (h)

(2)(F), in a certificate of division has changed, shall promptly amend the certificate of division. This subsection does not apply after the expiration of a period of six years following the effective date of the division.

(5) (A) Unless otherwise provided in the plan of division or the certificate of division, each certificate of amendment of certificate of division shall be executed as follows:

(i) If the dividing company is a surviving company, by one or more authorized persons on behalf of the dividing company acting on behalf of the division company to which the certificate of amendment of certificate of division relates; and

(ii) if the dividing company is not a surviving company or no longer exists as a limited liability company, by one or more authorized persons on behalf of a resulting company acting on behalf of the division company to which the certificate of amendment of certificate of division relates.

(B) Each division company is deemed to have consented to the execution of a certificate of amendment of certificate of division under this paragraph.

(6) Unless otherwise provided in the Kansas revised limited liability company act or unless a later effective date or time, which shall be a date or time certain, is provided for in the certificate of amendment of certificate of division, a certificate of amendment of certificate of division is effective at the time of its filing with the secretary of state.

(7) Subject to the Kansas revised limited liability company act, the secretary of state shall accept the filing of certificates of amendment of certificate of division for all division companies resulting from the same certificates of division if at least one division company is in good standing at the time of such filings.

(i) The certificate of division and each articles of organization for each resulting company required by subsection (h) shall be filed simultaneously in the office of the secretary of state and, if such certificate and articles of organization are not to become effective upon their filing, then each such certificate shall provide for the same effective date or time in accordance with K.S.A. 17-7911, and amendments thereto. Concurrently with the effective date or time of a division, the operating agreement of each resulting company shall become effective.

(j) A certificate of division shall act as a certificate of cancellation for a dividing company that is not a surviving company.

(k) An operating agreement may provide that a domestic limited liability company shall not have the power to divide as set forth in this section.

(l) Upon the division of a domestic limited liability company becoming effective:

(1) The dividing company shall be ~~subdivided~~ *divided* into the distinct and independent ~~resulting~~ *division* companies named in the plan

of division, and, if the dividing company is not a surviving company, the existence of the dividing company shall cease.

(2) For all purposes of the laws of the state of Kansas, all of the rights, privileges and powers, and all the property, real, personal, and mixed, of the dividing company and all debts due on whatever account to it, as well as all other things and other causes of action belonging to it, shall without further action be allocated to and vested in the applicable division company in such a manner and basis and with such effect as is specified in the plan of division, and the title to any real property or interest therein allocated to and vested in any division company shall not revert or be in any way impaired by reason of the division.

(3) Each division company shall, from and after effectiveness of the certificate of division, be liable as a separate and distinct domestic limited liability company for such debts, liabilities and duties of the dividing company as are allocated to such division company pursuant to the plan of division in the manner and on the basis provided in subsection (g)(1)(B).

(4) Each of the debts, liabilities and duties of the dividing company shall without further action be allocated to and be the debts, liabilities and duties of such division company as is specified in the plan of division as having such debts, liabilities and duties allocated to it, in such a manner and basis and with such effect as is specified in the plan of division, and no other division company shall be liable therefor, so long as the plan of division does not constitute a fraudulent transfer under applicable law, and all liens upon any property of the dividing company shall be preserved unimpaired, and all debts, liabilities and duties of the dividing company shall remain attached to the division company to which such debts, liabilities and duties have been allocated in the plan of division, and may be enforced against such division company to the same extent as if such debts, liabilities and duties had originally been incurred or contracted by it in its capacity as a domestic limited liability company.

(5) In the event that any allocation of assets, debts, liabilities and duties to division companies in accordance with a plan of division is determined by a court of competent jurisdiction to constitute a fraudulent transfer, each division company shall be jointly and severally liable on account of such fraudulent transfer notwithstanding the allocations made in the plan of division, except that the validity and effectiveness of the division are not otherwise affected thereby.

(6) Debts and liabilities of the dividing company that are not allocated by the plan of division shall be the joint and several debts and liabilities of all of the division companies.

(7) It shall not be necessary for a plan of division to list each individual asset, property, right, series, debt, liability or duty of the dividing company to be allocated to a division company so long as the assets, property, rights,

series, debts, liabilities or duties so allocated are reasonably identified by any method where the identity of such assets, property, rights, series, debts, liabilities or duties is objectively determinable.

(8) The rights, privileges, powers, and interests in property of the dividing company that have been allocated to a division company, as well as the debts, liabilities and duties of the dividing company that have been allocated to such division company pursuant to a plan of division, shall remain vested in each such division company and shall not be deemed, as a result of the division, to have been assigned or transferred to such division company for any purpose of the laws of the state of Kansas.

(9) Any action or proceeding pending against a dividing company may be continued against the surviving company, *if any,* as if the division did not occur, *but subject to paragraph (4),* and against any resulting company to which the asset, property, right, series, debt, liability or duty associated with such action or proceeding was allocated pursuant to the plan of division by adding or substituting such resulting company as a party in the action or proceeding.

(m) In applying the provisions of the Kansas revised limited liability company act on distributions, a direct or indirect allocation of property or liabilities in a division is not deemed a distribution.

(n) The provisions of this section shall not be construed to limit the means of accomplishing a division by any other means provided for in an operating agreement or other agreement or as otherwise permitted by the Kansas revised limited liability company act or as otherwise permitted by law.

(o) All limited liability companies formed on and after July 1, 2019, shall be governed by this section. All limited liability companies formed prior to July 1, 2019, shall be governed by this section, except that if the dividing company is a party to any written contract, indenture or other agreement entered into prior to July 1, 2019, that, by its terms, restricts, conditions or prohibits the consummation of a merger or consolidation by the dividing company with or into another party, or the transfer of assets by the dividing company to another party, then such restriction, condition or prohibition shall be deemed to apply to a division as if it were a merger, consolidation or transfer of assets, as applicable.

Sec. 10. K.S.A. 17-7686 is hereby amended to read as follows: 17-7686. (a) In connection with the formation of a limited liability company, a person is admitted as a member of the limited liability company upon the later to occur of:

(1) The formation of the limited liability company; or

(2) the time provided in and upon compliance with the operating agreement or, if the operating agreement does not so provide, when the person's admission is reflected in the records of the limited liability company *or as otherwise provided in the operating agreement*.

(b) After the formation of a limited liability company, a person is admitted as a member of the limited liability company:

(1) In the case of a person who is not an assignee of a limited liability company interest, including a person acquiring a limited liability company interest directly from the limited liability company and a person to be admitted as a member of the limited liability company without acquiring a limited liability company interest in the limited liability company at the time provided in and upon compliance with the operating agreement or, if the operating agreement does not so provide, upon the consent of all members ~~and when the person's admission is reflected in the records of the limited liability company~~ *or as otherwise provided in the operating agreement*;

(2) in the case of an assignee of a limited liability company interest, as provided in subsection (a) of K.S.A. 17-76,114, and amendments thereto~~, and at the time provided in and upon compliance with the operating agreement or, if the operating agreement does not so provide, when any such person's permitted admission is reflected in the records of the limited liability company; or~~

(3) unless otherwise provided in an agreement of merger or consolidation, in the case of a person acquiring a limited liability company interest in a surviving or resulting limited liability company pursuant to a merger or consolidation approved in accordance with ~~subsection (a) of~~ K.S.A. 17-7681*(a)*, and amendments thereto, at the time provided in and upon compliance with the operating agreement of the surviving or resulting limited liability company; and in the case of a person being admitted as a member of a limited liability company pursuant to a merger or consolidation in which such limited liability company is not the surviving or resulting limited liability company in the merger or consolidation, as provided in the operating agreement of such limited liability company*; or*

(4) in the case of a person being admitted as a member of a division company pursuant to a division approved in accordance with K.S.A. 17-7685a(c), and amendments thereto, as provided in the operating agreement of such division company or in the plan of division, and in the event of any inconsistency, the terms of the plan of division shall control; and in the case of a person being admitted as a member of a limited liability company pursuant to a division in which such limited liability company is not a division company in the division, as provided in the operating agreement of such limited liability company.

(c) A person may be admitted to a limited liability company as a member of the limited liability company and may receive a limited liability company interest in the limited liability company without making a contribution or being obligated to make a contribution to the limited liability company. Unless otherwise provided in an operating agreement, a person

may be admitted to a limited liability company as a member of the limited liability company without acquiring a limited liability company interest in the limited liability company. Unless otherwise provided in an operating agreement, a person may be admitted as the sole member of a limited liability company without making a contribution or being obligated to make a contribution to the limited liability company or without acquiring a limited liability company interest in the limited liability company.

(d) Unless otherwise provided in an operating agreement or another agreement, a member shall have no preemptive right to subscribe to any additional issue of limited liability company interests or another interest in a limited liability company.

Sec. 11. K.S.A. 17-7687 is hereby amended to read as follows: 17-7687. (a) An operating agreement may provide for classes or groups of members having such relative rights, powers and duties as the operating agreement may provide, and may make provision for the future creation in the manner provided in the operating agreement of additional classes or groups of members having such relative rights, powers and duties as may from time to time be established, including rights, powers and duties senior to existing classes and groups of members. An operating agreement may provide for the taking of an action, including the amendment of the operating agreement, without the vote, consent or approval of any member or class or group of members, including an action to create under the provisions of the operating agreement a class or group of limited liability company interests that was not previously outstanding. An operating agreement may provide that any member or class or group of members shall have no voting rights.

(b) An operating agreement may grant to all or certain identified members or a specified class or group of the members the right to vote separately or with all or any class or group of the members or managers, on any matter. Voting by members may be on a per capita, number, financial interest, class, group or any other basis.

(c) An operating agreement may set forth provisions relating to notice of the time, place or purpose of any meeting at which any matter is to be voted on by any members, waiver of any such notice, action by consent or approval without a meeting, the establishment of a record date, quorum requirements, voting in person or by proxy, or any other matter with respect to the exercise of any such right to vote.

(d) Unless otherwise provided in an operating agreement, meetings of members may be held by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this subsection shall constitute presence in person at the meeting. Unless otherwise provided in an operating agreement, on any matter that is to be

voted on, consented to or approved by members, the members may take such action without a meeting, without prior notice and without a vote, if consented to or approved, in writing, by electronic transmission, or by any other means permitted by law, by members having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting at which all members entitled to vote thereon were present and voted. Unless otherwise provided in an operating agreement, if a person, whether or not then a member, consents to or approves as a member any matter and provides that such consent or approval will be effective at a future time, including a time determined upon the happening of an event, then such person shall be deemed to have consented or approved as a member at such future time so long as such person is then a member. Unless otherwise provided in an operating agreement, on any matter that is to be voted on by members, the members may vote in person or by proxy, and such proxy may be granted in writing, by means of electronic transmission or as otherwise permitted by applicable law. Unless otherwise provided in an operating agreement, a consent or approval transmitted by electronic transmission by a member or by a person or persons authorized to act for a member shall be deemed to be written and signed for purposes of this subsection. ~~For purposes of this subsection, the term "electronic transmission" means any form of communication not directly involving the physical transmission of paper, including the use of, or participation in, one or more electronic networks or databases, including one or more distributed electronic networks or databases, that creates a record that may be retained, retrieved and reviewed by a recipient thereof and that may be directly reproduced in paper form by such a recipient through an automated process.~~

(e) Unless otherwise provided in the operating agreement or in the Kansas revised limited liability company act, every member holding an interest in profits shall be entitled to vote.

(f) If an operating agreement provides for the manner in which it may be amended, including by requiring the approval or consent of a person who is not a party to the operating agreement or the satisfaction of conditions, it may be amended only in that manner or as otherwise permitted by law, including as permitted by K.S.A. 17-7681~~(e)~~*(d)*, and amendments thereto, provided that the approval or consent of any person may be waived by such person and that any such conditions may be waived by all persons for whose benefit such conditions were intended. Unless otherwise provided in an operating agreement, a supermajority amendment provision shall only apply to provisions of the operating agreement that are expressly included in the operating agreement. As used in this section, "supermajority amendment provision" means any amendment provision set forth in an operating agreement requiring that an amendment to a

provision of the operating agreement be adopted by no less than the vote or consent or approval required to take action under such latter provision.

(g) If an operating agreement does not provide for the manner in which it may be amended, the operating agreement may be amended with the approval or consent of all of the members or as otherwise permitted by law, including as permitted by K.S.A. 17-7681~~(e)~~*(d)*, and amendments thereto. This subsection shall only apply to a limited liability company whose original articles of organization were filed with the secretary of state on or after July 1, 2014.

Sec. 12. K.S.A. 17-7690 is hereby amended to read as follows: 17-7690. (a) Each member of a limited liability company, in person or by attorney or other agent, has the right, subject to such reasonable standards, including standards governing what information*, including books, records* and *other* documents~~ are~~*, is* to be furnished at what time and location and at whose expense, as may be set forth in an operating agreement or otherwise established by the manager or, if there is no manager, then by the members, to obtain from the limited liability company from time to time upon reasonable demand for any purpose reasonably related to the member's interest as a member of the limited liability company:

(1) True and full information regarding the status of the business and financial condition of the limited liability company;

(2) promptly after becoming available, a copy of the limited liability company's federal, state and local income tax returns for each year;

(3) a current list of the name and last known business, residence or mailing address of each member and manager;

(4) a copy of any written operating agreement and articles of organization and all amendments thereto, together with executed copies of any written powers of attorney pursuant to which the operating agreement and any certificate and all amendments thereto have been executed;

(5) true and full information regarding the amount of cash and a description and statement of the agreed value of any other property or services contributed by each member and which each member has agreed to contribute in the future, and the date on which each became a member; and

(6) other information regarding the affairs of the limited liability company as is just and reasonable.

(b) Each manager shall have the right to examine all of the information described in subsection (a) for a purpose reasonably related to the position of manager.

(c) The manager of a limited liability company shall have the right to keep confidential from the members, for such period of time as the manager deems reasonable, any information~~ which~~ *that* the manager reasonably believes to be in the nature of trade secrets or other information

the disclosure of which the manager in good faith believes is not in the best interest of the limited liability company or could damage the limited liability company or its business or which the limited liability company is required by law or by agreement with a third party to keep confidential.

(d) A limited liability company may maintain its *books,* records *and other documents* in other than ~~a written~~ *paper* form, including on, by means of, or in the form of any information storage device, method, or one or more electronic networks or databases, including one or more distributed electronic networks or databases, if such form is capable of conversion into ~~written~~ *paper* form within a reasonable time.

(e) Any demand under this section shall be in writing and shall state the purpose of such demand. In every instance where an attorney or other agent is the person who seeks the right to obtain the information described in subsection (a), the demand shall be accompanied by a power of attorney or such other writing that authorizes the attorney or other agent to so act on behalf of the member.

(f) Any action to enforce any right arising under this section shall be brought in the district court. If the limited liability company refuses to permit a member, or attorney or other agent acting for the member, to obtain or a manager to examine the information described in subsection (a) or does not reply to the demand that has been made within five business days, or such shorter or longer period of time as is provided for in an operating agreement, but not longer than 30 business days, after the demand has been made, the demanding member or manager may apply to the district court for an order to compel such disclosure. The district court may summarily order the limited liability company to permit the demanding member to obtain or manager to examine the information described in subsection (a) and to make copies or abstracts therefrom, or the district court may summarily order the limited liability company to furnish to the demanding member or manager the information described in subsection (a) on the condition that the demanding member or manager first pay to the limited liability company the reasonable cost of obtaining and furnishing such information and on such other conditions as the district court deems appropriate. When a demanding member seeks to obtain or a manager seeks to examine the information described in subsection (a), the demanding member or manager shall first establish: (1) That the demanding member or manager has complied with the provisions of this section respecting the form and manner of making demand for obtaining or examining of such information; and (2) that the information the demanding member or manager seeks is reasonably related to the member's interest as a member or the manager's position as a manager, as the case may be. The district court may, in its discretion, prescribe any limitations or conditions with reference

to the obtaining or examining of information, or award such other or further relief as the district court may deem just and proper. The district court may order books, ~~documents and~~ records *and other documents*, pertinent extracts therefrom, or duly authenticated copies thereof, to be brought within the state of Kansas and kept in the state of Kansas upon such terms and conditions as the order may prescribe.

(g) *If a member is entitled to obtain information under the Kansas revised limited liability company act or an operating agreement for a purpose reasonably related to the member's interest as a member or other stated purpose, the member's right shall be to obtain such information as is necessary and essential to achieving that purpose.* The rights of a member or manager to obtain *or examine* information as provided in this section may be *expanded or* restricted in an original operating agreement or in any subsequent amendment consented to, approved or adopted by all of the members or in compliance with any applicable requirements of the operating agreement. The provisions of this subsection shall not be construed to limit the ability to ~~impose restrictions on~~ *expand or restrict* the rights of a member or manager to obtain *or examine* information by any other means permitted ~~under the Kansas revised limited liability company act~~ *by law*.

(h) A limited liability company shall maintain a current record that identifies the name and last known business, residence, or mailing address of each member and manager.

Sec. 13. K.S.A. 17-7695 is hereby amended to read as follows: 17-7695. (a) An operating agreement may provide for classes or groups of managers having such relative rights, powers and duties as the operating agreement may provide, and may make provision for the future creation in the manner provided in the operating agreement of additional classes or groups of managers having such relative rights, powers and duties as may from time to time be established, including rights, powers and duties senior to existing classes and groups of managers. An operating agreement may provide for the taking of an action, including the amendment of the operating agreement, without the vote, consent or approval of any manager or class or group of managers, including an action to create under the provisions of the operating agreement a class or group of limited liability company interests that was not previously outstanding.

(b) An operating agreement may grant to all or certain identified managers or a specified class or group of the managers the right to vote, separately or with all or any class or group of managers or members, on any matter. Voting by managers may be on a per capita, number, financial interest, class, group or any other basis. Unless otherwise provided in an operating agreement, if more than one manager is appointed, all managers shall have an equal vote per capita.

(c) An operating agreement may set forth provisions relating to notice of the time, place or purpose of any meeting at which any matter is to be voted on by any manager or class or group of managers, waiver of any such notice, action by consent or approval without a meeting, the establishment of a record date, quorum requirements, voting in person or by proxy, or any other matter with respect to the exercise of any such right to vote.

(d) Unless otherwise provided in an operating agreement, meetings of managers may be held by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and participation in a meeting pursuant to this subsection shall constitute presence in person at the meeting. Unless otherwise provided in an operating agreement, on any matter that is to be voted on, consented to or approved by the managers, the managers may take such action without a meeting, without prior notice and without a vote, if consented to or approved, in writing, by electronic transmission, or by any other means permitted by law, by managers having not less than the minimum number of votes that would be necessary to authorize or take such action at a meeting at which all managers entitled to vote thereon were present and voted. Unless otherwise provided in an operating agreement, if a person, whether or not then a manager, consents to or approves as a manager any matter and provides that such consent or approval will be effective at a future time, including a time determined upon the happening of an event, then such person shall be deemed to have consented or approved as a manager at such future time, so long as such person is then a manager. Unless otherwise provided in an operating agreement, on any matter that is to be voted on by managers, the managers may vote in person or by proxy, and such proxy may be granted in writing, by means of electronic transmission or as otherwise permitted by applicable law. Unless otherwise provided in an operating agreement, a consent or approval transmitted by electronic transmission by a manager or by a person or persons authorized to act for a manager shall be deemed to be written and signed for purposes of this subsection. ~~For purposes of this subsection, the term "electronic transmission" means any form of communication not directly involving the physical transmission of paper, including the use of, or participation in, one or more electronic networks or databases, including one or more distributed electronic networks or databases, that creates a record that may be retained, retrieved and reviewed by a recipient thereof and that may be directly reproduced in paper form by such a recipient through an automated process.~~

Sec. 14. K.S.A. 17-7698 is hereby amended to read as follows: 17-7698. Unless otherwise provided in the operating agreement, a member or manager of a limited liability company has the power and authority to

delegate to one or more other persons any or all of the member's or manager's, as the case may be, rights, powers and duties to manage and control the business and affairs of the limited liability company. *Any such delegation may be made irrespective of whether the member or manager has a conflict of interest with respect to the matter as to which its rights, powers or duties are being delegated, and the person or persons to whom any such rights, powers or duties are being delegated shall not be deemed conflicted solely by reason of the conflict of interest of the member or manager.* Any such delegation may be to agents, officers and employees of a member or manager or the limited liability company, and by a management agreement or another agreement with, or otherwise to, other persons, *including a committee of one or more persons*. Unless otherwise provided in the operating agreement, such delegation by a member or manager shall be irrevocable if it states that it is irrevocable. Unless otherwise provided in the operating agreement, such delegation by a member or manager of a limited liability company shall not cause the member or manager to cease to be a member or manager, as the case may be, of the limited liability company or cause the person to whom any such rights, powers and duties have been delegated to be a member or manager, as the case may be, of the limited liability company. No other provision of the Kansas revised limited liability company act *or other law* shall be construed to restrict a member's or manager's power and authority to delegate any or all of its rights, powers, and duties to manage and control the business and affairs of the limited liability company.

Sec. 15. K.S.A. 2024 Supp. 17-76,136 is hereby amended to read as follows: 17-76,136. (a) The secretary of state shall charge each domestic and foreign limited liability company the following fees:

(1) A fee of $20 for issuing or filing and indexing any of the following documents:

(A) A certificate of amendment of articles of organization;

(B) restated articles of organization;

(C) a certificate of cancellation, which shall be multiplied by the number of series of the limited liability company named in the certificate of cancellation;

(D) a certificate of change of location of registered office or resident agent;

(E) a certificate of merger or consolidation;

(F) a certificate of division; and

(G) any certificate, affidavit, agreement or any other paper provided for in the Kansas revised limited liability company act, for which no different fee is specifically prescribed;

(2) a fee of $7.50 for each certified copy, regardless of whether the secretary of state supplies the copy;

(3) a fee of $7.50 for each certificate of good standing, including a certificate of good standing for a series of a limited liability company, issued by the secretary of state; and

(4) a fee of $20 for a copy of an instrument on file or prepared by the secretary of state's office, whether or not the copy is certified.

(b) Every limited liability company hereafter formed in this state shall pay to the secretary of state, at the time of filing its articles of organization, an application and recording fee ~~of~~ *established by rules and regulations of the secretary of state, except that such fee shall not exceed* $150.

(c) At the time of filing its application to do business, every foreign limited liability company shall pay to the secretary of state an application and recording fee ~~of~~ *established by rules and regulations of the secretary of state, except that such fee shall not exceed* $150.

(d) The fee for filing a certificate of reinstatement shall be the same as that prescribed by K.S.A. 17-7506, and amendments thereto, for filing a certificate of reinstatement of a corporation's articles of incorporation.

Sec. 16. K.S.A. 17-76,143 is hereby amended to read as follows: 17-76,143. (a) An operating agreement may establish or provide for the establishment of one or more designated series of members, managers, limited liability company interests or assets. If an operating agreement so provides for the establishment or formation of one or more series, then a series may be formed by complying with this section. Any such series may have separate rights, powers or duties with respect to specified property or obligations of the limited liability company or profits and losses associated with specified property or obligations, and to the extent provided in the operating agreement, any such series may have a separate business purpose or investment objective. A series is formed by the filing of a certificate of designation in the office of the secretary of state. Other than pursuant to K.S.A. 17-76,143a, and amendments thereto, a series may not merge, convert, or consolidate pursuant to any section of the Kansas revised limited liability company act, the business entity transactions act, K.S.A. 17-78-101 et seq., and amendments thereto, or any other statute of this state.

(b) Notice of the limitation on liabilities of a series as referenced in subsection (c) shall be set forth in the articles of organization of the limited liability company. Notice in articles of organization of the limitation on liabilities of a series as referenced in subsection (c) shall be sufficient for all purposes of this subsection whether or not the limited liability company has formed any series when such notice is included in the articles of organization, and there shall be no requirement that any specific series of the limited liability company be referenced in such notice. The fact that articles of organization that contain the foregoing notice of the limitation on liabilities of a series is on file in the office of the secretary of state shall constitute notice of such limitation on liabilities of a series.

(c) Notwithstanding anything to the contrary set forth in the Kansas revised limited liability company act or under other applicable law, in the event that an operating agreement establishes or provides for the establishment of one or more series, and if to the extent the records maintained for any series account for the assets associated with such series separately from the other assets of the limited liability company, or any other series thereof, and if the operating agreement so provides, and if notice of the limitation on liabilities of a series as referenced in this subsection is set forth in the articles of organization of the limited liability company and if the limited liability company has filed a certificate of designation for each series ~~which~~ *that* is to have limited liability under this section, then the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to such series shall be enforceable against the assets of such series only, and not against the assets of the limited liability company generally or any other series thereof, and, unless otherwise provided in the operating agreement, none of the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to the limited liability company generally or any other series thereof shall be enforceable against the assets of such series. Neither the preceding sentences nor any provision pursuant thereto in an operating agreement, articles of organization or certificate of designation shall: Restrict a series or limited liability company on behalf of a series from agreeing in the operating agreement or otherwise that any or all of the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to the limited liability company generally or any other series thereof shall be enforceable against the assets of such series; or restrict a limited liability company from agreeing in the operating agreement or otherwise that any or all of the debts, liabilities, obligations, and expenses incurred, contracted for, or otherwise existing with respect to a series shall be enforceable against the assets of the limited liability company generally. Assets associated with a series may be held directly or indirectly, including in the name of such series, in the name of the limited liability company, through a nominee or otherwise. Records maintained for a series that reasonably identify its assets, including by specific listing, category, type, quantity, computational, or allocational formula or procedure, including a percentage or share of any asset or assets, or by any other method where the identity of such assets is objectively determinable, will be deemed to account for the assets associated with such series separately from the other assets of the limited liability company, or any other series thereof. As used in the Kansas revised limited liability company act, a reference to assets of a series includes assets associated with such series, a reference to assets associated with a series includes assets of such series, a reference to members or managers of a series includes members

or managers associated with such series, and a reference to members or managers associated with a series includes members or managers of such series. The following shall apply to a series:

(1) A series may carry on any lawful business, purpose or activity, whether or not for profit, with the exception of the business of granting policies of insurance, assuming insurance risks, or banking as defined in K.S.A. 9-702, and amendments thereto. Unless otherwise provided in an operating agreement, a series shall have the power and capacity to, in its own name, contract, hold title to assets, including real, personal, and intangible property, grant liens and security interests, ~~and~~ sue and be sued *and otherwise conduct business and exercise the power of a limited liability company under this article. The limited liability company and any of its series may elect to consolidate its operations as a single taxpayer to the extent required to file consolidated tax returns as permitted under applicable law and elect to be treated as a single business for the purposes of qualification or authorization to do business in this or any other state. Such elections shall not affect the limitation of liability set forth in this section except to the extent that the series have specifically accepted joint liability by contract*.

(2) Except as otherwise provided by the Kansas revised limited liability company act, no member or manager of a series shall be obligated personally for any debt, obligation or liability of such series, whether arising in contract, tort or otherwise, solely by reason of being a member or acting as manager of such series. Notwithstanding the preceding sentence, under an operating agreement or under another agreement, a member or manager may agree to be obligated personally for any or all of the debts, obligations and liabilities of one or more series.

(3) An operating agreement may provide for classes or groups of members or managers associated with a series having such relative rights, powers and duties as the operating agreement may provide, and may make provision for the future creation in the manner provided in the operating agreement of additional classes or groups of members or managers associated with such series having such relative rights, powers and duties as may from time to time be established, including rights, powers and duties senior to existing classes and groups of members or managers associated with such series. An operating agreement may provide for the taking of an action, including the amendment of the operating agreement, without the vote, consent or approval of any member or manager or class or group of members or managers, including an action to create under the provisions of the operating agreement a class or group of a series of limited liability company interests that was not previously outstanding. An operating agreement may provide that any member or class or group of members associated with a series shall have no voting rights *or ability to*

otherwise participate in the management or governance of such series, but any such member or class or group of members are owners of the series.

(4) An operating agreement may grant to all or certain identified members or managers or a specified class or group of the members or managers associated with a series the right to vote separately or with all or any class or group of the members or managers associated with such series, on any matter. Voting by members or managers associated with a series may be on a per capita, number, financial interest, class, group or any other basis.

(5) Unless otherwise provided in an operating agreement, the management of a series shall be vested in the members associated with such series in proportion to the then-current percentage or other interest of members in the profits of such series owned by all of the members associated with such series, the decision of members owning more than 50% of such percentage or other interest in the profits controlling, except that if an operating agreement provides for the management of a series, in whole or in part, by a manager *or managers*, the management of such series, to the extent so provided, shall be vested in the manager *or managers* who shall be chosen in the manner provided in the operating agreement. The manager of a series shall also hold the offices and have the responsibilities accorded to the manager as set forth in an operating agreement. A series may have more than one manager. Subject to K.S.A. 17-76,105, and amendments thereto, a manager shall cease to be a manager with respect to a series as provided in an operating agreement. Except as otherwise provided in an operating agreement, any event under the Kansas revised limited liability company act or in an operating agreement that causes a manager to cease to be a manager with respect to a series shall not, in itself, cause such manager to cease to be a manager of the limited liability company or with respect to any other series thereof.

(6) Notwithstanding K.S.A. 17-76,109, and amendments thereto, but subject to subsections (c)(7) and (c)(10), and unless otherwise provided in an operating agreement, at the time a member of a series becomes entitled to receive a distribution with respect to such series, the member has the status of, and is entitled to all remedies available to, a creditor of such series, with respect to the distribution. An operating agreement may provide for the establishment of a record date with respect to allocations and distributions with respect to a series.

(7) Notwithstanding K.S.A. 17-76,110(a), and amendments thereto, a limited liability company may make a distribution with respect to a series. A limited liability company shall not make a distribution with respect to a series to a member to the extent that at the time of the distribution, after giving effect to the distribution, all liabilities of such series, other than liabilities to members on account of their limited liability company

interests with respect to such series and liabilities for which the recourse of creditors is limited to specified property of such series, exceed the fair value of the assets associated with such series, except that the fair value of property of such series that is subject to a liability for which the recourse of creditors is limited shall be included in the assets associated with such series only to the extent that the fair value of that property exceeds that liability. For purposes of the immediately preceding sentence, the term "distribution" shall not include amounts constituting reasonable compensation for present or past services or reasonable payments made in the ordinary course of business pursuant to a bona fide retirement plan or other benefits program. A member who receives a distribution in violation of this subsection, and who knew at the time of the distribution that the distribution violated this subsection, shall be liable to the series for the amount of the distribution. A member who receives a distribution in violation of this subsection, and who did not know at the time of the distribution that the distribution violated this subsection, shall not be liable for the amount of the distribution. Subject to K.S.A. 17-76,110(c), and amendments thereto, which shall apply to any distribution made with respect to a series under this subsection, this subsection shall not affect any obligation or liability of a member under an agreement or other applicable law for the amount of a distribution.

(8) Unless otherwise provided in the operating agreement, a member shall cease to be associated with a series and to have the power to exercise any rights or powers of a member with respect to such series upon the assignment of all of the member's limited liability company interest with respect to such series. Except as otherwise provided in an operating agreement, any event under the Kansas revised limited liability company act or an operating agreement that causes a member to cease to be associated with a series shall not, in itself, cause such member to cease to be associated with any other series or terminate the continued membership of a member in the limited liability company or cause the dissolution of the series, regardless of whether such member was the last remaining member associated with such series.

(9) Subject to K.S.A. 17-76,116, and amendments thereto, except to the extent otherwise provided in the operating agreement, a series may be dissolved and its affairs wound up without causing the dissolution of the limited liability company. The dissolution of a series shall not affect the limitation on liabilities of such series provided by this subsection ~~(c)~~. A series is dissolved and its affairs shall be wound up upon the dissolution of the limited liability company under K.S.A. 17-76,116, and amendments thereto, or otherwise upon the first to occur of the following:

(A) At the time specified in the operating agreement;

(B) upon the happening of events specified in the operating agreement;

(C) unless otherwise provided in the operating agreement, upon the vote, consent or approval of members associated with such series who own $^{2}/_{3}$ or more of the then-current percentage or other interest in the profits of such series of the limited liability company owned by all of the members associated with such series; or

(D) the dissolution of such series under subsection (c)(11).

(10) Notwithstanding K.S.A. 17-76,118(a), and amendments thereto, unless otherwise provided in the operating agreement, a manager associated with a series who has not wrongfully dissolved such series or, if none, the members associated with such series or a person consented to or approved by the members associated with such series, in either case, by members who own more than 50% of the then-current percentage or other interest in the profits of such series owned by all of the members associated with such series, may wind up the affairs of such series, but the district court, upon cause shown, may wind up the affairs of a series upon application of any member or manager associated with such series, or the member's personal representative or assignee, and in connection therewith, may appoint a liquidating trustee. The persons winding up the affairs of a series may, in the name of the limited liability company and for and on behalf of the limited liability company and such series, take all actions with respect to such series as are permitted under K.S.A. 17-76,118(b), and amendments thereto. The persons winding up the affairs of a series shall provide for the claims and obligations of such series and distribute the assets of such series as provided in K.S.A. 17-76,119, and amendments thereto, which section shall apply to the winding up and distribution of assets of a series. Actions taken in accordance with this subsection shall not affect the liability of members and shall not impose liability on a liquidating trustee.

(11) On application by or for a member or manager associated with a series, the district court may decree dissolution of such series whenever it is not reasonably practicable to carry on the business of such series in conformity with an operating agreement.

(12) For all purposes of the laws of the state of Kansas, a series is an association, regardless of the number of members or managers, if any, of such series.

(d) In order to form a series of a limited liability company, a certificate of designation must be filed in accordance with this subsection.

(1) (A) A certificate of designation shall set forth:

(i) The name of the limited liability company; and

(ii) the name of the series.

(B) A certificate of designation may include any other matter that the members of such series determine to include therein.

(C) A certificate of designation properly filed with the secretary of

state prior to July 1, 2020, shall be deemed to comply with the requirements of this paragraph.

(2) A certificate of designation shall be executed in accordance with K.S.A. 17-7908(b), and amendments thereto, and shall be filed in the office of the secretary of state in accordance with K.S.A. 17-7910, and amendments thereto. A certificate of designation is not an amendment to the articles of organization of the limited liability company.

(3) A certificate of designation may be amended by filing a certificate of amendment thereto in the office of the secretary of state.

(A) The certificate of amendment *of certificate of designation* shall set forth:

(i) The name of the limited liability company;

(ii) the name of the series; and

(iii) the amendment to the certificate of designation.

(B) A certificate of designation properly filed with the secretary of state prior to July 1, 2020, that changed a previously filed certificate of designation shall be deemed to be a certificate of amendment thereto for purposes of this paragraph.

(4) A manager of a series or, if there is no manager, then any member of a series who becomes aware that any statement in a certificate of designation filed with respect to such series was false when made, or that any matter described therein has changed making the certificate of designation false in any material respect *or noncompliant with subsection (e)(1)*, shall promptly amend the certificate of designation.

(5) A certificate of designation may be amended at any time for any other proper purpose.

(6) Unless otherwise provided in the Kansas revised limited liability company act or unless a later effective date or time, which shall be a date or time certain, is provided for in the certificate of amendment *of certificate of designation*, a certificate of amendment *of certificate of designation* shall be effective at the time of its filing with the secretary of state.

(7) A certificate of designation shall be canceled upon the cancellation of the articles of organization of the limited liability company named in the certificate of designation, or upon the filing of a certificate of cancellation of the certificate of designation, or upon the future effective date or time of a certificate of cancellation of the certificate of designation, or as provided in K.S.A. 17-76,139~~(d)~~*(g)*, and amendments thereto, or upon the filing of a certificate of merger or consolidation ~~if the~~ *of a* series *if the series* is not the surviving or resulting series in a merger or consolidation or upon the future effective date or time of a certificate of merger or consolidation *of a series* if the series is not the surviving or resulting series in a merger or consolidation. A certificate of cancellation of the certificate of designation may be filed at any time, and shall be filed, in the office of the

secretary of state to accomplish the cancellation of a certificate of designation upon the dissolution of a series for which a certificate of designation was filed and completion of the winding up of such series.

(A) A certificate of cancellation of the certificate of designation shall set forth:

(i) The name of the limited liability company;

(ii) the name of the series;

(iii) the future effective date or time, which shall be a date or time certain, of cancellation if it is not to be effective upon the filing of the certificate of cancellation; and

(iv) any other information the person filing the certificate of cancellation of the certificate of designation determines.

(B) A certificate of designation properly filed with the secretary of state prior to July 1, 2020, that dissolved a series shall be deemed to be a certificate of cancellation thereto for purposes of this paragraph.

(8) A certificate of cancellation of the certificate of designation that is filed in the office of the secretary of state prior to the dissolution or the completion of winding up of a series may be corrected as an erroneously executed certificate of cancellation of the certificate of designation by filing with the office of the secretary of state a certificate of correction of such certificate of cancellation of the certificate of designation in accordance with K.S.A. 17-7912, and amendments thereto.

(9) The secretary of state shall not issue a certificate of good standing with respect to a series if the certificate of designation is canceled or the limited liability company has ceased to be in good standing.

(e) The name of each series as set forth in its certificate of designation:

(1) Shall include the name of the limited liability company, including any word, abbreviation or designation required by K.S.A. 17-7920, and amendments thereto;

(2) may contain the name of a member or manager;

(3) must comply with the requirements of K.S.A. 17-7918, and amendments thereto, to the same extent as a covered entity; and

(4) may contain any word permitted by K.S.A. 17-7920, and amendments thereto, and may not contain any word prohibited to be included in the name of a limited liability company under Kansas law.

(f) If a foreign limited liability company that is registered to do business in this state in accordance with K.S.A. 17-7931, and amendments thereto, is governed by an operating agreement that establishes or provides for the establishment of a series of members, managers, limited liability company interests or assets having separate rights, powers or duties with respect to specified property or obligations of the foreign limited liability company or profits and losses associated with specified property or obligations, that fact shall be so stated on the application for registration

as a foreign limited liability company. In addition, the foreign limited liability company shall state on such application whether the debts, liabilities and obligations incurred, contracted for or otherwise existing with respect to a particular series, if any, are enforceable against the assets of such series only, and not against the assets of the foreign limited liability company generally or any other series thereof, and whether any of the debts, liabilities, obligations and expenses incurred, contracted for or otherwise existing with respect to the foreign limited liability company generally or any other series thereof shall be enforceable against the assets of such series.

(g) (1) If an operating agreement provides the manner in which a dissolution of a series may be revoked, it may be revoked in such manner and, unless the limited liability company has dissolved and such dissolution has not been revoked or the operating agreement prohibits revocation of dissolution of a series, then notwithstanding the occurrence of an event set forth in subsection (c)(9)(A) through (C), the series shall not be dissolved and the series' affairs shall not be wound up if, prior to the filing of a certificate of cancellation of the certificate of designation in the office of the secretary of state, the series is continued, effective as of the occurrence of such event:

(A) In the case of dissolution effected by the vote or consent of the members associated with the series, or other persons whose approval is required for such dissolution pursuant to the operating agreement pursuant to such vote or consent, and the approval of any members associated with the series or other persons whose approval is required under the operating agreement to revoke a dissolution contemplated by this paragraph; and

(B) in the case of dissolution under subsection (c)(9)(A) or (B), other than a dissolution effected by the vote or consent of the members associated with the series, or other persons whose approval is required for such dissolution pursuant to the operating agreement, pursuant to such vote or consent that, pursuant to the terms of the operating agreement, is required to amend the provision of the operating agreement effecting such dissolution, and the approval of any members associated with the series or other persons whose approval is required under the operating agreement to revoke a dissolution contemplated by this paragraph.

(2) If a series is dissolved by the dissolution of the limited liability company, unless a certificate of cancellation of the certificate of designation with respect to such series has been filed in the office of the secretary of state or the operating agreement prohibits revocation of dissolution of the series, the dissolution of the series shall be automatically revoked upon any revocation of dissolution of the limited liability company in accordance with K.S.A. 17-76,145, and amendments thereto.

(3) The provisions of this subsection shall not be construed to limit the accomplishment of a revocation of dissolution of a series by other means permitted by law.

(h) An operating agreement may impose restrictions, duties and obligations on members of the limited liability company or any series thereof as a manner of internal governance, including, without limitation, those with regard to:

(1) Choice of law, forum selection or consent to personal jurisdiction;

(2) capital contributions;

(3) restrictions on, or terms and conditions of, the transfer of membership interests;

(4) restrictive covenants, including noncompetition, nonsolicitation and confidentiality provisions;

(5) fiduciary duties; and

(6) restrictions, duties or obligations to or for the benefit of the limited liability company, other series thereof or their affiliates.

(i) The wrongful transfer of property from a series to another series or the limited liability company as a whole with intent to hinder, delay or defraud creditors of their just and lawful debts or damages, or to defraud, shall be subject to K.S.A. 33-102, and amendments thereto.

Sec. 17. K.S.A. 17-76,143a is hereby amended to read as follows: 17-76,143a. (a) Pursuant to an agreement of merger or consolidation, one or more series may merge or consolidate with or into one or more other series of the same limited liability company with such series as the agreement shall provide being the surviving or resulting series. Unless otherwise provided in the operating agreement, an agreement of merger or consolidation shall be consented to or approved by each series that is to merge or consolidate by members of such series who own more than 50% of the then-current percentage or other interest in the profits of such series owned by all of the members of such series. In connection with a merger or consolidation hereunder, rights or securities of, or interests in, a series ~~which~~ *that* is a constituent party to the merger or consolidation may be exchanged for or converted into cash, property, rights, or securities of, or interests in, the surviving or resulting series or, in addition to or in lieu thereof, may be exchanged for or converted into cash, property, rights, or securities of, or interests in, an entity as defined in K.S.A. 17-78-102, and amendments thereto, that is not the surviving or resulting series in the merger or consolidation, may remain outstanding or may be canceled. Notwithstanding prior consent or approval, an agreement of merger or consolidation may be terminated or amended pursuant to a provision for such termination or amendment contained in the agreement of merger or consolidation.

(b) If a series is merging or consolidating under this section, the series surviving or resulting in or from the merger or consolidation shall file a certificate of merger or consolidation *of series* executed by one or more authorized persons on behalf of the series when it is the surviving

or resulting series in the office of the secretary of state. The certificate of merger or consolidation *of series* shall state:

(1) The name of each series that is to merge or consolidate and the name of the limited liability company that formed such series;

(2) that an agreement of merger or consolidation has been consented to or approved and executed by or on behalf of each series that is to merge or consolidate;

(3) the name of the surviving or resulting series;

(4) such ~~amendment~~ *amendments*, if any, to the certificate of designation of the ~~series that is the surviving or resulting series to change the name of the~~ surviving series, as ~~is~~ *are* desired to be effected by the merger*, and such amendments may amend and restate the certificate of designation of the surviving series in its entirety*;

(5) the future effective date or time, which shall be a date or time certain, of the merger or consolidation if it is not to be effective upon the filing of the certificate of merger or consolidation;

(6) that the agreement of merger or consolidation is on file at a place of business of the surviving or resulting series or the limited liability company that formed such series and shall state the address thereof; and

(7) that a copy of the agreement of merger or consolidation will be furnished by the surviving or resulting series, upon request and without cost, to any member of any series that is to merge or consolidate.

(c) Unless a future effective date or time is provided in a certificate of merger or consolidation, a merger or consolidation *of series* pursuant to this section shall be effective upon the filing of a certificate of merger or consolidation *of series* in the office of the secretary of state.

(d) A certificate of merger or consolidation *of series* shall act as a certificate of cancellation of the certificate of designation of the series that is not the surviving or resulting series in the merger or consolidation. A certificate of merger or consolidation *of series* that sets forth any amendment in accordance with subsection (b)(4) shall be deemed to be an amendment to the certificate of designation of the surviving ~~or resulting~~ series, and no further action shall be required to amend the certificate of designation of the surviving ~~or resulting~~ series under K.S.A. 17-76,143, and amendments thereto, with respect to such amendments set forth in ~~the~~ *such* certificate of merger or consolidation *of series*. Whenever this section requires the filing of a certificate of merger or consolidation *of series*, such requirement shall be deemed satisfied by the filing of an agreement of merger or consolidation containing the information required by this section to be set forth in ~~the~~ *such* certificate of merger or consolidation.

(e) An agreement of merger or consolidation consented to or approved in accordance with subsection (a) may effect any amendment to the operating agreement relating solely to the series that are constituent

parties to the merger or consolidation. Any amendment to an operating agreement relating solely to the series that are constituent parties to the merger or consolidation made pursuant to the foregoing sentence shall be effective at the effective time or date of the merger or consolidation and shall be effective notwithstanding any provision of the operating agreement relating to amendment of the operating agreement, other than a provision that by its terms applies to an amendment to the operating agreement in connection with a merger or consolidation. The provisions of this subsection shall not be construed to limit the accomplishment of a merger or of any of the matters referred to herein by any other means provided for in an operating agreement or other agreement or as otherwise permitted by law, including that the operating agreement relating to any constituent series to the merger or consolidation, including a series formed for the purpose of consummating a merger or consolidation, shall be the operating agreement of the surviving or resulting series.

(f) (1) (A) When any merger or consolidation shall have become effective under this section, for all purposes of the laws of the state of Kansas, all of the rights, privileges and powers of each of the series that have merged or consolidated, and all property, real, personal and mixed, and all debts due to any of such series, as well as all other things and causes of action belonging to each of such series, shall be vested in the surviving or resulting series, and shall thereafter be the property of the surviving or resulting series as they were of each of the series that have merged or consolidated, and the title to any real property vested by deed or otherwise, under the laws of the state of Kansas, in any of such series, shall not revert or be in any way impaired by reason of the Kansas revised limited liability company act.

(B) All rights of creditors and all liens upon any property of any of the series that have merged or consolidated shall be preserved unimpaired, and all debts, liabilities and duties of each of such series that have merged or consolidated shall thereafter attach to the surviving or resulting series, and may be enforced against it to the same extent as if such debts, liabilities and duties had been incurred or contracted by it.

(2) Unless otherwise agreed, a merger or consolidation of a series that is not the surviving or resulting series in the merger or consolidation, shall not require such series to wind up its affairs under K.S.A. 17-76,143, and amendments thereto, or pay its liabilities and distribute its assets under K.S.A. 17-76,143, and amendments thereto, and the merger or consolidation shall not constitute a dissolution of such series.

(g) An operating agreement may provide that a series of such limited liability company shall not have the power to merge or consolidate as set forth in this section.

~~(h) This section shall take effect on and after July 1, 2020.~~

Sec. 18. K.S.A. 17-76,145 is hereby amended to read as follows: 17-76,145. (a) If an operating agreement provides the manner in which a dissolution may be revoked, it may be revoked in that manner and, unless an operating agreement prohibits revocation of dissolution, then notwithstanding the occurrence of an event set forth in K.S.A. 17-76,116(a)(1) through (a)(4), and amendments thereto, the limited liability company shall not be dissolved and its affairs shall not be wound up if, prior to the filing of a certificate of cancellation with the secretary of state, the limited liability company is continued, effective as of the occurrence of such event:

(1) In the case of dissolution effected by the vote, consent or approval of the members, or other persons *whose vote, consent or approval is required for such dissolution pursuant to the operating agreement*, pursuant to such vote, consent or approval, and the vote, consent or approval of any members or other persons whose vote, consent or approval is required under the operating agreement to revoke a dissolution contemplated by this paragraph;

(2) in the case of dissolution under K.S.A. 17-76,116(a)(1) or (2), and amendments thereto, other than a dissolution effected by the vote, consent or approval of the members, or other persons *whose vote, consent or approval is required for such dissolution pursuant to the operating agreement,* or the occurrence of an event that causes the last remaining member to cease to be a member, pursuant to such vote, consent or approval that, pursuant to the terms of the operating agreement, is required to amend the provision of the operating agreement effecting such dissolution, and the vote, consent or approval of any members or other persons whose vote, consent or approval is required under the operating agreement to revoke a dissolution contemplated by this paragraph; and

(3) in the case of dissolution effected by the occurrence of an event that causes the last remaining member to cease to be a member, pursuant to the vote, consent or approval of the personal representative of the last remaining member of the limited liability company or the assignee of all of the limited liability company interests in the limited liability company, and the vote, consent, or approval of any other person whose vote, consent or approval is required under the operating agreement to revoke a dissolution contemplated by this paragraph.

(b) If there is no remaining member of the limited liability company and the personal representative of the last remaining member or the assignee of all of the limited liability company interests in the limited liability company votes in favor of, consents to or approves the continuation of the limited liability company, such personal representative or such assignee, as applicable, shall be required to agree to the admission of a nominee or designee as a member, effective as of the occurrence of the event that terminated the continued membership of the last remaining member.

(c) The provisions of this section shall not be construed to limit the accomplishment of a revocation of dissolution by other means permitted by law.

Sec. 19. K.S.A. 17-76,146 is hereby amended to read as follows: 17-76,146. (a) A domestic limited liability company whose articles of organization or a foreign limited liability company whose authority to do business has been canceled or forfeited pursuant to K.S.A. 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, or whose articles of organization or authority to do business has been forfeited pursuant to K.S.A. 17-76,139~~(d)~~*(g)*, and amendments thereto, may be reinstated by filing with the secretary of state a certificate of reinstatement *of limited liability company* accompanied by the payment of the fee required by K.S.A. 17-76,136(d), and amendments thereto, and payment of the business entity information report fees due under K.S.A. 17-76,139(c), and amendments thereto, for all past due reports for the immediately preceding 10 years, and payment to the secretary of state an amount equal to all fees and any penalties due. The certificate of reinstatement *of limited liability company* shall set forth:

(1) The name of the limited liability company at the time its articles of organization or authority to do business was canceled or forfeited and, if such name is not available at the time of reinstatement, the name under which the limited liability company is to be reinstated;

(2) the address of the limited liability company's registered office in the state of Kansas and the name and address of the limited liability company's resident agent in the state of Kansas;

(3) a statement that the certificate of reinstatement *of limited liability company* is filed by one or more persons authorized to execute and file ~~the~~ *such* certificate of reinstatement to reinstate the limited liability company; and

(4) any other matters the persons executing the certificate of reinstatement *of limited liability company* determine to include therein.

(b) The certificate of reinstatement *of limited liability company* shall be deemed to be an amendment to the articles of organization or application for registration of the limited liability company, and the limited liability company shall not be required to take any further action to amend its articles of organization or application for registration under K.S.A. 17-7674 or K.S.A. 17-7935, and amendments thereto, with respect to the matters set forth in ~~the~~ *such* certificate of reinstatement.

(c) Upon the filing of a certificate of reinstatement *of limited liability company*, a limited liability company ~~and all~~, *each* series thereof ~~that have been formed and~~ whose certificate of designation has ~~not~~ been canceled ~~prior to~~ *as a result of* the cancellation of the articles of organization *of the limited liability company pursuant to K.S.A. 17-7926(b), 17-7929(b) or*

17-7934(c), and amendments thereto, and each series thereof that has not been terminated and wound up, shall be reinstated with the same force and effect as if ~~its~~ *the* articles of organization or authority to do business *of the limited liability company* had not been canceled or forfeited pursuant to K.S.A. 17-76,139~~(d)~~(*g*) ~~or K.S.A.~~, 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto. Such reinstatement shall validate all contracts, acts, matters and things made, done and performed by the limited liability company, ~~its~~ *any series thereof or by the* members, managers, employees and agents *of the limited liability company* during the time when ~~its~~ *the* articles of organization or authority to do business was canceled or forfeited pursuant to K.S.A. 17-76,139~~(d)~~(*g*) ~~or K.S.A.~~, 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, with the same force and effect and to all intents and purposes as if the articles of organization or authority to do business *of the limited liability company* had remained in full force and effect. All real and personal property, and all rights and interests, ~~which~~ *that* belonged to the limited liability company *or any series thereof* at the time ~~its~~ *the* articles of organization or authority to do business *of the limited liability company* was canceled or forfeited pursuant to K.S.A. 17-76,139~~(d)~~(*g*) ~~or K.S.A.~~, 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, or ~~which~~ *that* were acquired by the limited liability company following the cancellation or forfeiture of its articles of organization or authority to do business pursuant to K.S.A. 17-76,139~~(d)~~(*g*) ~~or K.S.A.~~, 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto, and ~~which~~ *that* were not disposed of prior to the time of ~~its~~ *the limited liability company* reinstatement, shall be vested in the limited liability company *or the applicable series* after ~~its~~ *the* reinstatement as fully as they were held by the limited liability company *or the applicable series* at, and after, as the case may be, the time ~~its~~ *that the* articles of organization or authority to do business *of the limited liability company* was canceled or forfeited pursuant to K.S.A. 17-76,139~~(d)~~(*g*) ~~or K.S.A.~~, 17-7926(b), 17-7929(b) or 17-7934(f), and amendments thereto. After ~~its~~ *the* reinstatement *of the limited liability company*, the limited liability company *and any series thereof* shall be as exclusively liable for all contracts, acts, matters and things made, done or performed in ~~its~~ *the* name *of* and on ~~its~~ behalf *of the limited liability company or such series* by ~~its~~ *the* members, managers, employees and agents prior to ~~its~~ *the* reinstatement as if ~~its~~ *the* articles of organization or authority to do business *of the limited liability company* had at all times remained in full force and effect.

Sec. 20. K.S.A. 17-76,148 is hereby amended to read as follows: 17-76,148. K.S.A. 17-76,148 through 17-76,155, and amendments thereto, apply to all statutory public benefit limited liability companies, as defined in K.S.A. 17-76,149, and amendments thereto. If a limited liability company *is formed as or* elects to become a statutory public benefit limited

liability company ~~under K.S.A. 17-76,148 through 17-76,155, and amendments thereto,~~ in the manner prescribed in ~~K.S.A. 17-76,148 through 17-76,155, and amendments thereto~~ *this section*, ~~it~~ *such limited liability company* shall be subject in all respects to the provisions of the Kansas revised limited liability company act, except to the extent *that* K.S.A. 17-76,148 through 17-76,155, and amendments thereto, impose additional or different requirements, such *additional or different* requirements shall apply, and notwithstanding K.S.A. 17-76,134, and amendments thereto, or any other provision of the Kansas revised limited liability company act, such *additional or different* requirements imposed by K.S.A. 17-76,148 through 17-76,155, and amendments thereto, may not be altered in the operating agreement. *If a limited liability company is not formed as a statutory public benefit limited liability company, such limited liability company may become a statutory public benefit limited liability company in the manner specified in its operating agreement or by amending its operating agreement and articles of organization to comply with the requirements of K.S.A. 17-76,148 through 17-76,155, and amendments thereto.*

Sec. 21. K.S.A. 17-76,149 is hereby amended to read as follows: 17-76,149. (a) A "statutory public benefit limited liability company" is a for-profit limited liability company formed under and subject to the requirements of the Kansas revised limited liability company act that is intended to produce a public benefit or public benefits and to operate in a responsible and sustainable manner. To that end, a statutory public benefit limited liability company shall be managed in a manner that balances the members' pecuniary interests, the best interests of those materially affected by the limited liability company's conduct~~,~~ and the public benefit or public benefits set forth *in its operating agreement and* in its articles of organization. A statutory public benefit limited liability company shall state *in its operating agreement and* in the heading of its articles of organization that it is a statutory public benefit limited liability company~~,~~ and shall set forth *in its operating agreement and articles of organization* one or more specific public benefits to be promoted by the limited liability company. *In the event of any inconsistency between the public benefit or benefits to be promoted by the limited liability company as set forth in its operating agreement and* in its articles of organization~~.~~, the operating agreement *shall control as among the members, the managers and other persons who are party to or otherwise bound by the operating agreement. A manager* of a statutory public benefit limited liability company ~~may not contain any provision~~ *or, if there is no manager, then any member of a statutory public benefit limited liability company who becomes aware that the specific public benefit or benefits to be promoted by the limited liability company as set forth in its operating agreement are inaccurately set forth in its articles of organization, shall promptly amend the articles*

of organization. Any provision in the operating agreement or articles of organization of a statutory public benefit limited liability company that is inconsistent with K.S.A. 17-76,148 through 17-76,155, and amendments thereto*, shall not be effective to the extent of such inconsistency*.

(b) "Public benefit" means a positive effect, or reduction of negative effects, on one or more categories of persons, entities, communities or interests, other than members in their capacities as members, including, but not limited to, effects of an artistic, charitable, cultural, economic, educational, environmental, literary, medical, religious, scientific or technological nature. "Public benefit provisions" means the provisions of the articles of organization, an operating agreement, or both, in either case as contemplated by K.S.A. 17-76,148 through 17-76,155, and amendments thereto.

(c) If the name of a statutory public benefit limited liability company does not contain the term "statutory public benefit limited liability company," or the abbreviation "S.P.B.L.L.C.," or the designation "SPBLLC," or words or abbreviations of like import in other languages if they are written in Roman characters or letters, the statutory public benefit limited liability company shall, prior to issuing any limited liability company interest, provide notice to any person to whom such limited liability company interest is issued that it is a statutory public benefit limited liability company. Such notice need not be provided if the issuance is pursuant to an offering registered under the securities act of 1933, 15 U.S.C. § 77r et seq., or if, at the time of issuance, the statutory public benefit limited liability company has a class of securities that is registered under the securities exchange act of 1934, 15 U.S.C. § 78a et seq.

Sec. 22. K.S.A. 17-76,151 is hereby amended to read as follows: 17-76,151. (a) The members, managers or other persons with authority to manage or direct the business and affairs of a statutory public benefit limited liability company shall manage or direct the business and affairs of the statutory public benefit limited liability company in a manner that balances the pecuniary interests of the members, the best interests of those materially affected by the limited liability company's conduct, and the specific public benefit or public benefits set forth in its *operating agreement and* articles of organization. Unless otherwise provided in an operating agreement, a member, manager or other person with authority to manage or direct the business and affairs of the statutory public benefit limited liability company shall not have any liability for monetary damages for the failure to manage or direct the business and affairs of the statutory public benefit limited liability company as provided in this subsection.

(b) A member, manager or other person with authority to manage or direct the business and affairs of the statutory public benefit limited liability company shall not, by virtue of the public benefit provisions or K.S.A.

2024 Supp. 17-76,149(a), and amendments thereto, have any duty to any person on account of any interest of such person in the public benefit or public benefits set forth in its *operating agreement and* articles of organization or on account of any interest materially affected by the limited liability company's conduct and, with respect to a decision implicating the balance requirement in subsection (a), will be deemed to satisfy such person's fiduciary duties to members and the limited liability company if such person's decision is both informed and disinterested and not such that no person of ordinary, sound judgment would approve.

Sec. 23. K.S.A. 17-76,152 is hereby amended to read as follows: 17-76,152. (a) A statutory public benefit limited liability company, at least annually, shall provide its members with a statement as to the limited liability company's promotion of the public benefit or public benefits set forth in its *operating agreement and* articles of organization and as to the best interests of those materially affected by the limited liability company's conduct. The statement shall include:

(1) The objectives that have been established to promote such public benefit or public benefits and interests;

(2) the standards that have been adopted to measure the limited liability company's progress in promoting such public benefit or public benefits and interests;

(3) objective factual information based on those standards regarding the limited liability company's success in meeting the objectives for promoting such public benefit or public benefits and interests; and

(4) an assessment of the limited liability company's success in meeting the objectives and promoting such public benefit or public benefits and interests.

(b) A statutory public benefit limited liability company shall provide the statement in subsection (a) to its members at the time prescribed by K.S.A. 17-76,139, and amendments thereto, for the filing of the statutory public benefit limited liability company's annual report.

(c) The statement described in subsection (a) shall be based on a third-party standard. A "third-party standard" means a standard for defining, reporting and assessing promotion of the public benefit or public benefits identified in the statutory public benefit limited liability company's *operating agreement or* articles of organization that: (1) Is developed by a person or entity that is independent of the statutory public benefit limited liability company; and (2) is transparent because the following information about the standard is publicly available: (A) The factors considered when measuring the performance of a business; (B) the relative weightings of those factors; and (C) the identity of the persons who developed the standard and who control changes to the standard and the process by which those changes are made. For purposes of this section, the term

"independent" means having no material relationship with the statutory public benefit limited liability company or any of its members, managers, affiliates or other persons with authority to manage or direct the business and affairs of the statutory public benefit limited liability company.

(d) A statutory public benefit limited liability company shall post its most recent statement described in subsection (a) on the public portion of its website, if any, concurrently with the delivery of such statement to its members under subsection (b). If a statutory public benefit limited liability company does not have a website, it shall provide a copy of such statement, without charge, to any person that requests a copy. Any compensation paid to any person and any other financial or proprietary information contained in the statement described in subsection (a) may be omitted from any statement that is publicly posted or provided to any person pursuant to this subsection, other than a statement provided to a member, manager or other person with authority to manage or direct the business and affairs of the statutory public benefit limited liability company.

(e) The articles of organization or the operating agreement of a statutory public benefit limited liability company may require that the statutory public benefit limited liability company obtain a periodic third-party certification addressing the statutory public benefit limited liability company's promotion of the public benefit or public benefits identified in the *operating agreement or* articles of organization or the best interests of those materially affected by the statutory public benefit limited liability company's conduct, or both.

Sec. 24. K.S.A. 17-78-205 is hereby amended to read as follows: 17-78-205. (a) A certificate of merger shall be signed on behalf of the surviving entity and filed with the secretary of state.

(b) A certificate of merger shall contain:

(1) The name, jurisdiction of organization and type of each merging entity that is not the surviving entity;

(2) the name, jurisdiction of organization and type of the surviving entity;

(3) if the certificate of merger is not to be effective upon filing, the later date and time when it will become effective, which shall not be more than 90 days after the date of filing;

(4) a statement that the merger ~~was~~ *will be* approved by each domestic merging entity, if any, in accordance with K.S.A. 17-78-201 through 17-78-206, and amendments thereto, *prior to the time that the certificate of merger becomes effective* or if not required to be approved under the circumstances stated in K.S.A. 17-78-203(c), and amendments thereto, a statement that the circumstances stated in K.S.A. 17-78-203(c), and amendments thereto, apply, and by each foreign merging entity, if any, in accordance with the law of its jurisdiction of organization;

(5) if the surviving entity exists before the merger and is a domestic filing entity, any amendment to its public organic document approved as part of the agreement of merger, which may amend and restate its public organic document;

(6) if the surviving entity is created by the merger and is a domestic filing entity, its public organic document, as an attachment;

(7) if the surviving entity is created by the merger and is a domestic limited liability partnership, its statement of qualification, as an attachment; and

(8) if the surviving entity is a foreign entity that is not a qualified foreign entity, a postal address to which the secretary of state may send any process served on the secretary of state pursuant to K.S.A. 17-78-206(e), and amendments thereto.

(c) In addition to the requirements of subsection (b), a certificate of merger may contain any other provision not prohibited by law.

(d) If the surviving entity is a domestic entity, its name and any attached public organic document shall satisfy the requirements of the law of this state, except that it does not need to be signed and may omit any provision that is not required to be included in a restatement of the public organic document. If the surviving entity is a qualified foreign entity, its name shall satisfy the requirements of the law of this state.

(e) An agreement of merger that is signed on behalf of all of the merging entities, or under the circumstances stated in K.S.A. 17-78-203(c), and amendments thereto, only signed on behalf of the merging entity that owns at least 90% of the interest of a domestic corporation or corporations, and meets all of the requirements of subsection (b) may be filed with the secretary of state instead of a certificate of merger and upon filing has the same effect. If an agreement of merger is filed as provided in this subsection, references in this act to a certificate of merger refer to the agreement of merger filed under this subsection.

(f) A certificate of merger becomes effective upon the date and time of filing or the later date and time specified in the certificate of merger.

Sec. 25. K.S.A. 17-78-206 is hereby amended to read as follows: 17-78-206. (a) When a merger becomes effective:

(1) The surviving entity continues or comes into existence;

(2) each merging entity that is not the surviving entity ceases to exist;

(3) all property of each merging entity vests in the surviving entity without assignment, reversion or impairment;

(4) all liabilities of each merging entity are liabilities of the surviving entity;

(5) except as otherwise provided by law other than this act or the agreement of merger, all of the rights, privileges, immunities, powers and purposes of each merging entity vest in the surviving entity;

(6) if the surviving entity exists before the merger:

(A) All of its property continues to be vested in it without reversion or impairment;

(B) it remains subject to all of its liabilities; and

(C) all of its rights, privileges, immunities, powers and purposes continue to be vested in it;

(7) the name of the surviving entity may be substituted for the name of any merging entity that is a party to any pending action or proceeding;

(8) if the surviving entity exists before the merger:

(A) Its public organic document, if any, is amended*, and such amendment may amend and restate the public organic document entirely,* as provided in the certificate of merger and is binding on its interest holders; and

(B) its private organic rules that are to be in a record, if any, are amended to the extent provided in the agreement of merger and are binding on and enforceable by:

(i) Its interest holders; and

(ii) in the case of a surviving entity that is not a corporation, any other person that is a party to an agreement that is part of the surviving entity's private organic rules;

(9) if the surviving entity is created by the merger:

(A) Its public organic document, if any, is effective and is binding on its interest holders; and

(B) its private organic rules are effective and are binding on and enforceable by:

(i) Its interest holders; and

(ii) in the case of a surviving entity that is not a corporation, any other person that was a party to an agreement that was part of the organic rules of a merging entity if that person has agreed to be a party to an agreement that is part of the surviving entity's private organic rules; and

(10) the interests in each merging entity that are to be converted in the merger are converted and the interest holders of those interests are entitled only to the rights provided to them under the agreement of merger and to any appraisal rights they have under K.S.A. 17-78-109, and amendments thereto, and the merging entity's organic law.

(b) Except as otherwise provided in the organic law or organic rules of a merging entity, the merger does not give rise to any rights that an interest holder, governor or third party would otherwise have upon a dissolution, liquidation or winding-up of the merging entity.

(c) When a merger becomes effective, a person that did not have interest holder liability with respect to any of the merging entities and that becomes subject to interest holder liability with respect to a domestic entity as a result of a merger has interest holder liability only to the extent

provided by the organic law of the entity and only for those liabilities that arise after the merger becomes effective.

(d) When a merger becomes effective, the interest holder liability of a person that ceases to hold an interest in a domestic merging entity with respect to which the person had interest holder liability is as follows:

(1) The merger does not discharge any interest holder liability under the organic law of the domestic merging entity to the extent the interest holder liability arose before the merger became effective;

(2) the person does not have interest holder liability under the organic law of the domestic merging entity for any liability that arises after the merger becomes effective;

(3) the organic law of the domestic merging entity continues to apply to the release, collection or discharge of any interest holder liability preserved under paragraph (1) as if the merger had not occurred and the surviving entity were the domestic merging entity; and

(4) the person has whatever rights of contribution from any other person as are provided by the organic law or organic rules of the domestic merging entity with respect to any interest holder liability preserved under paragraph (1) as if the merger had not occurred.

(e) When a merger becomes effective, a foreign entity that is the surviving entity:

(1) May be served with process in this state for the collection and enforcement of any liabilities of a domestic merging entity; and

(2) irrevocably appoints the secretary of state as its agent to accept service of process in any such suit or other proceeding. Service of process shall be made on the foreign entity pursuant to K.S.A. 60-304, and amendments thereto.

(f) When a merger becomes effective, the certificate of authority or other foreign qualification of any foreign merging entity that is not the surviving entity is canceled.

Sec. 26. K.S.A. 17-78-305 is hereby amended to read as follows: 17-78-305. (a) A certificate of interest exchange shall be signed on behalf of a domestic acquired entity and filed with the secretary of state.

(b) A certificate of interest exchange must contain:

(1) The name and type of the acquired entity;

(2) the name, jurisdiction of organization and type of the acquiring entity;

(3) if the certificate of interest exchange is not to be effective upon filing, the later date and time on which it will become effective, which may not be more than 90 days after the date of filing;

(4) a statement that the agreement of interest exchange ~~was~~ *will be* approved by the acquired entity in accordance with K.S.A. 17-78-301

through 17-78-306, and amendments thereto*, prior to the time that the certificate of interest exchange becomes effective*; and

(5) any amendments to the acquired entity's public organic document approved as part of the agreement of interest exchange.

(c) In addition to the requirements of subsection (b), a certificate of interest exchange may contain any other provision not prohibited by law.

(d) An agreement of interest exchange that is signed on behalf of a domestic acquired entity and meets all of the requirements of subsection (b) may be filed with the secretary of state instead of a certificate of interest exchange and upon filing has the same effect. If an agreement of interest exchange is filed as provided in this subsection, references in this act to a certificate of interest exchange refer to the agreement of interest exchange filed under this subsection.

(e) A certificate of interest exchange becomes effective upon the date and time of filing or the later date and time specified in the certificate of interest exchange.

Sec. 27. K.S.A. 17-78-306 is hereby amended to read as follows: 17-78-306. (a) When an interest exchange becomes effective:

(1) The interests in the acquired entity that are the subject of the interest exchange cease to exist or are converted or exchanged and the interest holders of those interests are entitled only to the rights provided to them under the agreement of interest exchange and to any appraisal rights they have under K.S.A. 17-78-109, and amendments thereto, and the acquired entity's organic law;

(2) the acquiring entity becomes the interest holder of the interests in the acquired entity stated in the agreement of interest exchange to be acquired by the acquiring entity;

(3) the public organic document, if any, of the acquired entity is amended*, and such amendment may amend and restate the public organic document in its entirety,* as provided in the certificate of interest exchange and is binding on its interest holders; and

(4) the private organic rules of the acquired entity that are to be in a record, if any, are amended to the extent provided in the agreement of interest exchange and are binding on and enforceable by:

(A) Its interest holders; and

(B) in the case of an acquired entity that is not a corporation, any other person that is a party to an agreement that is part of the acquired entity's private organic rules.

(b) Except as otherwise provided in the organic law or organic rules of the acquired entity, the interest exchange does not give rise to any rights that an interest holder, governor or third party would otherwise have upon a dissolution, liquidation or winding-up of the acquired entity.

(c) When an interest exchange becomes effective, a person that did not have interest holder liability with respect to the acquired entity and that becomes subject to interest holder liability with respect to a domestic entity as a result of the interest exchange has interest holder liability only to the extent provided by the organic law of the entity and only for those liabilities that arise after the interest exchange becomes effective.

(d) When an interest exchange becomes effective, the interest holder liability of a person that ceases to hold an interest in a domestic acquired entity with respect to which the person had interest holder liability is as follows:

(1) The interest exchange does not discharge any interest holder liability under the organic law of the domestic acquired entity to the extent the interest holder liability arose before the interest exchange became effective;

(2) the person does not have interest holder liability under the organic law of the domestic acquired entity for any liability that arises after the interest exchange becomes effective;

(3) the organic law of the domestic acquired entity continues to apply to the release, collection or discharge of any interest holder liability preserved under paragraph (1) as if the interest exchange had not occurred; and

(4) the person has whatever rights of contribution from any other person as are provided by the organic law or organic rules of the domestic acquired entity with respect to any interest holder liability preserved under paragraph (1) as if the interest exchange had not occurred.

Sec. 28. K.S.A. 17-78-405 is hereby amended to read as follows: 17-78-405. (a) A certificate of conversion shall be signed on behalf of the converting entity and filed with the secretary of state.

(b) A certificate of conversion shall contain:

(1) The name, jurisdiction of organization and type of the converting entity;

(2) the name, jurisdiction of organization and type of the converted entity;

(3) if the certificate of conversion is not to be effective upon filing, the later date and time on which it will become effective, which may not be more than 90 days after the date of filing;

(4) if the converting entity is a domestic entity, a statement that the agreement of conversion ~~was~~ *will be* approved in accordance with K.S.A. 17-78-401 through 17-78-406, and amendments thereto, *prior to the time that the certificate of conversion becomes effective* or, if the converting entity is a foreign entity, a statement that the conversion was approved by the foreign converting entity in accordance with the law of its jurisdiction of organization;

(5) if the converted entity is a domestic filing entity, the text of its public organic document, as an attachment;

(6) if the converted entity is a domestic limited liability partnership, the text of its statement of qualification, as an attachment; and

(7) if the converted entity is a foreign entity, a mailing address to which the secretary of state may send any process served on the secretary of state pursuant to subsection (e) of K.S.A. 17-78-406, and amendments thereto.

(c) In addition to the requirements of subsection (b), a certificate of conversion may contain any other provision not prohibited by law.

(d) If the converted entity is a domestic entity, its name and public organic document, if any, ~~must~~ *shall* satisfy the requirements of the law of this state, except that it does not need to be signed and may omit any provision that is not required to be included in a restatement of the public organic document.

(e) An agreement of conversion that is signed on behalf of a domestic converting entity and meets all of the requirements of subsection (b) may be filed with the secretary of state instead of a certificate of conversion and upon filing has the same effect. If an agreement of conversion is filed as provided in this subsection, references in this act to a certificate of conversion refer to the agreement of conversion filed under this subsection.

(f) A certificate of conversion becomes effective upon the date and time of filing or the later date and time specified in the certificate of conversion.

Sec. 29. K.S.A. 17-78-505 is hereby amended to read as follows: 17-78-505. (a) A certificate of domestication shall be signed on behalf of the domesticating entity and filed with the secretary of state.

(b) A certificate of domestication shall contain:

(1) The name, jurisdiction of organization and type of the domesticating entity;

(2) the name and jurisdiction of organization of the domesticated entity;

(3) if the certificate of domestication is not to be effective upon filing, the later date and time on which it will become effective, which may not be more than 90 days after the date of filing;

(4) if the domesticating entity is a domestic entity, a statement that the agreement of domestication ~~was~~ *will be* approved in accordance with K.S.A. 17-78-501 through 17-78-506, and amendments thereto, *prior to the time that the certificate of domestication becomes effective* or, if the domesticating entity is a foreign entity, a statement that the domestication was approved in accordance with the law of its jurisdiction of organization;

(5) if the domesticated entity is a domestic filing entity, its public organic document, as an attachment;

(6) if the domesticated entity is a domestic limited liability partnership, its statement of qualification, as an attachment; and

(7) if the domesticated entity is a foreign entity, a mailing address to which the secretary of state may send any process served on the secretary of state pursuant to subsection (e) of K.S.A. 17-78-506, and amendments thereto.

(c) In addition to the requirements of subsection (b), a certificate of domestication may contain any other provision not prohibited by law.

(d) If the domesticated entity is a domestic entity, its name and public organic document, if any, must satisfy the requirements of the law of this state, except that it does not need to be signed and may omit any provision that is not required to be included in a restatement of the public organic document.

(e) An agreement of domestication that is signed on behalf of a domesticating domestic entity and meets all of the requirements of subsection (b) may be filed with the secretary of state instead of a certificate of domestication and upon filing has the same effect. If an agreement of domestication is filed as provided in this subsection, references in this act to a certificate of domestication refer to the agreement of domestication filed under this subsection.

(f) A certificate of domestication becomes effective upon the date and time of filing or the later date and time specified in the certificate of domestication.

Sec. 30. K.S.A. 17-7904 is hereby amended to read as follows: 17-7904. The following documents related to limited liability companies shall be filed with the secretary of state:

(a) Articles of organization as set forth in K.S.A. 17-7673 and K.S.A. 17-7673a, and amendments thereto;

(b) professional articles of organization as set forth in K.S.A. 17-7673 and K.S.A. 17-7673a, and amendments thereto;

(c) series limited liability company articles of organization as set forth in K.S.A. 17-76,143, and amendments thereto;

(d) foreign limited liability company application for authority as set forth in K.S.A. 17-7931, and amendments thereto;

(e) foreign series limited liability company application for admission to transact business as set forth in K.S.A. 17-76,143 and 17-7931, and amendments thereto;

(f) business entity information report as set forth in K.S.A. 17-76,139, and amendments thereto;

(g) certificate of amendment as set forth in K.S.A. 17-7674 and K.S.A. 17-7674a and 17-76,143, and amendments thereto;

(h) restated articles of organization as set forth in K.S.A. 17-7680, and amendments thereto;

(i) series certificate of designation as set forth in K.S.A. 17-76,143, and amendments thereto;

(j) certificate of amendment or termination to certificate of merger or consolidation as set forth in K.S.A. 17-7681 or K.S.A. 17-76,143a, and amendments thereto;

(k) certificate of correction as set forth in K.S.A. 17-7912, and amendments thereto;

(l) foreign certificate of correction as set forth in K.S.A. 17-7912, and amendments thereto;

(m) change of registered office or resident agent as set forth in K.S.A. 17-7926, 17-7927, 17-7928 and 17-7929, and amendments thereto;

(n) mergers or consolidations as set forth in K.S.A. 17-7681 or K.S.A. 17-76,143a, and amendments thereto;

(o) reinstatement as set forth in K.S.A. 17-76,139 or K.S.A. 17-76-147, and amendments thereto;

(p) certificate of cancellation as set forth in K.S.A. 17-7675 or K.S.A. 17-76,143, and amendments thereto;

(q) foreign cancellation of registration as set forth in K.S.A. 17-7936, and amendments thereto; ~~and~~

(r) certificate of division as set forth in K.S.A. 17-7685a, and amendments thereto*;*

(s) certificate of amendment to certificate of designation as set forth in K.S.A. 17-7685a, and amendments thereto; and

(t) certificate of merger or consolidation of series as set forth in K.S.A. 17-76,143a, and amendments thereto.

Sec. 31. K.S.A. 17-7925 is hereby amended to read as follows: 17-7925. (a) Every covered entity shall have and maintain in this state a resident agent, which agent may be either:

(1) The covered entity itself;

(2) an individual resident in this state;

(3) a domestic corporation, a domestic limited partnership, a domestic limited liability partnership, a domestic limited liability company or a domestic business trust; or

(4) a foreign corporation, a foreign limited partnership, a foreign limited liability partnership, a foreign limited liability company or a foreign business trust.

(b) Every resident agent for a covered entity shall:

(1) If a domestic entity, *be in good standing and* maintain a business office identical with the registered office ~~which~~ *that* is generally open, or if an individual, be generally present at a designated location in this state at sufficiently frequent times to accept service of process and otherwise perform the functions of a resident agent;

(2) if a foreign entity, be authorized to transact business in this state;

(3) accept service of process and other communications directed to the covered entity for which it serves as resident agent and forward the same to the covered entity to which the service or communication is directed; and

(4) forward to the covered entity for which it serves as a resident agent documents sent by the secretary of state.

(c) Unless the context otherwise requires, whenever the term "resident agent" or "registered agent" or "resident agent in charge of a (applicable covered entity's) principal office or place of business in this state," or other term of like import ~~which~~ *that* refers to a covered entity's agent required by statute to be located in this state, is or has been used in a covered entity's public organic documents, or in any other document, or in any statute, it shall be deemed to mean and refer to the covered entity's resident agent required by this section, and it shall not be necessary for any covered entity to amend its public organic documents, or any other document, to comply with this section.

Sec. 32. K.S.A. 17-7927 is hereby amended to read as follows: 17-7927. (a) A resident agent may change the address of the registered office of any covered entities for which such agent is resident agent to another address in this state by paying a fee if authorized by law, as provided by K.S.A. 17-7910, and amendments thereto, and filing with the secretary of state a certificate, executed by such resident agent, setting forth the names of all the covered entities represented by such resident agent, and the address at which such resident agent has maintained the registered office for each of such covered entities, and further certifying to the new address to which each such registered office will be changed on a given day, and at which new address such resident agent will thereafter maintain the registered office for each of the covered entities recited in the certificate. Thereafter, or until further change of address, as authorized by law, the registered office in this state of each of the covered entities for which it is a resident agent shall be located at the new address of the resident agent thereof as given in the certificate.

(b) Whenever the location of a resident agent's office is moved to another room or suite within the same structure and such change is reported in writing to the secretary of state, no fee shall be charged for recording such change on the appropriate records on file with the secretary of state.

(c) In the event of a change of name of any person or entity acting as resident agent in this state, such resident agent shall pay a fee if authorized by law, as provided by K.S.A. 17-7910, and amendments thereto, and file with the secretary of state a certificate, executed by such resident agent, setting forth the new name of such resident agent, the name of such resident agent before it was changed, the names of all the covered entities represented by such resident agent, and the address at which such

resident agent has maintained the registered office for each of such covered entities. A change of name of any person or entity acting as a resident agent as a result of *the following shall be deemed a change of name for purposes of this section:*

(1) A merger or consolidation of the resident agent, with or into another entity ~~which~~ *that* succeeds to its assets by operation of law~~, shall be deemed a change of name for purposes of this section~~*;*

(2) the conversion of the resident agent into another person; or

(3) a division of the resident agent in which an identified resulting person succeeds to all of the assets and liabilities of the resident agent related to its resident agent business pursuant to the plan of division, as set forth in the certificate of division.

(d) In the event of both a change of name of any person or entity acting as resident agent for any covered entity and a change of address, such resident agent shall pay a fee if authorized by law, as provided by K.S.A. 17-7910, and amendments thereto, and file with the secretary of state a certificate, executed by such resident agent, setting forth the new name of such resident agent, the name of such resident agent before it was changed, the names of all the covered entities represented by such resident agent and the address at which such resident agent has maintained the registered office for each such covered entity, and further certifying to the new address to which each such registered office will be changed on a given day, and at which new address such resident agent will thereafter maintain the registered office for each of the covered entities recited in the certificate. Upon the filing of such certificate, and thereafter, or until further change of address or change of name, as authorized by law, the registered office in this state of each of the covered entities recited in the certificate shall be located at the new address of the resident agent as given in the certificate and the change of name shall be effective.

Sec. 33. K.S.A. 17-7929 is hereby amended to read as follows: 17-7929. (a) The resident agent of a covered entity, including a resident agent that no longer qualifies to be a resident agent under K.S.A. 17-7925, and amendments thereto, may resign without appointing a successor by paying a fee if authorized by law, as provided by K.S.A. 17-7910, and amendments thereto, and filing a certificate of resignation, with the secretary of state stating that the resident agent resigns as resident agent for the covered entity or entities identified in the certificate, but such resignation shall not become effective until 30 days after the certificate is filed. The certificate shall be executed by the resident agent, shall contain a statement that written notice of resignation was given to ~~each affected~~ *the* covered entity at least 30 days prior to the filing of the certificate by mailing or delivering such notice to the covered entity at its address last known to the resident agent and shall set forth the date of such notice. The certificate shall also include the postal

address and name and contact information of an officer, director, employee or designated agent who is then authorized to receive communications from the resident agent with respect to the affected covered entities last known to the resident agent, and such information shall not be deemed public information and will not constitute a public record as defined in K.S.A. 45-217, and amendments thereto.

(b) After receipt of the notice of the resignation of its resident agent, provided for in subsection (a), any covered entity for which such resident agent was acting shall obtain and designate a new resident agent to take the place of the resident agent so resigning. Such covered entity shall pay a fee if authorized by law, as provided by K.S.A. 17-7910, and amendments thereto, and file with the secretary of state a certificate setting forth the name and postal address of the successor resident agent. Upon such filing, the successor resident agent shall become the resident agent of such covered entity and the successor resident agent's postal address, as stated in such certificate, shall become the postal address of the covered entity's registered office in this state. If such covered entity fails to obtain and designate a new resident agent as aforesaid, prior to the expiration of the period of 60 days after the filing by the resident agent of the certificate of resignation, the secretary of state shall declare the entity's organizing documents forfeited.

(c) After the resignation of the resident agent shall have become effective, as provided in subsection (a), and if no new resident agent shall have been obtained and designated in the time and manner provided for in subsection (b), service of legal process against the covered entity, or in the case of a domestic or foreign limited liability company, any series of such limited liability company, for which the resigned resident agent had been acting shall thereafter be upon the secretary of state in the manner prescribed by K.S.A. 60-304, and amendments thereto.

(d) Any covered entity affected by the filing of a certificate under this section shall not be required to take any further action to amend its public organic documents to reflect a change of registered office or resident agent.

Sec. 34. K.S.A. 17-7662, 17-7663, 17-7668, 17-7670, 17-7681, 17-7682, 17-7685a, 17-7686, 17-7687, 17-7690, 17-7695, 17-7698, 17-76,143, 17-76,143a, 17-76,145, 17-76,146, 17-76,148, 17-76,149, 17-76,150, 17-76,151, 17-76,152, 17-78-205, 17-78-206, 17-78-305, 17-78-306, 17-78-405, 17-78-505, 17-7904, 17-7925, 17-7927 and 17-7929 and K.S.A. 2024 Supp. 17-76,136 are hereby repealed.

Sec. 35. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 8, 2025.

CHAPTER 96

HOUSE BILL No. 2169

AN ACT concerning hazardous materials; relating to responsibility for costs associated with application of commercial pesticides; providing an exemption from remediation costs or other liability for owners of certain property located in Johnson county; amending K.S.A. 65-3453 and 65-3455 and repealing the existing sections.

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

Section 1. K.S.A. 65-3453 is hereby amended to read as follows: 65-3453. (a) The secretary shall have the power to:

(1) Determine that the clean up of a site is necessary to protect the public health or the environment;

(2) expend and authorize the expenditure of moneys from the environmental response fund;

(3) issue clean-up orders to persons responsible for the health or environmental hazard created by the hazardous substance;

(4) recover moneys from persons responsible for the health or environmental hazard created by the hazardous substance;

(5) assign personnel and equipment necessary to carry out the purpose of this act;

(6) enter into contracts or agreements with any person or company to conduct the necessary clean-up operations.

(b) Any authorized officer, employee or agent of the department or any person under contract with the department may enter onto any property or premises, at reasonable times and upon written notice to the owner or occupant, to gather data, conduct investigations, or take remedial action where the secretary determines that such action is necessary to protect the public health or environment:

(1) If consent is not granted by the person in control of a site or suspected site regarding any request made by any employee or agent of the secretary under the provisions of this section, the secretary may issue an order directing compliance with the request. The order may be issued after such notice and opportunity for consultation as is reasonably appropriate under the circumstances;

(2) The secretary may ask the attorney general to commence a civil action to compel compliance with a request or order referred to in paragraph (1). Where there is a reasonable basis to believe there may be pollution, the court shall take the following actions:

(A) In the case of interference with entry or investigation, the court shall enjoin such interference or direct compliance with orders to prohibit interference with entry or investigation unless under circumstances of the case the demand for entry or investigation is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) In the case of information or document requests or orders, the court shall enjoin interference with such information or document requests or orders or direct compliance with the requests or orders to provide such information or documents unless under the circumstances of the case the demand for information or documents is arbitrary and capricious, an abuse of discretion, or otherwise not in accordance with law;

(3) All orders issued hereunder shall be subject to the provisions of K.S.A. 65-3456a and amendments thereto.

(c) The secretary is hereby authorized to adopt any rules and regulations necessary to carry out the provisions of this act.

(d) Notwithstanding any other provisions of this act or Kansas law, no state agency or subdivision thereof shall issue cleanup orders, seek recovery of money, promulgate regulations or guidance, fail to timely grant approvals for any permit under any state program, including issuance of a no further action approval or resource conservation and recovery act permit modification, or otherwise require any person owning or possessing any interest in property previously owned by the United States army that is located in Johnson county, to be subject to or responsible for any nonresidential property restrictions on use of such land or the costs of investigation, removal or remediation of soil, groundwater or surface water where legally registered pesticidal commercial chemical products were applied at or near structures on land to control pests by the United States army at such property prior to 2005. The provisions of this subsection shall only be applicable to any such person if the property owned by such person is nonresidential. Any such person owning such nonresidential property shall be responsible for the costs of investigation, removal or remediation of soil, groundwater or surface water of contamination as provided by law, including, but not limited to, contamination by legally registered pesticidal commercial chemical products, if such person converts such property to residential property or such property is constructed as a day care facility. Any person owning such nonresidential property shall include in any deed transferring such property a notice of the potential presence of legally registered pesticidal commercial chemical products on such property that may need to be remediated, as determined by the Kansas department of health and environment, if the property is ever used for residential purposes, and such notice shall run with the land and remain permanently on all future deeds until the property is confirmed not to contain pesticidal products at concentrations exceeding residential levels or the property has been remediated to meet residential levels as provided by law. It is the intent of the legislature that the provisions of this subsection shall be applied retroactively.

Sec. 2. K.S.A. 65-3455 is hereby amended to read as follows: 65-3455. *Except as provided by K.S.A. 65-3453(d), and amendments thereto,* any per-

son responsible for the discharge, abandonment or disposal of hazardous substances which the secretary determines is necessary to be cleaned up pursuant to K.S.A. 65-3453 and amendments thereto shall be responsible for the payment of the costs of investigation to determine whether remedial action is necessary at the site. If remedial action is required to protect the public health and environment, the costs of that remedial action shall be borne by the responsible party. If the secretary incurs costs or expends funds for such activities, the responsible person shall be notified of such costs and expenditures and shall make repayment of all costs incurred for response to the site in accordance with K.S.A. 65-3454a and amendments thereto. If the responsible person fails to pay for such costs, such payment or repayment shall be recoverable in an action brought by the secretary in the district court of Shawnee county. Any money recovered under this section shall be deposited in the environmental response fund.

Sec. 3. K.S.A. 65-3453 and 65-3455 are hereby repealed.

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

Approved April 8, 2025.

CHAPTER 97

HOUSE BILL No. 2280

AN ACT concerning veterans and military; modifying the definition of veteran and disabled veteran; adding a citation to the code of federal regulations to definitions of veteran and disabled veteran; removing the active requirement from military servicemembers for occupational licensure; amending K.S.A. 2024 Supp. 8-160, 8-1,221, 8-243, 8-1324, 32-934, 48-3406, 48-3601, 50-676, 73-201, 73-230, 73-1239, 73-1244, 75-3740 and 79-4502 and repealing the existing sections.

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

Section 1. K.S.A. 2024 Supp. 8-160 is hereby amended to read as follows: 8-160. As used in this act, "disabled veteran" means a person who:

(a) 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 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. 2. K.S.A. 2024 Supp. 8-1,221 is hereby amended to read as follows: 8-1,221. (a) On and after January 1, 2025, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of Kansas, and who submits satisfactory proof to the director of vehicles that such person is currently serving in any unit of the 1st infantry division, the Fort Riley garrison or a unit assigned to the Fort Riley garrison or has separated from the United States military, was honorably discharged and served an assignment of at least nine months in any unit of the 1st infantry division, the Fort Riley garrison or any unit assigned to the Fort Riley garrison may be issued one 1st infantry division license plate for each such passenger vehicle, truck or motorcycle. Such license plate shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any person who meets the criteria in subsection (a) may make application for such distinctive 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. Any applicant for the distinctive license plate shall furnish the director with proof as the director shall require that the applicant is currently serving in the 1st infantry division or is a retired member or veteran that was assigned to the 1st infantry division or Fort Riley garrison. Application for the registration of a passenger vehicle, truck or motorcycle 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.

(c) No registration or distinctive license plate issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in 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 with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plate to the county treasurer of such person's residence.

(e) Upon satisfactory proof submitted to the director of vehicles, any person issued a license plate under this section may request that the license plate be printed to indicate that such person is a veteran or retired member of the 1st infantry division or Fort Riley garrison.

(f) As used in this section, "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.

Sec. 3. K.S.A. 2024 Supp. 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 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 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 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 shall provide a copy of the veteran's 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 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 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 assistance 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. 4. K.S.A. 2024 Supp. 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:

(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;

(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;

(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

(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) Owns, leases or rents a place of domicile in this state;

(2) engages in a trade, business or profession in this state;

(3) is registered to vote in this state;

(4) enrolls the person's child in a school in this state; or

(5) 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 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 shall provide a copy of the veteran's 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 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 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 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) 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 direc-

tor 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.

Sec. 5. K.S.A. 2024 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) 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 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 30% pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.

Sec. 6. K.S.A. 2024 Supp. 48-3406 is hereby amended to read as follows: 48-3406. (a) For the purposes of this section:

(1) "Applicant" means an individual who is:

(A) A military spouse or military servicemember who resides or plans to reside in this state due to the assigned military station of the individual or the individual's spouse; or

(B) an individual who has established or intends to establish residency in this state.

(2) "Complete application" means the licensing body has received all forms, fees, documentation, a signed affidavit stating that the application information, including necessary prior employment history, is true and accurate and any other information required or requested by the licensing body for the purpose of evaluating the application, consistent with this section and the rules and regulations adopted by the licensing body pursuant to this section. If the licensing body has received all such forms, fees, documentation and any other information required or requested by the licensing body, an application shall be deemed to be a complete application even if the licensing body has not yet received a criminal background report from the Kansas bureau of investigation. An application by

a military spouse of ~~an active~~ *a* military servicemember shall be considered a "complete application" without the submission of fees, pursuant to the provisions of subsection (u).

(3) "Electronic credential" or "electronic certification, license or registration" means an electronic method by which a person may display or transmit to another person information that verifies the status of a person's certification, licensure, registration or permit as authorized by a licensing body and is equivalent to a paper-based certification, license, registration or permit.

(4) "Licensing body" means an official, agency, board or other entity of the state that authorizes individuals to practice a profession in this state and issues a license, registration, certificate, permit or other authorization to an individual so authorized.

(5) "Military servicemember" means a current member of any branch of the United States armed services, United States military reserves or national guard of any state or a former member with an honorable discharge.

(6) "Military spouse" means the spouse of a military servicemember.

(7) "Person" means a natural person.

(8) "Private certification" means a voluntary program in which a private organization grants nontransferable recognition to an individual who meets personal qualifications and standards relevant to performing the occupation as determined by the private organization.

(9) "Scope of practice" means the procedures, actions, processes and work that a person may perform under a government issued license, registration or certification.

(10) "Verification system" means an electronic method by which the authenticity and validity of electronic credentials are verified.

(b) Notwithstanding any other provision of law, any licensing body shall, upon submission of a complete application, issue a paper-based and verified electronic license, registration or certification to an applicant as provided by this section, so that the applicant may lawfully practice the person's occupation. Any licensing body may satisfy any requirement under this section to provide a paper-based license, registration, certification or permit in addition to an electronic license, registration, certification or permit by issuing such electronic credential to the applicant in a format that permits the applicant to print a paper copy of such electronic credential. Such paper copy shall be considered a valid license, registration, certification or permit for all purposes.

(c) An applicant who holds a valid current license, registration or certification in another state, district or territory of the United States shall receive a paper-based and verified electronic license, registration or certification:

(1) If the applicant qualifies under the applicable Kansas licensure, registration or certification by endorsement, reinstatement or reciprocity statutes, then pursuant to applicable licensure, registration or certification by endorsement, reinstatement or reciprocity statutes of the licensing body of this state for the license, registration or certification within 15 days from the date a complete application was submitted if the applicant is a military servicemember or military spouse or within 45 days from the date a complete application was submitted for all other applicants; or

(2) if the applicant does not qualify under the applicable licensure, registration or certification by endorsement, reinstatement or reciprocity statutes of the licensing body of this state, or if the Kansas professional practice act does not have licensure, registration or certification by endorsement, reinstatement or reciprocity statutes, then the applicant shall receive a license, registration or certification as provided herein if, at the time of application, the applicant:

(A) Holds a valid current license, registration or certification in another state, district or territory of the United States with licensure, registration or certification requirements that the licensing body determines authorize a similar scope of practice as those established by the licensing body of this state, or holds a certification issued by another state for practicing the occupation but this state requires an occupational license, and the licensing body of this state determines that the certification requirements certify a similar scope of practice as the licensing requirements established by the licensing body of this state;

(B) has worked for at least one year in the occupation for which the license, certification or registration is sought;

(C) has not committed an act in any jurisdiction that would have constituted grounds for the limitation, suspension or revocation of the license, certificate or registration, or that the applicant has never been censured or had other disciplinary action taken or had an application for licensure, registration or certification denied or refused to practice an occupation for which the applicant seeks licensure, registration or certification;

(D) has not been disciplined by a licensing, registering, certifying or other credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure or disciplinary proceeding conducted by a licensing, registering, certifying or other credentialing entity in another jurisdiction nor has surrendered their membership on any professional staff in any professional association or society or faculty for another state or jurisdiction while under investigation or to avoid adverse action for acts or conduct similar to acts or conduct that would constitute grounds for disciplinary action in a Kansas practice act;

(E) does not have a disqualifying criminal record as determined by the licensing body of this state under Kansas law;

(F) provides proof of solvency, financial standing, bonding or insurance if required by the licensing body of this state, but only to the same extent as required of any applicant with similar credentials or experience;

(G) pays any fees required by the licensing body of this state; and

(H) submits with the application a signed affidavit stating that the application information, including necessary prior employment history, is true and accurate.

Upon receiving a complete application and the provisions of subsection (c)(2) apply and have been met by the applicant, the licensing body shall issue the license, registration or certification within 15 days from the date a complete application was submitted by a military servicemember or military spouse, or within 45 days from the date a complete application was submitted by an applicant who is not a military servicemember or military spouse, to the applicant on a probationary basis, but may revoke the license, registration or certification at any time if the information provided in the application is found to be false. The probationary period shall not exceed six months. Upon completion of the probationary period, the license, certification or registration shall become a non-probationary license, certification or registration.

(d) Any applicant who has not been in the active practice of the occupation during the two years preceding the application for which the applicant seeks a license, registration or certification under subsection (c)(2) may be required to complete such additional testing, training, monitoring or continuing education as the Kansas licensing body may deem necessary to establish the applicant's present ability to practice in a manner that protects the health and safety of the public, as provided by subsection (j).

(e) Upon submission of a complete application, an applicant may receive an occupational license, registration or certification based on the applicant's work experience in another state, if the applicant:

(1) Worked in a state that does not use an occupational license, registration, certification or private certification to regulate an occupation, but this state uses an occupational license, registration or certification to regulate the occupation;

(2) worked for at least three years in the occupation during the four years immediately preceding the application; and

(3) satisfies the requirements of subsection (c)(2)(C) through (H).

(f) Upon submission of a complete application, an applicant may receive an occupational license, registration or certification under subsection (b) based on the applicant's holding of a private certification and work experience in another state, if the applicant:

(1) Holds a private certification and worked in a state that does not use an occupational license or government certification to regulate an oc-

cupation, but this state uses an occupational license or government certification to regulate the occupation;

(2) worked for at least two years in the occupation;

(3) holds a current and valid private certification in the occupation;

(4) is held in good standing by the organization that issued the private certification; and

(5) satisfies the requirements of subsection (c)(2)(C) through (H).

(g) An applicant licensed, registered or certified under this section shall be entitled to the same rights and subject to the same obligations as are provided by the licensing body for Kansas residents, except that revocation or suspension of an applicant's license, registration or certificate in the applicant's state of residence or any jurisdiction in which the applicant held a license, registration or certificate shall automatically cause the same revocation or suspension of such applicant's license, registration or certificate in Kansas. No hearing shall be granted to an applicant where such applicant's license, registration or certificate is subject to such automatic revocation or suspension, except for the purpose of establishing the fact of revocation or suspension of the applicant's license, registration or certificate by the applicant's state of residence or jurisdiction in which the applicant held a license, registration or certificate.

(h) In the event the licensing body determines that the license, registration or certificate currently held by an applicant under subsection (c)(2) or the work experience or private credential held by an applicant under subsections (e) or (f), who is a military spouse or military servicemember does not authorize a similar scope of practice as the license, registration or certification issued by the licensing body of this state, the licensing body shall issue a temporary permit for a limited period of time to allow the applicant to lawfully practice the applicant's occupation while completing any specific requirements that are required in this state for licensure, registration or certification that were not required in the state, district or territory of the United States in which the applicant was licensed, registered, certified or otherwise credentialed, unless the licensing body finds, based on specific grounds, that issuing a temporary permit would jeopardize the health and safety of the public.

(i) In the event the licensing body determines that the license, registration or certification currently held by an applicant under subsection (c)(2) or the work experience or private credential held by an applicant under subsections (e) or (f), who is not a military spouse or military servicemember, does not authorize a similar scope of practice as the license, registration or certification issued by the licensing body of this state, the licensing body may issue a temporary permit for a limited period of time to allow the applicant to lawfully practice the applicant's occupation while completing any specific requirements that are required in this state for li-

censure, registration or certification that was not required in the state, district or territory of the United States in which the applicant was licensed, registered, certified or otherwise credentialed, unless the licensing body finds, based on specific grounds, that issuing a temporary permit would jeopardize the health and safety of the public.

(j) Any testing, continuing education or training requirements administered under subsection (d), (h) or (i) shall be limited to Kansas law that regulates the occupation and that are materially different from or additional to the law of another state, or shall be limited to any materially different or additional body of knowledge or skill required for the occupational license, registration or certification in Kansas.

(k) A licensing body may grant licensure, registration, certification or a temporary permit to any person who meets the requirements under this section but was separated from such military service under less than honorable conditions or with a general discharge under honorable conditions.

(l) Nothing in this section shall be construed to apply in conflict with or in a manner inconsistent with federal law or a multistate compact, or a rule or regulation or a reciprocal or other applicable statutory provision that would allow an applicant to receive a license. Nothing in this section shall be construed as prohibiting a licensing body from denying any application for licensure, registration or certification, or declining to grant a temporary or probationary license, if the licensing body determines that granting the application may jeopardize the health and safety of the public.

(m) Nothing in this section shall be construed to be in conflict with any applicable Kansas statute defining the scope of practice of an occupation. The scope of practice as provided by Kansas law shall apply to applicants under this section.

(n) Notwithstanding any other provision of law, during a state of emergency declared by the legislature, a licensing body may grant a temporary emergency license to practice any profession licensed, certified, registered or regulated by the licensing body to an applicant whose qualifications the licensing body determines to be sufficient to protect health and safety of the public and may prohibit any unlicensed person from practicing any profession licensed, certified, registered or regulated by the licensing body.

(o) Not later than January 1, 2025, licensing bodies shall provide paper-based and verified electronic credentials to persons regulated by the licensing body. A licensing body may prescribe the format or requirements of the electronic credential to be used by the licensing body. Any statutory or regulatory requirement to display, post or produce a credential issued by a licensing body may be satisfied by the proffer of an electronic credential authorized by the licensing body. A licensing body may

use a third-party electronic credential system that is not maintained by the licensing body.

(p) On or before January 1, 2025, and subject to appropriations therefore, the secretary of administration shall develop and implement a uniform or singular license verification portal for the purpose of verifying or reporting license statuses such as credentials issued, renewed, revoked or suspended by licensing bodies or that have expired or otherwise changed in status. The secretary of administration may utilize the services or facilities of a third party for the central electronic record system. The central electronic record system shall comply with the requirements adopted by the information technology executive council pursuant to K.S.A. 75-7203, and amendments thereto. Beginning January 1, 2025, each licensing body shall be able to integrate with the uniform or singular license verification portal in the manner and format required by the secretary of administration indicating any issuance, renewal, revocation, suspension, expiration or other change in status of an electronic credential that has occurred. No charge for the establishment or maintenance of the uniform or singular license verification portal shall be imposed on any licensing body or any person with a license, registration, certification or permit issued by a licensing body. The centralized electronic credential data management systems shall include an instantaneous verification system that is operated by the licensing body's respective secretary, or the secretary's designee, or the secretary's third-party agent on behalf of the licensing body for the purpose of instantly verifying the authenticity and validity of electronic credentials issued by the licensing body. Centralized electronic credential data management systems shall maintain an auditable record of credentials issued by each licensing body.

(q) Nothing in this section shall be construed as prohibiting or preventing a licensing body from developing, operating, maintaining or using a separate electronic credential system of the licensing body or of a third party in addition to making the reports to the central electronic record system required by subsection (p) or participating in a multistate compact or a reciprocal licensure, registration or certification process as long as the separate electronic credential system of the licensing body integrates with the uniform or singular license verification portal.

(r) Each licensing body shall adopt rules and regulations necessary to implement and carry out the provisions of this section.

(s) 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, or to the certification of law enforcement officers pursuant to the Kansas law enforcement training act, K.S.A. 74-5601 et seq., and amendments thereto.

(t) The state board of healing arts and the state board of technical professions, with respect to an applicant who is seeking a license to prac-

tice professional engineering or engage in the practice of engineering, as defined in K.S.A. 74-7003, and amendments thereto, may deny an application for licensure, registration or certification, or decline to grant a temporary or probationary license, if the board determines the applicant's qualifications are not substantially equivalent to those established by the board. Such boards shall not otherwise be exempt from the provisions of this act.

(u) Notwithstanding any other provision of law to the contrary, applicants who are military spouses of ~~active~~ military ~~service members~~ *servicemembers* shall be exempt from all fees assessed by any licensing body to obtain an occupational credential in Kansas and renew such credential including initial or renewal application, licensing, registration, certification, endorsement, reciprocity or permit fees and any criminal background report fees, whether assessed by the licensing body or another agency. Licensing bodies shall adopt rules and regulations to implement the provisions of this subsection.

(v) This section shall apply to all licensing bodies not excluded under subsection (s), including, but not limited to:

(1) The abstracters' board of examiners;

(2) the board of accountancy;

(3) the board of adult care home administrators;

(4) the secretary for aging and disability services, with respect to K.S.A. 65-5901 et seq. and 65-6503 et seq., and amendments thereto;

(5) the Kansas board of barbering;

(6) the behavioral sciences regulatory board;

(7) the Kansas state board of cosmetology;

(8) the Kansas dental board;

(9) the state board of education;

(10) the Kansas board of examiners in fitting and dispensing of hearing instruments;

(11) the board of examiners in optometry;

(12) the state board of healing arts, as provided by subsection (t);

(13) the secretary of health and environment, with respect to K.S.A. 82a-1201 et seq., and amendments thereto;

(14) the commissioner of insurance, with respect to K.S.A. 40-241 and 40-4901 et seq., and amendments thereto;

(15) the state board of mortuary arts;

(16) the board of nursing;

(17) the state board of pharmacy;

(18) the Kansas real estate commission;

(19) the real estate appraisal board;

(20) the state board of technical professions, as provided by subsection (t); and

(21) the state board of veterinary examiners.

(w) All proceedings pursuant to this section shall be conducted in accordance with the provisions of the Kansas administrative procedure act and shall be reviewable in accordance with the Kansas judicial review act.

(x) Commencing on July 1, 2021, and each year thereafter, each licensing body listed in subsection (u)(1) through (21) shall provide a report for the period of July 1 through June 30 to the director of legislative research by August 31 of each year, providing information requested by the director of legislative research to fulfill the requirements of this subsection. The director of legislative research shall develop the report format, prepare an analysis of the reports and submit and present the analysis to the office of the governor, the committee on commerce, labor and economic development of the house of representatives, the committee on commerce of the senate, the committee on appropriations of the house of representatives and the committee on ways and means of the senate by January 15 of the succeeding year. The director's report may provide any analysis the director deems useful and shall provide the following items, detailed by applicant type, including military servicemember, military spouse and non-military individual:

(1) The number of applications received under the provisions of this section;

(2) the number of applications granted under this section;

(3) the number of applications denied under this section;

(4) the average time between receipt of the application and completion of the application;

(5) the average time between receipt of a complete application and issuance of a license, certification or registration; and

(6) identification of applications submitted under this section where the issuance of credentials or another determination by the licensing body was not made within the time limitations pursuant to this section and the reasons for the failure to meet such time limitations.

All information shall be provided by the licensing body to the director of legislative research in a manner that maintains the confidentiality of all applicants and in aggregate form that does not permit identification of individual applicants.

Sec. 7. K.S.A. 2024 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 component of the military reserves of the United States;

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

(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 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. 8. K.S.A. 2024 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 armed forces" means a 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 armed forces; and

(6) an immediate family member of a member of the 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 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 an honorable discharge or a general discharge under honorable conditions.

Sec. 9. K.S.A. 2024 Supp. 73-201 is hereby amended to read as follows: 73-201. (a) As used in this act:

(1) "Veteran" means:

(A) 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 an honorable discharge or a general discharge under honorable conditions;

(B) any person who has been issued the purple heart by the United States government or who:

~~(1)~~*(i)* 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 therefrom under an honorable discharge or a general discharge under honorable conditions;

~~(2)~~*(ii)* received a disability that was incurred or aggravated in the line of duty in the active military, naval, air or space service, *including those groups and individuals listed under 38 C.F.R. § 3.7*; and

~~(3)~~*(iii)* has a disability certified by the Kansas ~~commission on veterans affairs~~ office *of veterans services* as being service-connected, pursuant to 38 U.S.C. § 1101 et seq. or 10 U.S.C. § 1201 et seq.;

(C) the spouse of a service-connected disabled veteran with a permanent and total combined service-connected evaluation percentage of 100%;

(D) the surviving spouse of a veteran who died in the line of duty in the active military, naval, air or space service; and

(E) the spouse of a prisoner of war, as defined by K.S.A. 75-4364, and amendments thereto.

Veteran 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

determination is made. The basis for such determination shall include experience, training, education, licensure, certification or 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:

(A) Served in the active military, naval, air or space service, *including those groups and individuals listed under 38 C.F.R. § 3.7*, 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, *including those groups and individuals listed under 38 C.F.R. § 3.7*; 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, 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 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:

(A) The qualifications for such position;

(B) any preferred qualifications of such position;

(C) performance standards for the position; and

(D) the process that will be used for selection.

(2) A veteran, 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 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. 10. K.S.A. 2024 Supp. 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 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) As used in this section:

(1) "Disabled veteran" means a person who:

(A) 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 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;

(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. 11. K.S.A. 2024 Supp. 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 18 years of age at the time of entry into active service. For purposes of this section, "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 under an honorable discharge or a general discharge under honorable conditions. The director of the Kansas office of veterans services shall administer the program and 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 office of veterans services on forms prescribed and furnished by the director of the Kansas 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 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. 12. K.S.A. 2024 Supp. 73-1244 is hereby amended to read as follows: 73-1244. (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, *including those groups and individuals listed under*

38 C.F.R. § 3.7, 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).

Sec. 13. K.S.A. 2024 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 approv-

al 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. "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;

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

(5) "disabled veteran" means a person who:

(A) 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 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 10% pursuant to 38 U.S.C. § 1101 et seq. or 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 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. 14. K.S.A. 2024 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 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 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. 2024 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 who:

(1) 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 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, *including those groups and individuals listed under 38 C.F.R. § 3.7*; 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. 15. K.S.A. 2024 Supp. 8-160, 8-1,221, 8-243, 8-1324, 32-934, 48-3406, 48-3601, 50-676, 73-201, 73-230, 73-1239, 73-1244, 75-3740 and 79-4502 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 8, 2025.